

Opozorilo: Neuradno prečiščeno besedilo predpisa predstavlja zgolj informativni delovni pripomoček, glede katerega organ ne jamči odškodninsko ali kako drugače.

Neuradno prečiščeno besedilo Kazenskega zakonika obsega:

- Kazenski zakonik – KZ-1 (Uradni list RS, št. 55/08 z dne 4. 6. 2008),
- Popravek Kazenskega zakonika – KZ-1 (Uradni list RS, št. 66/08 z dne 1. 7. 2008),
- Zakon o spremembi Kazenskega zakonika – KZ-1A (Uradni list RS, št. 39/09 z dne 26. 5. 2009),
- Zakon o spremembah in dopolnitvah Kazenskega zakonika – KZ-1B (Uradni list RS, št. 91/11 z dne 14. 11. 2011),
- Kazenski zakonik – uradno prečiščeno besedilo – KZ-1-UPB2 (Uradni list RS, št. 50/12 z dne 29. 6. 2012),
- Popravek Uradnega prečiščenega besedila Kazenskega zakonika – KZ-1-UPB2p (Uradni list RS, št. 6/16 z dne 29. 1. 2016),
- Zakon o spremembah in dopolnitvah Kazenskega zakonika – KZ-1C (Uradni list RS, št. 54/15 z dne 20. 7. 2015),
- Zakon o spremembi Kazenskega zakonika – KZ-1D (Uradni list RS, št. 38/16 z dne 27. 5. 2016),
- Zakon o spremembah in dopolnitvah Kazenskega zakonika – KZ-1E (Uradni list RS, št. 27/17 z dne 2. 6. 2017).

**KAZENSKI ZAKONIK
(KZ-1)**

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The unofficial consolidated version of the Criminal Code comprises:

- Criminal Code – KZ-1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 55/08 of 4 June 2008),
- Corrigendum to the Criminal Code – KZ-1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 39/09 of 1 July 2008),
- Act Amending the Criminal Code – KZ-1A (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 39/09 of 26 May 2009),
- Act Amending the Criminal Code – KZ-1B (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 91/11 of 14 November 2011),
- Criminal Code – official consolidated version – KZ-1-UPB2 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 50/12 of 29 June 2012),
- Corrigendum to the official consolidated version of the Criminal Code – KZ-1-UPB2p (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 6/16 of 29 January 2016),
- Act Amending the Criminal Code – KZ-1C (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 54/15 of 20 July 2015),
- Act Amending the Criminal Code – KZ-1D (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 38/16 of 27 May 2016),
- Act Amending the Criminal Code – KZ-1E (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 27/17 of 2 June 2017).

**CRIMINAL CODE
(KZ-1)**

(neuradno prečiščeno besedilo št. 6)

SPLOŠNI DEL

Prvo poglavje
TEMELJNE DOLOČBE

Uveljavljanje kazenske odgovornosti

1. člen

(1) Kazenska odgovornost v Republiki Sloveniji se sme uveljavljati ob spoštovanju ustavno zagotovljenih človekovih pravic in temeljnih svoboščin v demokratični ureditvi ter na načelih pravne države.

(2) Po tem zakoniku se kazenska odgovornost uveljavi s kaznovanjem polnoletnih oseb zaradi storjenih kaznivih dejanj na podlagi ugotovljene krivde.

(3) Kazenska odgovornost se ne uveljavi zoper osebo, katere krivda je izključena, ker ob storitvi ni bila prištevna. Taki osebi se za dejanje, ki ima znake kaznivega dejanja in je v nasprotju s pravom (protipravno dejanje), smejo izreči ukrepi, določeni s tem zakonikom.

Ni kaznivega dejanja in kazni brez zakona

2. člen

Nikomur ne sme biti izrečena kazen ali druga kazenska sankcija za dejanje, ki ga zakon ni določil kot kaznivo dejanje, še preden je bilo storjeno, in za katero ni bila z zakonom predpisana kazen ali druga kazenska sankcija.

(Unofficial consolidated version No. 6)

GENERAL PART

Chapter One
FUNDAMENTAL PROVISIONS

Imposition of criminal liability

Article 1

(1) Criminal liability in the Republic of Slovenia may be imposed while respecting the human rights and fundamental freedoms constitutionally guaranteed in a democratic order and the principles of the rule of law.

(2) Pursuant to this Code, criminal liability shall be imposed by sentencing adults who have committed criminal offences on the basis of determined guilt.

(3) Criminal liability shall not be imposed on a person whose guilt has been excluded on the grounds of legal insanity at the time of committing a criminal offence. The measures laid down by this Code may be imposed on a person who commits an act that contains elements of a criminal offence and is contrary to law (an unlawful act).

There is no criminal offence or sentence without an Act

Article 2

No sentence or other criminal sanction may be imposed on a person for committing an act that did not constitute a criminal offence determined by an Act prior to being committed and for which a punishment was not prescribed by an Act.

Sistem kazenskih sankcij

3. člen

(1) Kazenske sankcije so: kazni, opozorilne sankcije in varnostni ukrepi.

(2) Za kaznivo dejanje je v zakonu vedno predpisana kazen, ki se izreče storilki oziroma storilcu (v nadaljnjem besedilu: storilec) v sorazmerju s težo dejanja in njegovo krivdo. Ob pogojih, določenih v splošnem delu tega zakonika, se storilcu smejo izreči namesto kazni opozorilne sankcije in poleg kazni ali opozorilne sankcije še varnostni ukrepi.

(3) Ob pogojih, določenih s tem zakonikom, se storilcu zaradi storjenega kaznivega dejanja izrečeta tudi odvzem premoženjske koristi in objava sodbe.

(4) Kadar predpisi določajo, naj se zaradi same obsodbe za kaznivo dejanje obsojenki oziroma obsojencu (v nadaljnjem besedilu: obsojenec) poleg izrečenih kazenskih sankcij odvzamejo ali omejijo kakšne pravice, velja tudi za take pravne posledice prepoved iz prejšnjega člena.

(5) Ob pogojih, določenih s tem zakonikom, se storilcu, ki ni kriv, ker ob storitvi protipravnega dejanja ni bil prišteven, smejo izreči varnostni ukrepi, odvzem premoženjske koristi in objava sodbe. Določbe o pravnih posledicah obsodbe veljajo tudi za te storilce.

Drugo poglavje VELJAVNOST KAZENSKEGA ZAKONIKA

1. Osebna veljavnost

System of Criminal Sanctions

Article 3

(1) Criminal sanctions shall include: sentences, admonitory sanctions and security measures.

(2) The imposition of a sentence shall always be prescribed by an Act for the perpetration of a criminal offence, which shall be imposed on the perpetrator in proportion to the weight of the committed act and his or her guilt. An admonitory sanction instead of a sentence, and, in addition to a sentence or admonitory sanction, a security measure may be imposed on a perpetrator under the conditions determined in the general part of this Code.

(3) If a perpetrator has been convicted of a criminal offence, he or she may be subject to the confiscation of property and to the publication of the judgment under the conditions determined by this Code.

(4) When regulations determine that due to a conviction for a criminal offence certain rights of the convicted person shall be revoked or limited, in addition to the imposed criminal sanctions, the prohibition referred to in the preceding Article shall apply to such legal consequences as well.

(5) Under the conditions determined in this Code, a perpetrator who has been found not guilty on grounds of legal insanity at the time of committing an unlawful act may be subject to a security measure, the confiscation of the proceeds of crime, and the publication of the judgment. The provisions regarding the legal consequences of the sentence shall also apply to such perpetrators.

Chapter Two APPLICATION OF THE CRIMINAL CODE

1. Personal Application

Enaka veljavnost kazenskega zakona

4. člen

(1) Če v tem zakoniku ni izjemoma drugače določeno, velja kazenski zakonik enako za vse polnoletne osebe, ne glede na to, ali so državljanke oziroma državljani (v nadaljnjem besedilu: državljan) Republike Slovenije ali tujke oziroma tujci (v nadaljnjem besedilu: tujec).

(2) Kazenskopravna določba, ki se izjemoma nanaša le na državljane Republike Slovenije, se ne uporabi za državljane drugih držav članic Evropske unije in druge tujce.

(3) Če kazenskopravna določba izjemoma velja samo za tujce, je v njej tudi lahko določeno, kdaj se državljani drugih držav članic Evropske unije ne štejejo za tujce.

Posebna osebna veljavnost

5. člen

(1) Če je v zakonu določeno, da se za kaznivo dejanje kaznujejo le osebe s posebnimi lastnostmi, pravicami ali položajem, velja kazenski zakon enako za vse te osebe.

(2) Posebni kazenski zakoni določajo kazensko odgovornost mladoletnic oziroma mladoletnikov (v nadaljnjem besedilu: mladoletnik) in pravnih oseb.

(3) V posebnem zakonu, ki določa kazensko odgovornost mladoletnikov, je lahko tudi določeno, da se osebam, ki so bile ob storitvi kaznivega dejanja že polnoletne, vendar še niso bile stare enaindvajset let (mlajše polnoletnice oziroma mlajši polnoletniki), smejo namesto kazni glede na njihovo osebno razvojnost izreči kazenske sankcije za mladoletnike.

Equal application of a criminal law Act

Article 4

(1) Unless otherwise provided herein, the Criminal Code shall apply equally to all adults regardless of whether they are citizens of the Republic of Slovenia or foreigners.

(2) A criminal law provision that exceptionally applies only to citizens of the Republic of Slovenia shall not apply to citizens of other European Union Member States and other foreigners.

(3) If a criminal law provision applies exceptionally only to foreigners, it may determine when citizens of other European Union Member States are not deemed to be foreigners.

Special personal application

Article 5

(1) If an Act determines that only persons with special characteristics, rights, or status shall be punished for a criminal offence, a criminal law Act shall apply to all such persons.

(2) Special criminal law Acts shall determine the criminal liability of minors and legal persons.

(3) A special Act that defines the criminal liability of minors may also determine that persons who were already adults at the time of the commission of a criminal offence but under the age of 21 (young adults) may, due to their personal development, receive a punishment for minors instead of a sentence.

Izključitev osebne veljavnosti

6. člen

(1) Kazenski zakon se ne uporabi za dejanja oseb, katerih kazenska odgovornost je izključena zaradi imunitete po določbah ustave ali pravilih mednarodnega prava.

(2) Kadar je v zakonu določeno, da se storilec preganja za kaznivo dejanje na predlog ali na zasebno tožbo, se taka določba ne uporabi proti osebi, zoper katero oškodovanka oziroma oškodovanec (v nadaljnjem besedilu: oškodovanec) ni dal predloga ali ni vložil zasebne tožbe ali jo je umaknil.

2. Časovna veljavnost

Uporaba poznejšega, za storilca milejšega zakona

7. člen

(1) Za storilca kaznivega dejanja se uporablja zakon, ki je veljal ob storitvi kaznivega dejanja.

(2) Če se po storitvi kaznivega dejanja zakon spremeni (enkrat ali večkrat), se uporablja zakon, ki je milejši za storilca.

Časovno omejeni zakoni

8. člen

Če zakon ali drug predpis, na katerega se kazenski zakon sklicuje, velja le za določen čas, se uporabi za kaznivo dejanje, storjeno v

Exclusion of personal application

Article 6

(1) A criminal law Act shall not apply to the acts of persons whose criminal liability has been excluded due to immunity pursuant to the provisions of the Constitution or rules of international law.

(2) When an Act determines that a perpetrator shall be prosecuted for a criminal offence due to a complaint or private action, such provision shall not apply to a person against whom the injured party did not file a complaint or private action, or who withdrew such complaint or action.

2. Temporal application

Application of a subsequent Act that is less severe for the perpetrator

Article 7

(1) The perpetrator of a criminal offence shall be subject to the Act that was applicable at the time the criminal offence was committed.

(2) If the Act is amended subsequent to the commission of a criminal offence (one or more times), the least severe Act shall apply to the perpetrator.

Acts of limited duration

Article 8

If an Act or other regulation to which a criminal law Act refers is applicable for only a limited duration, it shall apply to a criminal offence

času njegove veljavnosti, tudi po poteku tega časa, če ni drugače določeno.

Sočasna veljavnost splošnega dela tega zakonika in drugih kazenskih zakonov

9. člen

(1) Določbe splošnega dela tega zakonika se uporabljajo tudi za kazniva dejanja, določena z drugimi zakoni ali ratificiranimi in objavljenimi mednarodnimi pogodbami ali akti Evropske unije, razen če s temi akti ni določeno drugače.

(2) Če zakoni, ki določajo kazensko odgovornost za mladoletnike, pravne osebe ali druge posebne vrste storilcev ali dejanj (posebni kazenski zakoni), v splošnih določbah omenjajo sočasno uporabo splošnega dela tega zakonika, se uporabi zadnji veljavni zakonik.

3. Krajevna veljavnost

Veljavnost kazenskega zakonika Republike Slovenije za vsakogar, ki stori kaznivo dejanje na njenem ozemlju

10. člen

(1) Kazenski zakon Republike Slovenije velja za vsakogar, ki stori kaznivo dejanje na ozemlju Republike Slovenije.

(2) Kazenski zakon Republike Slovenije velja tudi za vsakogar, ki stori kaznivo dejanje na domačem plovilu, ne glede na to, kje je bilo plovilo ob storitvi dejanja.

(3) Kazenski zakon Republike Slovenije velja tudi za vsakogar, ki stori kaznivo dejanje na domačem civilnem zrakoplovu med poletom ali na državnem zrakoplovu, ne glede na to, kje je bil zrakoplov ob storitvi dejanja.

committed during the period of its validity and, unless otherwise provided, also after the aforementioned duration has elapsed.

Simultaneous application of the general part of this Code and other criminal law Acts

Article 9

(1) The provisions of the general part of this Code shall also apply to criminal offences defined by other Acts or ratified and published international agreements or European Union acts, unless otherwise determined therein.

(2) If the Acts that determine the criminal liability of minors, legal persons, or other special types of offenders or acts (special criminal law Acts) also mention the simultaneous application of the general part of this Code in their general provisions, the last valid Code shall apply.

3. Territorial application

Application of the Criminal Code of the Republic of Slovenia to any person who commits a criminal offence in its territory

Article 10

(1) A criminal law Act of the Republic of Slovenia shall apply to any person who commits a criminal offence in the territory of the Republic of Slovenia.

(2) A criminal law Act of the Republic of Slovenia shall also apply to anyone who commits a criminal offence on a domestic vessel regardless of its location at the time of the commission of the act.

(3) A criminal law Act of the Republic of Slovenia shall also apply to anyone who commits a criminal offence on a domestic civil aircraft in flight or on a domestic military aircraft regardless of its location at the time of the commission of the act.

Veljavnost kazenskega zakonika Republike Slovenije za nekatera kazniva dejanja, storjena v tujini

11. člen

Kazenski zakon Republike Slovenije velja za vsakogar, ki stori v tujini

- kaznivo dejanje iz 243. člena tega zakonika in kazniva dejanja iz 332., 333. in 334. člena tega zakonika, če so storjena v zaščitni ekološki coni ali epikontinentalnem pasu Republike Slovenije, ter
- kazniva dejanja iz 108. člena in 348. do 360. člena tega zakonika.

Veljavnost kazenskega zakona Republike Slovenije za državljana Republike Slovenije, ki stori kaznivo dejanje v tujini

12. člen

Kazenski zakon Republike Slovenije velja za državljana Republike Slovenije, tudi če stori v tujini kakšno drugo kaznivo dejanje poleg kaznivih dejanj, naštetih v prejšnjem členu.

Veljavnost kazenskega zakona Republike Slovenije za tujca, ki stori kaznivo dejanje v tujini

13. člen

(1) Kazenski zakon Republike Slovenije velja tudi za tujca, ki stori zunaj Republike Slovenije, proti njej ali njenemu državljanu kaznivo dejanje, čeprav to niso kazniva dejanja iz 11. člena tega zakonika.

Application of the Criminal Code of the Republic of Slovenia to specific criminal offences committed in a foreign country

Article 11

A criminal law Act of the Republic of Slovenia shall apply to anyone who, in a foreign country, commits

- a criminal offence referred to in Article 243 of this Code or a criminal offence referred to in Articles 332, 333 and 334 of this Code, provided that such was committed in the ecological protection zone or on the continental shelf of the Republic of Slovenia, and
- a criminal offence referred to in Article 108 and Articles 348 to 360 of this Code.

Application of a criminal law Act of the Republic of Slovenia to citizens of the Republic of Slovenia who commit a criminal offence abroad

Article 12

A criminal law Act of the Republic of Slovenia shall be applicable to any citizen of the Republic of Slovenia who commits any criminal offence abroad other than those specified in the preceding Article.

Application of a criminal law Act of the Republic of Slovenia to foreign citizens who commit a criminal offence abroad

Article 13

(1) A criminal law Act of the Republic of Slovenia shall apply to any foreign citizen who, in a foreign country, commits a criminal offence against the Republic of Slovenia or any of its citizens, even if the offence in question is not referred to in Article 11 of this Code.

(2) Kazenski zakon Republike Slovenije velja tudi za tujca, ki stori proti tuji državi ali proti tujcu v tujini kaznivo dejanje, če se zaloti na ozemlju Republike Slovenije, pa se ne izroči tuji državi. V takem primeru sodišče ne sme izreči hujše kazni od tiste, ki je predpisana z zakonom države, v kateri je bilo kaznivo dejanje storjeno.

(3) Kazenski zakon Republike Slovenije velja tudi za vsakogar, ki stori v tujini kakšno drugo kaznivo dejanje, ki se po mednarodni pogodbi ali po splošnih pravnih načelih, ki jih priznava mednarodna skupnost, preganja v vseh državah, ne glede, kje je storjeno.

Posebni pogoji za pregon

14. člen

(1) Če se je v primerih iz 10. člena in prve alineje 11. člena tega zakonika kazenski postopek začel ali se je končal v tujini, se storilec preganja v Republiki Sloveniji z dovoljenjem ministrice oziroma ministra (v nadaljnjem besedilu: minister) za pravosodje z opozorilom, pod kakšnimi pogoji se s pregonom ne krši prepoved ponovnega sojenja v isti zadevi.

(2) V primerih iz 12. člena ter prvega in drugega odstavka 13. člena tega zakonika se storilec ne preganja:

- 1) če je kazen, za katero je bil v tujini obsojen, popolnoma prestal ali je bilo skladno z mednarodno pogodbo določeno, da bo v tujini izrečeno kazen prestal v Republiki Sloveniji;
- 2) če je bil v tujini s pravnomočno sodbo oproščen ali mu je bila kazen odpuščena ali je izvršitev kazni zastarala;
- 3) če se kaznivo dejanje po tujem zakonu preganja na zahtevo oškodovanca, taka zahteva pa ni bila vložena oziroma je bila umaknjena.

(2) A criminal law Act of the Republic of Slovenia shall also apply to any foreign citizen who, in a foreign country, commits a criminal offence against a third country or any of its citizens if he or she has been apprehended in the territory of the Republic of Slovenia but has not been extradited to the foreign country. In such cases, the court shall not impose a sentence on the perpetrator that is more severe than the sentence prescribed by the relevant Act of the country in which the offence was committed.

(3) A criminal law Act of the Republic of Slovenia shall also apply to anyone who commits a criminal offence abroad that, under the relevant international agreements or general legal principles recognised by the international community, is subject to prosecution, regardless of the location where it was committed.

Special conditions for prosecution

Article 14

(1) If, in the cases referred to in Article 10 and indent 1 of Article 11 of this Code, a criminal procedure has been initiated or discontinued in a foreign country, the perpetrator may be prosecuted in the Republic of Slovenia only with the permission of the Minister of Justice with a notice as to under what conditions prosecution shall not violate double jeopardy.

(2) In the cases referred to in Article 12 and paragraphs one and two of Article 13 of this Code, the perpetrator shall not be prosecuted:

- 1) if he or she has served the sentence imposed on him or her in a foreign country or if it has been decided in accordance with an international agreement that the sentence imposed in the foreign country is to be served in the Republic of Slovenia;
- 2) if he or she has been acquitted by a final judgment of the foreign court or if his or her sentence has been remitted or the execution of the sentence has fallen outside the statute of limitations;
- 3) if, according to a foreign Act, the criminal offence concerned may only be prosecuted upon the complaint of the injured party and such has not been filed.

(3) V primerih iz 12. člena ter prvega in drugega odstavka 13. člena tega zakonika se storilec preganja samo, če je dejanje kaznivo tudi po zakonu države, v kateri je bilo storjeno.

(4) Če v primeru iz 12. člena tega zakonika dejanje po zakonu države, v kateri je bilo storjeno, ni kaznivo, je pa to dejanje, storjeno proti Republiki Sloveniji ali njenemu državljanu, se sme storilec preganjati samo z dovoljenjem ministra za pravosodje.

(5) V vseh drugih primerih razen primerov iz druge alineje 11. člena, tretjega odstavka 13. člena in četrtega odstavka tega člena tega zakonika, ko je dejanje storjeno v tujini, pa v državi, v kateri je bilo storjeno, ni kaznivo, se storilec sme preganjati z dovoljenjem ministra za pravosodje, če je dejanje takrat, ko je bilo storjeno, veljalo za kaznivo dejanje po splošnih pravnih načelih, ki jih priznava mednarodna skupnost.

(6) V primeru iz 10. člena tega zakonika se sme ob pogojih, določenih z zakonom, pregon tujca odstopiti tuji državi.

(7) V primerih iz tretjega odstavka 13. člena tega zakonika se storilec preganja samo z dovoljenjem ministra za pravosodje.

Vštevanje odvzete prostosti v tujini

15. člen

V tujini odrejeni pripor in vsak odvzem prostosti med izročitvenim postopkom se vštejeta v kazen iz obsodbe pred domačim sodiščem, enako pa se vanjo všteje tudi že prestana kazen iz sodbe tujega sodišča, če se zanjo izve pozneje. Če kazni nista iste vrste, sodišče presodi, kako naj se všteje. Če je prestal obsojenec skupaj več kazni, kot mu je bila izrečena v obsodbi pred domačim sodiščem, se v presežku šteje za neupravičeno obsojenega.

(3) In the cases referred to in Articles 12 and 13, the perpetrator shall be prosecuted only insofar as his or her conduct constitutes a criminal offence in the country where it was committed.

(4) If, in the case referred to in Article 12 of this Code, the act committed against the Republic of Slovenia or a citizen thereof does not constitute a criminal offence under an Act of the country where it was committed, the perpetrator of such an act may be prosecuted only with the permission of the Minister of Justice of the Republic of Slovenia.

(5) If, in all other cases except the cases referred to in indent 2 of Article 11, paragraph three of Article 13 and paragraph four of this Article of this Code, the act is not punishable in the country where it was committed, the perpetrator may be prosecuted only with the permission of the Minister of Justice and with the proviso that, in accordance with the general principles of law recognised by the international community, the act in question constituted a criminal offence at the time it was committed.

(6) In the case referred to in Article 10, prosecution of a foreign person may be transferred to another country under the conditions provided by an Act.

(7) In the cases referred to in paragraph three of Article 13 of this Code, the perpetrator shall be prosecuted only with the permission of the Minister of Justice.

Credit for time served in detention abroad

Article 15

Any period of detention or deprivation of liberty during an extradition procedure, or a sentence of imprisonment served in accordance with the judgment of a foreign court, if it becomes known at a later time, shall be credited to the sentence imposed for the same criminal offence by a domestic court. If sentences are of different types, the domestic court shall decide on the appropriate method of calculating the amount of credit for the period served abroad. If a convicted person serves all together a longer sentence than the sentence imposed on him

or her by the judgment of a domestic court, he or she shall be deemed unjustifiably convicted regarding the excess of time served.

3.a Pregon kaznivih dejanj zoper mladoletne osebe

3.a Prosecution of criminal offences against minors

Način pregona storilcev kaznivih dejanj, izvršenih na škodo mladoletnih oseb

The method of prosecuting perpetrators of criminal offences committed to the detriment of minors

15.a člen

Article 15a

V primerih, ko je kaznivo dejanje iz poglavij zoper življenje in telo, zoper človekove pravice in svoboščine, zoper spolno nedotakljivost ali drugo kaznivo dejanje iz tega zakonika z znaki nasilja izvršeno zoper mladoletno osebo, se glede načina kazenskega pregona ne uporabljajo določbe tega zakonika o vložitvi predloga ali zasebne tožbe in se storilca preganja po uradni dolžnosti.

In cases concerning a criminal offence referred to in the chapters relating to criminal offence committed against life and limb, against human rights and freedoms, or against sexual integrity or other criminal offences referred to in this Code with elements of violence committed against minors, the provisions of this Code relating to the filing of a motion or bringing a private action shall not apply to the method of criminal prosecution and the perpetrator shall be prosecuted *ex officio*.

Tretje poglavje SPLOŠNE DOLOČBE O KAZNIVEM DEJANJU

Chapter Three GENERAL PROVISIONS ON CRIMINAL OFFENCES

1. Kaznivo dejanje in storilec

1. Criminal offences and perpetrators

Kaznivo dejanje

Criminal offences

16. člen

Article 16

Kaznivo dejanje je človekovo protipravno ravnanje, ki ga zakon zaradi nujnega varstva pravnih vrednot določa kot kaznivo dejanje in hkrati določa njegove znake ter kazen za krivega storilca.

A criminal offence shall mean unlawful conduct that, due to the need for the urgent protection of legal values, an Act determines to be a criminal offence and also defines the elements and sentence for perpetrators found guilty thereof.

Način storitve kaznivega dejanja

Manner of committing a criminal offence

17. člen

(1) Kaznivo dejanje je lahko storjeno s storitvijo ali opustitvijo.

(2) Kaznivo dejanje je lahko storjeno z opustitvijo samo, če je storilec opustil dejanje, ki bi ga moral storiti.

(3) Z opustitvijo je lahko storjeno tudi kaznivo dejanje, ki ga zakon ne določa kot opustitveno kaznivo dejanje, če storilec ne prepreči prepovedane posledice. V takem primeru se storilec kaznuje za opustitev samo, če je moral preprečiti nastanek prepovedane posledice in če je opustitev za nastanek take posledice enakega pomena kot storitev.

Čas storitve kaznivega dejanja

18. člen

Kaznivo dejanje je storjeno takrat, ko je storilec delal ali bi moral delati, ne glede na to, kdaj nastane posledica.

Kraj storitve kaznivega dejanja

19. člen

(1) Kaznivo dejanje je storjeno na kraju, na katerem je storilec delal ali bi moral delati, kakor tudi na kraju, na katerem je nastala prepovedana posledica.

(2) Za poskus kaznivega dejanja se šteje, da je bilo storjeno na kraju, na katerem je storilec delal, kakor tudi na kraju, na katerem naj bi po njegovem naklepu nastala ali bi lahko nastala prepovedana posledica.

Article 17

(1) A criminal offence may be committed by a voluntary act or by omission.

(2) A criminal offence may be committed by omission only when the perpetrator fails to perform an act that he or she is obliged to perform.

(3) An omission may constitute a criminal offence that is not defined by an Act as a criminal offence committed by omission when the perpetrator fails to prevent the occurrence of an unlawful consequence. In such cases, the perpetrator shall be punished for such omission only if he or she was obliged to prevent the occurrence of the unlawful consequence and insofar as the occurrence of such a consequence could not have been prevented even if he or she had performed a positive act.

Time of commission a criminal offence

Article 18

A criminal offence is committed at the time the perpetrator acts or is obliged to act, notwithstanding when the unlawful consequence occurs.

Crime scene

Article 19

(1) A criminal offence is committed both in the place where the perpetrator acts or should have acted and in the place where the prohibited consequence occurs.

(2) An attempted criminal offence shall be deemed to have been committed both in the place where the perpetrator acted and in the place where, according to his or her intention, the unlawful consequence

Storilec in sotorilec

20. člen

(1) Storilec kaznivega dejanja je vsak, ki ga stori osebno ali z izrabljanjem in vodenjem ravnanj drugega (posredni storilec).

(2) Storilec kaznivega dejanja je tudi vsak, ki skupaj z drugim stori kaznivo dejanje, tako da zavestno sodeluje pri storitvi ali kako drugače odločilno prispeva k storitvi (sostorilka oziroma sotorilec (v nadaljnjem besedilu: sotorilec)).

Omejitve kazenske odgovornosti glede na starost storilcev

21. člen

Kdor je storil protipravno dejanje, ko še ni bil star štirinajst let (otrok), ne more biti storilec kaznivega dejanja.

Silobran

22. člen

(1) Dejanje, ki je storjeno v silobranu, ni protipravno.

(2) Silobran je obramba, ki je nujno potrebna, da storilec odvrne od sebe ali koga drugega istočasen protipraven napad.

(3) Storilec, ki je prekoračil meje silobrana, se sme kaznovati mileje; če je prekoračil silobran zaradi močne razdraženosti ali

should or could have occurred.

Perpetrators and accomplices

Article 20

(1) The perpetrator of a criminal offence shall be any person who commits such criminal offence in person or by using and directing the actions of another person (an indirect perpetrator).

(2) A perpetrator of a criminal offence is also any person who, together with another person, commits a criminal offence by wilfully collaborating in the execution thereof or in any other way decisively contributes thereto (hereinafter: an accomplice).

Limitation of criminal liability with regard to the age of the perpetrator

Article 21

Anyone who commits an unlawful act when he or she is under the age of 14 years (a child) cannot be a perpetrator of a criminal offence.

Self-defence

Article 22

(1) An act committed in self-defence shall not constitute an unlawful act.

(2) An act of self-defence shall be understood to mean such defence as is absolutely necessary for the perpetrator to avert an immediate and unlawful attack on him- or herself or on any other person.

(3) In the event the perpetrator has acted beyond the limits of justifiable self-defence, he or she may receive a more lenient sentence;

prestrašenosti, povzročene z napadom, se mu sme kazen tudi odpustiti.

Prisiljenost

23. člen

Dejanje, ki je bilo storjeno pod vplivom sile, ki se ji storilec ni mogel upreti, ni kaznivo dejanje.

2. Krivda in kaznivost storilcev

Krivda

24. člen

Kriv je storilec, ki je bil ob storitvi kaznivega dejanja prišteven in je ravnal z naklepom ali iz malomarnosti, pri tem pa se je zavedal ali bi se moral in mogel zavedati, da ravna v nasprotju s pravom, in če niso podani razlogi, ki izključujejo krivdo.

Naklep

25. člen

Kaznivo dejanje je storjeno z naklepom, če se je storilec zavedal svojega dejanja in ga je hotel storiti (direktni naklep), ali če se je zavedal, da lahko stori dejanje, pa je v to privolil (eventualni naklep).

Malomarnost

when he or she acts due to severe irritation or great fear caused by attack, his or her punishment may be remitted.

Coercion

Article 23

Any act committed under coercion that the perpetrator is not able to resist shall not constitute a criminal offence.

2. Guilt and punishability of perpetrators

Guilt

Article 24

A perpetrator shall be found guilty if, when committing a criminal offence, he or she was of sound mind and acted with intent or through negligence while he or she was aware or could have or should have been aware that his or her conduct was unlawful, and if no grounds exist to exclude his or her guilt.

Criminal intent

Article 25

A criminal offence shall be deemed to have been committed with intent if the perpetrator was aware of the act and wanted to commit it (direct intent), or was aware that he or she could commit such act and consented to it (conditional intent).

Negligence

26. člen

Kaznivo dejanje je storjeno iz malomarnosti, če storilec ni ravnal s potrebno pazljivostjo, čeprav se je zavedal, da lahko stori dejanje, pa je lahkomišlno mislil, da se to ne bo zgodilo ali da bo to lahko preprečil (zavestna malomarnost), ali če se ni zavedal, da lahko stori dejanje, pa bi se bil po okoliščinah in po svojih osebnih lastnostih tega moral in mogel zavedati (nezavestna malomarnost).

Kaznivost malomarnosti

27. člen

(1) Za kaznivo dejanje, storjeno iz malomarnosti, se storilec kaznuje samo, če zakon tako določa.

(2) Sodišče sme storilcu, ki je storil kaznivo dejanje iz malomarnosti, odpustiti kazen, če posledice dejanja storilca toliko prizadevajo, da kaznovanje v takem primeru očitno ne bi bilo upravičeno.

Odgovornost za hujšo posledico

28. člen

Če je iz kaznivega dejanja nastala hujša posledica, za katero predpisuje zakon hujšo kazen, se sme ta kazen izreči, če je storilec glede na to posledico ravnal malomarno.

Neprištevnost

Article 26

A criminal offence shall be deemed to have been committed through negligence when the perpetrator did not act with due care, although he or she was aware that he or she was able to perform such act but recklessly believed that it would not happen or that he or she would be able to prevent it (advertent negligence), or when he or she was not aware that he or she was capable of performing such an act but should and could have been aware of this under the given circumstances and with regard to his or her personal attributes (inadvertent negligence).

Punishability of negligence

Article 27

(1) A perpetrator shall be punished for a criminal offence committed through negligence only if an Act so determines.

(2) The court may remit a sentence imposed on a perpetrator who committed a criminal offence through negligence if the consequences of the act concern the perpetrator to the extent that punishment in such a case would clearly not be justifiable.

Liability for severe consequences

Article 28

If severe consequences have resulted from the commission of a criminal offence for which a more severe sentence is provided under an Act, such a sentence may be imposed on the perpetrator provided that he or she acted negligently with regard to the consequences.

Legal insanity

29. člen

(1) Kdor ob storitvi protipravnega dejanja ni bil prišteven, ni kriv.

(2) Ni prišteven storilec, ki ob storitvi protipravnega dejanja ni mogel razumeti pomena svojega dejanja ali ni mogel imeti v oblasti svojega ravnanja zaradi duševne motnje ali duševne manjrazvitosti.

(3) Storilec kaznivega dejanja, čigar zmožnost razumeti pomen svojega dejanja ali zmožnost imeti v oblasti svoje ravnanje je bila bistveno zmanjšana zaradi kakšnega stanja iz prejšnjega odstavka ali zaradi kakšne druge trajne in hude duševne motenosti, se sme mileje kaznovati.

(4) Kriv je storilec kaznivega dejanja, ki si je z uporabo alkohola, drog, drugih psihoaktivnih snovi ali kako drugače sam povzročil neprištevnost, če je bila pred tem za kaznivo dejanje podana njegova krivda, ki jo zakon določa za to dejanje.

Dejanska zmot

30. člen

(1) Kdor v dejanski zmoti stori dejanje, ki ga zakon določa kot naklepno kaznivo dejanje, ni kriv.

(2) Kaznivo dejanje je storjeno v dejanski zmoti, če se storilec ob storitvi ni zavedal okoliščin, ki jih zakon določa kot znake kaznivega dejanja, ali je zmotno mislil, da so okoliščine take, da bi bilo dejanje dopustno.

(3) Za kaznivo dejanje, ki se stori iz malomarnosti, krivda storilca ne more biti izključena, če je bil v zmoti glede okoliščin, ki bi se jih

Article 29

(1) Any person who was legally insane at the time of committing an unlawful act shall not be guilty.

(2) A perpetrator who when committing an unlawful act was incapable of understanding the meaning of his or her actions or controlling his or her conduct due to a mental disorder or mental underdevelopment shall be deemed to be legally insane.

(3) A reduced sentence may be imposed on the perpetrator of a criminal offence whose ability to understand the meaning of his or her actions or to control his or her conduct was substantially diminished due to any state referred to in the preceding paragraph or due to any other permanent or severe mental disturbance.

(4) A perpetrator of a criminal offence whose legal insanity was self-induced through indulgence in alcohol, drugs, other psychotic substances, or in any other manner shall be deemed to be criminally liable if his or her guilt is established, as determined by an Act for the act in question.

Mistake of fact

Article 30

(1) Any person who, due to a mistake of fact, commits an act defined by an Act as an intentionally committed criminal offence shall not be guilty.

(2) A criminal offence shall be deemed to be committed due a mistake of fact if at the time of the commission of the criminal offence the perpetrator was not aware of the circumstances defined as a criminal offence by an Act, or if he or she erroneously believed that his or her act was permissible due to the nature of the circumstances.

(3) The guilt for a criminal offence committed out of negligence shall not be excluded if the perpetrator was in error regarding the

v mejah potrebne pazljivosti moral in mogel zavedati.

Pravna zmot

31. člen

(1) Storilec kaznivega dejanja, ki iz upravičenih razlogov ni vedel, da je to dejanje v nasprotju s pravom, ni kriv.

(2) Ni upravičenih razlogov iz prvega odstavka tega člena, če storilec ni vedel za pravna pravila, s katerimi bi se lahko seznanil pod enakimi pogoji kot drugi v širšem njegovem okolju ali pa je moral glede na svoje delo, vlogo ali siceršnji položaj poznati posebna pravna pravila.

(3) Če je storilec storil kaznivo dejanje v pravni zmoti, ki bi se ji lahko izognil, se sme kaznovati mileje.

Skrajna sila

32. člen

(1) Dejanje, ki je storjeno, da bi storilec od sebe ali koga drugega odvrnil istočasno nevarnost, ki je ni bilo mogoče odvrniti drugače, ni protipravno, če je povzročeno zlo manjše od zla, ki je grozilo (upravičljiva skrajna sila).

(2) Ni kriv storilec, ki stori protipravno dejanje, da bi od sebe ali koga drugega odvrnil istočasno nezakrivljeno nevarnost za življenje, telesno celovitost ali osebno svobodo, ki je ni bilo mogoče odvrniti drugače, če povzročeno zlo ni bilo nesorazmerno večje od zla, ki je grozilo, in če se storilec ni bil dolžan izpostaviti nevarnosti (opravičljiva skrajna sila).

circumstances that he or she should and could have been aware of within the limits of due care.

Mistake of law

Article 31

(1) A perpetrator of a criminal offence who for justified reasons was unaware that such an act was unlawful shall not be guilty.

(2) The justified reasons referred to in paragraph one of this Article shall not exist if the perpetrator was not aware of the legal rules that he or she could have become familiar with under the same conditions as other people in his or her broader environment, or if he or she should have been familiar with special legal rules and regulations in relation to his or her work, role or general position.

(3) If the perpetrator committed a criminal offence by mistake of law that could have been avoided, this may be grounds for a more lenient sentence.

Necessity

Article 32

(1) An act committed by a perpetrator in order to avert from him- or herself or from a third person a simultaneous unavoidable threat shall not be deemed unlawful provided that the harm incurred is not greater than the harm that threatened the perpetrator (justifiable necessity).

(2) A perpetrator shall not be deemed guilty of committing an unlawful act in order to avert a simultaneous threat to the life, physical integrity or personal freedom of him- or herself or a third person which could not be averted otherwise, provided that the harm incurred is not disproportionately greater than the harm that threatened the perpetrator, and provided that there was no need for the perpetrator to expose him- or herself to such a threat (excusable necessity).

(3) Storilec, ki je ravnal v izogibni zmoti, da so podane okoliščine skrajne sile iz prejšnjega odstavka, odgovarja za kaznivo dejanje iz malomarnosti, če zakon za to dejanje določa kaznivost malomarnosti.

(4) Če je v primeru iz drugega odstavka tega člena storilec sam povzročil nevarnost, toda iz malomarnosti, ali če je v primeru iz prvega ali drugega odstavka tega člena storilec prekoračil meje skrajne sile, se sme kaznovati mileje, če pa je prekoračil meje skrajne sile v posebno olajševalnih okoliščinah, se mu sme kazen odpustiti.

Izključitev kaznivosti

33. člen

(1) Z zakonom se lahko določi, da se zaradi osebnih razmerij, lastnosti ali posebnih okoliščin storilec protipravnega dejanja ne kaznuje.

(2) Izključitev pregona zaradi nekaznivosti ni ovira, da se za storjeno dejanje zoper storilca ne uveljavi drugačna pravna odgovornost.

3. Poskus kaznivega dejanja

Poskus

34. člen

(1) Kdor je naklepno kaznivo dejanje začel, pa ga ni dokončal, se kaznuje za poskus, če je to kaznivo dejanje, za katero se smejo po zakonu izreči tri leta zapor ali hujša kazen; za poskus drugih kaznivih dejanj pa samo, če zakon izrecno predpisuje, da je kazniv tudi poskus.

(3) A perpetrator who acted in such a manner that he or she made an avoidable mistake in the belief that the circumstances of necessity referred to in the preceding paragraph existed shall be held responsible for a crime of negligence if a punishment for negligence is determined by an Act.

(4) If, in the case referred to in paragraph two of this Article, the perpetrator causes the danger him- or herself, but acted through negligence, or, in the case referred to in paragraph one or two of this Article, the perpetrator acts beyond the limits of necessity, the perpetrator may be sentenced more leniently; however, if the perpetrator acts beyond such limits of necessity under particularly mitigating circumstances, his or her sentence may be remitted.

Preclusion of punishability

Article 33

(1) It may be determined by an Act that due to personal relations, attributes or special circumstances a perpetrator who commits an unlawful act shall not be punished.

(2) Exclusion of prosecution on grounds of impunity shall not preclude other legal liability from being imposed on him or her for the act committed.

3. Criminal attempt

Attempt

Article 34

(1) Anyone who intentionally initiates a criminal offence but does not carry it out shall be punished for a criminal attempt, provided that such a criminal offence is punishable by a three-year prison sentence or more severely under an Act; other criminal attempts shall be punishable

(2) Storilec se kaznuje za poskus v mejah kazni, predpisane za kaznivo dejanje, lahko pa tudi mileje.

Neprimeren poskus

35. člen

Storilcu, ki poskuša storiti kaznivo dejanje z neprimernim sredstvom ali proti neprimernemu predmetu, se sme odpustiti kazen.

Prostovoljni odstop

36. člen

(1) Storilcu, ki je poskušal storiti kaznivo dejanje, pa je prostovoljno odstopil od njegove storitve, se sme odpustiti kazen.

(2) Če storilec prostovoljno odstopi od storitve kaznivega dejanja, se kaznuje za tista dejanja, ki pomenijo kakšno drugo samostojno kaznivo dejanje.

(3) Storilcu se sme odpustiti kazen, če si je iskreno in primerno prizadeval preprečiti posledico, tudi če ta potem ni nastala iz drugega razloga.

4. Udeležba pri kaznivem dejanju

Udeleženec

36.a člen

only when so determined by an Act.

(2) A perpetrator who attempts to commit a criminal offence shall be sentenced within the limits envisaged for such a criminal offence or may be punished more leniently.

Impossible attempt

Article 35

If a perpetrator commits a criminal attempt by inappropriate means or against an inappropriate object, his or her sentence may be remitted.

Voluntary abandonment of a criminal attempt

Article 36

(1) If a perpetrator commits a criminal attempt but voluntarily abandons the commission thereof, his or her sentence may be remitted.

(2) If a perpetrator voluntarily abandons a criminal attempt, he or she shall be punished for acts that entail some other independent criminal offence.

(3) A perpetrator's punishment may be remitted if he or she makes sincere and suitable efforts to prevent the consequences of his or her act even if the consequences do not occur for some other reason.

4. Participation in a criminal offence

Participants

Article 36a

Določbe tega zakonika, ki veljajo za storilca, se uporabljajo tudi za udeleženko oziroma udeleženca (v nadaljnjem besedilu: udeleženec), ki v okviru napeljevanja oziroma pomoči sodeluje pri kaznivem dejanju, razen če zakon določa drugače.

Napeljevanje

37. člen

(1) Kdor drugega naklepoma napelje, da stori kaznivo dejanje, se kaznuje, kakor da bi ga storil sam.

(2) Kdor drugega naklepoma napeljuje k storitvi kaznivega dejanja, za katero se sme po zakonu izreči tri leta zapor ali hujša kazen, se kaznuje kakor za poskus kaznivega dejanja, tudi če ni bilo poskusa storitve dejanja.

Pomoč

38. člen

(1) Kdor naklepoma pomaga storilcu pri naklepem kaznivem dejanju, se kaznuje, kakor da bi ga sam storil, sme pa se kaznovati tudi mileje.

(2) Kot pomoč pri storitvi kaznivega dejanja se šteje zlasti: če da kdo storilcu nasvet ali navodila, kako naj stori kaznivo dejanje, če mu da na razpolago sredstva ali odstrani ovire za storitev, če vnaprej obljubi, da bo prikril kaznivo dejanje, storilca, sredstva, s katerimi bo kaznivo dejanje storjeno, sledi kaznivega dejanja, predmete, nastale s kaznivim dejanjem ali premoženjsko korist, pridobljeno s kaznivim dejanjem.

Kaznovanje napeljevalca in pomagača za poskus

The provisions of this Code that are applicable to a perpetrator shall also apply to a participant who solicits or abets in the commission of a criminal offence, unless otherwise provided by an Act.

Solicitation to the commission of a criminal offence

Article 37

(1) Anyone who solicits another person to commit a criminal offence shall be punished as if he or she were a principal offender.

(2) Anyone who solicits another person to commit a criminal offence punishable by a three-year prison sentence or a more severe sentence according to an Act may be punished for a criminal attempt even if the commission of such an act was never attempted.

Aiding and abetting

Article 38

(1) Anyone who intentionally aids another person in the commission of a criminal offence shall be punished as if he or she were a principal offender, or may be punished more leniently.

(2) Aiding and abetting liability shall be deemed to exist in particular in the following cases: advising or instructing the perpetrator on how to carry out a criminal offence; providing the perpetrator with instruments for committing a criminal offence or removing the obstacles to committing it; making a prior promise to conceal a criminal offence, the perpetrator, or any traces of a criminal offence, objects resulting from a criminal offence or proceeds from a criminal offence.

Punishment of aiders and abettors for a criminal attempt

39. člen

Če ostane kaznivo dejanje pri poskusu, se napeljevalka oziroma napeljevalec (v nadaljnjem besedilu: napeljevalec) in pomagačka oziroma pomagač (v nadaljnjem besedilu: pomagač) kaznujeta kakor za poskus.

Meje kaznivosti storilcev in udeležencev

40. člen

(1) Storilec in sotorilec se kaznujeta za kazniva dejanja v mejah svojega naklepa ali malomarnosti, napeljevalec in pomagač pa v mejah njunega naklepa.

(2) Napeljevalcu ali pomagaču se sme odpustiti kazen, če je prostovoljno preprečil kaznivo dejanje.

(3) Enako velja, če si je napeljevalec ali pomagač iskreno in primerno prizadeval preprečiti posledico, pa tudi če ta potem ni nastala iz drugega razloga.

(4) Osebna razmerja, lastnosti in posebne okoliščine, zaradi katerih zakon izključuje krivdo ali kaznivost ali dopušča odpustitev, zmanjšanje ali povečanje kazni, se smejo upoštevati samo pri tistem storilcu ali udeležencu, pri katerem so taka razmerja, lastnosti in okoliščine ugotovljene.

Odgovornost članov in vodij hudodelske združbe

41. člen

(1) S hujšo kaznijo, predpisano za kaznivo dejanje, storjeno v hudodelski združbi, se kaznuje članica oziroma član (v nadaljnjem besedilu: član) združbe najmanj treh oseb, če stori kaznivo dejanje zaradi

Article 39

In the event of a criminal attempt, aiders and abettors shall be liable for the same punishment as for a criminal attempt.

The limits of the punishability of perpetrators and participants

Article 40

(1) Perpetrators and accomplices shall be punished for a criminal offence within the limits of their intent or negligence and aiders and abettors within the limits of their intent.

(2) The punishment of an aider or abettor may be remitted if he or she voluntarily prevents the criminal offence.

(3) The same shall apply if an aider or abettor makes sincere and appropriate efforts to prevent the consequences of the criminal offence, even if the consequences are not caused by any other act.

(4) The personal relations, attributes and special circumstances on the grounds of which an Act excludes culpability or punishability or allows for the remission, reduction or extension of a sentence shall only be taken into account with respect to the perpetrator or participant regarding whom such relations, attributes and circumstances were determined.

The liability of members and leaders of criminal organisations

Article 41

(1) A member of a criminal organisation consisting of at least three persons shall be punished with a more severe sentence for a criminal offence committed within the criminal organisation with a view to

izvedbe hudodelskega načrta te združbe v povezavi z najmanj še enim članom kot sotorilcem ali udeležencem.

(2) V primeru iz prvega odstavka tega člena se enako kot storilec kaznuje tudi vodja združbe, ki je vodil izvedbo hudodelskega načrta ali razpolagal s protipravno premoženjsko koristjo te združbe ob storitvi kaznivega dejanja, izhajajočega iz tega hudodelskega načrta, ne glede na to, ali je pri njegovi izvedbi neposredno sodeloval kot storilec ali udeleženec po 20. ali 37. in 38. členu tega zakonika.

5. Kaznivost pravnih oseb

Odgovornost pravnih oseb za kazniva dejanja

42. člen

(1) Kazenska odgovornost se uveljavi zoper pravno osebo za kaznivo dejanje, ki ga je storilec storil v imenu, na račun ali v korist pravne osebe in je v zakonu, ki ureja odgovornost pravnih oseb za kazniva dejanja navedeno, da je pravna oseba zanj odgovorna.

(2) Kazenska odgovornost pravnih oseb ne izključuje odgovornosti fizičnih oseb storilcev, napeljevalcev ali pomagačev pri istem kaznivem dejanju.

(3) Zakon, ki ureja odgovornost pravnih oseb za kazniva dejanja, določa pogoje za kazensko odgovornost pravnih oseb, kazni, opozorilne sankcije oziroma varnostne ukrepe ter pravne posledice obsodbe za pravne osebe.

Četrto poglavje KAZNI

1. Vrste kazni in pogoji za njihovo izrekanje

carrying out the criminal organisation's criminal plan in association with at least one member as an accessory or accomplice.

(2) In the case referred to in paragraph one of this Article, the leader of the criminal organisation who led the execution of the criminal plan or was in possession of the criminal organisation's illegal proceeds at the time of the commission of the criminal offence according to the criminal plan, shall, notwithstanding whether he or she participated in its execution directly as a perpetrator or accessory pursuant to Articles 20 or 37 and 38 of this Code, be punished in the same way as the perpetrator.

5. The punishability of legal persons

The liability of legal persons for criminal offences

Article 42

(1) Criminal liability shall be imposed on a legal person for criminal offences committed by the perpetrator on behalf of or for the account or benefit of the legal person, provided that the Act which regulates the liability of legal persons for criminal offences determines that a legal person is liable for the criminal offence in question.

(2) The criminal liability of legal persons shall not exclude the liability of natural persons as perpetrators, aiders or abettors in the same criminal offence.

(3) The Act which regulates the liability of legal persons for criminal offences shall determine the conditions for the criminal liability of legal persons, sentences, admonitory sanctions or security measures, and the legal consequences of the conviction for legal persons.

Chapter Four SENTENCES

1. Types of sentences and the conditions for the imposition thereof

Vrste kazni

43. člen

Za kazniva dejanja se smejo krivim storilcem izreči te kazni:

- zapor;
- denarna kazen;
- prepoved vožnje motornega vozila;
- izgon tujca iz države.

Glavne in stranske kazni

44. člen

(1) Zapor se sme izreči samo kot glavna kazen.

(2) Denarna kazen se sme izreči kot glavna in tudi kot stranska kazen.

(3) Prepoved vožnje motornega vozila in izgon tujca iz države se smeta izreči samo kot stranska kazen ob kazni zapora, denarni kazni ali pogojni obsodbi.

(4) Poleg glavne kazni se sme izreči ena ali obe stranski kazni.

Zakonitost pri izrekanju kazni

45. člen

(1) Storilcu kaznivega dejanja se izreče kazen, ki je predpisana za storjeno kaznivo dejanje; milejša kazen od predpisane se sme izreči le ob pogojih, ki jih določa ta zakonik.

Types of sentences

Article 43

The following types of sentences may be imposed on perpetrators for the commission of a criminal offence:

- imprisonment;
- a fine;
- a prohibition on driving a motor vehicle;
- the expulsion of a foreigner.

Principal and accessory sentences

Article 44

(1) Imprisonment may only be imposed as a principal sentence.

(2) A fine may be imposed as either a principal or accessory sentence.

(3) A prohibition on driving a motor vehicle and the expulsion of a foreigner may only be imposed as an accessory sentence to imprisonment, a fine, or a suspended sentence.

(4) One or both accessory sentences may be imposed in addition to the principal sentence.

Legality of sentencing

Article 45

(1) The sentence prescribed for committing a criminal offence shall be imposed on the perpetrator thereof, while a more lenient sentence may only be imposed under the conditions determined in this Code.

(2) Za kazniva dejanja, storjena iz koristoljubnosti, se sme izreči denarna kazen kot stranska kazen tudi, kadar ni predpisana z zakonom ali kadar je z zakonom predpisano, da bo storilec kaznovan z zaporom ali denarno kaznijo, sodišče pa izreče kot glavno kazen zapor.

Namen kaznovanja

45.a člen

S kaznovanjem po določbah tega zakonika država varuje temeljne vrednote in načela pravnega reda, vzpostavlja zavedanje storilca kaznivega dejanja in drugih o nedopustnosti izvršitve kaznivih dejanj, predvsem pa ob spoštovanju človeškega dostojanstva in osebnosti storilca kaznivega dejanja omogoča, da se storilcu z ustrezno sankcijo omogoči dostojna vključitev v skupno družbeno okolje.

Zapor

46. člen

(1) Zapor ne sme biti krajši od enega meseca in ne daljši od tridesetih let.

(2) Za kazniva dejanja genocida, hudodelstva zoper človečnost, vojnega hudodelstva in agresijo ter pod pogoji iz 1. točke drugega odstavka 53. člena tega zakonika za dve ali več kaznivih dejanj po petem odstavku 108. člena, po 116. členu, po 352. členu, po drugem odstavku 360. člena, po četrtem odstavku 371. člena in po tretjem odstavku 373. člena, se sme izreči kazen dosmrtnega zapora.

(3) Kazen zapora do dveh let se predpiše brez najnižje mere te kazni.

(2) For criminal offenses committed out of self-interest, a fine may be imposed as a secondary punishment even when not prescribed by an Act or when an Act determines that the offender should be punished by imprisonment or a fine and the court imposes a principal sentence of imprisonment.

The purpose of punishment

Article 45a

The purpose of punishment pursuant to the provisions of this Code is to enable the State to safeguard the fundamental values and principles of the legal order, to ensure the awareness of perpetrators of criminal offences and others of the inadmissibility of the commission of a criminal offence, and in particular, by taking into account the human dignity and personality of perpetrators, to impose on them an appropriate punishment enabling their dignified integration into the common social environment.

Sentence of imprisonment

Article 46

(1) A prison sentence shall not be less than one month and not more than thirty years.

(2) A sentence of life imprisonment may be imposed for the crime of genocide, crimes against humanity, war crimes and crimes of aggression, and, under the conditions referred to in point 1 of paragraph two of Article 53 of this Code for two or more criminal offences referred to in paragraph five of Article 108, Article 116, Article 352, paragraph two of Article 360, paragraph four of Article 371, and paragraph three of Article 373.

(3) A prison sentence of up to two years shall be imposed without the minimum term prescribed.

(4) Zapor se izreka za cela leta in cele mesece, do šestih mesecev pa tudi na cele dni.

Denarna kazen

47. člen

(1) Denarna kazen se izreka tako, da se v sodbi določeno število dnevni zneskov, ki jih mora storilec plačati, pomnoži z višino dnevnega zneska, ki ga sodišče določi glede na premoženjske razmere storilca.

(2) Število dnevni zneskov ne more biti manjše od deset in ne večje od tristo šestdeset, za kazniva dejanja, storjena iz koristoljubnosti, pa ne večje od tisoč petsto. Sodišče ga določi z upoštevanjem splošnih pravil o odmeri kazni, razen okoliščin, ki se nanašajo na premoženjske razmere storilca.

(3) Višino dnevnega zneska sodišče določi glede na premoženjske razmere storilca na podlagi podatkov o njegovem zaslužku, drugih prihodkih, vrednosti njegovega premoženja, povprečnih stroških njegovega preživljanja in njegovih družinskih obveznosti. Dnevni znesek ne more biti višji od 1.000 eurov.

(4) Pri določanju višine dnevnega zneska sodišče upošteva podatke, ki ob izrekanju kazni niso stari več kot eno leto. Če sodišče podatkov za določitev višine dnevnega zneska ne more pridobiti ali bi bila njihova pridobitev povezana z nesorazmernimi težavami ali zamudo ali če gre za izdajo kaznovalnega naloga, višino dnevnega zneska določi na podlagi podatkov, s katerimi razpolaga, in drugih ugotovljenih okoliščin o premoženjskih razmerah storilca.

(5) V sodbi sodišče določi rok za plačilo denarne kazni, ki ne sme biti krajši od petnajstih dni in ne daljši od treh mesecev. Sodišče sme v upravičenih primerih do poteka roka za plačilo dovoliti, da lahko obsojenec plača denarno kazen v obrokih, pri čemer rok za plačilo ne sme

(4) A prison sentence shall be determined in full years and months, and also in full days for sentences of up to six months.

Fines

Article 47

(1) A fine shall be imposed in such a manner that the number of daily amounts to be paid by a perpetrator is determined by the judgment, multiplied by the daily amount set by the court by taking into account the perpetrator's financial situation.

(2) The number of daily amounts shall not be less than ten and not more than three hundred and sixty, and not more than one thousand five hundred for criminal offences committed out of self-interest. The court shall determine the daily amount in accordance with the general rules on sentencing, with the exception of the circumstances relating to the perpetrator's financial situation.

(3) The court shall determine the daily amount by taking into account the perpetrator's financial situation on the basis of data on his or her income, other earnings, the value of his or her property, his or her average living expenses and family expenditure. The daily amount may not exceed EUR 1,000.

(4) In determining the daily amount, the court shall base its decision on data that are no older than one year from the date of the sentencing. If the court is unable to obtain the data necessary to determine the daily amount, or obtaining such data would cause disproportionate difficulties or delays, or, alternatively, in the event of a punitive order, the daily amount shall be determined on the basis of the data available and other pecuniary circumstances established with regard to the perpetrator.

(5) The court shall issue a judgment setting a time limit for the payment of the fine, which may not be shorter than fifteen days nor longer than three months. Where justified, the court may allow the perpetrator to pay the fine in instalments, with the time limit for payment not exceeding

biti daljši od dveh let. Če storilec zamudi s plačilom posameznega obroka, lahko sodišče s sklepom odredi takojšnje plačilo v roku, ki ne sme biti daljši od treh mesecev.

Prepoved vožnje motornega vozila

48. člen

(1) Storilcu kaznivega dejanja, ki je storil kaznivo dejanje zoper varnost javnega prometa kot voznica oziroma voznik (v nadaljnjem besedilu: voznik) motornega vozila, sme sodišče izreči prepoved vožnje motornega vozila določene vrste ali kategorije.

(2) Sodišče določi čas trajanja kazni iz prejšnjega odstavka, ki ne sme biti krajši od šest mesecev in ne daljši od dveh let, računajoč od dne pravnomočnosti sodbe. Čas, prestan v zaporu oziroma v zdravstvenem zavodu za zdravljenje in varstvo, se ne všteva v čas trajanja te kazni.

(3) Če je kazen iz prvega odstavka tega člena izrečena osebi, ki ima tuje dovoljenje za vožnjo motornega vozila, vključuje ta kazen prepoved uporabe tega dovoljenja na ozemlju Republike Slovenije.

(4) Z zakonom se lahko določi obvezen izrek prepovedi vožnje motornega vozila.

(5) Sodišče ne izreče oziroma ne izvrši prepovedi vožnje motornega vozila, če je vozniku motornega vozila izreklo varnostni ukrep odvzema vozniškega dovoljenja.

Izgon tujca iz države

48.a člen

(1) Sodišče sme izreči tujcu izgon z ozemlja Republike Slovenije za čas od enega do petih let, če mu je izreklo kazen za kaznivo

two years. If the perpetrator fails to pay an instalment, the court may issue a decision requiring immediate payment within a time limit not exceeding three months.

Prohibition on driving a motor vehicle

Article 48

(1) The court may prohibit a perpetrator who commits a criminal offence against public road safety as a driver of a motor vehicle from driving a motor vehicle of a certain type or category.

(2) The court shall determine the duration of the sentence referred to in the preceding paragraph, which may not be shorter than six months nor longer than two years from the day of the finality of the judgment. Time spent in prison or in a healthcare institution for medical treatment and confinement shall not be included in the term of the sentence.

(3) If the punishment referred to in paragraph one of this Article is imposed on a holder of a driving licence issued in a foreign country, the sentence shall include a prohibition on using such driving licence in the territory of the Republic of Slovenia.

(4) An Act may also require a compulsory driving ban.

(5) The court shall not impose or enforce a driving ban if the precautionary measure of driving licence suspension has been imposed on the driver of a motor vehicle.

Expulsion of a foreigner

Article 48a

(1) The court may sentence a foreigner to expulsion from the territory of the Republic of Slovenia for one to five years if the foreigner

dejanje, za katero se sme izreči kazen več kot dveh let zapora, in če je na podlagi njegovih osebnih okoliščin podana resna grožnja za javni red ali javno varnost.

(2) Trajanje izгона se šteje od dneva pravnomočnosti sodbe. Čas, prebit v zaporu, se ne všteva v čas trajanja te kazni.

(3) Če se kazen izгона tujca iz države izvrši več kot dve leti po pravnomočnosti sodbe, s katero je bil izgon izrečen, sodišče pred izgonom ponovno oceni, ali so še podane osebne okoliščine, ki so bile podlaga za odločitev o izgonu.

2. Odmera kazni

Splošna pravila za odmero kazni

49. člen

(1) Storilcu kaznivega dejanja odmeri sodišče kazen v mejah, ki so z zakonom predpisane za to dejanje glede na težo storjenega dejanja in storilčevo krivdo.

(2) Pri tem upošteva sodišče vse okoliščine, ki vplivajo na to, ali naj bo kazen manjša ali večja (olajševalne in obteževalne okoliščine), zlasti pa: stopnjo storilčeve krivde, nagibe, iz katerih je dejanje storil, stopnjo ogrožanja ali kršitve zavarovane pravne vrednote, okoliščine, v katerih je bilo dejanje storjeno, prejšnje življenje storilca, njegove osebne in premoženjske razmere, njegovo obnašanje po storjenem dejanju, zlasti, ali je poravnal škodo, povzročeno s kaznivim dejanjem, in druge okoliščine, ki se nanašajo na storilčevo osebnost ter pričakovani učinek kazni na prihodnje življenje storilca v družbenem okolju.

(3) Pri odmeri kazni storilcu, ki je storil kaznivo dejanje, potem ko je že bil pravnomočno obsojen ali pa je kazen prestal oziroma je

has been sentenced for having committed a criminal offence that is punishable by imprisonment for more than two years and if there is a serious threat to public order or public safety based on his or her personal circumstances.

(2) The duration of expulsion shall be counted from the date when the judgment becomes final. Time spent in prison shall not be counted as part of the sentence.

(3) If a sentence of the expulsion of a foreigner is enforced more than two years after the judgment becomes final, before expulsion the court shall re-examine the existence of the personal circumstances on the basis of which the deportation decision was made.

2. Determination of the sentence

General rules on sentencing

Article 49

(1) A perpetrator of a criminal offence shall be sentenced within the limits determined for such act by an Act and with regard to the gravity of his or her act and guilt.

(2) In determining the sentence, the court shall consider all the circumstances that influence the grading of the sentence (mitigating and aggravating circumstances), in particular: the degree of the perpetrator's guilt; the motives for which the act was committed; the intensity of the danger or injury caused to the protected legal value; the circumstances in which the act was committed; the perpetrator's past behaviour; his or her personal and financial circumstances; his or her conduct after committing the act and especially whether he or she provided compensation for the damage caused by the criminal offence; and other circumstances relating to the perpetrator's personality and to the expected effect of the punishment on the perpetrator's future life in the social environment.

(3) In determining the perpetrator's sentence after he or she has already been convicted or served a sentence, or after the

zastarala ali pa mu je bila odpuščena (povratek), sodišče upošteva zlasti, ali je bilo prejšnje dejanje iste vrste kot novo, ali sta bili obe dejanji storjeni iz enakih nagibov, in koliko časa je poteklo od prejšnje obsodbe oziroma od prestane, odpuščene ali zastarane kazni.

Omilitev kazni

50. člen

Sodišče sme storilcu odmeriti kazen pod mejo, ki je predpisana z zakonom, ali pa uporabiti milejšo vrsto kazni:

- če zakon določa, da se sme storilec mileje kaznovati;
- če ugotovi posebne olajševalne okoliščine, ki utemeljujejo izrek omiljene kazni.

Meje omilitve kazni zapora

51. člen

(1) Kadar so dani pogoji za omilitev kazni iz prejšnjega člena, jo sodišče omili v teh mejah:

- 1) če je za kaznivo dejanje kot najnižja kazen predpisanih petnajst let zapora, jo sme omiliti do deset let zapora;
- 2) če so za kaznivo dejanje kot najnižja kazen predpisana tri ali več let zapora, jo sme omiliti do enega leta zapora;
- 3) če je za kaznivo dejanje kot najnižja kazen predpisano eno leto zapora, jo sme omiliti do treh mesecev zapora;
- 4) če je za kaznivo dejanje kot najnižja kazen predpisano manj kot eno leto zapora, jo sme omiliti do enega meseca zapora;
- 5) če je za kaznivo dejanje predpisana kazen zapora in pri tem ni določena najnižja kazen, sme namesto zapora izreči denarno kazen.

(2) Storilcu, ki po zakonu, ki ureja kazenski postopek, prizna krivdo, ko se prvič izjavi o obtožnem aktu, v katerem je za tak primer

enforcement of his or her sentence has become time-barred, or after his or her sentence has been remitted (i.e. if the perpetrator is a recidivist), the court shall pay particular attention to whether the earlier act is of the same type as the new one, whether both acts were committed for the same motive and to the time that elapsed since the previous conviction or since the sentence was served, remitted or became time-barred.

Mitigation of a sentence

Article 50

The court may determine a sentence below the prescribed limit or may impose a less severe sentence under the following conditions:

- if the possibility of a mitigated sentence is determined by an Act;
- if the court ascertains the existence of special mitigating circumstances that justify the imposition of a mitigated sentence.

Limits of prison sentence mitigation

Article 51

(1) When the conditions for mitigating a sentence referred to in the preceding Article are met, the sentence shall be mitigated within the following limits:

- 1) if the minimum sentence for a criminal offence is imprisonment for fifteen years, it may be reduced by up to ten years;
- 2) if the minimum sentence for a criminal offence is imprisonment for three or more years, it may be reduced by up to one year;
- 3) if the minimum sentence for a criminal offence is imprisonment for one year, it may be reduced by up to three months;
- 4) if the minimum sentence for a criminal offence is imprisonment for less than one year, it may be reduced by up to one month;
- 5) if a prison sentence is prescribed for a criminal offence and the minimum limit is not determined, a fine may be imposed instead;

(2) The sentence of a perpetrator who, pursuant to the Act governing criminal procedure, pleads guilty when first making a statement

predlagana omilitev kazni, ali jo prizna v sporazumu z državnim tožilcem, sodišče kazen omili v teh mejah:

- 1) če je za kaznivo dejanje kot najnižja kazen predpisanih deset ali več let zapora, jo sme omiliti do treh let zapora;
- 2) če je za kaznivo dejanje kot najnižja kazen predpisanih tri do deset let zapora, jo sme omiliti do treh mesecev zapora;
- 3) če je za kaznivo dejanje kot najnižja kazen predpisanih manj kot tri leta zapora, jo sme omiliti do enega meseca zapora;
- 4) če je za kaznivo dejanje kot najnižja kazen predpisano manj kot eno leto zapora, sme namesto zapora izreči denarno kazen.

Odpustitev kazni

52. člen

(1) Sodišče sme storilcu kaznivega dejanja odpustiti kazen, kadar to zakon posebej določa.

(2) Kadar ima sodišče pravico storilcu kaznivega dejanja odpustiti kazen, mu jo sme omiliti brez omejitev, ki so predpisane za omilitev kazni.

Stek kaznivih dejanj

53. člen

(1) Če je storilec z enim dejanjem ali več dejanji storil dve ali več kaznivih dejanj, za katera se mu hkrati sodi, določi sodišče najprej kazen za vsako posamezno kaznivo dejanje, nato pa izreče za vsa ta kazniva dejanja enotno kazen.

(2) Enotno kazen izreče sodišče po naslednjih pravilih:

- 1) če je za kakšno kaznivo dejanje v steku določilo kazen dosmrtnega

on the indictment proposing the mitigation of the sentence in the case in question, or pleads guilty in a plea bargain with the state prosecutor, shall be reduced within the following limits:

- 1) if the minimum sentence for a criminal offence is imprisonment for ten or more years, it may be reduced by up to three years;
- 2) if the minimum sentence for a criminal offence is imprisonment for between three and ten years, it may be reduced by up to three months;
- 3) if the minimum sentence for a criminal offence is imprisonment for less than three years, it may be reduced by up to one month;
- 4) if the minimum sentence for a criminal offence is imprisonment for less than one year, a fine may be imposed instead of imprisonment.

Remission of a sentence

Article 52

(1) The court may remit a sentence when this is expressly determined by an Act.

(2) In cases where the court is entitled to remit a sentence, it may be mitigated without observing the mitigation limits.

Concurrence of criminal offences

Article 53

(1) If a perpetrator is being tried simultaneously for two or more criminal offences, committed with one or more acts, the court shall first determine the sentence for each criminal offence concerned and thereafter impose an aggregate sentence for all concurrent criminal offences.

(2) The aggregate sentence shall be imposed under the following conditions:

- 1) if a life sentence is imposed for a concurrent criminal offence, or a

zapora, ali če je za dve ali več kaznivih dejanj iz drugega odstavka 46. člena tega zakonika v steku določilo kazen zapora tridesetih let, izreče enotno kazen dosmrtnega zapora;

- 2) če je za kakšno kaznivo dejanje v steku določilo kazen tridesetih let zapora in ne gre za primer iz točke 1), izreče le to kazen;
- 3) če je za kazniva dejanja v steku določilo kazen zapora, mora biti enotna kazen večja od vsake posamezne določene kazni, vendar ne sme doseči seštevka posameznih kazni in ne preseči tridesetih let zapora;
- 4) če so za vsa kazniva dejanja v steku predpisane kazni zapora do enega leta, enotna kazen ne sme biti daljša od petih let zapora;
- 5) če je za kazniva dejanja v steku določilo le denarne kazni, zviša najvišjo določeno denarno kazen, ki pa ne sme preseči seštevka določenih denarnih kazni in ne tristo šestdeset dnevnih zneskov, če je bilo eno ali več kaznivih dejanj storjenih iz koristoljubnosti, pa ne sme presegati tisoč petsto dnevnih zneskov;
- 6) če je za nekatera kazniva dejanja v steku določilo kazen zapora, za druga kazniva dejanja pa denarne kazni, izreče eno kazen zapora in eno denarno kazen po točki 2), 3), 4) in 5) tega odstavka;
- 7) če je za kazniva dejanja v steku določilo več istovrstnih stranskih kazni, izreče enotno stransko kazen tako, da ne sme doseči njihovega seštevka in ne preseči najvišje splošne meje kazni.

(3) Stransko kazen izreče sodišče, čeprav je bila določena le za eno samo kaznivo dejanje v steku; če pa je določilo več denarnih kazni, izreče eno samo denarno kazen po točki 5) drugega odstavka tega člena.

Nadaljevano kaznivo dejanje

54. člen

thirty-year prison sentence is imposed for two or more concurrent criminal offences referred to in paragraph two of Article 46 of this Code, an aggregate life sentence shall be imposed;

- 2) if a thirty-year prison sentence is imposed for a concurrent criminal offence and it does not concern a case referred in point 1), only the aforementioned sentence shall be imposed;
- 3) if a prison sentence is imposed for all concurrent criminal offences, the aggregate sentence shall exceed each sentence determined for a particular criminal offence but may not exceed either the aggregate of all sentences imposed for the concurrent criminal offences or thirty years of imprisonment;
- 4) if a prison sentence for a term not exceeding one year is prescribed for all concurrent criminal offences, the aggregate sentence shall not exceed five years;
- 5) if a fine is imposed for all concurrent criminal offences, the court shall increase the maximum amount of the fine, which may not exceed either the aggregate fine determined for each concurrent criminal offence or the total of three hundred and sixty daily amounts; if one or more of the criminal offences have been committed out of self-interest, the increased fine may not exceed the total of one thousand five hundred daily amounts;
- 6) if a prison sentence is imposed for some concurrent criminal offences and a fine for others, a single prison sentence and a single fine shall be imposed in accordance with points 2), 3), 4) and 5) of this paragraph;
- 7) if more than one accessory sentence has been determined for more than one concurrent criminal offence of the same type, a compound accessory sentence shall be imposed with the proviso that it shall not exceed either the total sum of the aforementioned sentences or the maximum limit provided for the sentence in question.

(3) An accessory sentence shall be imposed on the perpetrator even if it is prescribed for only one of the concurrent criminal offences; if more than one fine is imposed, a single fine shall be imposed in accordance with point 5) of paragraph two of the this Article.

Continuing criminal offence

Article 54

(1) Kdor iz koristoljubnosti ali oškodovalnih nagibov istočasno ali zaporedoma stori ali poskusi storiti dve ali več istih ali istovrstnih premoženjskih kaznivih dejanj, ki glede na kraj, način ali druge enake okoliščine pomenijo enotno dejavnost, stori nadaljevano kaznivo dejanje.

(2) Za nadaljevano kaznivo dejanje se ne uporabijo določbe o steku iz prejšnjega člena tega zakonika, temveč se storilcu za vsa kazniva dejanja skupaj izreče ena kazen v mejah kazni, predpisane za najhujše kaznivo dejanje.

(3) Storilcu, ki si z dejavnostjo po prvem odstavku tega člena skupaj pridobi večjo ali veliko premoženjsko korist ali povzroči večjo ali veliko premoženjsko škodo, zaradi katere je za kaznivo dejanje predpisana hujša kazen, se po drugem odstavku tega člena izreče ta hujša kazen, če mu je šlo za to, da si z istočasno ali zaporedoma storjenimi kaznivimi dejanji pridobi tako korist ali povzroči tako škodo.

Odmera kazni obsojencu

55. člen

(1) Če sodi sodišče obsojenca zaradi kaznivega dejanja, ki ga je storil, preden je začel prestajati kazen po prejšnji obsodbi, ali zaradi kaznivega dejanja, ki ga je storil med prestajanjem zapora, izreče za vsa kazniva dejanja enotno kazen po 53. členu; pri tem upošteva, da je prej izrečena kazen že določena. Kazen ali del kazni, ki jo je obsojenec že prestal, se mu všteje v izrečeno kazen zapora.

(2) Za kaznivo dejanje, ki ga je storil med prestajanjem zapora, izreče sodišče storilcu kazen ne glede na prej izrečene kazni, če bi bil neprestani del prej izrečene kazni pri uporabi določb 53. člena nesorazmerno majhen.

(1) Anyone who commits or attempts to commit simultaneously or successively two or more identical criminal offences or of the same type against property out of self-interest or with the intention of causing damage, which with regard to the place, method and other identical circumstances represent a single activity, shall be deemed to have committed a continuing criminal offence.

(2) The provisions on concurrence referred to in the preceding Article of this Code shall not apply to a continuing criminal offence, but an aggregate sentence shall be imposed for all criminal offences within the limits prescribed for the gravest criminal offence.

(3) A perpetrator who gains significant or substantial proceeds or causes significant or substantial damage to property pursuant to paragraph one of this Article for which a more severe sentence is prescribed shall be punished more severely in accordance with paragraph two of this Article if he or she wanted to gain such proceeds or cause such damage by committing simultaneous or successive criminal offences.

Sentencing of convicted persons

Article 55

(1) In the event a perpetrator is tried for a criminal offence committed either before or while serving an earlier sentence, an aggregate sentence shall be imposed on him or her for all criminal offences pursuant to Article 53, whereby the court shall take into account the fact that his or her former sentences have already been determined. The sentence or part thereof that the convicted person has already served shall be counted as part of the prison sentence imposed.

(2) The perpetrator shall be sentenced for a criminal offence committed while serving a prison sentence notwithstanding the previously imposed sentences if the application of the provisions of Article 53 would lead to an unreasonably short term left to be served.

Vštevavanje pripora in prejšnje kazni

56. člen

(1) Čas, prestan v priporu, ter kakršen koli odvzem prostosti v zvezi s kaznivim dejanjem, se všteva v izrečeno kazen zavora in denarno kazen.

(2) Če je uveden kazenski postopek za več kaznivih dejanj in pripor ni odrejen za vsako od njih, se čas, prestan v priporu, všteva v izrečeno kazen zavora in denarno kazen za kaznivo dejanje, za katero je obdolženka oziroma obdolženec (v nadaljnjem besedilu: obdolženec) obsojen.

(3) Globa, odvzem prostosti ali kakšna druga sankcija, ki jo je obsojenec preстал oziroma plačal za prekršek, ter kazen ali disciplinski odvzem prostosti, ki ga je preстал zaradi kršitve vojaške discipline, se mu všteje v kazen, izrečeno za kaznivo dejanje, katerega znaki imajo tudi znake prekrška oziroma kršitve vojaške discipline.

(4) Dan pripora, dan odvzema prostosti, dan zavora in dva dnevna zneska denarne kazni ter 42 eurov globe, izrečene za prekršek, so pri vsakem vštevanju izenačeni.

Peto poglavje OPOZORILNE SANKCIJE

1. Pogojna obsodba

Splošne določbe o pogojni obsodbi

57. člen

(1) Sodišče sme ob pogojih, ki so določeni s tem zakonikom,

Credit for time spent in detention and previous sentences

Article 56

(1) Time spent in detention shall be counted as a part of the prison sentence or shall be credited towards a fine.

(2) If criminal proceedings are initiated for more than one criminal offence and the defendant has not been detained for any of such offences, the time the defendant spent in detention shall be counted as part of the prison sentence and shall be credited towards the fine imposed on the defendant.

(3) A fine, deprivation of liberty, or any other criminal sanction imposed on a convicted person for committing a minor offence and any fine or detention imposed on that person for a violation of military discipline shall be counted as part of the sentence for a minor offence constituting a violation of military discipline.

(4) One day spent in detention, one day deprived of liberty, one day spent in prison, two daily amounts of a fine and EUR 42 of a fine imposed for a minor offence shall have an equivalent value when calculating the amount of credit to apply.

Chapter Five ADMONITORY SANCTIONS

1. Suspended Sentence

General provisions on suspended sentences

Article 57

(1) Under the conditions determined by this Code, a suspended

izreči storilcu kaznivega dejanja pogojno obsodbo namesto kazni.

(2) S pogojno obsodbo določi sodišče storilcu kaznivega dejanja kazen, ki pa ne bo izrečena, če obsojenec v času, ki ga določi sodišče in ne sme biti manj kot eno leto in ne več kot pet let (preizkusna doba), ne bo storil novega kaznivega dejanja.

(3) V pogojni obsodbi lahko sodišče določi, da bo določena kazen izrečena tudi, če obsojenec v določenem roku ne vrne premoženjske koristi, do katere je prišel s kaznivim dejanjem, ne povrne škode, ki jo je povzročil s kaznivim dejanjem, ali ne izpolni drugih, v kazenskopравnih določbah predvidenih obveznosti. Rok za izpolnitev teh obveznosti določi sodišče v mejah preizkusne dobe.

(4) Varnostni ukrepi, izrečeni ob pogojni obsodbi, se izvršijo.

Izrek pogojne obsodbe

58. člen

(1) Pogojna obsodba se sme izreči, če je sodišče storilcu določilo kazen zapora do dveh let ali denarno kazen.

(2) Pogojna obsodba se ne sme izreči za kazniva dejanja, za katera je predpisana kazen zapora najmanj treh let.

(3) Sodišče izreče pogojno obsodbo, če glede na osebnost storilca, njegovo prejšnje življenje, njegovo obnašanje po storjenem kaznivem dejanju, stopnjo krivde in glede na druge okoliščine, v katerih je dejanje storil, spozna, da je mogoče pričakovati, da ne bo več ponavljal kaznivih dejanj.

(4) Če sodišče v pogojni obsodbi določi stranske kazni, sme izreči, da se vse ali posamezne stranske kazni izvršijo.

sentence may be imposed by a court against the perpetrator of a criminal offence instead of a sentence.

(2) In issuing a suspended sentence, the court shall impose a sentence that will not be served unless within a time period of not less than one and not more than five years (the period of probation) determined by the court the convicted person commits another criminal offence.

(3) The court may condition the suspension of the sentence on the restitution of the proceeds gained by the convicted person through the commission of the criminal offence by a specified time limit, or the payment of compensation for damage caused by the criminal offence, or the performance of other obligations determined by criminal law provisions. The time limit for complying with such obligations shall be determined by the court within the limits of the probation period.

(4) Precautionary measures imposed in addition to a suspended sentence shall be enforced.

Suspension of a sentence

Article 58

(1) The court may suspend a sentence when a perpetrator is punished by imprisonment for up to two years or by a fine.

(2) A suspended sentence may not be imposed in the case of criminal offences for which a prison sentence of more than three years is prescribed.

(3) The court shall issue a suspended sentence if, considering the perpetrator's personality, previous life, behaviour after the commission of the criminal offence, and degree of guilt, and other circumstances in which the act was committed, the court concludes that the perpetrator may reasonably be expected to not commit any further criminal offences.

(4) If the suspended sentence includes any accessory sentences, the court may decide that such sentences are to be enforced.

(5) Storilcu, ki po zakonu, ki ureja kazenski postopek, prizna krivdo, ko se prvič izjavi o obtožnem aktu, v katerem je za tak primer predlagan izrek pogojne obsodbe, ali jo prizna v sporazumu z državnim tožilcem, sme sodišče izreči pogojno obsodbo tudi za kazniva dejanja, za katera je predpisana kazen zapora najmanj petih let, določiti kazen zapora do petih let, preizkusno dobo pa do desetih let.

Preklic pogojne obsodbe zaradi novega kaznivega dejanja

59. člen

(1) Sodišče prekliče pogojno obsodbo, če stori obsojenec v preizkusni dobi eno ali več kaznivih dejanj, za katera je izreklo kazen zapora dveh let ali daljšo kazen.

(2) Če stori obsojenec v preizkusni dobi eno ali več kaznivih dejanj, za katera je sodišče določilo kazen zapora manj kot dve leti ali denarno kazen, odloči sodišče, ali bo preklicalo pogojno obsodbo, ko presodi vse okoliščine, ki se nanašajo na storjena kazniva dejanja in storilca, zlasti pa na sorodnost storjenih kaznivih dejanj, njihov pomen in nagibe, iz katerih so bila storjena. Pri tem je vezano na prepoved, da ne sme izreči pogojne obsodbe, če je treba storilcu za kazniva dejanja, ugotovljena v pogojni obsodbi, in za nova kazniva dejanja izreči kazen več kot dveh let zapora (prvi odstavek prejšnjega člena), v primerih priznanj krivde in sporazumov o krivdi pa več kot petih let zapora (peti odstavek prejšnjega člena).

(3) Če sodišče prekliče pogojno obsodbo, izreče po 53. členu tega zakonika enotno kazen za prej storjeno in novo kaznivo dejanje; pri tem upošteva, da je kazen iz preklicane pogojne obsodbe že določena.

(5) Pursuant to the Act governing criminal procedure, the court shall impose a suspended sentence on a perpetrator who pleads guilty when first making a statement on the indictment containing the proposal for a suspended sentence in the case in question, or pleads guilty in a plea bargain with the state prosecutor, including for criminal offences for which a minimum sentence of imprisonment for five years is prescribed, or impose a prison sentence of up to five years or a probation period of up to ten years.

Revoking a suspended sentence due to a new criminal offence

Article 59

(1) The court shall revoke a suspended sentence if during the probation period the convicted person commits one or more criminal offences for which the court has imposed a prison sentence of two or more years.

(2) In the event a convicted person commits one or more criminal offences during a probation period for which a prison sentence of less than two years or a fine has been imposed, the court shall decide whether to revoke the suspension after considering all the circumstances relating to the criminal offences committed and to the perpetrator, in particular to the similarity of the criminal offences committed, their significance and the motives for their commission. The court shall be bound in its decision by the proviso that no sentence shall be suspended if, for the criminal offences identified in the judgment regarding the suspended sentence and for newly committed criminal offences, the perpetrator should be punished by more than two years of imprisonment (paragraph one of the preceding Article), and in the event of a guilty plea and plea bargain, by more than five years of imprisonment (paragraph five of the preceding Article).

(3) In cases involving the revocation of a suspended sentence, the court shall issue an aggregate sentence, which shall take into account the previous and new criminal offences, in accordance with Article 53 of the Criminal Code, with due regard to the fact that the punishment referred to in the revoked suspended sentence has already been

(4) Če sodišče ne prekliče pogojne obsodbe, sme za novo kaznivo dejanje izreči pogojno obsodbo ali kazen. Če spozna, da je treba tudi za novo kaznivo dejanje izreči pogojno obsodbo, določi po 53. členu tega zakonika enotno kazen za prej storjeno in novo kaznivo dejanje in določi novo preizkusno dobo, ki ne sme biti krajša od enega leta in ne daljša od petih let, v primerih priznanj krivde in sporazumov o krivdi pa ne daljša od desetih let, in se šteje od pravnomočnosti nove sodbe. Obsojencu, ki mu je za novo kaznivo dejanje izrečen zapor, se čas prestajanja te kazni ne šteje v preizkusno dobo, določeno s pogojno obsodbo za prejšnje kaznivo dejanje.

Preklic pogojne obsodbe zaradi prej storjenega kaznivega dejanja

60. člen

(1) Sodišče prekliče pogojno obsodbo, če po njenem izreku ugotovi, da je obsojenec storil kaznivo dejanje, preden je bil pogojno obsojen, in če sodi, da ne bi bilo podlage za pogojno obsodbo, če bi se vedelo za to dejanje. V takem primeru ravna po tretjem odstavku prejšnjega člena.

(2) Če sodišče ne prekliče pogojne obsodbe, ravna po četrtem odstavku prejšnjega člena.

Preklic pogojne obsodbe zaradi neizpolnitve naloženih obveznosti

61. člen

Če je bilo s pogojno obsodbo obsojencu naloženo, da izpolni

determined.

(4) In the event the court does not revoke a suspended sentence, a suspended sentence or a punishment may be imposed for the new criminal offence. If the court decides to impose a suspended sentence for a new criminal offence, the court shall, in accordance with Article 53 of this Code, issue an aggregate sentence for the previous and for the new offence, and shall determine a new probation period of not less than one and not more than five years, and in the event of a guilty plea and plea bargain, a sentence not exceeding ten years, counted from the day of the final judgment. If a convicted person is sentenced to imprisonment for committing a new criminal offence, the length of the sentence shall not be credited to the probation period determined by a suspended sentence for a previous criminal offence.

Revoking a suspended sentence due to a previous criminal offence

Article 60

(1) The court shall revoke a suspended sentence if after the sentence has been issued it determines that the convicted person had committed a criminal offence before being given a suspended sentence and when it deems that there would not have been sufficient grounds for imposing such a sentence had the existence of the previous offence been known beforehand. In such a case, the court shall apply the provisions of paragraph three of the preceding Article.

(2) If the suspended sentence is not revoked, the court shall act in accordance with the provisions of paragraph four of the preceding Article.

Revoking a suspended sentence due to non-compliance with imposed obligations

Article 61

If a convicted person is required to comply with an obligation

kakšno obveznost iz tretjega odstavka 57. člena tega zakonika, pa je ni izpolnil v roku, ki mu je bil določen v sodbi, sme sodišče v mejah preizkusne dobe podaljšati rok za izpolnitev obveznosti ali pa preklicati pogojno obsodbo in izreči kazen, ki je bila določena v pogojni obsodbi. Če spozna, da obsojenec iz upravičenih razlogov ne more izpolniti naložene obveznosti, mu sodišče lahko odpusti njeno izpolnitev ali pa jo nadomesti z drugo ustrezno obveznostjo, določeno v zakonu.

Roki za preklic pogojne obsodbe

62. člen

(1) Pogojna obsodba se sme preklicati v preizkusni dobi. Če stori obsojenec v tem času kaznivo dejanje, ki ima za posledico preklic pogojne obsodbe, pa se to s sodbo ugotovi šele po poteku preizkusne dobe, se sme pogojna obsodba preklicati najpozneje v enem letu po poteku preizkusne dobe.

(2) Če obsojenec v danem roku ne izpolni obveznosti iz tretjega odstavka 57. člena tega zakonika, sme sodišče najpozneje v enem letu po poteku preizkusne dobe preklicati pogojno obsodbo in izreči kazen, ki je bila določena v pogojni obsodbi.

2. Pogojna obsodba z varstvenim nadzorstvom

Varstveno nadzorstvo

63. člen

(1) Ob pogojih, določenih v tem zakoniku, sme sodišče določiti, da bo storilec, ki mu je bila izrečena pogojna obsodba, za določen čas med preizkusno dobo pod varstvenim nadzorstvom.

referred to in paragraph three of Article 57 of this Code under the terms of a suspended sentence and if the convicted person fails to comply with that obligation within the time limit set out in the judgment, the court may either extend the time limit for compliance with such obligation or revoke the suspended sentence. If the court finds that the convicted person is unable to comply with the imposed obligation for justified reasons, the requirement of the performance of such obligation may be withdrawn or substituted by another obligation as provided by an Act.

Time limit for the revocation of a suspended sentence

Article 62

(1) A suspended sentence may be revoked during the probation period. If a convicted person commits a criminal offence that would result in the revocation of the suspended sentence during such period and the commission of the criminal offence is established by a judgment adopted after the expiry of the probation period, the suspended sentence may be revoked no later than within one year, starting from the date of the conclusion of the probation period.

(2) If a convicted person fails to comply with the obligation referred to in paragraph three of Article 57 of this Code within the required time limit, the court may revoke the suspended sentence within one year of the conclusion of the probation period.

2. Supervised probation

Protective supervision

Article 63

(1) Under the conditions of this Code, the court may decide that a perpetrator who is given a suspended sentence should be subject to protective supervision for a specific period of time during the probation period.

(2) Varstveno nadzorstvo vključuje z zakonom določeno pomoč, nadzor ali varstvo.

Pogoji za izrek varstvenega nadzorstva

64. člen

(1) Sodišče izreče ukrep varstvenega nadzorstva, če spozna, da je storilcu med preizkusno dobo potrebna kakšna oblika takega nadzorstva (drugi odstavek prejšnjega člena). Ta ukrep izreče sodišče za določen čas v mejah preizkusne dobe, določene s pogojno obsodbo.

(2) Če sodišče ugotovi, da varstveno nadzorstvo ni več potrebno, sme izvedbo tega ukrepa ustaviti še pred potekom preizkusne dobe.

Izbira navodil

65. člen

(1) Ko izreče ukrep varstvenega nadzorstva, lahko odredi sodišče tudi eno ali več navodil, po katerih se mora ravnati obsojenec.

(2) Pri izbiri navodil upošteva sodišče zlasti storilčevo starost, njegove psihične lastnosti, nagibe, iz katerih je storil dejanje, osebne razmere, njegovo prejšnje življenje, okoliščine, v katerih je storil dejanje, ter njegovo obnašanje po storjenem kaznivem dejanju. Posebej mora paziti, da z izbiro navodil ne bo prizadelo obsojenčevega človeškega dostojanstva ali mu povzročilo posebnih težav.

(3) Navodila sodišča smejo vključevati te naloge:

1) zdravljenje v ustreznem zdravstvenem zavodu, s soglasjem tudi zdravljenje odvisnosti od alkohola ali drog;

(2) Protective supervision shall involve statutory assistance, supervision or protection.

Conditions for the imposition of protective supervision

Article 64

(1) Protective supervision shall be imposed by a court when it establishes that the enforcement of such a measure is appropriate during the probation period (paragraph two of the preceding Article). This measure shall be imposed by the court for a specific period of time within the limits of the probation period specified by the suspended sentence.

(2) When the court determines that protective supervision is no longer required, it may order this measure to be discontinued even before the conclusion of the probation period.

Selection of instructions

Article 65

(1) When imposing protective supervision, the court may also issue one or more instructions to be followed by the convicted person.

(2) In selecting these instructions, the court shall in particular consider the perpetrator's age, his or her psychological characteristics, the motives for which he or she committed the act, his or her personal circumstances, his or her previous life, the circumstances in which the act was committed, and his or her behaviour after the commission of the criminal offence. The choice of instructions shall not in any way affect the convicted person's dignity and shall not cause any particular difficulties.

(3) The court's instructions may include the following obligations:

1) to undergo treatment in an appropriate healthcare institution, including treatment for alcohol or drug addiction with the perpetrator's consent;

- 2) obiskovanje ustrezne poklicne, psihološke ali druge posvetovalnice;
- 3) usposabljanje za poklic ali sprejetje zaposlitve, ki ustreza obsojenčevemu zdravju, sposobnostim in nagnjenju;
- 4) poraba dohodkov v skladu s preživninskimi dolžnostmi;
- 5) prepoved druženja z nekaterimi osebami;
- 6) prepoved navezovanja neposrednih ali posrednih stikov z eno ali več določenimi osebami, vključno z uporabo elektronskih komunikacijskih sredstev;
- 7) prepoved približevanja žrtvi ali kakšni drugi oseb;
- 8) prepoved dostopa na posamezne kraje.

(4) Med preizkusno dobo sme sodišče spremeniti ali odpraviti navodila po uradni dolžnosti, na predlog svetovalke oziroma svetovalca (v nadaljnjem besedilu: svetovalec) ali obsojenca.

Dejavnost svetovalca

66. člen

(1) Varstveno nadzorstvo opravlja svetovalec, ki ga določi organ, pristojen za probacijo.

(2) Svetovalec pomaga obsojencu in nadzira izpolnjevanje navodil, ki jih je sodišče izreklo obsojencu. Pri tem mora svetovalec:

- 1) s pomočjo in nadzorstvom ter praktičnimi napotki in nasveti za uresničevanje navodil sodišča prispevati k temu, da obsojenec v prihodnje ne bo storil novega kaznivega dejanja;
- 2) opravljati dolžnost iz prejšnje točke in vzdrževati stike z obsojencem obzirno ter tako, da ne bo obsojenec zaradi tega izpostavljen neprijetnostim;
- 3) občasno poročati sodišču o opravljanju varstvenega nadzorstva, predlagati spremembo ali odpravo navodil ter ustavitve nadzorstva.

- 2) to attend appropriate vocational, psychological, or other counselling services;
- 3) to undergo vocational training or accept employment suitable to the perpetrator's health, skills, and inclinations;
- 4) to ensure that income is spent in proportion to family support duties;
- 5) to observe a prohibition on associating with certain persons;
- 6) to observe a prohibition on establishing direct and indirect contacts with one or more specific persons, including the use of electronic means of communication;
- 7) to observe a restraining order to keep the perpetrator away from the victim or other persons;
- 8) to observe a prohibition on access to specific places.

(4) Upon a proposal made by a counsellor or by the convicted person, the court may modify or rescind the instructions *ex officio*.

Activities of a counsellor

Article 66

(1) Protective supervision shall be performed by a counsellor appointed by the body responsible for probation.

(2) A counsellor shall provide assistance to the convicted person and supervise his or her compliance with the court's instructions. The counsellor shall:

- 1) provide the convicted person with assistance, supervision, directions and practical advice on how to comply with the court's instructions, with a view to preventing the convicted person from committing further criminal offences;
- 2) perform the duties referred to in the preceding point and maintain relations with the convicted person with due care and in a manner so as to avoid causing inconvenience to the convicted person;
- 3) report to the court from time to time on the exercise of protective supervision and propose appropriate modifications or the rescinding of instructions or the discontinuation of protective supervision.

Posledice neizpolnjevanja navodil

67. člen

Če obsojenec med preizkusno dobo ne izpolnjuje navodil ali se izmika stikom s svetovalcem, ga sme sodišče posvariti, spremeniti navodila, podaljšati varstveno nadzorstvo v mejah določene preizkusne dobe ali preklicati pogojno obsodbo.

3. Sodni opomin

Pogoji za izrek sodnega opomina

68. člen

(1) Sodni opomin se sme izreči za kazniva dejanja, za katera je predpisana denarna kazen ali zapor do enega leta, če so storjena v takih olajševalnih okoliščinah, ki jih delajo posebno lahka.

(2) Za določena kazniva dejanja se sme izreči sodni opomin ob pogojih, ki jih določa zakon, tudi kadar je zanje predpisan zapor do treh let.

(3) Sodni opomin sme sodišče izreči za več kaznivih dejanj, storjenih v stevu, če so za vsako od teh dejanj dani pogoji iz prvega ali drugega odstavka tega člena.

(4) Pri odločanju, ali naj izreče sodni opomin, upošteva sodišče osebnost storilca, njegovo prejšnje življenje, njegovo obnašanje po storjenem kaznivem dejanju, stopnjo krivde in druge okoliščine, v katerih je dejanje storil.

(5) Storilcu, ki po zakonu, ki ureja kazenski postopek, prizna krivdo, ko se prvič izjavi o obtožnem aktu, v katerem je za tak primer

Consequences of non-compliance with instructions

Article 67

If a convicted person fails to comply with instructions during the probation period, or if he or she avoids contact with the appointed counsellor, the court may either issue an admonishment, modify the instructions, extend the protective supervision within the limits of the probation period, or revoke the suspended sentence.

3. Judicial admonition

Conditions for issuing a judicial admonition

Article 68

(1) A judicial admonition may be issued for a criminal offence for which a fine or imprisonment for up to one year is prescribed, provided that such criminal offence has been committed in circumstances that particularly facilitate the commission thereof.

(2) Under the conditions set out in an Act, a judicial admonition may be issued for certain criminal offences, even if they are punishable by imprisonment for up to three years.

(3) The court shall issue a judicial admonition for one or more criminal offences committed concurrently, provided that the conditions referred to in paragraph one or two of this Article are met for each act.

(4) In deciding whether to issue a judicial admonition, the court shall take into account the perpetrator's personality, his or her previous life, behaviour after committing the criminal offence, and degree of guilt, and other circumstances in which the act was committed.

(5) For a perpetrator who, pursuant to the Act governing criminal procedure, pleads guilty when first making a statement on the

predlagan izrek sodnega opomina, ali jo prizna v sporazumu z državnim tožilcem, sme sodišče izreči sodni opomin tudi za kazniva dejanja, za katera je predpisan zapor do treh let.

Šesto poglavje VARNOSTNI UKREPI

Vrste varnostnih ukrepov

69. člen

Storilcem kaznivih dejanj se smejo izrekati ti varnostni ukrepi:

- 1) obvezno psihiatrično zdravljenje in varstvo v zdravstvenem zavodu;
- 2) obvezno psihiatrično zdravljenje na prostosti;
- 3) prepoved opravljanja poklica;
- 4) prepoved približevanja ali komuniciranja z žrtvijo;
- 5) odvzem vozniškega dovoljenja;
- 6) odvzem predmetov.

Izrekanje varnostnih ukrepov

70. člen

(1) Sodišče sme izreči storilcu kaznivega dejanja enega ali več varnostnih ukrepov, kadar so zanje dani s tem zakonikom določeni pogoji.

(2) Pri izrekanju varnostnega ukrepa sodišče po načelu sorazmernosti upošteva težo storjenega kaznivega dejanja in dejanj, za katera utemeljeno sklepa, da bi jih storilec lahko storil, če mu ne bi izreklo varnostnega ukrepa.

(3) Obvezno psihiatrično zdravljenje in varstvo v zdravstvenem

indictment containing the proposal for a judicial admonition in the case in question, or pleads guilty in a plea bargain with the state prosecutor, the court may also issue a judicial admonition for criminal offences punished by a prison sentence of up to three years.

Chapter Six PRECAUTIONARY MEASURES

Types of precautionary measures

Article 69

The following precautionary measures may be imposed on perpetrators of criminal offences:

- 1) compulsory psychiatric treatment and confinement in a mental health institution;
- 2) compulsory psychiatric treatment without confinement;
- 3) a prohibition on pursuing a profession;
- 4) a restraining order and prohibition on communicating with the victim;
- 5) driving licence suspension;
- 6) the seizure of objects.

Conditions for imposing precautionary measures

Article 70

(1) The court may impose one or more precautionary measures against a perpetrator of a criminal offence provided that the conditions set out in this Code are met.

(2) When imposing a precautionary measure, the court shall, acting in accordance with the principle of proportionality, take into consideration the gravity of the offence and acts that it reasonably believes the perpetrator could have committed if no precautionary measure had been taken.

(3) Compulsory psychiatric treatment and confinement in a

zavodu in obvezno psihiatrično zdravljenje na prostosti se samostojno izrečeta neprištevnemu storilcu protipravnega dejanja, če ni mogoče drugače zagotoviti varnosti ljudi. Poleg teh dveh ukrepov sme sodišče izreči tudi prepoved opravljanja poklica, odvzem vozniškega dovoljenja in odvzem predmetov.

(4) Odvzem vozniškega dovoljenja in odvzem predmetov se smeta izreči, če so bili storilcu izrečeni kazen, pogojna obsodba, sodni opomin ali mu je bila odpuščena kazen.

(5) Prepoved opravljanja poklica se sme izreči, če je bila storilcu izrečena kazen zapora ali v pogojni obsodbi določena kazen zapora.

(6) Prepoved približevanja ali komuniciranja z žrtvijo se sme izreči, če je bila storilcu izrečena kazen, opozorilna sankcija ali mu je bila kazen odpuščena.

Obvezno psihiatrično zdravljenje in varstvo v zdravstvenem zavodu

70.a člen

(1) Storilcu, ki je storil protipravno dejanje v stanju neprištevnosti ali kaznivo dejanje v stanju bistveno zmanjšane prištevnosti in se sme zanj izreči kazen zapora enega leta ali več, izreče sodišče obvezno psihiatrično zdravljenje in varstvo v zdravstvenem zavodu, če na podlagi teže storjenega dejanja in stopnje storilčeve duševne motenosti ugotovi, da bi na prostosti lahko storil kakšno hudo kaznivo dejanje zoper življenje, telo, spolno nedotakljivost ali premoženje in da je tako nevarnost mogoče odpraviti le z zdravljenjem in varstvom v forenzičnem psihiatričnem oddelku zdravstvenega zavoda, ki ustreza posebnim varnostnim pogojem, določenim z zakonom.

(2) Sodišče ustavi ukrep iz prejšnjega odstavka ali ga nadomesti z ukrepom iz 70.b člena tega zakonika, ko ugotovi, da

mental health institution and psychiatric treatment without confinement shall be imposed independently on a legally insane perpetrator if there is no other way to ensure people's safety. In addition to these two measures, the court may also impose a ban on performing a profession, the suspension of his or her driving licence, and the seizure of objects.

(4) The suspension of a driving licence and the seizure of objects may be ordered against a perpetrator when a prison sentence, a suspended sentence, or a judicial admonition has been imposed on him or her or when his or her sentence is remitted.

(5) A prohibition on pursuing a profession may be imposed if the perpetrator is sentenced to imprisonment or when his or her prison sentence is suspended.

(6) A restraining order with regard to a victim may be imposed if a sentence or an admonitory sanction has been imposed on the perpetrator or in the event of the remission of the sentence.

Compulsory psychiatric treatment and confinement in a mental health institution

Article 70a

(1) The court shall impose the measure of compulsory psychiatric treatment and confinement in a mental health institution on an offender who commits an unlawful act in a state of legal insanity or a criminal offence in a state of significantly diminished responsibility, which is punishable by a prison sentence of one year or more, if, based on the gravity of the act committed and the degree of the perpetrator's mental disturbance, the court determines that, while at large, the perpetrator could commit a serious criminal offence against life and limb, sexual integrity or property and that this risk may only be eliminated by ensuring that the perpetrator receives treatment and is confined in a forensic psychiatric ward of a mental health institution that meets special security conditions provided by an Act.

(2) The court shall stay the measure referred to in the preceding paragraph or substitute it with the measure referred to in Article

zdravljenje in varstvo v zdravstvenem zavodu nista več potrebni. Sodišče po preteku šestih mesecev vsakokrat znova odloči, ali sta nadaljnje zdravljenje in varstvo v zdravstvenem zavodu še potrebni.

(3) Ukrep iz prvega odstavka tega člena traja za neprištevnega storilca največ pet let.

(4) Če stori oseba med prestajanjem kazni kaznivo dejanje, za katerega ji sodišče v skladu s prvim odstavkom tega člena izreče varnostni ukrep, se prestajanje kazni prekine dokler traja izvrševanje varnostnega ukrepa.

(5) Storilcu, ki je storil kaznivo dejanje v stanju bistveno zmanjšane prištevnosti in je bil obsojen na zapor, se izvrševanje ukrepa iz prvega odstavka tega člena ustavi, ko je v zdravstvenem zavodu prestal čas, za katerega mu je bila izrečena kazen. Čas, prestan v zdravstvenem zavodu, se všteje v čas prestajanja kazni. Če je ta čas krajši od izrečene kazni, lahko sodišče odredi, da mora obsojenec prestati ostanek kazni, ali da naj bo izpuščen na pogojni odpust. Pri odločanju o pogojnem odpustu obsojenca sodišče upošteva zlasti uspeh zdravljenja, njegovo zdravstveno stanje, čas, ki ga je prestal v zdravstvenem zavodu, in ostanek kazni, ki je ni prestal.

Obvezno psihiatrično zdravljenje na prostosti

70.b člen

(1) Storilcu, ki je storil protipravno dejanje v stanju neprištevnosti, izreče sodišče obvezno psihiatrično zdravljenje na prostosti, če ugotovi, da je to potrebno in da zadostuje za to, da storilec ne bo ponavljal hujših kaznivih dejanj.

(2) Sodišče sme izreči obvezno psihiatrično zdravljenje na prostosti tudi storilcu, čigar prištevnost je bistveno zmanjšana in je bil po

70b of this Code if it determines that treatment and confinement in a mental health institution are no longer necessary. Every six months, the court shall re-examine whether further treatment and confinement in a mental health institution are still necessary.

(3) In the case of a perpetrator deemed legally insane, the measure referred to in paragraph one of this Article shall apply for a maximum of five years.

(4) If a person commits a criminal offence while serving a sentence for which the court imposed a precautionary measure in accordance with paragraph one of this Article, the sentence shall be suspended for the duration of the security measure.

(5) For a perpetrator who committed an offence in a state of substantially diminished responsibility and was sentenced to imprisonment, the enforcement of the measure referred to in paragraph one of this Article shall be suspended when the perpetrator has served the time of his or her sentence in a mental health institution. The time spent in a mental health institution shall be credited to his or her sentence. If this time is shorter than the sentence imposed, the court may order that the convicted person serve the remainder of the prison sentence or that he or she be conditionally released. When deciding on conditional release, the court shall take into consideration, in particular, the success of treatment, the convicted person's health, the time spent in a mental health institution, and the remaining portion of the sentence.

Compulsory psychiatric treatment without confinement

Article 70b

(1) The court shall impose the measure of compulsory psychiatric treatment without confinement on a perpetrator who committed an unlawful act in a state of legal insanity if it determines that this is necessary and sufficient to ensure that the perpetrator will not repeat serious criminal offences.

(2) The court may also impose the measure of compulsory psychiatric treatment without confinement on a perpetrator who committed

petem odstavku prejšnjega člena izpuščen na pogojni odpust.

(3) Obvezno psihiatrično zdravljenje na prostosti sme trajati najdalj dve leti. Sodišče po preteku šestih mesecev vsakokrat znova odloči o tem, ali je obvezno zdravljenje na prostosti še potrebno.

(4) Če se storilec noče zdraviti na prostosti, ali če zdravljenje samovoljno opusti, ali če zdravljenje ni uspešno, lahko sodišče ob pogojih iz prvega odstavka prejšnjega člena odredi, da se ta ukrep izvršuje v zdravstvenem zavodu. Tudi v takem primeru sme ta ukrep skupaj trajati največ dve leti. Sodišče po preteku šestih mesecev ponovno odloči o tem, ali je ta ukrep še potreben.

Prepoved opravljanja poklica

71. člen

(1) Sodišče sme storilcu kaznivega dejanja prepovedati opravljanje poklica, samostojne dejavnosti ali kakšne dolžnosti, če je zlorabil svoj poklic, položaj, dejavnost ali dolžnost za kaznivo dejanje in če sodišče utemeljeno sklepa, da bi bilo zaradi tega nevarno, če bi še naprej opravljal tako dejavnost.

(2) Sodišče določi, koliko časa naj traja ukrep iz prejšnjega odstavka; ta ne sme trajati manj kot eno leto in ne več kot pet let, šteto od pravnomočnosti odločbe, pri čemer se čas, prestan v zaporu ali zdravstvenem zavodu za zdravljenje in varstvo, ne všteva v čas trajanja tega ukrepa.

(3) Kadar izreče pogojno obsodbo, sme sodišče določiti, da bo ta obsodba preklicana, če storilec prekrši prepoved opravljanja poklica.

(4) Sodišče sme odločiti, da ta varnostni ukrep preneha, če sta potekli dve leti od začetka njegovega izvajanja. O tem odloči sodišče na prošnjo obsojenca, če ugotovi, da so prenehali razlogi za izrek tega

a criminal offence in a state of substantially diminished responsibility and has been conditionally released pursuant to paragraph five of the preceding Article.

(3) Compulsory psychiatric treatment without confinement may last a maximum of two years. Every six months, the court shall decide whether further treatment without confinement is still necessary.

(4) If a perpetrator refuses or arbitrarily discontinues treatment without confinement or if treatment is unsuccessful, the court may, under the conditions referred to in paragraph one of the preceding Article, order this measure to be enforced in a mental health institution. In such case, this measure may also last a maximum of two years. After six months have elapsed, the court shall reconsider the necessity of this measure.

Prohibition on pursuing a profession

Article 71

(1) The court may prohibit the perpetrator of a criminal offence from performing a specific profession, independent activity or some duty if the perpetrator commits a criminal offence by abusing his or her occupation, position, activity, or duty, and if the court reasonably believes that further performance of such profession could be dangerous.

(2) The court shall determine the duration of the measure referred to in the preceding paragraph, which may not be less than one year and not more than five years, starting from the date when the judgment becomes final. Time spent in prison or in a mental health institution for treatment and confinement shall not be credited to the duration of such measure.

(3) When issuing a suspended sentence, the court may determine that such sentence will be revoked if the perpetrator violates the prohibition on pursuing a profession.

(4) The court may determine that such precautionary measure shall be revoked upon the expiry of a two year period. The court may make this decision at the request of the convicted person if it deems that

ukrepa.

Prepoved približevanja ali komuniciranja z žrtvijo kaznivega dejanja

71.a člen

(1) Storilcu kaznivega dejanja zoper življenje in telo, zoper čast in dobro ime, zoper spolno nedotakljivost, zoper človekovo zdravje ali drugega kaznivega dejanja z znaki nasilja sme sodišče izreči prepoved približevanja ali komuniciranja z žrtvijo katerega od teh kaznivih dejanj za čas od enega meseca do treh let.

(2) V okviru ukrepa iz prejšnjega odstavka lahko sodišče določi:

- prepoved približevanja žrtvi ali njenim bližnjim,
- prepoved navezovanja neposrednih ali posrednih stikov ali komuniciranja z žrtvijo ali njenimi bližnjimi, vključno z uporabo elektronskih komunikacijskih sredstev,
- prepoved dostopa na posamezne kraje, na katerih se redno giba žrtev ali njeni bližnji, ali
- prepoved druženja z žrtvijo ali njenimi bližnjimi.

(3) Sodišče sme izreči ta ukrep, če je storilec s kaznivim dejanjem prizadel telesno ali duševno celovitost žrtve in če oceni, da bi storilčevi stiki ali komuniciranje z žrtvijo ali njenimi bližnjimi pomenili nevarnost za ponovitev istovrstnega ali storitev drugega kaznivega dejanja zoper žrtev ali njene bližnje. Sodišče izbere enega ali več načinov izvršitve ukrepa iz prejšnjega odstavka in ob tem zlasti natančno opredeli osebe, na katere se ukrep nanaša, in razmerje med storilcem in žrtvijo ali njenim bližnjim, primerne razdalje storilca do žrtve ali njenega bližnjega ali krajev, ki se morajo spoštovati, opredeli posamezne načine prepovedanih oblik komuniciranja ali določi prepovedane oblike druženja.

(4) Kadar izreče pogojno obsodbo, sme sodišče odločiti, da bo

the grounds for such measure no longer exist.

Restraining order or prohibition on communicating with the victim of a criminal offence

Article 71a

(1) The court may impose on the perpetrator of a criminal offence against life and body, against honour and reputation, against sexual integrity, against public health or other criminal offences with elements of violence a restraining order or a prohibition on communicating with the victim of one of the aforementioned criminal offences for a period of one month to three years.

(2) In the framework of the measure referred to in the preceding paragraph, the court may issue:

- a restraining order with regard to the victim or the victim's relatives,
- a prohibition on establishing direct and indirect contacts or communicating with the victim or the victim's relatives, including by electronic means of communication,
- a prohibition on accessing certain places that the victim or the victim's relatives regularly visit, or
- a prohibition on associating with the victim or the victim's relatives.

(3) The court may impose this measure if the perpetrator commits a criminal offence affecting the victim's physical and mental integrity and if the court deems that the perpetrator's contact or communication with the victim or the victim's relatives could pose a risk of repeated criminal offences of the same or a different kind against the victim or the victim's relatives. The court shall select one or several methods of enforcing the measure referred to in the preceding paragraph, defining in particular the persons to which this measure applies and the relationship between the victim and the perpetrator or the victim's relatives, the appropriate distance to maintain between the perpetrator and the victim or the victim's relatives or the places to be taken into respect, individual types of prohibited forms of communication and the prohibited forms of association.

(4) When issuing a suspended sentence, the court may

obsodba preklicana, če storilec prekrši prepoved približevanja ali komuniciranja z žrtvijo ali njenim bližnjim.

(5) Trajanje prepovedi približevanja ali komuniciranja se šteje od pravnomočnosti sodbe. Čas prebit v zaporu oziroma v zdravstvenem zavodu za zdravljenje in varstvo se ne všteva v čas trajanja tega ukrepa.

(6) Sodišče sme odločiti, da ta varnostni ukrep preneha, če je poteklo šest mesecev od začetka izvajanja. O tem odloči sodišče na prošnjo obsojenca, če ugotovi, da so prenehali razlogi za izrek tega ukrepa.

Odvzem voznškega dovoljenja

72. člen

(1) Storilcu kaznivega dejanja zoper varnost javnega prometa sme sodišče odvzeti voznško dovoljenje za posamezne vrste motornih vozil in pri tem določiti, da se mu ne sme izdati novo dovoljenje za eno do pet let. Če storilec voznškega dovoljenja nima, sodišče izreče, da se mu dovoljenje ne sme izdati.

(2) Sodišče sme izreči ta ukrep, če spozna, da bi storilčeva nadaljnja udeležba v javnem prometu pomenila nevarnost za javni promet zaradi njegovega obnašanja, osebnih lastnosti ali nesposobnosti za varno upravljanje motornih vozil.

(3) Vozniško dovoljenje preneha veljati s pravnomočnostjo sodne odločbe. Čas, prestan v zaporu ali zdravstvenem zavodu za zdravljenje in varstvo, se ne všteva v čas trajanja tega ukrepa.

(4) Po poteku časa, ki ga je določilo sodišče v okviru najnižje in najvišje mere tega ukrepa, sme storilec na novo pridobiti voznško dovoljenje ob splošnih pogojih, ki so predpisani za pridobitev posameznih vrst voznških dovoljenj.

determine that the sentence may be revoked if the perpetrator violates a restraining order with regard to the victim or the victim's relatives.

(5) The duration of the restraining order shall apply from the day of finality of the judgment. Time spent in prison or in a mental health institution for medical treatment and confinement shall not be included in the duration of this measure.

(6) The court may decide to revoke this precautionary measure upon the expiry of six months from the day of the enforcement of the measure. The court may decide thereupon at the request of the convicted person if it establishes that the grounds for such measure no longer exist.

Suspension of a driving licence

Article 72

(1) The court may suspend a driving licence to operate a motor vehicle of a specific type or category and order that a new driving licence not be issued to the perpetrator of a criminal offence against public traffic safety for a period of between one and five years. If the perpetrator has no driving licence, the court may determine that no licence should be issued to him or her.

(2) The court shall impose this measure if it determines that the perpetrator's continued participation in traffic would pose a risk to public traffic due to his or her behaviour, personal characteristics or inability to safely operate a motor vehicle.

(3) The validity of a driving licence shall end when the court decision becomes final. Time spent in prison or in a health institution for treatment and confinement shall not be included in the duration of this measure.

(4) Upon the expiry of the time period determined by the court as the minimum and maximum extent of this measure, the perpetrator may obtain a new driving licence under the general conditions applicable to obtaining individual types of driving licences.

(5) Sodišče sme odločiti, da ta varnostni ukrep preneha in da sme storilec na novo pridobiti vozniško dovoljenje, če sta potekli dve leti od začetka njegovega izvajanja. O tem odloči sodišče na prošnjo obsojenca, če ugotovi, da so prenehali razlogi za izrek tega ukrepa.

Odvzem predmetov

73. člen

(1) Predmeti, ki so bili uporabljeni ali namenjeni za kaznivo dejanje ali so nastali s kaznivim dejanjem, se smejo vzeti, če so storilčeva last.

(2) Predmeti iz prejšnjega odstavka se smejo vzeti tudi, kadar niso storilčeva last, če to zahteva splošna varnost ali moralni razlogi, vendar pa pravica drugih terjati od storilca odškodnino s tem ni prizadeta.

(3) Z zakonom se sme določiti obvezen odvzem predmetov, tudi če niso storilčeva last.

Sedmo poglavje ODVZEM PREMOŽENJSKE KORISTI, PRIDOBLENE S KAZNIVIM DEJANJEM

Razlog za odvzem premoženjske koristi

74. člen

(1) Nihče ne more obdržati premoženjske koristi, ki je bila pridobljena s kaznivim dejanjem ali zaradi njega.

(2) Korist iz prejšnjega odstavka tega člena se odvzame s sodno odločbo, s katero je bilo ob pogojih, določenih v tem zakoniku, ugotovljeno kaznivo dejanje.

(5) The court may order that such precautionary measure be revoked and the perpetrator may be issued a new driving licence after the expiry of a two-year period from the enforcement date of this measure. The court may decide thereupon at the request of the convicted person if it considers that the grounds for imposing such measure no longer exist.

Seizure of goods

Article 73

(1) Goods used or intended to be used or gained through the commission of a criminal offence may be seized if they are the perpetrator's property.

(2) The goods referred to in the preceding paragraph may be seized even when they are not the perpetrator's property if so required for reasons of general security or morality and if the rights of other persons to claim damages from the perpetrator are not thereby affected.

(3) The compulsory seizure of goods may be determined by an Act even if they are not the perpetrator's property.

Chapter Seven CONFISCATION OF THE PROCEEDS OF CRIME

Grounds for confiscation of the proceeds of crime

Article 74

(1) No one shall be allowed to keep possession of criminal proceeds obtained or resulting from a criminal offence.

(2) The proceeds referred to in the preceding paragraph shall be confiscated pursuant to a court decision establishing the existence of a criminal offence the under conditions referred to in this Code.

Način odvzema premoženjske koristi

75. člen

(1) Storilcu ali drugi prejemnici oziroma prejemniku (v nadaljnjem besedilu: prejemnik) koristi se odvzamejo denar, dragocenosti in vsaka druga premoženjska korist, ki je bila pridobljena s kaznivim dejanjem ali zaradi njega, če pa mu jih ni mogoče odvzeti, se mu odvzame premoženje, ki ustreza premoženjski koristi.

(2) Če storilcu ali drugemu prejemniku koristi ni mogoče odvzeti premoženjske koristi ali premoženja, ki ustreza premoženjski koristi, se mu naloži, da mora plačati denarni znesek, ki ustreza tej premoženjski koristi. Sodišče sme v upravičenih primerih dovoliti, da se lahko denarni znesek, ki ustreza premoženjski koristi, plača tudi v obrokih, pri čemer pa rok plačila ne sme biti daljši od dveh let.

(3) Premoženjska korist, pridobljena s kaznivim dejanjem ali zaradi njega, se lahko odvzame tudi tistim, na katere je bila prenesena brezplačno ali za plačilo, ki ne ustreza dejanski vrednosti, če so vedeli ali bi bili mogli vedeti, da je bila pridobljena s kaznivim dejanjem ali zaradi njega.

(4) Če je bila premoženjska korist, pridobljena s kaznivim dejanjem ali zaradi njega, prenesena na bližnje sorodnike storilca kaznivega dejanja (razmerja iz 224. člena tega zakonika), ali če je bilo zaradi onemogočanja odvzema premoženjske koristi po prvem odstavku tega člena na te osebe preneseno kakšno drugo njegovo premoženje, se jim odvzame, razen če dokažejo, da so zanj plačali dejansko vrednost.

(5) Če je premoženjsko korist pridobilo več oseb skupaj, se odvzame vsaki osebi delež, ki ga je pridobila; če se ta delež ne more natančneje ugotoviti, ga določi sodišče ob upoštevanju vseh okoliščin zadeve.

Method of confiscating the proceeds of crime

Article 75

(1) Money, valuables and any other proceeds obtained or resulting from a criminal offence shall be confiscated from the perpetrator or recipient as criminal proceeds. If the confiscation cannot be performed, assets that are equivalent in value to the criminal proceeds shall be confiscated instead.

(2) When the proceeds or assets equivalent to the criminal proceeds cannot be seized from the perpetrator or other recipient, the perpetrator shall be required to pay a sum of money equivalent to the criminal proceeds. In justified cases, the court may allow a sum of money equivalent to the criminal proceeds to be paid in instalments with a deadline for payment not exceeding two years.

(3) Criminal proceeds obtained or resulting from a criminal offence may also be confiscated from the persons to whom criminal proceeds have been transferred free of charge or for payment not corresponding to their actual value if such persons knew or could have known that the criminal proceeds had been obtained or resulted from a criminal offence.

(4) When the criminal proceeds obtained or resulting from a criminal offence have been transferred to a perpetrator's close relatives (the relationships referred to in Article 224 of this Code) or when, for reason of preventing the confiscation of criminal proceeds pursuant to paragraph one of this Article, any other assets have been transferred to such persons, these assets shall be confiscated from them unless they can demonstrate that they paid their actual value.

(5) If the proceeds of crime have been acquired by several persons acting together, their respective proportions shall be confiscated; if these proportions cannot be precisely determined, they shall be determined by the court after due consideration of all circumstances of the case.

Varstvo oškodovanca

76. člen

(1) Če je bil oškodovancu v kazenskem postopku prisojen premoženjskopравни zahtevek, izreče sodišče odvzem premoženjske koristi, kadar presega oškodovancu prisojeni premoženjskopравни zahtevek.

(2) Oškodovanec, ki ga je sodišče v kazenskem postopku glede premoženjskoprnega zahtevka napotilo na pravdo, lahko zahteva poplačilo iz odvzete vrednosti, če začne pravdo v šestih mesecih od pravnomočnosti odločbe, s katero je bil napoten na pravdo, in če zahteva poplačilo iz odvzete vrednosti v treh mesecih od pravnomočnosti odločbe, s katero je bil ugotovljen njegov zahtevek.

(3) Oškodovanec, ki ni prijavil premoženjskoprnega zahtevka v kazenskem postopku, lahko zahteva poplačilo iz odvzete vrednosti, če je pravdo za ugotovitev svojega zahtevka začel v treh mesecih od dne, ko je izvedel za odločbo, s katero je bila odvzeta premoženjska korist, najpozneje pa v dveh letih od pravnomočnosti te odločbe, in če v treh mesecih od pravnomočnosti odločbe, s katero je bil ugotovljen njegov zahtevek, zahteva poplačilo iz odvzete vrednosti.

Odvzem premoženjske koristi pravni osebi

77. člen

Če je bila s kaznivim dejanjem ali zaradi njega pridobljena premoženjska korist pravni osebi, se ji taka korist odvzame. Pravni osebi se odvzame tudi premoženjska korist ali premoženje, ki ustreza premoženjski koristi, če ga osebe, navedene v prvem odstavku 75. člena tega zakonika, prenesejo nanjo brezplačno ali za plačilo, ki ne ustreza

Protection of injured parties

Article 76

(1) If an injured party's claim for damages has been granted in criminal proceedings, the court shall order the confiscation of criminal proceeds only insofar as the value of the proceeds exceeds the injured party's adjudicated claim for damages.

(2) An injured party in criminal proceedings who has been referred to litigation may claim damages for the confiscated proceeds, provided that the party initiates legal proceedings within six months of the final judgment by which the party was referred to a lawsuit and provided that the party claims payment to the extent of the value of the seized proceeds within three months from the final decision establishing his or her claim.

(3) An injured party who has not notified his or her claim for damages during criminal proceedings may satisfy his or her claim to the extent of the value of the confiscated proceeds, provided that he or she brings a civil action to establish the claim within three months of the date when the he or she became aware of the decision on the confiscation of the proceeds, and no later than within two years from the final judgment, and provided that he or she claims payment to the extent of the value of the confiscated proceeds within three months of the final judgment recognising the claim.

Confiscation of criminal proceeds from legal persons

Article 77

Any proceeds gained by a legal person from or as a result of a criminal offence shall be confiscated. Proceeds or assets equivalent to the proceeds transferred to that legal person by the persons referred to in paragraph one of Article 75 of this Code free of charge or for a consideration that does not correspond to the actual value of the

dejanski vrednosti.

Odvzem premoženja zaradi kaznivih dejanj, storjenih v hudodelski združbi

77.a člen

(1) Po določbah tega poglavja se odvzame tudi premoženjska korist ali premoženje, ki ga je s kaznivim dejanjem ali zaradi njega pridobila ali s katerim razpolaga hudodelska združba.

(2) Storilcu, ki je storil kaznivo dejanje v hudodelski združbi, se kot premoženjska korist, pridobljena s kaznivim dejanjem, odvzame tudi premoženje, za katero sodišče ugotovi, da izhaja iz kriminalnih dejavnosti, storjenih v tej združbi.

Odvzem premoženja, pridobljenega v zvezi s kaznivim dejanjem

77.b člen

Po določbah tega poglavja se kot premoženje, pridobljeno v zvezi s kaznivim dejanjem ali zaradi njega, odvzame tudi premoženje, ki ga storilec ali druge osebe, ki se jim premoženje odvzame, uporabljajo v svojo izključno ali pretežno korist s privolitvijo oseb, ki jim premoženje pripada, če so te osebe vedele ali bi bile mogle vedeti, da je premoženje pridobljeno s kaznivim dejanjem ali zaradi njega ali da je z njim bilo pripravljeno, storjeno ali prikrito kaznivo dejanje ali da je bilo pridobljeno z namenom, da se uporabi za kaznivo dejanje.

Domneva brezplačnosti

77.c člen

(1) Ne glede na pravno podlago prenosa se domneva, da je bila premoženjska korist oziroma premoženje, ki je predmet odvzema po

proceeds shall also be confiscated.

Confiscation of proceeds obtained from criminal offences committed by a criminal organisation

Article 77a

(1) Pursuant to the provisions of this Chapter, proceeds or assets acquired through criminal offences or in connection with criminal offences or in the possession of a criminal organisation shall also be confiscated.

(2) The assets of a perpetrator who commits a criminal offence in a criminal organisation for which the court establishes that it is derived from the criminal activities of that criminal organisation shall also be confiscated as proceeds of crime.

Confiscation of assets acquired through criminal offences

Article 77b

Pursuant to the provisions of this Chapter, the assets that a perpetrator or other persons whose criminal proceeds are confiscated use exclusively or predominantly for their own benefit with the consent of the assets' owners, if the owners knew or should have known that the proceeds had been used to prepare, commit or conceal a criminal offence or had been used to prepare, commit or conceal a criminal offence or had been acquired for the purpose of committing a criminal offence, shall also be confiscated.

Presumption of gratuitous transfer

Article 77c

(1) Notwithstanding the legal basis for a transfer, it shall be presumed that the proceeds of crime or property subject to confiscation

določbah tega poglavja, preneseno brezplačno ali za plačilo, ki ne ustreza dejanski vrednosti, če so jih storilec ali njegovi bližnji sorodniki (razmerja iz 224. člena tega zakonika) neposredno ali posredno prenesli na gospodarsko družbo ali drugo pravno osebo, ki je v njihovi večinski lasti ali imajo v njej pravico izvajati prevladujoč vpliv ali nadzor.

(2) Družbi ali osebi iz prejšnjega odstavka se premoženjska korist ali premoženje ne odvzame, če dokaže, da je zanj plačala dejansko vrednost.

Osmo poglavje PRAVNE POSLEDICE OBSODBE

Nastanek pravnih posledic obsodbe

78. člen

(1) Obsodbe za posamezna kazniva dejanja ali posamezne kazni imajo lahko za pravno posledico prenehanje oziroma izgubo posameznih pravic ali prepoved pridobitve posameznih pravic.

(2) Pravne posledice obsodbe ne morejo nastati, če je bila storilcu za kaznivo dejanje izrečena denarna kazen, pogojna obsodba ali sodni opomin ali če mu je bila kazen odpuščena.

(3) Pravne posledice obsodbe se smejo predpisati samo z zakonom in nastanejo po samem zakonu, s katerim so predpisane.

(4) Za storilca se sme uporabiti samo tista pravna posledica obsodbe, ki je bila z zakonom določena ob storitvi kaznivega dejanja.

Vrste pravnih posledic obsodbe

79. člen

pursuant to the provisions of this Chapter have been transferred gratuitously or for consideration that does not correspond to their actual value if the offender or his or her close relatives (the relationships referred to in Article 224 of this Code) have transferred them, directly or indirectly, to a company or other legal entity that is majority owned by them or in which they have the right to exercise a dominant influence or control.

(2) Proceeds of crime or assets shall not be confiscated from a company or entity referred to in the preceding paragraph if the company or entity proves that it has paid their actual value.

Chapter Eight LEGAL CONSEQUENCES OF CONVICTION

Legal consequences of conviction

Article 78

(1) The legal consequences of conviction for particular criminal offences or particular sentences may include either the cessation or forfeiture of certain rights or a prohibition on the acquisition of certain rights.

(2) Legal consequences cannot arise due to the imposition of a fine, suspended sentence, or judicial admonition or the remission of a sentence.

(3) Legal consequences may only be prescribed by an Act and shall arise pursuant to the relevant Act.

(4) Only legal consequences prescribed by an Act at the time when a criminal offence is committed may be imposed on the perpetrator.

Types of legal consequences of conviction

Article 79

(1) Pravna posledica obsodbe, ki se nanaša na prenehanje ali izgubo posameznih pravic, je prenehanje opravljanja določenih javnih funkcij ali pooblastil uradne osebe ali prenehanje delovnega razmerja ali izguba pravice tujca do prebivanja v Republiki Sloveniji.

(2) Pravne posledice, ki so v prepovedi pridobitve posameznih pravic, so:

- 1) prepoved opravljanja posameznih javnih funkcij ali pooblastil uradne osebe;
- 2) prepoved pridobitve posameznega poklica ali sklenitve pogodbe o zaposlitvi;
- 3) prepoved pridobitve posameznih dovoljenj ali odobritev, ki jih dajejo državni organi s svojo odločbo.

Začetek in trajanje pravnih posledic obsodbe

80. člen

(1) Pravne posledice učinkujejo od dne pravnomočnosti obsodbe.

(2) Pravne posledice obsodbe, ki so v prepovedi pridobitve posameznih pravic, smejo trajati največ pet let od dne, ko je bila kazen prestana, odpuščena ali zastarana, če ni za posamezne pravne posledice z zakonom določen krajši ali daljši rok.

(3) Po poteku dveh let od dne, ko je bila kazen prestana, zastarana ali odpuščena, sme sodišče na prošnjo obsojenca odrediti, da preneha pravna posledica obsodbe, ki se nanaša na prepoved pridobitve posamezne pravice.

(4) Pri presoji, ali naj odredi prenehanje pravne posledice obsodbe, upošteva sodišče vedenje obsojenca po obsodbi, ali je povrnil škodo, ki jo je povzročil s kaznivim dejanjem, in tudi druge okoliščine, ki kažejo, da je prenehanje pravne posledice obsodbe utemeljeno.

(1) A conviction resulting in the cessation or the loss of certain rights shall have the consequence of terminating the exercise of certain public offices or powers or terminating employment or the loss of a foreigner's right to residence in the Republic of Slovenia.

(2) Legal consequences that prohibit the acquisition of certain rights shall include:

- 1) the prohibition of performing certain public offices or powers by officials;
- 2) the prohibition of entering a certain profession or concluding an employment contract;
- 3) The prohibition of obtaining certain permits and approvals granted by a written decision of state bodies.

Onset and duration of the legal consequences of conviction

Article 80

(1) Legal consequences shall come into effect on the day the conviction becomes final.

(2) Legal consequences relating to the prohibition of the acquisition of certain rights may not remain in effect for more than five years from the day the sentence is served, remitted or time-barred, except insofar as an Act determines a shorter or longer term of duration for particular legal consequences.

(3) Upon the expiry of two years from the date the sentence is served, remitted or time-barred, and upon a request of the convicted person, the court may order the cessation of the legal consequence of the conviction relating to the prohibition of the acquisition of certain rights.

(4) In considering whether to order the cessation of legal consequences, the court shall take into account the convicted person's conduct after the conviction, whether he or she has paid the damages caused by the criminal offence, and other circumstances which indicate whether there are grounds for the cessation of the legal consequences in question.

(5) S prenehanjem pravnih posledic obsodbe niso prizadete tiste pravice drugih, ki se opirajo na obsodbo.

(6) Z izbrisom obsodbe prenehajo njene pravne posledice.

Deveto poglavje
REHABILITACIJA, IZBRIS OBSODBE IN POGOJI ZA DAJANJE
PODATKOV IZ KAZENSKE EVIDENCE

Pravni položaj obsojenca po prestani kazni

81. člen

(1) Po prestani, plačani ali na drug način v skladu z zakonom izvršeni, odpuščeni ali zastarani kazni imajo nekdanji obsojenci vse pravice, ki so določene v ustavi, zakonih in drugih predpisih, in lahko pridobivajo vse pravice, razen tistih, ki so jim omejene zaradi izrečenega varnostnega ukrepa ali zaradi nastalih pravnih posledic obsodbe.

(2) Prejšnji odstavek velja tudi za tiste, ki so na pogojnem odpustu.

Zakonska rehabilitacija in izbris obsodbe

82. člen

(1) Z zakonsko rehabilitacijo se izbriše obsodba iz kazenske evidence in prenehajo vse njene pravne posledice, obsojenec pa velja za neobsojenega.

(2) Za obsodbo velja pravnomočna odločba kakor tudi

(5) The cessation of the legal consequences of a conviction shall not affect any right of third persons relying on this conviction.

(6) The legal consequences of a conviction shall cease upon the expunction of the conviction from the criminal record.

Chapter Nine
REHABILITATION, EXPUNCTION OF A CONVICTION AND
CONDITIONS FOR RELEASING INFORMATION FROM THE CRIMINAL
RECORD

Legal status of convicted person after having served their sentence

Article 81

(1) After a sentence has been served, a fine paid or the punishment, in some other manner in accordance with the law, has been enforced, remitted, or become time-barred, the former convicted person shall enjoy all the rights determined by the Constitution, laws and other regulations, and may acquire all rights other than those that he or she was deprived of due to the application of a precautionary measure or the legal consequences of the conviction.

(2) The preceding paragraph shall also apply to persons released on probation.

Legal rehabilitation and expunction of a conviction

Article 82

(1) The purpose of legal rehabilitation is to expunge the conviction from the criminal record, in which case the legal consequences of the conviction shall cease to apply, and the convicted person shall be deemed not to have been convicted.

(2) A conviction shall be understood to mean any final judgment

spremembe te odločbe z amnestijo ali pomilostitvijo.

(3) Obsodba se izbriše iz kazenske evidence v določenem roku, od takrat ko je bila kazen izvršena, zastarana ali odpuščena, če obsojenec v tem roku ne stori novega kaznivega dejanja.

(4) Roki iz prejšnjega odstavka so:

- 1) za obsodbo, s katero je bil storilcu izrečen sodni opomin, in za obsodbo, s katero mu je bila odpuščena kazen – eno leto od pravnomočnosti sodne odločbe;
- 2) za pogojno obsodbo – eno leto, od takrat ko je potekla preizkusna doba;
- 3) za obsodbo na denarno kazen, stransko kazen ali kazen zapora do enega leta – tri leta;
- 4) za obsodbo na kazen zapora nad eno leto do treh let – pet let;
- 5) za obsodbo na kazen zapora nad tri leta do petih let – osem let;
- 6) za obsodbo na kazen zapora nad pet do deset let – deset let;
- 7) za obsodbo na kazen zapora nad deset do petnajst let – petnajst let.

(5) Obsodba na kazen zapora nad petnajst let se ne izbriše.

(6) Obsodba se ne more izbrisati iz kazenske evidence, dokler trajajo varnostni ukrepi.

(7) Varnostni ukrep obveznega psihiatričnega zdravljenja in varstva v zdravstvenem zavodu in obveznega psihiatričnega zdravljenja na prostosti, ki je bil izrečen samostojno, se izbriše v treh letih od takrat, ko se je prenehal izvrševati ali je izvrševanje zastaralo.

Sodna rehabilitacija

83. člen

Sodišče sme na prošnjo obsojenca odločiti, da se obsodba izbriše iz kazenske evidence in da obsojenec velja za neobsojenega, če je

as well as any modification thereof by means of amnesty or pardon.

(3) A conviction shall be expunged from the criminal record within the required period of time starting from the day the sentence is enforced, remitted or time-barred, unless the offender commits another criminal offence in this period.

(4) The time limits referred to in the preceding paragraph shall be as follows:

- 1) for a conviction by which a judicial admonition was issued to the offender or for a conviction by which his or her sentence was remitted, one year from the final judgment;
- 2) for a suspended sentence, one year from the expiry of the probation period;
- 3) for a fine, accessory sentence, or prison sentence not exceeding one year, three years;
- 4) for a prison sentence of between one and three years, five years;
- 5) for a prison sentence of between three and five years, eight years;
- 6) for a prison sentence of between five and ten years, ten years;
- 7) for a prison sentence of between ten and fifteen years, fifteen years.

(5) A prison sentence of over fifteen years shall not be expunged from the criminal record.

(6) The conviction may not be expunged from the criminal record for the duration of precautionary measures.

(7) A precautionary measure of compulsory psychiatric treatment and confinement in a mental health institution and compulsory psychiatric treatment without confinement that has been imposed independently shall be expunged within a period of three years from the time when it ceases to be enforced or its enforcement is time-barred.

Judicial Rehabilitation

Article 83

Upon the request of a convicted person, the court may rule that the conviction should be expunged from the criminal record and the

potekla polovica z zakonom določenega roka, po poteku katerega se obsodba izbriše, če obsojenec v tem času ni storil novega kaznivega dejanja. Pri odločanju o izbrisu upošteva sodišče vedenje obsojenca po prestani kazni, naravo kaznivega dejanja in druge okoliščine, pomembne za izbris obsodbe.

Dajanje podatkov iz kazenske evidence

84. člen

(1) Podatki o izrečenih sodbah se vodijo v kazenski evidenci. Z zakonom se določita obseg podatkov in dajanje podatkov iz kazenske evidence pred izbrisom iz kazenske evidence.

(2) Na upravičeno z zakonom določeno zahtevo ustanov ali društev, ki so jim otroci ali mladoletniki zaupani v učenje, vzgojo, varstvo ali oskrbo, se dajo podatki iz kazenske evidence tudi za izbrisane obsodbe za kazniva dejanja po 170. členu, po 171. členu, po 172. členu, po 173. členu, po 173.a členu, po drugem odstavku 174. člena, po drugem odstavku 175. člena, izvršenega proti mladoletni osebi, in po 176. členu tega zakonika.

(3) Z zakonom se določi, da se obsodbe za kazniva dejanja iz prejšnjega odstavka vpišejo v posebno evidenco in se predpišejo pogoji, omejitve in postopek za dajanje podatkov o takih obsodbah; v primerih, ki niso zajeti v prejšnjem odstavku, se obsodba kljub ohranitvi v posebni evidenci šteje za izbrisano (prvi odstavek tega člena).

convicted person be deemed not to have been convicted, provided that one half of the statutorily prescribed period has elapsed, upon the expiry of which the conviction is expunged, provided that during this period the convicted person commits no further criminal offence. When deciding on the expunction of the conviction, the court shall consider the offender's behaviour after he or she served the sentence, the nature of the criminal offence, and other circumstances relevant to the expunction of the conviction.

Provision of information from the criminal record

Article 84

(1) Information on judgments shall be kept in a criminal record. The extent of information and the provision of information from the criminal record before expunction therefrom shall be determined by an Act.

(2) Upon a reasonable request from institutions or associations entrusted with the education, guidance, protection or care of children or minors, information from the criminal record shall also be provided regarding the expunged convictions for criminal offences under Article 170, Article 171, Article 172, Article 173, Article 173a, paragraph two of Article 174, and paragraph two of Article 175, committed against a minor, and under Article 176 of this Code.

(3) It shall be determined by an Act that convictions for criminal offences referred to in the preceding paragraph shall be entered in a special record and that the conditions, limitations and procedure for providing information on such convictions shall be determined; in cases not covered by the preceding paragraph, the conviction shall be deemed expunged despite being preserved in a special record (paragraph one of this Article).

Položaj obsojenca na prestajanju kazni zapora

85. člen

(1) Z ustavo in zakoni zajamčene pravice tistih, proti katerim se izvršujejo kazenske sankcije, se smejo v skladu z zakonom odvzeti ali omejiti samo, kolikor je nujno, da se izvrši posamezna kazenska sankcija.

(2) Oseba, proti kateri se izvršuje kazenska sankcija, ne sme biti mučena in se z njo tudi na drug način ne sme okrutno, nečloveško ali ponižujoče ravnati. Če se je z njo ravnalo tako, ji mora biti zagotovljeno sodno varstvo.

(3) Z obsojenci je treba ravnati človeško, spoštovati njihovo osebno dostojanstvo ter varovati njihovo telesno in duševno celovitost.

(4) Obsojencem je treba zagotoviti ustrezno zdravstveno oskrbo, z njihovim soglasjem tudi z zdravljenjem odvisnosti od alkohola ali drog.

Način izvršitve kazni zapora

86. člen

(1) Obsojenci prestajajo kazen zapora v zavodih za prestajanje kazni (v nadaljnjem besedilu: zavod), ki jih določa zakon.

(2) Obsojenci se razvrščajo v zavode glede na to, koliko mora biti omejena njihova prostost.

(3) Če je obsojencu izrečena kazen zapora do petih let, lahko sodišče odredi, da jo prestaja v odprtem ali polodprtem zavodu ali oddelku; če mu je bila izrečena kazen zapora do osmih let, pa lahko sodišče odredi, da jo prestaja v polodprtem zavodu ali oddelku.

(4) Kazen zapora do treh let, razen za kaznivo dejanje zoper

The status of convicted persons while serving a prison sentence

Article 85

(1) Persons against whom criminal sanctions are being enforced may be deprived of or have their constitutional and legal rights restricted only as far as necessary for the enforcement of a particular criminal sanction.

(2) A person against whom a criminal sanction is being enforced may not be subjected to torture or any other form of cruel, inhuman or degrading treatment. Any person who has suffered such treatment shall be entitled to judicial protection.

(3) Convicted persons shall be treated humanely, by respecting their personal dignity and protecting their physical and mental integrity.

(4) Convicted persons shall be provided appropriate healthcare and treatment for drug or alcohol addiction with their consent.

Method of enforcing a prison sentence

Article 86

(1) Convicted persons shall serve their prison sentence in prisons as provided by an Act.

(2) Convicted persons shall be placed in prisons according to the degree to which their freedom should be restricted.

(3) If a convicted person is sentenced to imprisonment for up to five years, the court may order that the sentence be served in an open or semi-open prison or prison unit, and in a semi-open prison or prison unit in the event of a sentence of up to eight years.

(4) A prison sentence of up to three years, except when

spolno nedotakljivost, se za obsojenca, ki izpolnjuje pogoje, določene v zakonu, ki ureja izvrševanje kazenskih sankcij, lahko izvršuje tudi tako, da obsojenec med prestajanjem kazni zapora še naprej dela ali se izobražuje in prebiva doma, razen v prostih dneh, praviloma ob koncu tedna, ko mora biti v zavodu. Natančnejše pogoje izvrševanja določi zavod.

(5) Kazen zapora do devetih mesecev se lahko izvršuje tudi s hišnim zaporom, če glede na nevarnost obsojenca, možnost ponovitve dejanja ter osebne, družinske in poklicne razmere obsojenca v času izvrševanja kazni ni potrebe po prestajanju kazni v zavodu ali če je zaradi bolezni, invalidnosti ali ostarelosti obsojenca kazen treba in jo je mogoče izvrševati v ustreznem javnem zavodu.

(6) V času prestajanja kazni se obsojenec ne sme oddaljiti iz stavbe ali posameznega dela stavbe, kjer se izvršuje hišni zapor, razen če sodišče za določen čas to izjemoma dovoli, kadar je neizogibno potrebno, da si obsojenec zagotovi najnujnejše življenjske potrebščine ali zdravstveno pomoč, ali za opravljanje dela. Sodišče v sodbi, s katero je določilo, da se kazen izvrši s hišnim zaporom, po določbah tega zakonika o pogojni obsodbi določi tudi varstveno nadzorstvo, lahko pa tudi eno ali več navodil. Sodišče lahko obsojencu omeji ali prepove stike z osebami, ki z njim ne prebivajo oziroma ga ne zdravijo ali oskrbujejo in podrobneje določi način izvrševanja hišnega zapora.

(7) Če se obsojenec brez dovoljenja sodišča oddalji iz stavbe ali posameznega dela stavbe, kjer se izvršuje hišni zapor, ali pa to stori zunaj dovoljenega časa ali ne upošteva omejitev ali prepovedi stikov ali krši druga pravila, ki jih sodišče določi glede izvrševanja hišnega zapora, lahko sodišče s sklepom odloči, da se preostanek izrečene kazni izvrši v zavodu.

(8) Kazen zapora do dveh let, razen za kaznivo dejanje zoper spolno nedotakljivost, se lahko izvrši tudi tako, da obsojenec namesto kazni zapora opravi v obdobju največ dveh let od izvršljivosti sodbe delo v splošno korist. Obseg dela se določi tako, da se en dan zapora nadomesti

imposed for a criminal offence against sexual integrity, may also be enforced so that a convict who meets the conditions provided by the Act regulating the enforcement of criminal sanctions continues his or her work or education and resides at home, except on work-free days, normally on weekends, when he or she is required to stay in prison. More detailed conditions regarding the enforcement of the sentence shall be defined by the prison.

(5) A prison sentence of up to nine months may also be served under house arrest if, considering the level of risk posed by the convicted person, the possibility of reoffending, and the personal, family and professional situation of the convicted person while serving the prison sentence, there is no need to serve the sentence in a prison or, if the sentence must and can be served in an appropriate public institution due to the illness, disability or old age of the convicted person.

(6) While serving a prison sentence, a convicted person may not leave the building or the particular part of the building where he or she is under house arrest, except where exceptionally allowed by the court for a specific period of time when this is absolutely necessary for the convicted person to be provided with the basic necessities of life, medical assistance, or to perform work. The court's decision that a sentence should be served under house arrest shall, pursuant to the provisions of this Code relating to a suspended sentence, also include protective supervision and one or more instructions. The court may restrict or prohibit a convicted person under house arrest from having any contacts with persons who do not live with him or her or who do not provide him or her with medical treatment or essential supplies, and define in greater detail the conditions of house arrest.

(7) If a convicted person leaves the building or a particular part of the building during house arrest without the prior consent of the court or outside the allowed time, or if he or she fails to comply with restrictions or the prohibition of contact or other house arrest rules imposed by the court, the court may issue a decision requiring the convicted person to serve the remaining sentence in prison.

(8) A prison sentence of up to two years, except when imposed for a criminal offence against sexual integrity, may be enforced so that, instead of serving the prison sentence, the convicted person performs community service for a period of a maximum of two years from the

z dvema urama dela. Organ, pristojen za izvrševanje, pri določitvi dela obsojencu v okviru razpoložljivih del pri izvajalskih organizacijah upošteva obsojenčevo strokovno znanje in sposobnosti, lahko pa tudi tiste njegove nujne interese glede neodložljivih družinskih, izobraževalnih ali poklicnih obveznosti, katerih neupoštevanje bi povzročilo težko popravljivo ali nepopravljivo škodo za uresničevanje teh obveznosti. Delo v splošno korist se opravlja brez nadomestila.

(9) Sodišče pri odločanju o izvršitvi kazni zapora na način iz prejšnjega odstavka upošteva zlasti vedenje obsojenca v času odločanja, nevarnost ponovitve dejanja na prostosti, možnost in sposobnost za opravljanje primernega dela ter osebne in družinske razmere obsojenca v času predvidenega izvrševanja kazni.

(10) Sodišče v sodbi, v kateri je določilo, da se kazen izvrši z delom v splošno korist, po določbah tega zakonika o pogojni obsodbi določi tudi varstveno nadzorstvo, lahko pa tudi eno ali več navodil.

(11) Če obsojenec v celoti ali deloma ne izpolnjuje nalog v okviru dela v splošno korist ali v pomembnem delu ne izpolnjuje navodil v okviru varstvenega nadzorstva ali se izmika stiku s svetovalcem ali drugače krši obveznosti iz dela v splošno korist, sodišče s sklepom odloči, da se izrečena kazen zapora izvrši v obsegu neopravljenega dela.

(12) O dopustnosti izvršitve kazni zapora na načine, določene s tem členom, odloča sodišče na predlog obdolženca s sodbo, s katero izreče kazen zapora, ali na predlog obsojenca s posebnim sklepom.

(13) O dopustnosti izvršitve kazni zapora na načine, določene s tem členom, za obdolženca, ki po zakonu, ki ureja kazenski postopek, prizna krivdo, ko se prvič izjavi o obtožnem aktu, v katerem je za tak primer predlagan način izvršitve kazni, ali jo prizna v sporazumu z

enforcement of the judgment. The extent of work shall be defined so that one day in prison shall equal two hours of community service. The body responsible for enforcement when determining the work for the convicted person within the framework of the work available with implementing organisations shall take into account the convicted person's professional knowledge and skills and his or her interests with regard to urgent family, educational and vocational obligations which if not complied with would cause serious damage to meeting these obligations that would be difficult to repair or would even be irreparable. Community service shall be performed without compensation.

(9) When deciding on the enforcement of a prison sentence in the manner referred to in the preceding paragraph, the court shall take into account, in particular, the convicted person's behaviour at the time of making the decision, the risk of offending once released, the possibility of performing suitable work and the convicted person's ability to perform it, and his or her personal and family situation while serving the prison sentence.

(10) The court's decision that a sentence should be enforced in part as community service shall, pursuant to the provisions of this Code relating to a suspended sentence, also include protective supervision and one or more instructions.

(11) If a convicted person fails, either fully or in part, to perform community service tasks or significantly fails to comply with instructions in the framework of protective supervision or avoids contact with his or her counsellor, or in any other way fails to comply with his or her community service obligations, the court shall decide that the imposed prison sentence be enforced in proportion to outstanding work.

(12) The court shall decide on the admissibility of the enforcement of a prison sentence in accordance with the methods laid down in this Article on the proposal of the convicted person by a judgment imposing a prison sentence, or on the proposal of the convicted person by a special decision.

(13) For a convicted person who, pursuant to the Act governing criminal procedure, pleads guilty when first making a statement on the indictment containing the proposed method of enforcing a sentence in the case in question, or pleads guilty in a guilty plea agreement concluded

državnim tožilcem, sodišče odloči v skladu s tem predlogom oziroma sporazumom.

Način izvršitve denarne kazni

87. člen

(1) Če se denarna kazen ne da niti prisilno izterjati, jo sodišče izvrši tako, da se za vsaka začeta dva dnevna zneska denarne kazni določi en dan zavora, pri čemer zavora ne sme biti daljši od šestih mesecev.

(2) Če obsojenec plača samo del denarne kazni, se mu ostanek sorazmerno spremeni v zavora, če plača še ostanek, pa se izvrševanje kazni zavora ustavi.

(3) Po obsojenčevi smrti se denarna kazen ne izvrši.

(4) Denarna kazen do tristo šestdeset dnevnih zneskov se lahko izvrši tudi tako, da obsojenec v obdobju največ enega leta namesto plačila denarne kazni opravi delo v splošno korist brez nadomestila. Obseg dela se določi tako, da se en dnevni znesek nadomesti z eno uro dela.

(5) Glede vprašanj, ki niso urejena v prejšnjem odstavku, se smiselno uporabljajo določbe osmega do trinajstega odstavka 86. člena tega zakonika.

Pogojni odpust

88. člen

(1) Obsojenec, ki je preстал polovico kazni zavora, sme biti odpuščen s prestajanja kazni s pogojem, da do poteka časa, za katerega je izrečena kazen, ne stori novega kaznivega dejanja.

with the state prosecutor, the court shall decide on the admissibility of the enforcement of the prison sentence in accordance with the methods laid down by this Article in accordance with the proposal or the agreement.

Method of enforcing a fine

Article 87

(1) If forced recovery of a fine is unsuccessful, the court shall enforce it by imposing one day of imprisonment for two daily amounts of the fine; however, imprisonment may not exceed six months.

(2) If the offender pays the fine only in part, the remaining part shall be proportionately converted into days of imprisonment; however, if the remaining part is paid, the court shall stay the enforcement of the prison sentence.

(3) In the event of the death of the convicted person, the payment of the fine shall not be enforced.

(4) A fine of up to three hundred and sixty daily amounts may also be enforced by substituting payment of the fine with community service without compensation for a maximum period of one year. The extent of community service shall be defined so that one daily amount equals one hour of community service.

(5) As regards issues that are not regulated by the preceding paragraph, the provisions of paragraphs eight to thirteen of Article 86 of this Code shall apply *mutatis mutandis*.

Conditional release

Article 88

(1) A convicted person who has served one half of his or her prison sentence may be released provided that until the expiration of the prison sentence he or she does not commit another criminal offence.

(2) Obsojenec, ki mu je sodišče izreklo kazen nad petnajst let zapora, sme biti pogojno odpuščen s prestajanja kazni, ko je prestal tri četrtine kazni.

(3) Obsojenec, ki mu je sodišče izreklo kazen dosmrtnega zapora, sme biti pogojno odpuščen s prestajanja kazni, ko je prestal petindvajset let zapora.

(4) Organ, ki odloča o pogojnem odpustu, in postopek za odločanje o pogojnem odpustu določa zakon.

(5) Obsojenec je lahko pogojno odpuščen, če je mogoče utemeljeno pričakovati, da ne bo ponovil kaznivega dejanja. Pri presoji, ali naj se obsojenec pogojno odpusti, se upoštevajo predvsem povratništvo, morebitni kazenski postopki, ki tečejo zoper obsojenca za kazniva dejanja, storjena pred nastopom kazni zapora, odnos obsojenca do storjenega kaznivega dejanja in oškodovanca, njegovo vedenje med prestajanjem kazni, uspehi pri zdravljenju odvisnosti in pogoji za vključitev v življenje na prostosti.

(6) Izjemoma sme biti pogojno odpuščen tudi obsojenec, ki je prestal le tretjino kazni, če je izpolnjen pogoj iz petega odstavka tega člena in če posebne okoliščine, ki se nanašajo na obsojenčevo osebnost, kažejo, da ne bo ponovil kaznivega dejanja.

(7) Obsojenca, ki bo pogojno odpuščen, lahko organ, ki odloča o pogojnem odpustu, postavi pod varstveno nadzorstvo. Varstveno nadzorstvo opravlja svetovalec, ki ima enake naloge kot pri pogojni obsodbi z varstvenim nadzorstvom.

(8) Obsojencu, ki je pogojno odpuščen, lahko organ, ki odloča o pogojnem odpustu, naloži te naloge:

1) zdravljenje v ustreznem zdravstvenem zavodu, z njegovim soglasjem tudi zdravljenje odvisnosti od alkohola ali drog;

(2) A convicted person who has been sentenced to over fifteen years' imprisonment may be conditionally released after having served three quarters of the sentence.

(3) A convicted person who has been sentenced to life imprisonment may be conditionally released after having served twenty-five years in prison.

(4) An Act shall determine the body responsible for granting and denying conditional release.

(5) A convicted person may be conditionally released when it is reasonable to expect that he or she will not repeat the criminal offence. In considering whether to conditionally release a convicted person, the responsible body shall take into account in particular the possibility of re-offending, any criminal proceedings taking place against the convicted person for criminal offences committed before he or she started serving the prison sentence, the convicted person's attitude towards the criminal offence committed and against the injured party, the convicted person's conduct during imprisonment, the outcome of addiction treatment, and the conditions for the convicted person's reintegration into society upon release from prison.

(6) In exception, a convicted person who has served only one third of his or her sentence may be conditionally released if he or she meets the condition referred to in paragraph five of this Article and if special circumstances relating to his or her personality indicate that he or she will not repeat the criminal offence.

(7) A convicted person who is to be conditionally released may be placed under protective supervision by the body responsible for granting and denying conditional release. Protective supervision shall be carried out by a counsellor who shall have the same duties as in a suspended sentence with protective supervision.

(8) The body responsible for granting and denying conditional release may impose the following obligations on a conditionally released convicted person:

1) to undergo treatment in an appropriate healthcare institution, including treatment for alcohol or drug addiction with his or her

- 2) obiskovanje ustrezne poklicne, psihološke ali druge posvetovalnice;
- 3) usposabljanje za poklic ali sprejetje zaposlitve, ki ustreza obsojenčevemu zdravju, sposobnostim ali nagnjenju;
- 4) poraba dohodka v skladu s preživninskimi dolžnostmi;
- 5) prepoved druženja z nekaterimi osebami;
- 6) prepoved navezovanja neposrednih ali posrednih stikov z eno ali več določenimi osebami, vključno z uporabo elektronskih komunikacijskih sredstev;
- 7) prepoved približevanja žrtvi ali kakšni drugi osebi;
- 8) prepoved dostopa na posamezne kraje.

(9) Določbe tega člena se uporabljajo tudi za pogojni odpust iz hišnega zapor. Pri presoji, ali naj se obsojenec pogojno odpusti, se za čas hišnega zapor namesto vedenja med prestajanjem kazni upošteva spoštovanje omejitev pri njegovem izvrševanju.

Preklic pogojnega odpusta

89. člen

(1) Sodišče prekliče pogojni odpust, če obsojenec na pogojnem odpustu stori eno ali več kaznivih dejanj, za katera je izreklo kazen zapor nad eno leto.

(2) Sodišče lahko prekliče pogojni odpust, če stori pogojno odpuščeni eno ali več kaznivih dejanj, za katera je izreklo kazen zapor do enega leta. Pri presoji, ali naj prekliče pogojni odpust, upošteva sodišče zlasti sorodnost storjenih kaznivih dejanj, njihov pomen, nagibe, iz katerih so bila storjena, in druge okoliščine, ki kažejo, da je preklic pogojnega odpusta utemeljen. Sodišče lahko prekliče pogojni odpust tudi, če pogojno odpuščeni ne opravlja nalog, ki mu jih je naložil organ, ki odloča o pogojnem odpustu.

(3) Kadar sodišče prekliče pogojni odpust, izreče kazen po 53.

- consent;
- 2) to attend appropriate vocational, psychological, or other counselling services;
- 3) to undergo vocational training or accept employment suitable to his or her health, skills, or inclinations;
- 4) to ensure that income is spent in proportion to family support duties;
- 5) to observe a prohibition on associating with certain persons;
- 6) to observe a prohibition on establishing direct and indirect contacts with one or more specific persons, including the use of electronic means of communication;
- 7) to observe a restraining order to keep the perpetrator away from the victim or other persons;
- 8) to observe a prohibition on access to specific places.

(9) The provisions of this Article shall also apply to conditional release from house arrest. In assessing whether a convicted person should be conditionally released from house arrest, compliance with restrictions regarding house arrest shall be taken into account instead of the convicted person's behaviour while serving the sentence.

Revocation of conditional release

Article 89

(1) The court shall revoke probation if a parolee commits one or more criminal offences punishable by a prison sentence of more than one year.

(2) The court shall revoke probation if a parolee commits one or more criminal offences punishable by a prison sentence of up to one year. When deciding on revoking conditional release, the court shall consider in particular the similarity of the criminal offences committed, their gravity, the motives for which they were committed, and other circumstances indicating whether it is reasonable to revoke conditional release. The court shall also revoke conditional release if a parolee fails to perform the obligations imposed by the body responsible for granting or denying conditional release.

(3) When revoking conditional release, the court shall issue a

členu in drugem odstavku 55. člena tega zakonika; pri tem vzame kot določen tisti del prej izrečene kazni, ki ga obsojenec še ni prestal.

(4) Prvi, drugi in tretji odstavek tega člena se uporabljajo tudi, kadar sodišče pogojno odpuščenega obsodi za dejanje, ki ga je storil, preden je bil pogojno odpuščen.

(5) Če je pogojno odpuščen obsojen na kazen zapora do enega leta in sodišče ne prekliče pogojnega odpusta, se pogojni odpust podaljša za čas, ko je obsojenec prestajal kazen zapora.

(6) Če stori obsojenec med pogojnim odpustom kaznivo dejanje, ki ima za posledico preklic pogojnega odpusta, pa se to s sodbo ugotovi šele po njegovem poteku, se sme pogojni odpust preklicati najpozneje v enem letu od takrat, ko je čas pogojnega odpusta potekel.

Enajsto poglavje ZASTARANJE

Zastaranje kazenskega pregona

90. člen

(1) Če ni v tem zakoniku drugače določeno, kazenski pregon ni več dovoljen, če je poteklo:

- 1) petdeset let od storitve kaznivega dejanja, za katero se sme po zakonu izreči zapor tridesetih let, razen če ni nezastarljivo kaznivo dejanje;
- 2) trideset let od storitve kaznivega dejanja, za katero se sme po zakonu izreči zapor nad deset let;
- 3) dvajset let od storitve kaznivega dejanja, za katero se sme po zakonu izreči zapor nad pet let;
- 4) deset let od storitve kaznivega dejanja, za katero se sme po zakonu izreči zapor nad eno leto;
- 5) šest let od storitve kaznivega dejanja, za katero se sme po zakonu izreči zapor do enega leta ali denarna kazen.

sentence in accordance with Article 53 and paragraph two of Article 55 of this Code, taking into account as determined the unserved part of the sentence.

(4) The provisions of paragraphs one, two and three of this Article shall also apply when a parolee is convicted of a an act committed before being conditionally released.

(5) If a parolee is sentenced to imprisonment for up to one year and the conditional release is not revoked by the court, the conditional release shall be extended for the time already served.

(6) If a parolee commits a criminal offence during conditional release that entails revocation of the conditional release and the court adopts a judgment establishing this fact only after the expiry of the conditional release, the conditional release may be revoked within one year of the expiry of its term.

Chapter Eleven STATUTE OF LIMITATIONS

Limitation of criminal prosecution

Article 90

(1) Unless otherwise provided by this Code, criminal prosecution shall no longer be allowed after the expiry of:

- 1) fifty years after the commission of a criminal offence punishable by a thirty-year prison sentence in accordance with an Act unless this criminal offence is not subject to a statute of limitations;
- 2) thirty years after the commission of a criminal offence punishable by a prison sentence of over ten years in accordance with an Act;
- 3) twenty years after the commission of a criminal offence punishable by a prison sentence of over five years in accordance with an Act;
- 4) ten years after the commission of a criminal offence punishable by a prison sentence of over one year in accordance with an Act;
- 5) six years after the commission of a criminal offence punishable by a prison sentence of up to one year or a fine in accordance with an Act.

(2) Če je za kaznivo dejanje predpisanih več kazni, se zastaralni rok določi po najhujši predpisani kazni.

(3) Ne glede na prvi odstavek tega člena pri kaznivih dejanjih zoper spolno nedotakljivost in kaznivih dejanjih zoper zakonsko zvezo, družino in mladino, storjenih proti mladoletni osebi, začne rok za zastaranje kazenskega pregona teči od polnoletnosti oškodovanca.

Tek in pretrganje zastaranja kazenskega pregona

91. člen

(1) Zastaranje kazenskega pregona se začne tistega dne, ko je bilo kaznivo dejanje storjeno.

(2) Če je pravnomočna sodba v postopku za izredno pravno sredstvo razveljavljena, je v novem sojenju zastaralni rok dve leti od razveljavitve pravnomočne sodbe.

(3) Zastaranje ne teče v času, ko se po zakonu pregon ne sme začeti ali nadaljevati ali ko je storilec nedosegljiv za državne organe.

(4) Zastaranje se pretrga, če storilec v času, ko teče zastaralni rok, stori enako hudo ali hujše kaznivo dejanje, po pretrganju pa začne zastaranje znova teči.

Zastaranje izvršitve kazni

92. člen

Če ni v tem zakoniku drugače določeno, se izrečena kazen ne sme več izvršiti, ko je poteklo:

1) petdeset let od obsodbe na trideset let zapora, razen če ni nezastarljivo kaznivo dejanje;

(2) If more than one sentence is prescribed for a criminal offence, the limitation period determined for the most severe sentence shall apply to the criminal offence in question.

(3) Notwithstanding paragraph one of this Article, the limitation period for criminal offences against sexual inviolability and criminal offences against marriage, family or youth committed against a minor shall begin when the injured party reaches adulthood.

Start and suspension of the limitation of criminal prosecution

Article 91

(1) The limitation of criminal prosecution shall start on the day when the criminal offence is committed.

(2) If the final judgment in proceedings for an extraordinary legal remedy is set aside, the limitation period in a new trial shall be two years from the date when the final judgment is set aside.

(3) The statute of limitations shall be suspended for a period of time when prosecution may not be initiated or continued, or when the perpetrator is inaccessible to state authorities.

(4) The statute of limitations shall be suspended if the perpetrator commits a further criminal offence of the same or greater gravity before the expiry of the limitation period and shall begin to run anew after such suspension.

Limitation of the enforcement of sentences

Article 92

(1) Unless otherwise provided by this Code, an imposed sentence may not be enforced after the expiry of:

1) fifty years from the date of the imposition of a thirty-year prison sentence, unless the criminal offence is not subject to a limitation

- 2) trideset let od obsodbe na zapor nad deset let;
- 3) dvajset let od obsodbe na zapor nad pet let;
- 4) deset let od obsodbe na zapor nad eno leto;
- 5) šest let od obsodbe na zapor do enega leta ali na denarno kazen.

Zastaranje izvršitve stranskih kazni in varnostnih ukrepov

93. člen

(1) Izvršitev denarne kazni kot stranske kazni zastara, ko potečejo štiri leta od pravnomočnosti sodbe, s katero je bila ta kazen izrečena.

(2) Izvršitev prepovedi vožnje motornega vozila kot stranske kazni zastara, ko zastara glavna kazen.

(3) Izvršitev varnostnih ukrepov obveznega psihiatričnega zdravljenja in varstva v zdravstvenem zavodu, obveznega psihiatričnega zdravljenja na prostosti prepovedi približevanja ali komuniciranja z žrtvijo, in, odvzema vozniškega dovoljenja in odvzema predmetov zastara, ko preteče šest let od pravnomočnosti odločbe, s katero so bili ti ukrepi izrečeni.

(4) Izvršitev varnostnega ukrepa prepovedi opravljanja poklica zastara, ko poteče čas, za katerega je bil ukrep izrečen.

Tek in prekinitev zastaranja

- period;
- 2) thirty years from the date of the imposition of a prison sentence of more than ten years;
- 3) twenty years from the date of the imposition of a prison sentence of more than five years;
- 4) ten years from the date of the imposition of a prison sentence of more than one year;
- 5) six years from the date of the imposition of a prison sentence of up to one year or a fine.

Limitation of the enforcement of accessory sentences and precautionary measures

Article 93

(1) The enforcement of a fine imposed as an accessory sentence shall fall outside the statute of limitations after the expiry of four years from the date of the final judgment by which the sentence was imposed.

(2) The enforcement of a driving ban as an accessory sentence shall fall outside the statute of limitations after the expiry of the period of limitation provided for the principal sentence.

(3) The enforcement of the precautionary measures of compulsory psychiatric treatment and confinement in a mental health institution, compulsory psychiatric treatment without confinement, a restraining order with regard to the victim, driving licence suspension and confiscation of objects shall be time-barred after the expiry of six years from the date when the judgment imposing such measures becomes final.

(4) The enforcement of a precautionary measure prohibiting an offender from performing an occupation shall be time-barred upon the expiry of the period of time for which such a measure has been imposed.

Beginning and suspension of a limitation period

94. člen

(1) Zastaranje izvršitve kazni se začne tistega dne, ko postane sodba pravnomočna; če je pogojna obsodba preklicana, pa tistega dne, ko postane pravnomočna odločba o preklicu.

(2) Zastaranje ne teče v času, ko se po zakonu kazen ne sme izvršiti.

(3) Zastaranje izvršitve kazni ne teče v času, ko se obsojenec na poziv za prestajanje kazni ni odzval ali nastopa kazni ni mogoče zagotoviti, ker je na begu, se skriva ali se kako drugače izmika izvršitvi kazni ali je kako drugače nedosegljiv državnim organom, ali ko je začetek izvrševanja kazni odložen v skladu z zakonom.

(4) Zastaranje izvršitve kazni zapora preneha teči z dnem nastopa kazni. Če obsojenec pobegne s prestajanja kazni, izvršitev preostanka kazni ne zastara.

(5) Drugi in tretji odstavek tega člena veljata tudi za zastaranje varnostnih ukrepov.

Nezastarljivost kaznivih dejanj

95. člen

(1) Kazenski pregon in izvršitev kazni ne zastarata za kazniva dejanja, za katera se sme po tem zakoniku izreči kazen dosmrtnega zapora, za kazniva dejanja iz 100. do 105. člena tega zakonika in tudi ne za tista kazniva dejanja, za katera po mednarodnih pogodbah zastaranje ni mogoče.

(2) Izvršitev kazni dosmrtnega zapora ne zastara.

Article 94

(1) The limitation period for enforcing a sentence shall start to run from the date when the judgment becomes final; in the event a suspended sentence is revoked, the limitation period shall start to run from the date when the revocation decision becomes final.

(2) The limitation period shall be suspended during the time in which the sentence may not be enforced according to an Act.

(3) The limitation period for enforcing a sentence shall be suspended during the time when the convicted person ignores a summons to start serving a prison sentence or when the beginning of imprisonment cannot be ensured as the convicted person is on the run, is in hiding or is in any other way evading the enforcement of the sentence or is in any other way inaccessible to state authorities or when the beginning of imprisonment is postponed in accordance with an Act.

(4) The limitation period for a sentence of imprisonment shall be suspended upon the beginning of imprisonment. If the convicted person escapes from prison, the enforcement of the unserved part of the sentence shall not fall outside the statute of limitations.

(5) Paragraphs two and three of this Article shall also apply to the statute of limitations regarding precautionary measures.

Non-applicability of the statute of limitations to criminal offences

Article 95

(1) Criminal prosecution and enforcement of sentences shall not fall outside the statute of limitations for criminal offences which are punishable by a life sentence pursuant to this Code as referred to in Articles 100 to 105, or for criminal offences that are not subject to a statute of limitations under international treaties.

(2) Enforcement of a life sentence shall not fall outside a statute of limitations.

Dvanajsto poglavje
AMNESTIJA IN POMILOSTITEV

Amnestija

96. člen

Z amnestijo se osebam, ki so je deležne, odpusti pregon, popolnoma ali delno odpusti izvršitev kazni, izrečena kazen spremeni v milejšo, izbriše obsodba ali odpravi pravna posledica obsodbe.

Pomilostitev

97. člen

S pomilostitvijo se po imenu posamezni osebi odpusti pregon ali popolnoma ali delno odpusti izvršitev kazni, izrečena kazen spremeni v milejšo ali v pogojno obsodbo ali izbriše obsodba ali odpravi oziroma skrajša trajanje pravne posledice obsodbe.

Uporaba splošnega dela pri amnestiji in pomilostitvi

98. člen

(1) Če se z amnestijo ali pomilostitvijo spremeni določba o kazenski sankciji, se uporablja splošni del tega zakonika.

(2) Če je izrečena kazen dosmrtnega zapora, se s pomilostitvijo ali na podlagi amnestije izreče kazen zapora od petindvajset do trideset let.

Chapter Twelve
AMNESTY AND PARDON

Amnesty

Article 96

Persons granted amnesty shall be free from criminal prosecution, their sentence shall be completely or partially remitted, the imposed sentence mitigated, their conviction expunged from the criminal record or the legal consequences of the conviction remedied.

Pardon

Article 97

Persons granted a pardon that designates them by name shall be free from criminal prosecution or their sentence shall be completely or partially remitted, their sentence mitigated or suspended, their conviction expunged from the criminal record, or the legal consequences of the conviction remedied or reduced in duration.

Application of the general part of the Criminal Code regarding amnesty and pardons

Article 98

(1) If an amnesty or pardon changes a provision on a criminal sanction, the general part of this Code shall apply.

(2) If a life sentence is imposed, a pardon or amnesty shall entail a prison sentence of between twenty-five and thirty years.

(3) Z amnestijo ali pomilostitvijo niso prizadete tiste pravice drugih, ki se opirajo na obsodbo.

Trinajsto poglavje

Pomen izrazov v tem zakoniku

99. člen

(1) Uradna oseba po tem zakoniku je lahko:

- 1) poslanec državnega zbora, član državnega sveta in član lokalnega ali pokrajinskega predstavniškega telesa;
- 2) sodnik ustavnega sodišča, sodnik, sodnik porotnik, državni tožilec ali državni pravobranilec;
- 3) oseba, ki pri državnem organu ali organu samoupravne lokalne skupnosti ali pri drugi osebi javnega prava opravlja uradne naloge ali ima uradno funkcijo z vodstvenimi pooblastili in odgovornostmi;
- 4) druga oseba, ki opravlja posamezne uradne naloge na podlagi pooblastil, ki jih ji daje zakon ali na podlagi zakona izdani predpisi (javno pooblastilo) ali na podlagi zakona sklenjena pogodba o arbitraži;
- 5) vojaška oseba, ki je kot taka določena s posebnimi predpisi, kadar gre za posebna kazniva dejanja, pri katerih je navedena uradna oseba, pa niso določena kot kazniva dejanja zoper vojaško dolžnost;
- 6) oseba, ki v tuji državi na kateri koli ravni opravlja zakonodajno, izvršilno ali sodno nalogo oziroma drugo uradno dolžnost in po vsebini izpolnjuje pogoje iz 1., 2. ali 3. točke tega odstavka;
- 7) oseba, ki ji mednarodna javna organizacija daje položaj uradne osebe in po vsebini izpolnjuje pogoje iz 1., 2. ali 3. točke tega odstavka;
- 8) oseba, ki pri mednarodnem sodišču opravlja sodniško, tožilsko ali drugo uradno dolžnost ali nalogo.

(2) Za vojaško osebo po tem zakoniku se štejejo: vojak, častnik, podčastnik in vojaški uslužbenec, ki poklicno opravlja vojaško službo, vojak na obveznem ali prostovoljnem služenju vojaškega roka ter

(3) An amnesty or pardon shall not affect the rights of third persons that rely on the conviction.

Chapter Thirteen

Definitions

Article 99

(1) 'Official' shall mean:

- 1) a member of the National Assembly, a member of the National Council, and a member of a local or regional representative body;
- 2) a Constitutional Court judge, a judge, a juror, a state prosecutor, or a state attorney;
- 3) a person performing official duties or holding public office with management powers and responsibilities within a state body or a body of a self-governing local community or any public body;
- 4) any other person performing official duties pursuant to the powers conferred on him or her by an Act or a regulation issued on the basis thereof (public authority) or by an arbitration agreement concluded pursuant to an Act;
- 5) a member of the military designated as a such by special regulations, in cases of special criminal offences involving an official but which are not defined as criminal offences against military service;
- 6) a person performing legislative, executive or judicial tasks, or any other official duty at any level in a foreign country, provided that such person meets the substantive criteria referred to in points 1, 2, or 3 of this paragraph;
- 7) a person recognised as an official within a public international organisation provided that such person meets the substantive criteria referred to in points 1, 2, or 3 of this paragraph;
- 8) a person performing judicial, prosecutorial or other official duties or tasks with an international court.

(2) For the purposes of this Code, the term 'member of the military' shall mean a private, an officer, a junior officer and a person performing military service as a profession, a soldier performing voluntary

obveznik obvezne ali pogodbene rezerve, ko opravlja vojaško službo.

(3) Za volitve in glasovanje po tem zakoniku se štejejo volitve predsednika republike, poslancev državnega zbora, članov državnega sveta, poslancev evropskega parlamenta, lokalne ali pokrajinske volitve ter zakonodajni referendum in drugi z ustavo predpisani referendumi.

(4) Za zunajzakonsko skupnost po tem zakoniku se šteje dalj časa trajajoča življenjska skupnost moškega in ženske, ki nista sklenila zakonske zveze.

(5) Listina je vsako pisanje, nosilec podatkov ali drug predmet, primeren in namenjen za dokaz kakšnega dejstva, ki ima vrednost za pravna razmerja.

(6) Za premično stvar po tem zakoniku se šteje tudi vsaka pridobljena ali zbrana energija za svetlobo, toploto, obsevanje, pogon, premikanje ali prenos glasu, slike ali besedila na daljavo.

(7) Za silo se šteje tudi uporaba hipnoze, drog ali drugih posebnih sredstev za to, da nekdo proti svoji volji postane nezavesten ali onеспособljen za odpor.

(8) Za motorno vozilo se šteje vsako prometno sredstvo na motorni pogon v kopnem, vodnem in zračnem prometu.

(9) Za premoženjsko korist, škodo ali vrednost se šteje znesek med storitvijo kaznivega dejanja, ki

- 1) pri majhni ne presega 500 eurov;
- 2) pri večji presega 5000 eurov;
- 3) pri veliki presega 50.000 eurov.

(10) Za gospodarsko dejavnost po tem zakoniku se šteje:

- 1) vsaka dejavnost, ki se opravlja proti plačilu na trgu;
- 2) vsaka dejavnost, ki se za dogovorjeno ali predpisano plačilo opravlja

or involuntary military service, and a mandatory or contractual reservist performing military duty.

(3) For the purposes of this Code, elections and voting shall mean elections of the president of the republic, members of the National Assembly, members of the National Council, members of the European Parliament, municipal or regional elections, and legislative referenda and other referenda determined by the Constitution.

(4) Cohabitation according to this Code shall mean a regular long-term domestic community of a man and a woman who are not married.

(5) 'Document' shall mean any writing, data carrier or other object appropriate and intended to produce evidence of any fact relevant to legal relations.

(6) 'Movable property' shall also mean any form of energy generated or accumulated for the purposes of lighting, heating, radiation, drive, locomotion or the transmission of voice, picture or text across distances.

(7) 'Force' shall also mean the use of hypnosis, intoxicating drugs or other special means in order to lead a person against his or her will into a state of unconsciousness or to break down his or her resistance.

(8) 'Motor vehicle' shall mean any power-driven vehicle used on land, on water or in the air.

(9) 'Proceeds', 'damage' or 'value' shall mean the amount resulting from the commission of a criminal offence, which shall not exceed

- 1) EUR 500 for small proceeds, damage or value;
- 2) EUR 5,000 for significant proceeds, damage or value;
- 3) EUR 50,000 for large proceeds, damage or value.

(10) For the purpose of this Code, 'economic activity' shall mean:

- 1) any activity that is performed on the market for payment;
- 2) any activity performed as part of a profession for an agreed or

poklicno ali organizirano.

(11) Za opravljanje gospodarske dejavnosti oziroma gospodarsko poslovanje po tem zakonu se štejejo:

- 1) izvajanje, upravljanje, odločanje, zastopanje, vodenje in nadziranje v okviru dejavnosti iz desetega odstavka tega člena;
- 2) upravljanje nepremičnin, premičnin, denarnih sredstev, dohodkov, terjatev, kapitalskih naložb, drugih oblik finančnega premoženja ter drugih sredstev pravnih oseb javnega ali zasebnega prava, razpolaganje s temi sredstvi in nadzorstvo nad njimi.

(12) Za veliko količino ponarejenega denarja, vrednotnic in vrednostnih papirjev po tem zakonu se šteje nominalna vrednost, ki presega 50.000 eurov.

POSEBNI DEL

Štirinajsto poglavje KAZNIVA DEJANJA ZOPER ČLOVEČNOST

Genocid

100. člen

(1) Kdor ukaže ali stori z namenom, da bi v celoti ali delno uničil neko narodnostno, etnično, rasno ali versko skupino, naslednja dejanja:

- pobijanje pripadnikov takšne skupine,
 - povzročanje hudih telesnih poškodb ali okvar duševnega zdravja pripadnikom takšne skupine,
 - naklepno izpostavljanje takšne skupine življenjskim razmeram, ki naj privedejo do njenega popolnega ali delnega fizičnega uničenja,
 - izvajanje ukrepov, ki preprečujejo rojstva v takšni skupini,
 - prisilno preseljevanje otrok ene skupine v drugo skupino,
- se kaznuje z zaporom najmanj petnajstih let.

prescribed payment or any organised activity performed for an agreed or prescribed payment.

(11) For the purpose of this Code, 'economic activity' or 'commercial operation' shall include:

- 1) performance, governance, decision-making, representation, management and supervision in the framework of the activity referred to in paragraph ten of this Article;
- 2) management of immovable and movable property, cash funds, income, claims, equity investment, other forms of financial assets and other assets of legal entities under public or private law, and the use and control of these assets.

(12) For the purpose of this Code, a large quantity of counterfeit money, duty stamps and securities shall be considered to be a nominal value exceeding EUR 50,000.

SPECIAL PART

Chapter Fourteen CRIMES AGAINST HUMANITY

Genocide

Article 100

(1) Whoever with the intention of destroying in whole or in part a national, ethnic, racial or religious group or gives an order:

- to kill members of the group,
 - to cause serious bodily or mental harm to members of the group,
 - to deliberately inflict on the group living conditions calculated to bring about its total or partial physical destruction,
 - to impose measures to prevent births within the group, or
 - to forcibly transfer children of the group to another group,
- shall be sentenced to imprisonment for at least fifteen years.

(2) Enako se kaznuje, kdor stori dejanje iz prejšnjega odstavka proti kakšni skupini zaradi razlogov iz osme alineje 101. člena.

Hudodelstva zoper človečnost

101. člen

Kdor ukaže ali stori dejanja, ki so sestavni del velikega ali sistematičnega napada na civilno prebivalstvo ob vednosti storilca, da gre za tak napad:

- umor;
- iztrebljanje, ki pomeni ustvarjanje takih življenjskih razmer, med drugim kratenje dostopa do hrane in zdravil, ki naj privedejo do delnega uničenja prebivalstva;
- zaslužnjevanje, ki pomeni izvajanje posameznega ali vseh upravičenj, ki izhajajo iz lastninske pravice nad osebo in vključujejo tudi izvajanje takih upravičenj pri trgovanju z ljudmi, zlasti z ženskami in otroki;
- deportacija ali prisilna preselitev prebivalstva, ki pomeni prisilno odstranitev oseb z izgonom ali drugimi prisilnimi dejanji z območja, na katerem zakonito prebivajo, brez razlogov, dovoljenih po mednarodnem pravu;
- zapor ali drug strog odvzem prostosti ob kršitvi temeljnih pravil mednarodnega prava;
- mučenje, ki pomeni naklepno povzročitev hude bolečine, telesnega ali duševnega trpljenja osebi, ki jo je storilec pridržal, pri čemer mučenje ne vključuje bolečine ali trpljenja, ki je izključno posledica izvrševanja zakonitih sankcij ali je z njimi povezano;
- posilstvo, spolno suženjstvo, vsiljena prostitucija, prisilna nosečnost, ki pomeni protipravno pridržanje ženske, ki je zanosila pod prisilo, z namenom vplivati na etnično sestavo katerega koli prebivalstva ali izvajati druge hude kršitve mednarodnega prava, prisilna sterilizacija ali katera koli druga oblika primerljivo hudega spolnega nasilja;
- preganjanje, ki pomeni naklepno ali hudo kratenje temeljnih pravic v nasprotju z mednarodnim pravom zaradi prepoznavne lastnosti

(2) The same punishment shall be imposed on whoever commits an act referred to in the preceding paragraph against any group for the reasons referred to in indent eight of Article 101.

Crimes against humanity

Article 101

Whoever orders or carries out the following acts as part of a larger systematic attack against the civilian population and which the perpetrator is aware of:

- murder;
- extermination, which means the intentional infliction of living conditions, *inter alia* the deprivation of access to food and medical supplies, that would lead to the partial destruction of a population;
- enslavement, which means the exercise of any or all of the powers attached to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;
- the deportation or forcible transfer of a population, which means the forced displacement of the persons concerned by expulsion or other coercive acts from an area in which they are lawfully present without grounds permitted under international law;
- imprisonment or other severe deprivation of physical liberty in violation of the fundamental rules of international law;
- torture, which means the intentional infliction of severe pain or physical or mental suffering on a person whom the perpetrator detained, whereby the torture does not include pain or suffering that is exclusively the result of the enforcement of a legal sanction or is connected thereto;
- rape, sexual slavery, enforced prostitution, forced pregnancy, which means the unlawful detention of a woman who was impregnated under duress with the intention of affecting the ethnic structure of any population or to perform other severe violations of international law, enforced sterilisation, or any other form of sexual violence of comparable gravity;
- persecution, which means the intentional or severe deprivation of fundamental rights contrary to international law, by reason of the

skupine ali skupnosti, in sicer zaradi političnih rasnih, narodnih, kulturnih, verskih razlogov, razlogov, povezanih s spolom, ali drugih razlogov, ki so po mednarodnem pravu splošno priznani kot nedopustni, če je tako preganjanje povezano s kaznivimi dejanji po tem členu ter po 100., 102. in 103. členu;

- prisilno izginotje oseb, ki pomeni prijetje, pridržanje ali ugrabitev osebe po nalogu države ali politične organizacije ali z njenim pooblastilom, podporo ali soglasjem, ki potem takega odvzema prostosti ne prizna ali noče dati podatkov o usodi teh oseb ali o tem, kje so, z namenom odvzeti tem osebam pravno varstvo za daljši čas;
 - apartheid, ki pomeni nečlovečna dejanja, podobna navedenim v tem členu, storjena v okviru institucionaliziranega režima sistematičnega zatiranja in nadvlade ene rasne skupine nad kakšno drugo rasno skupino ali skupinami z namenom, da se ohrani tak režim;
 - druga podobna nečlovečna ravnanja, s katerimi se naklepno povzroča veliko trpljenje ali hude telesne poškodbe ali okvare duševnega ali telesnega zdravja,
- se kaznuje z zaporem najmanj petnajstih let.

Vojna hudodelstva

102. člen

Kdor ukaže ali stori vojna hudodelstva, zlasti če so storjena kot sestavni del načrta ali politike ali kot del obsežnega izvrševanja takih hudodelstev, ki so:

- 1) hude kršitve ženevskih konvencij z dne 12. avgusta 1949 (Akt o notifikaciji nasledstva glede konvencij Sveta Evrope, Ženevskih konvencij in dodatnih protokolov o zaščiti žrtev vojne in mednarodnih sporazumov s področja kontrole oborožitve, za katere so depozitarji tri glavne jedrske sile, (Uradni list RS, št. 14/1992)) in sicer katero koli navedeno dejanje zoper osebe ali premoženje, ki jih varujejo ustrezne ženevske konvencije:

- naklepno pobijanje;

identity of the group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph three, or other grounds that are universally recognised as impermissible under international law, in connection with any criminal offence referred to in this Article and in Articles 100, 102 and 103;

- the enforced disappearance of persons, which means the arrest, detention or abduction of persons by or with the authorisation, support or acquiescence of a state or a political organisation followed by a refusal to acknowledge that the deprivation of freedom or to give information on the fate or whereabouts of those persons with the intention of removing them from the protection of the law for a prolonged period of time;
- the crime of apartheid, which shall mean inhuman acts of a character similar to those mentioned in this Article, committed in the context of an institutionalised regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;
- other inhuman acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health,

shall be sentenced to imprisonment for at least fifteen years.

War crimes

Article 102

Whoever orders or commits war crimes, especially if they are committed as part of an integral plan or policy, or as part of the extensive commission of such criminal offences, namely the following:

- 1) grave violations of the Geneva Conventions of 12 August 1949 (Act on notification of succession concerning the Council of Europe conventions, the Geneva Conventions and additional protocols regarding the protection of victims of war and international agreements in the field of arms control, the depositors of which are the three main nuclear forces (Official Gazette of the Republic of Slovenia, No 14/1992)), namely any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:
 - wilful killing;

- mučenje ali nečloveško ravnanje, tudi biološki poskusi;
 - naklepno povzročanje velikega trpljenja ali hudih telesnih poškodb ali okvar zdravja;
 - obsežno uničevanje ali prilaščanje premoženja, ki ga vojaške potrebe ne opravičujejo in je izvedeno protipravno in samovoljno;
 - prisiljenje vojnega ujetnika ali druge zaščitene osebe, da služi v sovražnikovih oboroženih silah;
 - naklepen odvzem pravice vojnemu ujetniku ali drugi zaščiteni osebi do poštenega in pravnega sojenja;
 - protipravna deportacija ali protipravno pridržanje;
 - jemanje talcev;
- 2) druge kršitve zakonov in običajev, ki se uporabljajo v mednarodnih oboroženih spopadih po veljavnem mednarodnem pravu, in sicer katero koli navedeno dejanje:
- naklepni napadi na civilno prebivalstvo na splošno ali na posamezne civilne osebe, ki neposredno ne sodelujejo pri sovražnostih;
 - naklepni napadi na civilne objekte, to je na objekte, ki niso vojaški cilji;
 - naklepni napadi na osebe, objekte in naprave, material, enote ali vozila, vključena v človekoljubno pomoč ali mirovno misijo v skladu z Ustanovno listino Združenih narodov, dokler so po mednarodnem pravu oboroženih spopadov upravičeni do enakega varstva kot civilne osebe ali civilni objekti;
 - naklepna sprožitev napada z vednostjo, da bo tak napad povzročil tudi smrt in telesne poškodbe civilnih oseb ali civilnih objektov ali obsežno, dolgoročno in hudo škodo za naravno okolje, ki bi bila čezmerna v primerjavi s skupnimi pričakovanimi, konkretnimi in neposrednimi vojaškimi prednostmi;
 - napad ali bombardiranje nebranih mest, vasi bivališč ali zgradb, ki niso vojaški cilji, s kakršnimi koli sredstvi;
 - umor ali ranitev borca, ki se je vdal na milost ali nemilost, potem ko je odložil orožje ali nima več sredstev za obrambo;
 - zloraba bele zastave ali zastave ali vojaških oznak ali uniforme sovražnika ali Združenih narodov, znamenja ali zastave Rdečega križa ali znamenj, ki tem ustrezajo ter drugih razpoznavnih znakov po ženevskih konvencijah ali zaznamovanj kulturnih dobrin po
- torture or inhuman treatment, including biological experiments;
 - wilfully causing great suffering or serious injury to body or health;
 - extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly;
 - compelling a prisoner of war or other protected person to serve in the forces of a hostile power;
 - wilfully depriving a prisoner of war or other protected person of the right to a fair and regular trial;
 - unlawful deportation or transfer or unlawful confinement;
 - taking hostages;
- 2) other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:
- intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
 - intentionally directing attacks against civilian objects, that is, objects that are not military objectives;
 - intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
 - intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
 - attacking or bombarding, by whatever means, towns, villages, dwellings or buildings that are undefended and which are not military objectives;
 - killing or wounding a combatant who, having laid down his or her arms or having no longer means of defence, has surrendered at discretion;
 - making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, or the insignia or flag of the Red Cross, or an insignia that conforms to them, as well as of the distinctive emblems of the Geneva

haški konvenciji (Konvencija o varstvu kulturnih dobrin v primeru oboroženega spopada s Pravilnikom za njeno izvajanje (Uradni list FLRJ – Mednarodne pogodbe, št. 4/56) in Drugi protokol k Haaški konvenciji iz leta 1954 o varstvu kulturnih dobrin v primeru oboroženega spopada (Uradni list RS, št. 22/2003)), katere posledica je smrt ali huda poškodba osebe;

- neposredna ali posredna premestitev dela civilnega prebivalstva zasedbene sile na zasedeno ozemlje ali deportacija ali preselitev vsega ali dela prebivalstva zasedenega ozemlja na to ozemlja ali zunaj njega;
- naklepni napadi na zgradbe, namenjene veri, izobraževanju, umetnosti, znanosti ali dobrodelni dejavnosti, kulturne ali zgodovinske spomenike, kulturne dobrine s posebnim spoznavnim znamenjem, naravne znamenitosti, bolnišnice in kraje, kjer se zbirajo bolniki in ranjenci, če ti objekti niso vojaški cilji;
- izpostavljanje oseb, ki jih ima nasprotna stran pod svojo oblastjo, telesnemu pohabljanju ali kakršnim koli medicinskim ali znanstvenim poskusom, ki niso upravičeni kot zdravstvena, zobozdravstvena ali bolnišnična oskrba prizadetih oseb, niti niso storjeni v interesu teh oseb in povzročajo smrt ali resno ogrozijo zdravje take osebe ali oseb;
- zahrbtnen umor ali ranitev posameznikov, ki pripadajo sovražni državi ali vojski;
- protipravno jemanje stvari ubitim in ranjenim na bojišču;
- izjava, da ne bo nikomur prizaneseno;
- uničenje ali zaseg sovražnikovega premoženja, razen če takega uničenja ali zasega neizogibno ne zahtevajo vojne nujnosti;
- izjava, da so pravice in tožbe državljanov sovražne strani na sodišču odpravljene, začasno ustavljene ali nedopustne;
- prisiljevanje državljanov sovražne strani, da sodelujejo pri vojnih operacijah proti svoji lastni državi, tudi če so bili pred začetkom vojne pripadniki njenih oboroženih sil;
- plenjenje mesta ali kraja, tudi če je bilo zavzeto z napadom;
- uporaba strupa ali zastrupljenega orožja;

Conventions or markings of cultural property according to the Hague Convention (The Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict with the Rules for its implementation (Official Gazette of the Socialist Federal Republic of Yugoslavia – International Treaties [*Uradni list SFRJ – Mednarodne pogodbe*], No. 4/56) and the Second Protocol to the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 22/2003), resulting in death or serious personal injury;

- the transfer, directly or indirectly, by the occupying power of parts of its own civilian population into territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
- intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
- killing or wounding treacherously individuals belonging to the hostile nation or army;
- the unlawful taking of objects from the dead or wounded in a battlefield;
- declaring that no quarter will be given;
- destroying or seizing the property of an adversary unless such destruction or seizure is imperatively demanded by the necessities of war;
- declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;
- compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;
- pillaging a town or place, even when taken by assault;
- employing poison or poisoned weapons;

- uporaba dušljivih, strupenih ali drugih plinov in vseh podobnih tekočin, sredstev ali naprav;
 - uporaba krogel, ki se v človeškem telesu hitro razpršijo ali sploščijo, kot so krogle s trdim ovojem, ki ne pokriva jedra v celoti ali je narezan;
 - uporaba takega orožja, izstrelkov ter sredstev in načinov vojskovanja, ki povzročijo odvečne poškodbe ali nepotrebno trpljenje ali že po svoji naravi učinkujejo brez razločevanja in s tem kršijo mednarodno pravo oboroženih spopadov, če so tako orožje, izstrelki in sredstva in načini vojskovanja v celoti prepovedani;
 - napadi na osebno dostojanstvo, še posebej poniževalno in zaničevalno ravnanje;
 - posiljevanje, spolno suženjstvo, vsiljena prostitucija, prisilna nosečnost, ki pomeni protipravno pridržanje ženske, ki je zanosila pod prisilo, z namenom vplivati na narodno sestavo katerega koli prebivalstva ali izvajati druge hude kršitve mednarodnega prava, prisilna sterilizacija ali katera koli druga oblika spolnega nasilja, ki je tudi huda kršitev ženevskih konvencij;
 - izraba navzočnosti civilne ali kakšne druge zaščitene osebe za odvrnitev vojaških operacij od določenih točk, območij ali vojaški enot;
 - uporaba kulturnih dobrin pod razširjenim varstvom ali njihovo neposredno okolico v podporo vojaškemu delovanju;
 - naklepni napadi na zgradbe, material, sanitetne enote in prevoze ter osebje, ki uporablja razpoznavne znake po ženevskih konvencijah;
 - naklepno stradanje civilnih oseb kot način vojskovanja, tako da se jim odvzamejo stvari, nujne za njihovo preživetje, vključno z naklepnim preprečevanjem dobav pomoči, kot so predvidene po ženevskih konvencijah;
 - nabor ali vključevanje otrok, mlajših od petnajst let, v državne oborožene sile ali njihovo izrabljanje za dejavno sodelovanje pri sovražnostih;
- 3) v oboroženem spopadu, ki ni mednarodni, vendar ne pomeni notranjih nemirov in napetosti, kot so neredi, posamična in občasna dejanja nasilja ali druga podobna dejanja, ob hudih kršitvah 3. člena, skupnega štirim ženevskim konvencijam z dne 12. avgusta 1949, in sicer katero koli od navedenih dejanj, storjenih zoper osebe, ki pri sovražnostih ne sodelujejo dejavno, vključno s pripadniki oboroženih
- employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
 - employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;
 - employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are fully prohibited;
 - committing outrages upon personal dignity, in particular humiliating and degrading treatment;
 - committing rape, sexual slavery, enforced prostitution, forced pregnancy, which means the unlawful confinement of a woman forcibly made pregnant with the intention of affecting the ethnic composition of any population or carrying out other grave violations of international law, enforced sterilisation, or any other form of sexual violence also constituting a grave violation of the Geneva Conventions;
 - utilising the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
 - using cultural property under extended protection or its immediate surroundings to support military actions;
 - intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions;
 - intentionally using the starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided under the Geneva Conventions;
 - conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities;
- 3) in the case of an armed conflict not of an international character, which, however, does not entail an internal disturbance and tensions such as riots, individual and occasional acts of violence and other similar acts, serious violations of Article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities,

sil, ki so odložili orožje, in tistimi, ki ne morejo sodelovati v boju zaradi bolezni, ran, pridržanja ali drugega vzroka:

- napadi na življenje in telo, še posebej umori vseh vrst, pohabljenje, okrutno ravnanje in mučenje;
 - napadi na osebno dostojanstvo, še posebej zaničevalno in poniževalno ravnanje;
 - jemanje talcev;
 - izrekanje obsodb in izvrševanje smrtnih kazni brez predhodne sodbe pravilno ustanovljenega sodišča, ki zagotavlja vsa pravna jamstva, ki so splošno priznana kot nujna;
- 4) druge hude kršitve zakonov in običajev, ki se po veljavnem mednarodnem pravu uporabljajo v oboroženih spopadih, ki niso mednarodni, in sicer katero koli navedeno dejanje:
- naklepni napadi na civilno prebivalstvo na splošno ali na posamezne civilne osebe, ki ne sodelujejo neposredno pri sovražnostih;
 - naklepni napadi na zgradbe, material, sanitetne enote in prevoze ter osebe, ki uporablja razpoznavne znake po ženevskih konvencijah v skladu z mednarodnim pravom;
 - naklepni napadi na osebe, objekte in naprave, material, enote ali vozila, vključena v človekoljubno pomoč ali mirovno misijo v skladu z Ustanovno listino Združenih narodov (Akt o notifikaciji nasledstva glede konvencij za katere je depozitar vlada ZDA, haaških konvencij in konvencij o intelektualni lastnini (Uradni list RS, št. 24/1992)), dokler so po mednarodnem pravu oboroženih spopadov upravičeni do enakega varstva kot civilne osebe ali civilni objekti;
 - naklepni napadi na zgradbe, namenjeni veri, izobraževanju, umetnosti, znanosti ali dobrodelni dejavnosti, kulturne spomenike, bolnišnice in kraje, kjer se zbirajo bolniki in ranjenci, če ti niso vojaški cilji;
 - plenjenje mesta ali kraja, tudi če je bilo zavzeto z napadom;
 - posiljevanje, spolno suženjstvo, vsiljena prostitucija, prisilna nosečnost, ki pomeni protipravno pridržanje ženske, ki je zanosila pod prisilo, z namenom vplivati na narodno sestavo katerega koli prebivalstva, prisilna sterilizacija ter katera koli druga oblika spolnega nasilja, ki je tudi huda kršitev 3. člena, skupnega štirim

including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:

- violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - committing outrages upon personal dignity, in particular humiliating and degrading treatment;
 - taking hostages;
 - the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognised as indispensable;
- 4) other serious violations of the Acts and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:
- intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
 - intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
 - intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations (Act on notification of succession concerning the Council of Europe conventions, for which the government of the USA is the depositary, the Hague Conventions, and the intellectual property conventions (Official Gazette of the Republic of Slovenia, [Uradni list RS], No. 24/1992)), as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
 - intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
 - pillaging a town or place, even when taken by assault;
 - committing rape, sexual slavery, enforced prostitution, forced pregnancy, which means the unlawful confinement of a woman forcibly made pregnant with the intention of affecting the ethnic composition of any population or carrying out other grave violations of international law, enforced sterilisation, or any other

ženevskim konvencijam;

- nabor ali vključevanje otrok, mlajših od petnajst let, v oborožene sile ali skupine ali njihovo izrabljanje za dejavno sodelovanje pri sovražnostih;
- ukaz o izselitvi civilnega prebivalstva zaradi razlogov, ki so povezani s spopadom, razen če tega ne zahteva varnost vpletenih civilnih oseb ali nujni vojaški razlogi;
- zahrbtnen umor ali ranitev borca nasprotne strani;
- izjava, da ne bo nikomur prizaneseno;
- izpostavljanje oseb, ki jih ima druga stran v spopadu pod svojo oblastjo, telesnemu pohabljenju ali kakršnim koli medicinskim ali znanstvenim poskusom, ki niso upravičeni kot zdravstvena, zobozdravstvena ali bolnišnična oskrba prizadetih oseb, niti niso storjeni v njihovem interesu in povzročijo smrt ali resno ogrozijo zdravje take osebe ali oseb;
- uničenje ali zaseg nasprotnikovega premoženja, razen če takega uničenja ne zahtevajo nujnosti spopada;
- uporaba strupa ali zastrupljenega orožja;
- uporaba dušljivih, strupenih ali drugih plinov in vseh podobnih tekočin, sredstev ali naprav;
- uporaba krogel, ki se v človeškem telesu hitro razpršijo ali sploščijo, kot so krogle s trdim ovojem, ki ne pokriva jedra v celoti ali je narezan,

se kaznuje z zaporom najmanj petnajstih let.

Agresija

103. člen

(1) Uradna ali druga oseba s položajem učinkovitega nadzora ali možnosti odrejanja političnega ali vojaškega delovanja države, ki načrtuje, pripravi, sproži ali izvrši dejanje agresije, ki je po naravi, teži in obsegu očitna kršitev Ustanovne listine Združenih narodov, se kaznuje z zaporom najmanj petnajstih let.

(2) Dejanje agresije je uporaba vojaške sile, ki je usmerjana

form of sexual violence also constituting a grave violation of Article 3 common to the four Geneva Conventions;

- conscripting or enlisting children under the age of fifteen years into the armed forces or groups or using them to participate actively in hostilities;
- ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;
- killing or wounding treacherously a combatant adversary;
- declaring that no quarter will be given;
- subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
- destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;
- employing poison or poisoned weapons;
- employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
- employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions.

shall be sentenced to imprisonment for at least fifteen years.

Aggression

Article 103

(1) An official or other person in a position to effectively exercise control over or to direct the political or military actions of the state who plans, prepares, initiates or executes an act of aggression which by its character, gravity and scale constitutes a manifest violation of the Charter of the United Nations, shall be sentenced to imprisonment for at least fifteen years.

(2) An act of aggression shall mean the use of armed force

zoper suverenost, ozemeljsko celovitost ali politično neodvisnost druge države ali na kakršen koli drug način, ki ni združljiv z Ustanovno listino Združenih narodov. Za agresijo, ne glede na napoved vojne, štejejo naslednja dejanja:

- 1) invazija ali oborožen napad na ozemlje, morje, zrakoplove, pristanišča ali plovila druge države, z začasno ali trajno vojaško zasedbo ali nasilno priključitvijo ozemlja te države ali njegovega dela;
- 2) bombardiranje ali uporaba katerega koli orožja zoper ozemlje druge države;
- 3) blokada pristanišč ali obale druge države;
- 4) uporaba oboroženih sil, ki so na ozemlju druge države z njenim privoljenjem, v nasprotju s pogoji te privolitve ali zadrževanje teh sil po izteku časa, določenega v tej privolitvi;
- 5) dopuščanje drugi državi, da uporabi ozemlje Republike Slovenije, ki je na razpolago tej državi, za izvršitev agresije na drugo državo;
- 6) pošiljanje oboroženih skupin, plačancev ali paravojaških enot z namenom izvajanja takih dejanj, ki po teži ustrezajo prej naštetim dejanjem.

Odgovornost vojaških poveljnikov in drugih nadrejenih

104. člen

(1) Vojaški poveljnik se za kazniva dejanja iz 100. do 103. člena tega zakonika, ki so jih storile enote pod njegovim dejanskim poveljstvom in nadzorom, ker ni pravilno opravljal nadzora nad temi enotami in ni izvedel vseh primernih in potrebnih ukrepov v okviru svojih pooblastil za preprečitev ali ustavitve teh kaznivih dejanj ali za predložitev zadeve pristojnim organom v preiskavo in pregon, čeprav je vedel, da so njegove enote storile ali da bi v danih okoliščinah lahko storile taka kazniva dejanja, se kaznuje z zaporom od enega do osmih let.

(2) Za dejanja iz prejšnjega odstavka se enako kaznuje oseba,

against the sovereignty, territorial integrity or political independence of another state, or in any other manner inconsistent with the Charter of the United Nations. Any of the following acts, regardless of a declaration of war, shall qualify as an act of aggression:

- 1) the invasion of or an armed attack on the territory, sea, aircrafts, ports or vessels of another state, or any military occupation, temporary or permanent, or any annexation by the use of force of the territory of another state or part thereof;
- 2) bombardment of or the use of any weapons against the territory of another state;
- 3) the blockade of the ports or coasts of another state;
- 4) the use of armed forces of one state which are within the territory of another state with the agreement of the receiving state, in contravention of the conditions determined in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
- 5) an action of the Republic of Slovenia allowing its territory which it has placed at the disposal of another state to be used by that other state to perpetrate an act of aggression against a third state;
- 6) the sending of armed bands, groups, irregulars or mercenaries who carry out acts of armed force of such gravity that they amount to the acts listed above.

Liability of military commanders and other superiors

Article 104

(1) A military commander shall be sentenced to imprisonment for between one and eight years for a criminal offence referred to in Articles 100 to 103 of this Code committed by units under his or her actual command and control, for not having correctly performed control over these units and not carrying out all appropriate and required measures within his or her competences to prevent or stop such a criminal offence or for failing to submit the matter to the competent authorities for investigation and prosecution, even though he or she knew his or her units committed or could have committed such a criminal offence in the given circumstances.

(2) Any person who actually acts as a military commander or

ki dejansko nastopa kot vojaški poveljnik, ali oseba, ki v civilni organizaciji ali podjetju dejansko izvaja vodstveno oblast in nadzorstvo.

(3) Za dejanja iz prejšnjih odstavkov se vojaški poveljnik ali oseba, ki dejansko nastopa kot vojaški poveljnik, ali oseba, ki v civilni organizaciji ali podjetju dejansko izvaja vodstveno oblast in nadzorstvo, ki bi moral ali mogel vedeti, da so njegove enote storile ali bi v danih okoliščinah lahko storile kazniva dejanja iz 100. do 103. člena tega zakonika, kaznuje z zaporom od šestih mesecev do petih let.

Združevanje in ščuvanje h genocidu, k hudodelstvom zoper človečnost ali agresiji

105. člen

(1) Kdor ustanovi hudodelsko združbo za izvrševanje kaznivih dejanj in 100. do 103. člena tega zakonika, se kaznuje z zaporom od enega do desetih let.

(2) Kdor postane član združbe iz prejšnjega odstavka, se kaznuje z zaporom od šestih mesecev do petih let.

(3) Storilec kaznivega dejanja iz prvega ali drugega odstavka tega člena, ki prepreči storitev kaznivih dejanj, določenih v prvem odstavku ali jih pravočasno naznani, se kaznuje z zaporom do treh let, sme pa se mu tudi odpustiti kazen.

(4) Kdor poziva ali ščuva k neposredni storitvi kaznivih dejanj iz 100. do 103. člena, se kaznuje z zaporom od šestih mesecev do petih let.

Novačenje vojaških najemnikov in oseb, mlajših od osemnajst let

106. člen

who actually exercises management authority or supervision in a civilian organisation or company shall be sentenced in the same manner for the actions referred to in the preceding paragraph.

(3) A military commander or person who actually acts as a military commander or who actually exercises management authority or supervision in a civilian organisation or company, who should or would have known that his or her units committed or would commit under the given circumstances a criminal offence referred to in Articles 100 to 103 of this Code, shall be sentenced to imprisonment for between six months and five years for the actions referred to in preceding paragraphs.

Association and incitement to genocide, crimes against humanity or aggression

Article 105

(1) Whoever establishes a criminal organisation to commit the criminal offences referred to in Articles 100 to 103 of this Code shall be sentenced to imprisonment for between one and ten years.

(2) Whoever becomes a member of an organisation referred to in the preceding paragraph shall be sentenced to imprisonment for between six months and five years.

(3) A perpetrator of a criminal offence referred to in paragraph one or two of this Article who prevents the commission of a criminal offence referred to in paragraph one or reports the criminal offence in due time shall be sentenced to imprisonment for up to three years, but the sentence may also be remitted.

(4) Whoever incites or instigates the direct commission of a criminal offence referred to in Articles 100 to 103 of this Code shall be sentenced to imprisonment for between six months and five years.

Recruitment of mercenaries or persons under 18 years of age

Article 106

(1) Kdor med vojno, oboroženim spopadom ali zasedbo ali kdor pri izvajanju ali v podporo politiki kakšne države ali organizacije kot del velikega sistematičnega napada ukaže novačenje ali novači osebe, ki še niso stare osemnajst let, v državne ali druge oborožene sile in jih izrablja ali ukaže njihovo izrabljanje za dejavno sodelovanje pri sovražnostih, se kaznuje za zaporom od desetih do petnajstih let.

(2) Kdor novači, uri ali financira urjenje vojaških najemnikov, se kaznuje z zaporno kaznijo do treh let.

Neupravičena odložitev repatriacije vojnih ujetnikov ali civilnih oseb

107. člen

Kdor s kršitvijo pravil mednarodnega prava po končani vojni ali oboroženem spopadu ukaže odložiti ali sam odloži repatriacijo vojnih ujetnikov ali civilnih oseb, se kaznuje z zaporom od šestih mesecev do petih let.

Terorizem

108. člen

(1) Kdor z namenom, da bi uničil ali hudo ogrozil ustavne, gospodarske, socialne ali politične temelje Republike Slovenije ali druge države ali mednarodne organizacije, da bi hudo zastrašil prebivalstvo oziroma da bi prisilil vlado Republike Slovenije ali druge države ali mednarodno organizacijo, da nekaj stori ali opusti, stori ali grozi, da bo storil, eno ali več od naslednjih dejanj:

- napad na življenje in telo ali na človekove pravice in svoboščine,
- ugrabitev ali zajetje talcev,
- precejšnje uničenje državnih ali javnih objektov ali predstavništev tujih držav, prevoznega sistema, infrastrukture, javnega kraja ali zasebne lastnine,

(1) Anyone who during wartime, armed conflict or occupation or when carrying out or supporting the policy of a state or organisation as part of a larger systematic attack orders or carries out the recruitment of persons under 18 years of age into national or other armed forces and their exploitation for active participation in hostilities shall be sentenced to imprisonment for between ten years and fifteen years.

(2) Anyone who conscripts, trains or finances the recruitment of mercenaries shall be sentenced to imprisonment for up to three years.

Unjustified postponement of the repatriation of prisoners of war or civilians

Article 107

Whoever by violating the rules of international law after the end of a war or armed conflict orders the postponement or postpones the repatriation of prisoners of war or civilians shall be sentenced to imprisonment for between six months and five years.

Terrorism

Article 108

(1) Whoever with the intention of destroying or severely jeopardising the constitutional, social, or political foundations of the Republic of Slovenia or another country or international organisation, of arousing fear among the population or forcing the Government of the Republic of Slovenia or another country or international organisation to perform or stop performing a certain activity, or to perform or threaten to perform one or more of the following acts:

- an assault on life or body or human rights and freedoms,
- taking hostages,
- considerable destruction of state or public buildings or representations of foreign states, the transport system, infrastructure, a public place or private property,

- neupravičeno poseganje v informacijski sistem, ki pomeni resno oviranje ali prekinjanje njegovega delovanja z vnosom, prenosom, poškodovanjem, brisanjem ali spreminjanjem podatkov ali s preprečevanjem ali onemogočanjem dostopa do podatkov, in ki povzroči resno škodo ali je bilo storjeno z uporabo računalniškega programa, gesel ali kod za dostop, zasnovanih ali prilagojenih za namene storitve dejanja, ali neupravičeno poseganje v informacijski sistem kritične infrastrukture, ki pomeni resno oviranje ali prekinjanje njegovega delovanja z vnosom, prenosom, poškodovanjem, brisanjem ali spreminjanjem podatkov ali preprečevanjem ali onemogočanjem dostopa do podatkov,
- neupravičeno brisanje, poškodovanje ali spreminjanje podatkov v informacijskem sistemu kritične infrastrukture ali preprečevanje ali onemogočanje dostopa do takih podatkov,
- zajetje ali prevzem nadzora nad pritrjeno ploščadjo v epikontinentalnem pasu z uporabo sile ali grožnje ali drugega načina ustrahovanja ali nasilno vedenje proti osebi na ploščadi, če tako dejanje ogroža njeno varnost, ali uničenje pritrjene ploščadi v epikontinentalnem pasu oziroma povzročitev škode na njej, ki lahko ogrozi njeno varnost, ali postavitve naprave zaradi uničenja pritrjene ploščadi ali ogrožanja varnosti na njej, ali poškodovanje ali povzročitev smrti osebe v povezavi s katerim od prej navedenih dejanj,
- ugrabitev zrakoplova, plovila, sredstev tovornega prevoza ali javnega prevoznega sredstva,
- proizvodnjo, posest, pridobitev, prevoz, dobavo ali uporabo orožja, razstreliva, jedrskega, biološkega ali kemičnega orožja,
- raziskovanje in razvoj jedrskega, biološkega ali kemičnega orožja,
- ogrožanje varnosti s spuščanjem nevarnih snovi oziroma povzročanjem požarov, poplav ali eksplozij,
- motnjo ali prekinitvev oskrbe z vodo, elektriko ali drugimi za življenje ljudi osnovnimi naravnimi viri, ki lahko ogrozijo življenje ljudi, se kaznuje z zaporom od treh do petnajstih let.

(2) Kdor hoče doseči namen iz prejšnjega odstavka s tem, da uporabi ali grozi z uporabo jedrske ali druge radioaktivne snovi ali naprave, s poškodovanjem jedrskega objekta, tako da izpušča radioaktivno snov ali omogoča njen izpust, z grožnjo ali uporabo sile zahteva jedrsko ali drugo radioaktivno snov, napravo ali jedrski objekt, se kaznuje z zaporom do petnajstih let.

- unjustified interference with the information system entailing the serious obstruction or interruption of its operation by entering, downloading, damaging, deleting or modifying data or by preventing or disabling access to data and which causes serious damage or has been done by using a computer program, passwords or access codes designed or adapted for the purpose of committing a criminal offence or unjustified interference with the critical infrastructure information system that entails the serious obstruction or interruption of its operation by entering, transmitting, damaging, deleting or modifying data or preventing or disabling access to data;
- unjustified deletion, damage or modification of data in the critical infrastructure information system, or the prevention or denial of access to such data;
- the acquisition or assumption of control of a secured platform on the continental shelf with the use of force or threat or any other form of intimidation, or violent behaviour towards a person on the platform, if such behaviour poses a threat to this person's safety, or the destruction of a secured platform on the continental shelf or causing any damage to it that may endanger safety on the platform, or the installation of a device in order to destroy a secured platform or endanger safety on it, or injuring or causing death to a person in connection with any of the aforementioned acts,
- hijacking an aircraft, ship, means of freight transport or means of public transport,
- the production, possession, acquisition, transport, supply or use of weapons, explosives or nuclear, biological or chemical weapons,
- researching and developing nuclear, biological or chemical weapons,
- endangering security by releasing hazardous substances or causing fires, floods or explosions,
- disturbing or terminating the supply of water, electrical energy or other basic natural resources which could endanger human life, shall be sentenced to imprisonment for between three and fifteen years.

(2) Whoever wants to achieve the purposes referred to in the preceding paragraph by using or threatening to use nuclear or other radioactive substances or devices, by damaging a nuclear facility such that radioactive substances are released or their release is enabled, or who by threatening or using force demands nuclear or other radioactive substances, devices or facilities shall be sentenced to imprisonment for up to fifteen years.

(3) Kdor pripravlja ali pomaga pri pripravljanju kaznivih dejanjih iz prejšnjih odstavkov, tako da protipravno pridobi ali da na razpolago za storitev teh kaznivih dejanj potrebna materialna sredstva ali z izsiljevanjem pripravi drugega, da pri teh kaznivih dejanjih sodeluje, ali ponaredi uradne ali javne listine, potrebne pri storitvi teh kaznivih dejanj, ali take listine uporabi, se kaznuje z zaporom od enega do osmih let.

(4) Če ima dejanje iz prvega ali drugega odstavka tega člena za posledico smrt ene ali več oseb, se storilec kaznuje z zaporom od osmih do petnajstih let.

(5) Če storilec pri storitvi dejanja iz prvega ali drugega odstavka tega člena naklepoma vzame življenje eni ali več osebam, se kaznuje z zaporom najmanj petnajstih let.

(6) Če je dejanje iz prvega ali drugega odstavka tega člena storjeno v hudodelski združbi ali skupini, ki ima namen izvrševati kazniva dejanja (v nadaljevanju teroristična hudodelska združba ali skupina), navedena v teh odstavkih, se storilec kaznuje z zaporom od osmih do petnajstih let.

(7) Kdor sodeluje v teroristični hudodelski združbi ali skupini, ki ima namen storiti kazniva dejanja iz prvega, drugega, četrtega ali petega odstavka tega člena, se kaznuje z zaporom do osmih let.

(8) Kdor ustanovi ali vodi hudodelsko združbo iz prejšnjega odstavka, se kaznuje z zaporom najmanj petnajst let.

Potovanje v tujino z namenom terorizma

108.a člen

(1) Kdor odpotuje iz države svojega državljanstva ali dejanskega prebivališča z namenom storitve dejanj iz 108. člena tega

(3) Whoever prepares or helps to prepare a criminal offence referred to in the preceding paragraphs by unlawfully obtaining or making available the required means to commit these criminal offences or whoever through blackmail gets another person to participate in these criminal offences, or whoever falsifies official or public documents required to commit these criminal offences or uses such documents shall be sentenced to imprisonment for between one and eight years.

(4) If an act referred to in paragraph one or two results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between eight and fifteen years.

(5) If in committing an act referred to in paragraph one or two of this Article a perpetrator intentionally takes the life of one or more persons, he or she shall be sentenced to imprisonment for at least fifteen years.

(6) If an act referred to in paragraph one or two of this Article is committed by a criminal organisation or group that intends to commit a criminal offence (hereinafter terrorist organisation or group) specified in these paragraphs, the perpetrator shall be sentenced to imprisonment for between eight and fifteen years.

(7) Whoever participates in a terrorist organisation or group, that intends to commit a criminal offence referred to in paragraph one, two, four or five of this Article shall be sentenced to imprisonment for up to eight years.

(8) Whoever establishes or leads a criminal organisation referred to in the preceding paragraph shall be sentenced to imprisonment for at least fifteen years.

Travel abroad for the purpose of terrorism

Article 108a

(1) Whoever leaves the country of his or her nationality or the country of his or her actual residence with the intention of committing an

zakonika, se kaznuje z zaporom od enega do osmih let.

(2) Kdor odpotuje iz države svojega državljanstva ali dejanskega prebivališča z namenom storitve dejanj iz drugega ali tretjega odstavka 111. člena tega zakonika, se kaznuje z zaporom do osmih let.

(3) Kdor ob vedenju, da gre za namen iz prvega ali drugega odstavka tega člena, organizira ali drugače omogoča potovanja iz prvega ali drugega odstavka tega člena, se kaznuje z zaporom od enega do desetih let.

Financiranje terorizma

109. člen

(1) Kdor zagotovi ali zbere denar ali premoženje z namenom, da bo deloma ali v celoti uporabljeno za storitev dejanj iz 108., 108.a, 110. in 111. člena tega zakonika, se kaznuje z zaporom od enega do desetih let.

(2) Enako se kaznuje storilec dejanja iz prejšnjega odstavka tudi, če z namenom zagotovljen ali zbran denar ali premoženje ni bil dejansko uporabljen za storitev v prejšnjem odstavku navedenih kaznivih dejanj.

(3) Če je bilo dejanje iz prejšnjih odstavkov storjeno v teroristični hudodelski združbi ali skupini za izvrševanje terorističnih kaznivih dejanj, se storilec kaznuje z zaporom od treh do petnajstih let.

(4) Denar in premoženje iz prejšnjih odstavkov se vzameta.

Ščuvanje in javno poveličevanje terorističnih dejanj

110. člen

act referred to in Article 108 of this Code shall be sentenced to imprisonment for between one and eight years.

(2) Whoever leaves the country of his or her nationality or the country of his or her actual residence with the intention of committing an act referred to in paragraph two or three of Article 111 of this Code shall be sentenced to imprisonment for up to eight years.

(3) Whoever, having knowledge of the purpose referred to in paragraph one or two of this Article, organises or otherwise allows the travel referred to in paragraph one or two of this Article to take place shall be sentenced to imprisonment from one to ten years.

Financing of terrorist activities

Article 109

(1) Whoever provides or raises money or assets in order to partly or wholly finance the commission of an act referred to in Articles 108, 108a, 110 and 111 of this Code shall be sentenced to imprisonment for between one and ten years.

(2) Whoever commits an act referred to in the preceding paragraph shall be subject to the same punishment even if the money or assets provided or raised were not used to commit a criminal offence referred to in the preceding paragraph.

(3) If an act referred to in the preceding paragraphs was committed within a terrorist organisation or group, the perpetrator shall be sentenced to imprisonment for between three and fifteen years.

(4) The money and assets referred to in the preceding paragraphs shall be confiscated.

Incitement and public glorification of terrorist activities

Article 110

(1) Kdor ščuva k storitvi kaznivih dejanj iz 108. člena tega zakonika s tem da razširja sporočila ali jih daje na razpolago drugim osebam na kakšen drug način in tako povzroči nevarnost za storitev enega ali več takih kaznivih dejanj, se kaznuje z zaporom od enega do desetih let.

(2) Enako se kaznuje, kdor neposredno ali posredno javno povelečuje ali zagovarja kazniva dejanja iz 108. člena ali kaznivo dejanje iz prejšnjega odstavka s tem, da razširja sporočila ali jih daje na razpolago javnosti in s tem povzroči nevarnost za storitev enega ali več takih dejanj.

(3) Pregon za kazniva dejanja iz prejšnjih odstavkov se začne z dovoljenjem ministra za pravosodje.

Novačenje in usposabljanje za terorizem

111. člen

(1) Kdor novači za terorizem s tem, da spodbuja drugo osebo k storitvi kaznivih dejanj iz 108. člena tega zakonika ali k sodelovanju pri naročilu takega terorističnega kaznivega dejanja ali k priključitvi k teroristični hudodelski združbi ali skupini za izvrševanje terorističnih kaznivih dejanj, ki jih stori ta hudodelska združba ali skupina, se kaznuje z zaporom od enega do desetih let.

(2) Enako se kaznuje, kdor usposablja druge za kazniva dejanja iz 108. člena tega zakonika s tem, da priskrbi navodila za izdelavo in uporabo razstreliva, strelno ali drugo orožje, škodljive ali nevarne snovi, jih usposablja za druge posebne metode ali tehnologijo za izvedbo ali sodelovanje pri terorističnem dejanju.

(3) Enako se kaznuje, kdor se usposobi tako, da od drugega prejme navodila za izdelavo ali uporabo razstreliva, strelnega ali drugega orožja, škodljivih ali nevarnih snovi ali navodila za druge posebne metode

(1) Whoever incites the commission of a criminal offence referred to in Article 108 of this Code and thereby propagates messages or makes them available to other persons in some other manner, causing a risk of the commission of one or more such criminal offences, shall be sentenced to imprisonment for between one and ten years.

(2) Whoever directly or indirectly publicly glorifies or advocates in favour of the commission of a criminal offence referred to in Article 108 or a criminal offence referred to in the preceding paragraph by propagating messages or making them available to the public and thus causes a risk of the commission of one or more such acts, shall be punished in the same manner.

(3) Prosecution for a criminal offence referred to in the preceding paragraphs shall be initiated with the permission of the Minister of Justice.

Recruitment and training for terrorist activities

Article 111

(1) Whoever recruits for terrorist activities by encouraging another person to commit a criminal offence referred to in Article 108 of this Code, or to participate in ordering such a terrorist act, or to join a terrorist organisation or group to commit terrorist acts, shall be sentenced to imprisonment for between one and ten years.

(2) Whoever trains others to commit a criminal offence referred to in Article 108 of this Code by providing instructions for the manufacture and use of explosives, firearms or other weapons, harmful or hazardous substances, or trains them to use other special methods or technology to perform or participate in a terrorist act, shall be punished in the same manner.

(3) Whoever is trained by receiving instructions to manufacture and use explosives, firearms or other weapons, harmful or hazardous substances, or instructions for using other special methods or technology

ali tehnologijo z namenom storitve ali sodelovanja pri terorističnem dejanju.

Spravljanje v suženjsko razmerje

112. člen

(1) Kdor s kršitvijo pravil mednarodnega prava spravi drugega v suženjsko ali njemu podobno razmerje ali ga ima v takem razmerju, kupi, proda, izroči drugi osebi ali posreduje pri nakupu, prodaji ali izročitvi take osebe ali ščuva drugega, naj proda svojo svobodo ali svobodo osebe, ki jo preživlja ali zanjo skrbi, se kaznuje z zapornom od enega do desetih let.

(2) Kdor prevaža osebe v suženjskem ali njemu podobnem razmerju iz ene države v drugo, se kaznuje z zapornom od šestih mesecev do petih let.

(3) Kdor stori dejanje iz prvega ali drugega odstavka tega člena proti mladoletni osebi, se kaznuje z zapornom od treh do petnajstih let.

Trgovina z ljudmi

113. člen

(1) Kdor zaradi izkoriščanja prostitucije ali drugih oblik spolnih zlorab, prisilnega dela, suženjstva, služabništva, storitve kaznivih dejanj ali trgovine z organi, človeškimi tkivi ali krvjo drugo osebo kupi, prevzame, nastani, prepelje, proda, izroči oziroma z njo kako drugače razpolaga ali tako osebo novači, menjava ali prenaša nadzor nad njo ali pri teh ravnanjih posreduje, se, ne glede na morebitno privolitev te osebe, kaznuje z zapornom od enega do desetih let in denarno kaznijo.

(2) Če je dejanje iz prejšnjega odstavka storjeno proti

to perform or participate in a terrorist act, shall be punished in the same manner.

Enslavement

Article 112

(1) Whoever, in violation of international law, forces another person into slavery or a similar condition, or keeps another person in such a condition, or buys, sells or delivers another person to a third party, or brokers the buying, selling or delivery of another person, or incites another person to sell his or her freedom or the freedom of a person he or she supports or looks after, shall be sentenced to imprisonment for between one and ten years.

(2) Whoever transports persons held in slavery conditions or in a similar condition from one country to another shall be sentenced to imprisonment for between six months and five years.

(3) Whoever commits a criminal offence referred to in paragraph one or two of this Article against a minor shall be sentenced to imprisonment for between three and fifteen years.

Trafficking in human beings

Article 113

(1) Whoever purchases, takes possession of, accommodates, transports, sells, delivers or uses another person in any other way, or recruits, exchanges or transfers control over another person or acts as a broker in such operations, for the purpose of exploiting prostitution or other forms of sexual exploitation, forced labour, slavery, servitude, or committing the criminal offences of trafficking in organs, human tissue or blood, shall, notwithstanding the possible consent of such person, be sentenced to imprisonment for between one and ten years and imposed a fine.

(2) If an act referred to in the preceding paragraph is committed

mladoletni osebi ali pa s silo, grožnjo, preslepitvijo, ugrabitvijo ali zlorabo podrejenega ali odvisnega položaja ali z dajanjem ali prejemanjem plačil ali koristi, da se doseže soglasje osebe, ki ima nadzor nad drugo osebo, ali z namenom prisiljevanja k nosečnosti ali umetni oploditvi, se storilec kaznuje z zaporom od treh do petnajstih let.

(3) Kdor z namenom izvršitve dejanja iz prvega ali drugega odstavka tega člena zadrži, odvzame, skrije, poškoduje ali uniči javno listino, s katero se izkazuje identiteta žrtve trgovine z ljudmi, se kaznuje z zaporom do treh let in denarno kaznijo.

(4) Kdor ve, da je oseba žrtev trgovine z ljudmi, pa uporablja njene storitve, ki so posledica izkoriščanja te osebe, opisanega v prvem in drugem odstavku tega člena, se kaznuje z zaporom do treh let in denarno kaznijo.

(5) Kdor stori dejanje iz prvega, drugega ali tretjega odstavka tega člena kot član hudodelske združbe za izvedbo takih dejanj ali če je bila s tem dejanjem pridobljena velika premoženjska korist, se kaznuje z zaporom od treh do petnajstih let in denarno kaznijo.

Prepovedana tvorba živih bitij

114. člen

(1) Kdor izdeluje ali sodeluje pri izdelovanju ali poskusih izdelovanja ali križanja človeka ali drugih vrst, kar je za človeštvo škodljivo in prepovedano po predpisih in po mednarodnem pravu, se kaznuje z zaporom od petih do petnajstih let.

(2) Če gre pri dejanjih iz prejšnjega odstavka za ustvaritev človeškega bitja, ki je genetsko istovetno z drugim živim ali mrtvim človeškim bitjem, za ustvarjanje človeških zarodkov v raziskovalne, industrijske ali komercialne namene ali za zamenjevanje pomembnih človeških delov telesa ali organov, kar po predpisih in po mednarodnem pravu ni dovoljeno, se storilec kaznuje z zaporom od desetih do petnajstih

against a minor or with force, threats, deception, abduction or the exploitation of a subordinate or dependent position or by giving or taking payment or benefits in order to obtain the consent of a person who exercises control over another person, or in order to force a victim to become pregnant or be artificially inseminated, shall be punished by imprisonment for between three and fifteen years and by a fine.

(3) Whoever, with a view to committing an act referred to in paragraph one or two of this Article, keeps, seizes, hides, damages or destroys an official document proving the identity of victims of trafficking in human beings, shall be sentenced to imprisonment for up to three years and imposed a fine.

(4) Whoever knows that a person is a victim of human trafficking and uses such services as a result of the exploitation of this person described in paragraphs one and two of this Article shall be sentenced to imprisonment for up to three years and imposed a fine.

(5) Whoever carries out an act referred to in paragraph one, two or three of this Article as a member of a criminal organisation, or if large proceeds are gained through the commission of the act, the perpetrator shall be sentenced to imprisonment for between three and fifteen years and imposed a fine.

Prohibition on the creation of living creatures

Article 114

(1) Whoever creates or participates in creating or attempts to create or crossbreed human beings or other species that are harmful to humans and prohibited according to regulations and international law, shall be sentenced to imprisonment for between five and fifteen years.

(2) If an act referred to in the preceding paragraph concerns the creation of a human being that is genetically identical to another living or dead human being, the creation of human embryos for research, industrial or commercial purposes, or the exchange of important human body parts or organs that is prohibited according to regulations and international law, the perpetrator shall be sentenced to imprisonment for between ten and

let.

(3) Kdor opravlja genetske preiskave, ki lahko napovejo dedne bolezni ali omogočajo določitev nosilstva gena, odgovornega za bolezen, ali odkrijejo genetsko nagnjenost ali dovzetnost za bolezen, vendar se te preiskave ne opravljajo izključno v zdravstvene namene ali kot zdravstvene raziskave v zdravstvene namene, ali kdor pri opravljanju preiskav opusti ustrezno genetsko svetovanje ali s kršitvijo predpisov izvaja znanstvene preiskave na področju biologije in medicine, ki so prepovedane po predpisih in po mednarodnem pravu, se kaznuje z denarno kaznijo ali z zaporom do treh let.

(4) Enako kot v prejšnjem odstavku se kaznuje, kdor pri raziskovanju na človeških zarodkih ogrozi integriteto ali življenje človeškega zarodka.

(5) Kdor omogoča dejanja iz prvega ali drugega odstavka tega člena s financiranjem, s tem, da daje na razpolago objekte, pripomočke ali tvarine za izdelavo živih bitij ali njihovo križanje, s pridobivanjem sodelavcev ali z drugačnim organiziranjem izdelave, se kaznuje z zaporom od treh do desetih let.

Petnajsto poglavje
KAZNIVA DEJANJA ZOPER ŽIVLJENJE IN TELO

Uboj

115. člen

(1) Kdor komu vzame življenje, se kaznuje z zaporom od petih do petnajstih let.

(2) Če stori dejanje iz prejšnjega odstavka dvoje ali več oseb, ki so se združile zato, da bi storile uboj, se storilec kaznuje s kaznijo od desetih do petnajstih let.

Umor

fifteen years.

(3) Whoever performs genetic research that could forecast hereditary diseases or enable a determination of whether a person carries a gene responsible for a disease, or identify a genetic predisposition or susceptibility to a disease, but the research is not performed exclusively for medical purposes or as medical research for medical purposes, or whoever in conducting research abandons appropriate genetic advice or, by violating regulations, conducts research in the field of biology and medicine that is banned according to regulations and international law, shall be punished by a fine or imprisonment for up to three years.

(4) Whoever endangers the integrity or life of a human embryo during research on human embryos shall be punished in the same manner as in the preceding paragraph.

(5) Whoever enables the commission of an act referred to in paragraph one or two of this Article by providing financing, buildings, devices or material to create or crossbreed living creatures, by recruiting assistants, or by otherwise organising such creation shall be sentenced to imprisonment for between three and ten years.

Chapter Fifteen
CRIMINAL OFFENCES AGAINST LIFE AND BODY

Manslaughter

Article 115

(1) Whoever takes the life of another person shall be sentenced to imprisonment for between five and fifteen years.

(2) If two or more persons associate to commit an act referred to in the preceding paragraph, they shall be sentenced to imprisonment for between ten and fifteen years.

Murder

116. člen

Kdor koga umori s tem, da mu vzame življenje

- 1) na grozovit ali zahrbtnen način;
- 2) zaradi ukrepanja pri uradnih dejanjih varovanja javne varnosti ali v predkazenskem postopku ali zaradi odločitev državnih tožilcev ali zaradi postopka in odločitev sodnikov ali zaradi ovadbe ali pričanja v sodnem postopku;
- 3) zaradi kršitve enakopravnosti;
- 4) iz morilske sle, iz koristoljubnosti, zato da bi storil ali prikril kakšno drugo kaznivo dejanje, iz brezobzirnega maščevanja ali iz kakšnih drugih nizkotnih nagibov;
- 5) z dejanjem, storjenim v hudodelski združbi za storitev takih dejanj, se kaznuje z zaporem najmanj petnajstih let.

Uboj na mah

117. člen

Kdor koga ubije na mah, ker ga je brez njegove krivde z napadom ali hudimi žalitvami močno razdražil, se kaznuje z zaporem od enega do desetih let.

Povzročitev smrti iz malomarnosti

118. člen

Kdor povzroči smrt drugega iz malomarnosti, se kaznuje z zaporem od šestih mesecev do petih let.

Detomor

119. člen

Article 116

Whoever murders another person

- 1) in a horrific or treacherous manner;
 - 2) due to actions taken regarding official acts to protect public security or in a pre-trial criminal procedure, or due to the decisions of state prosecutors, or due to the proceedings and decisions of judges, or due to a criminal complaint or testimony in court proceedings;
 - 3) due to a violation of equality;
 - 4) out of desire to murder, out of a self-serving interest, in order to commit or to conceal another criminal offence, out of unscrupulous vengeance, or for other base motives; or
 - 5) by an act committed within a criminal organisation;
- shall be sentenced to imprisonment for at least fifteen years.

Voluntary manslaughter

Article 117

Whoever kills another person through no guilt of his or her own under provocation of assault or serious personal insult from that person shall be sentenced to imprisonment for between one and ten years.

Negligent homicide

Article 118

Whoever causes the death of another person by negligence shall be sentenced to imprisonment for between six months and five years.

Infanticide

Article 119

Mati, ki vzame življenje svojemu otroku med porodom ali takoj po njem, dokler je še pod njegovim vplivom, se kaznuje z zaporom do treh let.

Napeljevanje k samomoru in pomoč pri samomoru

120. člen

(1) Kdor koga naklepoma napelje k samomoru ali mu pomaga pri njem in ga ta stori, se kaznuje z zaporom od šestih mesecev do petih let.

(2) Kdor stori dejanje iz prejšnjega odstavka proti mladoletni osebi, ki je že stara štirinajst let, ali proti osebi, katere sposobnost razumeti pomen svojega dejanja ali imeti v oblasti svoje ravnanje je bila bistveno zmanjšana, se kaznuje z zaporom od enega do desetih let.

(3) Če je dejanje iz prvega odstavka tega člena storjeno proti mladoletni osebi, ki še ni stara štirinajst let, ali proti osebi, ki ni mogla razumeti pomena svojega dejanja ali imeti v oblasti svojega ravnanja, se storilec kaznuje kot za uboj ali umor.

(4) Kdor surovo ali nečloveško ravna s kom, ki mu je podrejen ali od njega odvisen in zaradi takega ravnanja stori samomor, se kaznuje z zaporom od šestih mesecev do petih let.

(5) Kdor komu pomaga pri samomoru in ga ta stori, pa so pri tem dane posebne olajševalne okoliščine, se kaznuje z zaporom do treh let.

(6) Če je kdo zaradi kakšnega dejanja iz prejšnjih odstavkov samomor samo poskušal, sme sodišče storilca kaznovati mileje.

A mother who takes her child's life during or immediately after giving birth by reason of mental disturbance provoked by giving birth shall be sentenced to imprisonment for up to three years.

Solicitation to and assistance in suicide

Article 120

(1) Whoever intentionally solicits another person to kill him- or herself or assists him or her in doing so and that person indeed commits suicide shall be sentenced to imprisonment for between six months and five years.

(2) Whoever commits an act referred to in the preceding paragraph against a minor above fourteen years of age or against a person whose capacity to understand the meaning of his or her act or to control his or her conduct is substantially diminished shall be sentenced to imprisonment for between one and ten years.

(3) In the event of an act referred to in paragraph one of the this Article being committed against a minor under fourteen years of age or against a person who was not capable of understanding the meaning of his or her act or of controlling his or her conduct shall be punished in the same manner as for manslaughter or murder.

(4) Whoever treats his or her subordinate or a person who is his or her dependant in a cruel or inhuman manner, resulting in this person's suicide, shall be sentenced to imprisonment for between six months and five years.

(5) Whoever, under particularly mitigating circumstances, assists another person in the commission of suicide and that person indeed commits suicide, shall be sentenced to imprisonment for up to three years.

(6) If in relation to an act referred to in the preceding paragraphs the suicide has only been attempted, the Court may reduce the punishment of the perpetrator.

Nedovoljen poseg v nosečnost

121. člen

(1) Kdor v nasprotju z zdravstvenimi pogoji in načinom umetne prekinitve nosečnosti, ki so določeni z zakonom, noseči ženski z njeno privolitvijo prekine nosečnost, začne prekinjati ali ji pomaga pri prekinitvi nosečnosti, se kaznuje z zaporom od šestih mesecev do petih let.

(2) Kdor noseči ženski brez njene privolitve prekine ali začne prekinjati nosečnost, se kaznuje z zaporom od enega do osmih let.

(3) Kdor z uporabo metod oploditve z medicinsko pomočjo vpliva na izbiro spola bodočega otroka, razen če naj bi se s tem izognilo hudi dedni bolezni, vezani na spol, se kaznuje z zaporom do treh let.

(4) Enako kot v prejšnjem odstavku tega člena se kaznuje, kdor protipravno opravi postopek oploditve z biomedicinsko pomočjo zaradi nadomestnega materinstva.

(5) Enako kot v tretjem odstavku tega člena se kaznuje, kdor trguje s semenskimi celicami, neoplojenimi jajčnimi celicami in z zgodnjimi človeškimi zarodki.

(6) Če ima dejanje iz prejšnjih odstavkov za posledico posebno hudo telesno poškodbo ženske, se storilec kaznuje z zaporom od enega do desetih let.

(7) Če ženska zaradi dejanja iz prvega, drugega ali tretjega odstavka tega člena umre, se storilec kaznuje z zaporom od treh do petnajstih let.

Lahka telesna poškodba

Illegal abortion

Article 121

(1) Whoever performs or commences to perform an abortion on a pregnant woman with her consent or assists her in inducing an abortion in a manner not consistent with medical practice and the methods of terminating a pregnancy determined by an Act, shall be sentenced to imprisonment for between six months and five years.

(2) Whoever performs or commences to perform an abortion on a pregnant woman without her consent shall be sentenced to imprisonment for between one and eight years.

(3) Whoever affects the selection of the gender of a future child by using a fertilisation method with medical assistance, except in order to avoid a severe hereditary disease connected to gender, shall be sentenced to imprisonment for up to three years.

(4) Whoever unlawfully performs a fertilisation procedure with biomedical assistance due to surrogate motherhood shall be punished in the same manner as in the preceding paragraph of this Article.

(5) Whoever trades in sperm cells, unfertilised egg cells or early human embryos shall be punished in the same manner as in paragraph three of this Article.

(6) If an act referred to in the preceding paragraphs results in severe bodily harm to the woman, the perpetrator shall be sentenced to imprisonment for between one and ten years.

(7) If an act referred to in paragraph one, two or three of this Article results in a woman's death, the perpetrator shall be sentenced to imprisonment for between three and fifteen years.

Slight bodily injury

122. člen

(1) Kdor koga tako telesno poškoduje, da je bil zaradi tega začasno okvarjen ali oslavljen kakšen del njegovega telesa ali njegov organ, ali je poškodovančeva zmožnost za delo začasno zmanjšana ali je prizadeta njegova zunanost ali je začasno okvarjeno njegovo zdravje, se kaznuje z denarno kaznijo ali z zaporom do enega leta.

(2) Če je poškodba iz prejšnjega odstavka prizadejana z orožjem, nevarnim orodjem, drugim sredstvom ali na tak način, da se lahko telo hudo poškoduje ali zdravje hudo okvari, se storilec kaznuje z zaporom do treh let.

(3) Sodišče sme storilcu dejanja iz prejšnjega odstavka izreči sodni opomin, zlasti če je bil storilec izzvan z nedostojnim ali surovim obnašanjem poškodovanca.

(4) Pregon za dejanje iz prvega odstavka tega člena se začne na predlog.

Huda telesna poškodba

123. člen

(1) Kdor koga tako telesno poškoduje ali mu prizadene tako škodo na zdravju, da bi bilo lahko zaradi tega v nevarnosti življenje poškodovanca, ali je uničen ali za vselej in znatno oslavljen kakšen del njegovega telesa ali kak organ ali je začasno in znatno oslavljen pomemben del telesa ali pomemben organ ali je zaradi tega poškodovani začasno nezmožen za vsakršno delo ali je njegova zmožnost za delo za vselej zmanjšana ali je bila začasno precej zmanjšana ali je bil začasno skažen ali mu je začasno hudo ali za vselej v manjši meri okvarjeno zdravje, se kaznuje z zaporom od šestih mesecev do petih let.

Article 122

(1) Whoever inflicts bodily harm on another person resulting in the temporary weakness or impairment of an organ or part of his or her body, his or her temporary inability to work, the impairment of his or her outlook on life or temporary damage to his or her health, shall be punished by a fine or imprisonment for up to one year.

(2) If the injury referred to in the preceding paragraph has been inflicted by means of a weapon, dangerous implement or any other implement capable of causing serious bodily harm or severe damage to health, the perpetrator shall be sentenced to imprisonment for up to three years.

(3) The Court may issue a judicial admonition to the perpetrator referred to in the preceding paragraph, particularly if his or her conduct is provoked by indecent or brutal behaviour on the part of the injured person.

(4) Prosecution of a criminal offence referred to in paragraph one of this Article shall be initiated upon a proposal

Serious bodily injury

Article 123

(1) Whoever inflicts bodily harm on another person or damages his or her health to such an extent that this might place the life of the injured person in danger or cause the destruction or permanent serious impairment of an organ or part of the body, the temporary serious weakness of a vital part or organ of the body, the temporary loss of his or her ability to work, a permanent or serious temporary reduction of his or her ability to work, his or her temporary disfigurement, or serious temporary or less severe but permanent damage to the health of the injured person, shall be sentenced to imprisonment for between six months and five years.

(2) Če poškodovani zaradi poškodbe iz prejšnjega odstavka umre, se storilec kaznuje z zaporom od enega do desetih let.

(3) Kdor stori dejanje iz prvega odstavka tega člena iz malomarnosti, se kaznuje z zaporom do dveh let.

(4) Če je storilec dejanje iz prvega ali drugega odstavka tega člena storil na mah, ker ga je poškodovanec brez njegove krivde z napadom ali hudimi žalitvami močno razdražil, se kaznuje z zaporom do treh let.

Posebno huda telesna poškodba

124. člen

(1) Kdor koga tako hudo telesno poškoduje ali mu prizadene tako hudo škodo na zdravju, da je bilo zaradi tega v nevarnosti življenje poškodovanca, ali je uničen ali za vselej in zelo oslavljen pomemben del njegovega telesa ali pomemben organ ali je postal poškodovani zaradi tega za vselej nezmožen za vsakršno delo ali je ostal skažen ali mu je bilo za vselej hudo okvarjeno zdravje, se kaznuje z zaporom od enega do desetih let.

(2) Če poškodovani zaradi poškodbe iz prejšnjega odstavka umre, se storilec kaznuje z zaporom od treh do petnajstih let.

(3) Kdor stori dejanje iz prvega odstavka tega člena iz malomarnosti, se kaznuje z zaporom do treh let.

(4) Če je storilec dejanje iz prvega ali drugega odstavka tega člena storil na mah, ker ga je poškodovanec brez njegove krivde z napadom ali hudimi žalitvami močno razdražil, se kaznuje z zaporom od šestih mesecev do petih let.

(2) If the injury referred to in the preceding paragraph results in the death of the injured person, the perpetrator shall be sentenced to imprisonment for between one and ten years.

(3) Whoever commits an act referred to in paragraph one of this Article by negligence shall be sentenced to imprisonment for up to two years.

(4) A perpetrator who commits an act referred to in paragraph one or two of this Article through no guilt of his or her own and in the sudden heat of passion provoked by assault or grave insult from the injured person shall be sentenced to imprisonment for up to three years.

Particularly severe bodily injury

Article 124

(1) Whoever inflicts bodily harm on another or damages his or her health so severely that this results in a risk to the life of the injured person, the destruction or substantial permanent impairment of any vital part or organ of the body, permanent loss of his or her ability to work, or serious permanent damage to his or her health, shall be sentenced to imprisonment for between one and ten years.

(2) If the injury referred to in the preceding paragraph results in the death of the injured person, the perpetrator shall be sentenced to imprisonment for between three and fifteen years.

(3) Whoever commits an act referred to in paragraph one of this Article by negligence shall be sentenced to imprisonment for up to three years.

(4) A perpetrator who commits an act referred to in paragraph one or two of this Article through no guilt of his or her own and in the sudden heat of passion provoked by assault or grave insult from the injured person shall be sentenced to imprisonment for between six months and five years.

Izključitev kaznivega dejanja pri telesnem poškodovanju s privolitvijo poškodovanca

125. člen

(1) Povzročitev lahke telesne poškodbe (122. člen) ni protipravna, če je poškodovanec privolil vanjo. V tem primeru se pri mladoletni ali slabotni osebi upošteva privolitev, če jo v skladu z zakonom v skrbi za njuno zdravje da tisti, ki zastopa take osebe.

(2) Naklepna povzročitev hude (123. člen) ali posebno hude (124. člen) telesne poškodbe ni protipravna, če je poškodovanec privolil vanjo in pri tem niso bile prizadete koristi koga drugega ali ogrožena kakšna skupna pravna vrednota.

(3) Ne glede na prejšnji odstavek naklepna povzročitev hude ali posebno hude telesne poškodbe pri zdravljenju ali zdravilski dejavnosti ni protipravna, če je bila privolitev dana v obliki in ob pogojih, ki jih določa zakon.

Sodelovanje pri pretepu

126. člen

Kdor sodeluje pri pretepu, v katerem je kdo ubit ali hudo telesno poškodovan, se za samo sodelovanje kaznuje z zaporom do enega leta.

Ogrožanje z nevarnim orodjem pri pretepu ali prepiru

127. člen

The exclusion of a criminal offence involving bodily injury with the consent of the injured person

Article 125

(1) Causing a slight bodily injury (Article 122) shall not be unlawful if it is caused with the injured person's consent. In such case, the consent of the person representing a minor or vulnerable person in accordance with an Act and caring for their health shall be taken into consideration.

(2) The intentional infliction of a serious (Article 123) or particularly serious (Article 124) bodily injury shall not be unlawful if the injured person gives his or her consent and provided that the interests of another person were not affected or that a common legal value is not endangered.

(3) Notwithstanding the preceding paragraph, the intentional infliction of a serious or particularly serious bodily injury during medical treatment or a healing activity shall not be unlawful if consent is given in the form and under the conditions provided by an Act.

Participation in brawl

Article 126

Whoever participates in a brawl resulting in the death of a person or in serious bodily injury shall, for participation therein itself, be sentenced to imprisonment for up to one year.

Endangering life by means of dangerous implements in a brawl or quarrel

Article 127

(1) Kdor pri pretepu ali prepiru seže po orožju, nevarnem orodju ali kakšnem drugem sredstvu, s katerim se lahko telo hudo poškoduje ali zdravje hudo okvari, se kaznuje z denarno kaznijo ali z zaporem do šestih mesecev.

(2) Pregon se začne na predlog.

Povzročitev nevarnosti

128. člen

Kdor pusti koga brez pomoči v smrtni nevarnosti, ki jo je sam povzročil, se kaznuje z zaporem do dveh let.

Zapustitev slabotne osebe

129. člen

Kdor pusti osebo, ki mu je bila zaupana ali za katero sicer mora skrbeti, brez pomoči v razmerah, ki so nevarne za življenje ali zdravje, se kaznuje z zaporem do dveh let.

Opustitev pomoči

130. člen

Kdor ne pomaga osebi, ki je v neposredni smrtni nevarnosti, čeprav bi to lahko storil brez nevarnosti zase ali za koga drugega, se kaznuje z zaporem do enega leta.

Šestnajsto poglavje

(1) Whoever, in taking part in a brawl or quarrel, reaches for weapons, dangerous implements or any other implements capable of causing serious bodily harm or damage to health shall be punished by a fine or imprisonment for up to six months.

(2) Prosecution thereof shall be initiated upon a proposal.

Causing danger

Article 128

Whoever leaves another person helpless and in a life-threatening situation that he or she him- or herself has caused shall be sentenced to imprisonment for up to two years.

Abandonment of an infirm person

Article 129

Whoever abandons a person who has been entrusted to him or her or whom he or she is obliged to take care of in circumstances that endanger the life or health of the entrusted person shall be sentenced to imprisonment for up to two years.

Failure to render aid

Article 130

Whoever fails to render aid to another person in an immediate life-threatening situation, even though he or she could have done so without endangering him- or herself or any third person, shall be sentenced to imprisonment for up to one year.

Chapter Sixteen

Kršitev enakopravnosti

Violation of the right to equality

131. člen

Article 131

(1) Kdor zaradi razlike v narodnosti, rasi, barvi, veroizpovedi, etnični pripadnosti, spolu, jeziku, političnem ali drugačnem prepričanju, spolni usmerjenosti, premoženjskem stanju, rojstvu, genetski dediščini, izobrazbi, družbenem položaju ali kakšni drugi okoliščini prikrajša koga za katero izmed človekovih pravic ali temeljnih svoboščin, ki so priznane od mednarodne skupnosti ali določene z ustavo ali zakonom, ali mu takšno pravico ali svoboščino omeji ali kdor na podlagi takšnega razlikovanja komu da kakšno posebno pravico ali ugodnost, se kaznuje z denarno kaznijo ali z zapornom do enega leta.

(1) Whoever due to differences with respect to nationality, race, skin colour, religion, ethnicity, gender, language, political or other beliefs, sexual orientation, financial situation, birth, genetic heritage, education, social position or any other circumstance, deprives another person of any human right or freedom recognised by the international community or laid down by the Constitution or an Act, or grants another person a special privilege or advantage on the basis of such discrimination, shall be punished by a fine or imprisonment for up to one year.

(2) Enako se kaznuje, kdor preganja posameznika ali organizacijo zaradi zavzemanja za enakopravnost ljudi.

(2) Whoever persecutes an individual or an organisation due to his or her or its advocacy of the equality of people shall be punished to the same extent.

(3) Če stori dejanje iz prvega ali drugega odstavka tega člena uradna oseba z zlorabo uradnega položaja ali uradnih pravic, se kaznuje z zapornom do treh let.

(3) In the event of an act referred to in paragraph one or two of this Article being committed by an official through abuse of office or official powers, he or she shall be sentenced to imprisonment for up to three years.

Prisiljenje

Criminal coercion

132. člen

Article 132

(1) Kdor koga s silo ali resno grožnjo prisili, da kaj stori ali opusti ali da kaj trpi, se kaznuje z zapornom do enega leta.

(1) Whoever, by means of force or serious threat, coerces another person to perform an act or to omit the performance of an act or to suffer any harm shall be sentenced to imprisonment for up to one year.

(2) Pregon se začne na predlog.

(2) Prosecution shall be initiated upon a proposal.

Prisilna sklenitev zakonske zveze ali vzpostavitve podobne skupnosti

Entry into a forced marriage or establishing similar communities

132.a člen

(1) Kdor s silo ali grožnjo, da bo uporabil silo, ali z zlorabo podrejenega ali odvisnega položaja drugega prisili v sklenitev zakonske zveze ali v vzpostavitev podobne skupnosti, ki je v skladu z zakonom v določenih pravnih posledicah izenačena z zakonsko zvezo, se kaznuje z zaporom do treh let.

(2) Kdor stori dejanje iz prejšnjega odstavka proti mladoletni osebi ali slabotni osebi, se kaznuje z zaporom do petih let.

Protipraven odvzem prostosti

133. člen

(1) Kdor koga protipravno zapre, ima zaprtega ali mu kako drugače omeji svobodo gibanja, se kaznuje z zaporom do enega leta.

(2) Če stori dejanje iz prejšnjega odstavka uradna oseba z zlorabo svojega položaja ali svojih pravic, se kaznuje z zaporom do treh let.

(3) Poskus dejanja iz prvega odstavka tega člena je kazniv.

(4) Kdor komu protipravno odvzame prostost za več kot teden dni ali če to stori na grozovit način, se kaznuje z zaporom od treh mesecev do petih let.

Ugrabitev

134. člen

Article 132a

(1) Whoever, by force or threat of force or the exploitation of a subordinate or dependent position, forces another person to enter into a forced marriage or establishes a similar community that in accordance with an Act has the same legal consequences as if a marriage had been concluded, shall be sentenced to imprisonment for up to three years.

(2) Whoever commits an act referred to in the preceding paragraph against a minor or an infirm person shall be sentenced to imprisonment for up to five years.

False Imprisonment

Article 133

(1) Whoever unlawfully incarcerates another person or keeps him or her incarcerated or otherwise deprives him or her of freedom of movement shall be sentenced to imprisonment for up to one year.

(2) If an act referred to in the preceding paragraph is committed by an official through abuse of office or official powers, he or she shall be sentenced to imprisonment for up to three years.

(3) Any attempt to commit an act referred to in paragraph one of this Article shall be punished.

(4) Whoever either deprives another person unlawfully of his or her freedom for a period exceeding one week or so acts in a horrific manner shall be sentenced to imprisonment for between three months and five years.

Abduction

Article 134

(1) Kdor koga ugrabi z namenom, da njega ali koga drugega prisili, da nekaj stori, opusti ali trpi, ali kdor v zvezi z ugrabitvijo prisili ugrabljeno osebo ali koga drugega, da nekaj stori, opusti ali trpi, se kaznuje z zaporom od šestih mesecev do petih let.

(2) Kdor stori dejanje iz prejšnjega odstavka proti mladoletni osebi ali zagrozi z ubojem ali s hudo telesno poškodbo ugrabljene osebe, se kaznuje z zaporom od enega do desetih let.

(3) Storilec dejanj iz prvega ali drugega odstavka tega člena, ki prostovoljno spusti na prostost ugrabljeno osebo, preden je izpolnjena njegova zahteva, zaradi katere jo je ugrabil, se sme kaznovati mileje ali se mu sme kazen odpustiti.

Zalezovanje

134.a člen

(1) Kdor koga drugega ali njegovega bližnjega s ponavljajočim se opazovanjem, zasledovanjem ali vsiljivim prizadevanjem vzpostavitve neposrednega stika ali stika preko elektronskih komunikacijskih sredstev zalezuje in pri njem ali pri njegovem bližnjem s tem povzroči prestrašenost ali ogroženost, se kaznuje z denarno kaznijo ali zaporom do dveh let.

(2) Če je zalezovana oseba mladoletna oseba ali slabotna oseba, se storilec kaznuje z denarno kaznijo ali z zaporom do treh let.

(3) Pregon za dejanje iz prvega in drugega odstavka tega člena se začne na predlog.

Grožnja

135. člen

(1) Whoever abducts another in order to compel him or her or any other person to perform an act or to omit to perform an act or to suffer any harm shall be sentenced to imprisonment for between six months and five years.

(2) Whoever commits an act referred to in the preceding paragraph against a minor or threatens the abducted person with murder or serious bodily harm shall be sentenced to imprisonment for between one and ten years.

(3) A perpetrator of an act referred to in paragraph one or two of this Article who releases the abducted person before the demand that was the motive for abducting the person is satisfied may be sentenced more leniently or his or her sentence may be remitted.

Stalking

Article 134a

(1) Whoever stalks another person or someone close to him or her with repeated observation, pursuit or intrusive efforts to establish direct contact or contact via electronic means of communication, thereby leading the person or those close to him or her to fear for their safety or to have a feeling of being threatened, shall be punished by a fine or imprisonment for up to two years.

(2) If the person being stalked is a minor or an infirm person, the perpetrator shall be punished by a fine or imprisonment for up to three years.

(3) Prosecution of an act referred to in paragraphs one and two shall be initiated upon a proposal.

Threats

Article 135

(1) Kdor komu, zato da bi ga ustrašoval ali vznemiril, resno zagrozi, da bo napadel njegovo življenje ali telo ali prostost ali uničil njegovo premoženje velike vrednosti, ali da bo ta dejanja storil zoper njegovo bližnjo osebo, se kaznuje z denarno kaznijo ali zaporom do šestih mesecev.

(2) Kdor stori dejanje iz prejšnjega odstavka proti dvema ali več osebam ali z grdim ravnanjem ali z orožjem, nevarnim orodjem, drugim sredstvom ali na tak način, da se lahko telo hudo poškoduje ali zdravje hudo okvari, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(3) Pregon za dejanje iz prvega in drugega odstavka tega člena se začne na predlog.

(4) **(črtan)**.

Mučenje

135.a člen

(1) Kdor komu namenoma povzroči hudo bolečino ali trpljenje, bodisi telesno ali duševno, da si od njega ali tretje osebe pridobi informacijo oziroma priznanje, da ga kaznuje za dejanje, ki ga je storil on ali tretja oseba ali je za to dejanje osumljen on ali tretja oseba, da bi ga ustrašoval ali nanj izvajal pritisk ali da bi ustrašoval tretjo osebo ali nanjo izvajal pritisk ali iz katerega drugega razloga, ki temelji na kateri koli obliki kršitve enakopravnosti, se kaznuje z zaporom od enega do desetih let.

(2) Če bolečino ali trpljenje iz prejšnjega odstavka povzroči ali prizadene uradna oseba ali kdo drug, ki nastopa z uradnim statusom ali pooblastilom ali na pobudo take osebe ali z njeno izrecno ali tiho privolitvijo, se kaznuje z zaporom od treh do dvanajstih let.

(1) Whoever seriously threatens another person with the intention of intimidating or upsetting this person with an attack on his or her life or body or freedom, or threatens to destroy property of his or hers of substantial value or to commit any of these acts against a person close to him or her, shall be punished by a fine or imprisonment for up to six months.

(2) Whoever commits an act referred to in the preceding paragraph against two or more persons either by ill-treatment or by means of a weapon, dangerous implement or any other implement capable of causing serious bodily harm or severe damage to health, shall be punished by a fine or imprisonment for up to one year.

(3) Prosecution of an act referred to in paragraphs one and two of this Article shall be initiated upon a proposal.

(4) **(Deleted)**.

Torture

Article 135a

(1) Whoever intentionally causes severe pain or suffering to another person, either physical or mental, in order to obtain information or a confession from him or her or a third person, punish him or her for an act committed by him- or herself or a third person, or which is suspected of having been committed by him or her or a third person, to intimidate him or her or put him or her under pressure or intimidate a third person or put such person under pressure or for whatever reason that is based on any form of violating equality, shall be sentenced to imprisonment for between one and ten years.

(2) If the pain or suffering referred to in the preceding paragraph is caused or inflicted by an official or any other person with official status or authority, or on his or her initiative or with his or her expressed or tacit consent, he or she shall be sentenced to imprisonment for between three and twelve years.

Neupravičena osebna preiskava

136. člen

(1) Kdor neupravičeno preišče drugega ali stvari, ki jih ima ta na sebi ali s seboj, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Če stori dejanje iz prejšnjega odstavka uradna oseba z zlorabo uradnega položaja ali uradnih pravic, se kaznuje z zaporom do dveh let.

(3) Poskus dejanj iz prvega in drugega odstavka tega člena je kazniv.

(4) Pregon za dejanje iz prvega odstavka tega člena se začne na predlog.

Neupravičeno prisluškovanje in zvočno snemanje

137. člen

(1) Kdor neupravičeno s posebnimi napravami prisluškuje pogovoru ali izjavi, ki mu ni namenjena, ali jo zvočno snema, ali kdor tak pogovor ali tako izjavo neposredno prenaša tretji osebi ali ji tak posnetek predvaja ali kako drugače omogoči, da se z njim neposredno seznanijo, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Enako se kaznuje, kdor zvočno snema njemu namenjeno zaupno izjavo drugega brez njegovega soglasja z namenom, da bi tako izjavo zlorabil, ali kdor tako izjavo neposredno prenaša tretji osebi ali ji tak posnetek predvaja ali ji kako drugače omogoči, da se z njim neposredno seznanijo.

(3) Če stori dejanje iz prvega ali drugega odstavka tega člena uradna oseba z zlorabo uradnega položaja ali uradnih pravic, se kaznuje z zaporom od treh mesecev do petih let.

Unlawful body search

Article 136

(1) Whoever unlawfully searches another person or any part of his or her clothing or the objects he or she is carrying on his or her person shall be punished by a fine or imprisonment for up to one year.

(2) If an act referred to in the preceding paragraph is committed by an official through abuse of office or official powers, he or she shall be sentenced to imprisonment for up to two years.

(3) An attempt to commit an act referred to in paragraphs one and two of this Article shall be punished.

(4) Prosecution of an act referred to in paragraph one of this Article shall be initiated upon a proposal.

Unlawful eavesdropping and audio recording

Article 137

(1) Whoever unlawfully eavesdrops on or records a private conversation or statement by using special devices, or whoever directly transmits such a conversation or statement to a third person or otherwise directly allows him or her access to such a recording, shall be punished by a fine or imprisonment for up to one year.

(2) Whoever records another person's private confidential statements without his or her consent in order to abuse such statements, or whoever directly transmits or presents such statements to a third person or otherwise directly allows him or her or access thereto, shall be punished in the same way as referred to in the preceding paragraph.

(3) If an act referred to in paragraph one or two of this Article is committed by an official through abuse of office or official powers, he or she shall be sentenced to imprisonment for between three months and

(4) Pregon za dejanje iz prvega odstavka tega člena se začne na predlog, za dejanje iz drugega odstavka pa na zasebno tožbo.

Neupravičeno slikovno snemanje

138. člen

(1) Kdor neupravičeno slikovno snema ali naredi slikovni posnetek drugega ali njegovih prostorov brez njegovega soglasja in pri tem občutno poseže v njegovo zasebnost ali kdor tako snemanje neposredno prenaša tretji osebi ali ji tak posnetek prikazuje ali kako drugače omogoči, da se z njim neposredno seznanijo, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Če stori dejanje iz prejšnjega odstavka uradna oseba z zlorabo uradnega položaja ali uradnih pravic, se kaznuje z zaporom od treh mesecev do petih let.

(3) Pregon za dejanje iz prvega odstavka tega člena se začne na predlog.

Kršitev tajnosti občil

139. člen

(1) Kdor neupravičeno odpre tuje pismo, tujo brzojavko ali kakšno drugo tuje zaprto pisanje ali pošiljko, se kaznuje z denarno kaznijo ali zaporom do šestih mesecev.

(2) Z denarno kaznijo ali zaporom do enega leta se kaznuje:

1) kdor se z uporabo tehničnih ali kemičnih sredstev, ne da bi odprl tuje pismo, tujo brzojavko ali kakšno drugo tujo zaprto pošiljko,

five years.

(4) Prosecution of an act referred to in paragraph one of this Article shall be initiated upon a proposal, while prosecution of an act referred to in paragraph two shall be initiated upon a private action.

Unlawful video recording

Article 138

(1) Whoever substantially interferes with another person's privacy by unlawfully taking photographs or making other video recordings of that person or his or her premises without his or her consent, or whoever transmits or presents such photographs or recordings to a third person or otherwise allows a third person to see such photographs or recordings, shall be punished by a fine or imprisonment for up to one year.

(2) If an act referred to in the preceding paragraph is committed by an official through abuse of office or official powers, he or she shall be sentenced to imprisonment for between three months and five years.

(3) Prosecution of an act referred to in paragraph one of this Article shall be initiated upon a proposal.

Violation of the secrecy of communications

Article 139

(1) Whoever unlawfully opens a letter, telegram or any other sealed piece of written communication or item of correspondence addressed to another person shall be punished by a fine or imprisonment for up to six months.

(2) The following shall be punished by a fine or imprisonment for up to one year:

1) whoever, by use of technical or chemical means, unlawfully acquires the content of another person's letter, telegram or any other sealed

neupravičeno seznanj z njihovo vsebino;

- 2) kdor se z uporabo tehničnih sredstev neupravičeno seznanj s sporočilom, ki se prenaša po telefonu ali s kakšnim drugim elektronskim komunikacijskim sredstvom;
- 3) kdor neupravičeno odpre zaprt predmet, ki varuje sporočilo, in se neupravičeno seznanj s sporočilom v njem.

(3) Enako kot v prejšnjem odstavku se kaznuje, kdor s katerim od dejanj, ki so navedena v prvem in drugem odstavku tega člena, omogoči drugemu, da se neposredno seznanj z vsebino sporočila ali pošiljke.

(4) Kdor neupravičeno obdrži, skrije, uniči ali komu drugemu izroči tuje pismo, brzojavko ali kakšno drugo pošiljko, preden se je prejemnik seznanil z njeno vsebino, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(5) Če stori dejanje iz prejšnjih odstavkov tega člena uradna oseba z zlorabo uradnega položaja ali uradnih pravic, poštni ali drug delavec, ki mu je zaupano prevzemanje, prenos ali predaja tujih pisem, tujih brzojavk ali kakšnih drugih pisanj ali pošiljk, se kaznuje z zaporom od treh mesecev do petih let.

(6) Pregon za dejanja iz prvega do četrtega odstavka tega člena se začne na predlog.

Nedovoljena objava zasebnih pisanj

140. člen

(1) Kdor brez dovoljenja pooblaščen osebe, kadar je tako dovoljenje potrebno, objavi dnevnik, pismo ali kakšno drugo zasebno pisanje, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Pregon se začne na zasebno tožbo.

piece of written communication or item of correspondence addressed to another person without opening it;

- 2) whoever, by use of technical instruments, unlawfully acquires the content of a message transmitted by telephone or any other means of electronic telecommunication;
- 3) whoever unjustifiably opens any closed object containing a message and unlawfully acquires the content of such message.

(3) Whoever by committing an act referred to in paragraphs one and two of this Article allows a third person to acquire the content of a message or postal item shall be punished in accordance with the preceding paragraph.

(4) Whoever unlawfully keeps, hides, destroys or delivers another person's letter, telegram or any other postal item to a third person before the addressee becomes familiar with its content shall be punished by a fine or imprisonment for up to one year.

(5) If an act referred to in the preceding paragraphs of this Article is committed by an official through abuse of office or official powers, or by a postal worker or other official authorised to accept, transport or deliver letters, telegrams or other pieces of writing or postal items, he or she shall be sentenced to imprisonment for between three months and five years.

(6) Prosecution of an act referred to in paragraphs one to four of this Article shall be initiated upon a proposal.

Unlawful publication of private writings

Article 140

(1) Whoever publishes a diary, letter or any other private piece of writing of another person without such person's permission, when necessary, shall be punished by a fine or imprisonment for up to one year.

(2) Prosecution shall be initiated upon a private action.

Kršitev nedotakljivosti stanovanja

141. člen

(1) Kdor neupravičeno vstopi v tuje stanovanje ali zaprte prostore ali kdor se na zahtevo upravičenca od tam ne odstrani ali mu na drug način onemogoči njihovo uporabo, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Enako se kaznuje, kdor neupravičeno preišče stanovanje ali prostore iz prvega odstavka tega člena.

(3) Če stori dejanje iz prvega ali drugega odstavka tega člena uradna oseba z zlorabo uradnega položaja ali uradnih pravic, se kaznuje z zaporom od treh mesecev do petih let.

(4) Poskus dejanj iz prvega, drugega in tretjega odstavka tega člena je kazniv.

(5) Če izreče sodišče pogojno obsodbo, lahko naloži storilcu, da mora v določenem roku izprazniti stanovanje ali prostore.

(6) Pregon za dejanji iz prvega in drugega odstavka tega člena se začne na predlog.

Neupravičena izdaja poklicne skrivnosti

142. člen

(1) Kdor neupravičeno izda skrivnost, za katero je izvedel kot zagovornik, odvetnik, zdravnik, duhovnik, socialni delavec, psiholog ali kot kakšna druga oseba pri opravljanju svojega poklica, se kaznuje z denarno kaznijo ali zaporom do enega leta.

Violations of the sanctity of dwellings

Article 141

(1) Whoever unlawfully enters another person's dwelling or other closed premises, or whoever remains therein in defiance of the rightful owner's order to leave, shall be punished by a fine or imprisonment for up to one year.

(2) Whoever unlawfully searches such a dwelling or premises shall be punished in accordance with paragraph one of this Article.

(3) If an act referred to in paragraph one or two of this Article is committed by an official through abuse of office or official powers, he or she shall be sentenced to imprisonment for between three months and five years.

(4) An attempt to commit an act referred to in paragraphs one, two and three of this Article shall be punishable.

(5) If the Court imposes a suspended sentence, it may order the perpetrator to vacate the dwelling or premises within a specified time limit.

(6) Prosecution of an act referred to in paragraphs one and two of this Article shall be initiated upon a proposal.

Unlawful disclosure of professional secrets

Article 142

(1) Whoever unlawfully discloses a secret that he or she becomes aware of in his or her position as a defence counsel, lawyer, doctor, priest, social worker or psychologist or in the performance of any other profession shall be punished by a fine or imprisonment for up to one year.

(2) Za dejanje iz prejšnjega odstavka se ne kaznuje, kdor izda skrivnost zaradi splošne koristi ali upravičenega interesa javnosti ali zaradi koristi koga drugega, če je ta korist večja kakor ohranitev skrivnosti ali če je z zakonom določena odveza dolžnosti varovanja skrivnosti.

(3) Pregon se začne na zasebno tožbo.

Zloraba osebnih podatkov

143. člen

(1) Kdor brez podlage v zakonu ali v osebni privolitvi posameznika, na katerega se osebni podatki nanašajo, osebne podatke, ki se obdelujejo na podlagi zakona ali osebne privolitve posameznika, posreduje v javno objavo ali jih javno objavi, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Enako se kaznuje, kdor vdre ali nepooblaščno vstopi v računalniško vodeno zbirko podatkov z namenom, da bi sebi ali komu drugemu pridobil kakšen osebni podatek.

(3) Kdor na svetovnem medmrežju ali drugače javno objavi ali omogoči drugemu objavo osebnih podatkov žrtev kaznivih dejanj, žrtev kršitev pravic ali svoboščin, zaščitenih prič, ki se nahajajo v sodnih spisih sodnih postopkov, kjer po zakonu ali po odločitvi sodišča ni dovoljena prisotnost javnosti ali identifikacija žrtev ali zaščitenih prič ter osebnih zapisov o njih v zvezi s sodnim postopkom, na podlagi katerih se te osebe lahko določi ali so določljive, se kaznuje z zaporom do treh let.

(4) Kdor prevzame identiteto druge osebe ali z obdelavo njenih osebnih podatkov izkorišča njene pravice, si na njen račun pridobiva premoženjsko ali nepremoženjsko korist ali prizadene njeno osebno dostojanstvo, se kaznuje z zaporom od treh mesecev do treh let.

(2) No punishment shall be imposed on a person committing an act referred to in the preceding paragraph where the disclosure of a secret is made in the general interest or for the benefit of a third party, and where the general interest or benefit therein is greater than that of safeguarding the secret.

(3) Prosecution shall be initiated upon a private action.

Abuse of personal data

Article 143

(1) Whoever publishes, or causes to be published, personal data processed on the basis of an Act or the personal consent of the individual to whom the personal data pertain without a legal basis provided by an Act or without the individual's consent shall be punished by a fine or imprisonment for up to one year.

(2) Whoever breaks into a computerised database in order to acquire personal data on his or her own behalf or on behalf of a third person shall be punished in accordance with the preceding paragraph.

(3) Whoever publishes on the World Wide Web or otherwise publishes or enables another person to publish the personal data of victims of criminal offences, victims of a violation of rights and liberties, or protected witnesses that are contained in the judicial records of court proceedings in which the presence of the public or the identification of witnesses or protected witnesses and the personal records thereof related to the court proceedings was not allowed according to an Act or court decision, on the basis of which these persons may or can be identified, shall be sentenced to imprisonment for up to three years.

(4) Whoever assumes the identity of another person or who by processing the personal data thereof exploits his or her rights, obtains material or non-material benefit or adversely affects his or her personal dignity, shall be sentenced to imprisonment for between three months and three years.

(5) Kdor stori dejanje iz prvega odstavka tega člena tako, da posreduje v javno objavo ali javno objavi občutljive osebne podatke, se kaznuje z zaporom do dveh let.

(6) Kdor javno objavi posnetke ali sporočila druge osebe s seksualno vsebino brez privolitve te osebe in s tem huje prizadene njeno zasebnost, se kaznuje z zaporom od treh mesecev do treh let.

(7) Če stori dejanje iz prejšnjih odstavkov tega člena uradna oseba z zlorabo uradnega položaja ali uradnih pravic, se kaznuje z zaporom do petih let.

(8) Pregon iz četrtega in šestega odstavka tega člena se začne na predlog.

Kršitev pravice do pravnega sredstva ali peticije

144. člen

(1) Kdor pri opravljanju svojega dela prepreči drugemu, da bi uporabil svojo pravico do pritožbe, ugovora ali kakšnega drugega pravnega sredstva, do vloge ali predloga, ali da bi dal politične ali druge pobude splošnega pomena, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Če stori dejanje iz prejšnjega odstavka uradna oseba z zlorabo svojega položaja ali pravic, se kaznuje z zaporom do dveh let.

Preprečitev ali oviranje javnega shoda

145. člen

(1) Kdor s silo, resno grožnjo, preslepivijo ali kako drugače protipravno prepreči ali ovira sklicanje ali potek mirnega javnega shoda, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(5) Whoever commits an act referred to in paragraph one of this Article by publishing or causing to be published sensitive personal data shall be sentenced to imprisonment for up to two years.

(6) Whoever publishes photographs or messages with sexual content of another person without that person's consent and thereby severely affects that person's privacy shall be sentenced to imprisonment for between three months and three years.

(7) If an act referred to in the preceding paragraphs of this Article is committed by an official through abuse of office or official powers, he or she shall be sentenced to imprisonment for up to five years.

(8) The prosecution referred to in paragraphs four and six of this Article shall be initiated upon a proposal.

Violation of the right to a legal remedy or petition

Article 144

(1) Whoever in the performance of his or her duties prevents another person from exercising his or her right to appeal, complain or to seek other legal remedies, applications or motions, or to give political or other incentives of general interest, shall be punished by a fine or imprisonment for up to one year.

(2) If an act referred to in the preceding paragraph is committed by an official through abuse of office or powers, he or she shall be sentenced to imprisonment for up to two years.

Prevention or obstruction of public gatherings

Article 145

(1) Whoever by force, serious threat, deception or otherwise, unlawfully prevents or obstructs the calling or holding of a non-violent public gathering shall be punished by a fine or imprisonment for up to one

(2) Če stori dejanje iz prvega odstavka tega člena uradna oseba z zlorabo svojega uradnega položaja ali uradnih pravic, se kaznuje z zaporom do dveh let.

Preprečitev tiskanja in oddajanja

146. člen

Kdor protipravno prepreči tiskanje, prodajo ali razširjanje časopisa, knjige ali druge tiskane stvari ali oddajanje radijskega ali televizijskega programa, se kaznuje z denarno kaznijo ali zaporom do enega leta.

Kršitev moralnih avtorskih pravic

147. člen

(1) Kdor s svojim imenom ali imenom koga drugega objavi, prikaže, izvede ali prenese tuje avtorsko delo ali njegov del ali dovoli to storiti, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Kdor skazi, okrni ali kako drugače neupravičeno poseže v tuje avtorsko delo, se kaznuje z denarno kaznijo ali zaporom do šestih mesecev.

(3) Pregon se začne na predlog.

Kršitev materialnih avtorskih pravic

148. člen

(1) Kdor neupravičeno uporabi eno ali več avtorskih del ali njihovih primerkov, katerih skupna tržna cena pomeni večjo premoženjsko

year.

(2) If an act referred to in paragraph one of this Article is committed by an official through abuse of office or official powers, he or she shall be sentenced to imprisonment for up to two years.

Prevention of printing and broadcasting

Article 146

Whoever unlawfully prevents the printing, sale or distribution of newspapers, books or other printed matter, or the broadcast of radio or television programmes, shall be sentenced to imprisonment for up to one year.

Infringement of moral copyright

Article 147

(1) Whoever publishes, presents, performs or transmits the work of another author under his or her own name or the name of a third person, or whoever allows such action to be carried out, shall be punished by a fine or imprisonment for up to one year.

(2) Whoever deforms, truncates or otherwise unjustifiably interferes with the content of the work of another person shall be punished by a fine or imprisonment for up to six months.

(3) Prosecution shall be initiated upon a proposal.

Infringement of material copyright

Article 148

(1) Whoever unlawfully uses one or more copyrighted works or copies thereof with a high total market value shall be sentenced to

vrednost, se kaznuje z zaporom do treh let.

(2) Če tržna cena avtorskih del iz prejšnjega odstavka pomeni veliko premoženjsko vrednost, se storilec kaznuje z zaporom do petih let.

(3) Če je bila z dejanjem iz prvega ali drugega odstavka tega člena pridobljena velika protipravna premoženjska korist in je šlo storilcu za to, da sebi ali komu drugemu pridobi tako premoženjsko korist, se kaznuje z zaporom od enega do osmih let.

(4) Primerki avtorskih del in naprave za njihovo reproduciranje se vzamejo.

(5) Pri ugotavljanju premoženjske vrednosti po določbah tega člena in 149. člena tega zakonika se upošteva korist iz neupravičene uporabe materialnih avtorskih pravic oziroma neupravičenega reproduciranja, dajanja na voljo javnosti, razširjanja ali dajanja v najem avtorski sorodnih pravic v pridobitne namene.

Kršitev avtorski sorodnih pravic

149. člen

(1) Kdor neupravičeno reproducira, da na voljo javnosti, razširja ali da v najem eno ali več izvedb, fonogramov, videogramov, rtv-oddaj ali podatkovnih baz, katerih skupna tržna cena pomeni večjo premoženjsko vrednost, se kaznuje z zaporom do treh let.

(2) Kdor neupravičeno reproducira, da na voljo javnosti, razširja ali da v najem eno ali več izvedb, fonogramov, videogramov, rtv-oddaj ali podatkovnih baz, katerih skupna tržna cena pomeni veliko premoženjsko vrednost, se kaznuje z zaporom do petih let.

(3) Če je bila z dejanjem iz prvega ali drugega odstavka tega člena pridobljena velika protipravna premoženjska korist in je šlo storilcu

imprisonment for up to three years.

(2) If the market value of the copyrighted works referred to in the preceding paragraph is very high, the perpetrator shall be sentenced to imprisonment for up to five years.

(3) If very large proceeds have been gained unlawfully by committing an act referred to in paragraph one or two of this Article and the perpetrator's intention was to secure this pecuniary benefit for him- or herself or another person, the perpetrator shall be sentenced to imprisonment for between one and eight years.

(4) Copies of copyrighted works and the equipment used to reproduce them shall be confiscated.

(5) In determining the asset value under the provisions of this Article and Article 149 of this Code, the proceeds derived from the unlawful use of a material copyright or from the unlawful reproduction and distribution of such work, making such available to the public and the related rights for gainful purposes shall be taken into account.

Infringement of copyright and related rights

Article 149

(1) Whoever unlawfully reproduces, makes available to the public, distributes or leases out one or more work performances, phonograms, video recordings, radio or television broadcasts or databases with a high total market value, shall be sentenced to imprisonment for up to three years.

(2) Whoever unlawfully reproduces, makes available to the public, distributes or leases out one or more work performances, phonograms, video recordings, radio or television broadcasts or databases with a very high total market value, shall be sentenced to imprisonment for up to five years.

(3) If very large proceeds have been unlawfully gained by committing an act referred to in paragraph one or two of this Article and

za to, da sebi ali komu drugemu pridobi tako premoženjsko korist, se kaznuje z zaporom od enega do osmih let.

(4) Primerki izvedb, fonogramov, videogramov, rtv-oddaj ali podatkovnih zbirk in naprave za njihovo reproduciranje se vzamejo.

Sedemnajsto poglavje
KAZNIVA DEJANJA ZOPER VOLILNO PRAVICO IN VOLITVE

Kršitev volilne pravice

150. člen

Uradna oseba, ki koga z namenom, da bi mu onemogočila uresničevanje volilne pravice, nezakonito ne vpiše v volilni imenik ali ga črta iz njega, se kaznuje z denarno kaznijo ali zaporom do enega leta.

Kršitev proste odločitve volivcev

151. člen

(1) Kdor koga s silo, resno grožnjo, podkupovanjem, preslepitvijo ali na drug nedovoljen način prisili ali nanj vpliva, da pri volitvah ali glasovanju glasuje ali ne glasuje ali da ne glasuje veljavno ali da glasuje za ali proti določenemu predlogu, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Če stori dejanje iz prejšnjega odstavka uradna oseba pri opravljanju svoje dolžnosti v zvezi z volitvami ali glasovanjem, se kaznuje z zaporom do dveh let.

(3) Dana podkupnina se vzame.

the perpetrator's intention was to secure these proceeds for him- or herself or another person, the perpetrator shall be sentenced to imprisonment for between one and eight years.

(4) Copies of work performances, phonograms, video recordings, radio and television broadcasts or databases and the equipment used to reproduce them shall be confiscated.

Chapter Seventeen
CRIMINAL OFFENCES AGAINST VOTING RIGHTS AND ELECTIONS

Violation of voting rights

Article 150

An official who fails to enter another person's name in the electoral register or deletes his or her name therefrom in order to prevent him or her from exercising his or her right to vote shall be punished by a fine or imprisonment for up to one year.

Obstruction of the free choice of voters

Article 151

(1) Whoever, in an election or vote, compels another person to vote, or not to vote, or to cast a void vote, or to vote in favour of or against a particular proposal by means of force, serious threat, bribery, deception or in any other unlawful manner, shall be punished by a fine or imprisonment for up to one year.

(2) If an act referred to in the preceding paragraph is committed by an official in the performance of his or her duties relating to an election or vote, he or she shall be sentenced to imprisonment for up to two years.

(3) Any bribe given shall be confiscated.

Zloraba volilne pravice

152. člen

Kdor pri volitvah ali glasovanju glasuje namesto drugega pod njegovim imenom ali več kot enkrat glasuje pri istem glasovanju, se kaznuje z denarno kaznijo ali zaporom do enega leta.

Kršitev svobodne opredelitve

153. člen

Kdor pokliče glasovalca pri volitvah ali glasovanju na odgovor zaradi glasovanja ali od njega zahteva, naj pove, kako je glasoval ali zakaj ni glasoval, se kaznuje z denarno kaznijo ali zaporom do enega leta.

Uničenje ali ponareditev volilnih listin

154. člen

(1) Kdor pri volitvah ali glasovanju uniči, poškoduje, prikrije ali ponaredi kakšno listino o volitvah ali glasovanju ali kakršen koli predmet, ki je dokaz za ugotavljanje izida volitev ali glasovanja, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Če stori dejanje iz prejšnjega odstavka uradna oseba pri opravljanju svoje dolžnosti v zvezi z volitvami ali glasovanjem, se kaznuje z zaporom do dveh let.

Ponareditev volilnih izidov

155. člen

Abuse of voting rights

Article 152

Whoever in an election or vote casts a vote in place of or under the name of another person or votes more than once shall be punished by a fine or imprisonment for up to one year.

Violation of the freedom to express one's choice in elections

Article 153

Whoever in an election or vote compels a voter to answer for his or her vote, or asks him or her how he or she has voted, or why he or she has not voted, shall be punished by a fine or imprisonment for up to one year.

Destruction or forgery of electoral documents

Article 154

(1) Whoever in an election or vote destroys, damages, hides or forges any electoral or voting document or any object serving as evidence of the election results shall be punished by a fine or imprisonment for up to one year.

(2) If an act referred to in the preceding paragraph is committed by an official through abuse of his or her duties relating to the election or vote, he or she shall be sentenced to imprisonment for up to two years.

Falsification of election results

Article 155

Uradna oseba, ki pri volitvah ali glasovanju spremeni število oddanih glasov z dodajanjem ali odvzemanjem glasovnic ali glasov pri štetju ali objavi izid volitev ali glasovanja, ki se ne ujema z opravljenim glasovanjem, se kaznuje z zaporom do dveh let.

Kršitev tajnosti glasovanja

156. člen

(1) Kdor kakor koli prekrši tajnost glasovanja pri volitvah ali glasovanju, se kaznuje z denarno kaznijo ali zaporom do šestih mesecev.

(2) Če stori dejanje iz prejšnjega odstavka uradna oseba pri opravljanju svojih dolžnosti v zvezi z volitvami ali glasovanjem, se kaznuje z zaporom do dveh let.

Sprejemanje podkupnine pri volitvah

157. člen

(1) Kdor zato, da pri volitvah ali glasovanju ne glasuje ali da glasuje za določen predlog ali proti njemu ali da ne glasuje veljavno, zahteva ali sprejme nagrado, darilo ali kakšno drugo premoženjsko ali nepremoženjsko korist zase ali za koga drugega, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Sprejeta nagrada, darilo ali druga premoženjska korist se vzamejo.

Osemnajsto poglavje
KAZNIVA DEJANJA ZOPER ČAST IN DOBRO IME

Razžalitev

An official who in an election or vote alters the number of votes cast by adding or removing any ballot or vote, or who publishes the results of the election or vote that do not correspond to the actual returns, shall be sentenced to imprisonment for up to two years.

Violation of the secrecy of voting

Article 156

(1) Whoever violates voting secrecy in an election or vote shall be punished by a fine or imprisonment for up to six months.

(2) If an act referred to in the preceding paragraph is committed by an official through abuse of his or her duties relating to the election or vote, he or she shall be sentenced to imprisonment for up to two years.

Accepting a bribe in an election or vote

Article 157

(1) Whoever demands or accepts any award, gift or other material or non-material benefit for him- or herself or a third person for voting or not voting, or for casting his or her vote in favour of or against a certain proposal or for casting an invalid vote, shall be punished by a fine or imprisonment for up to one year.

(2) The accepted award, gift or other material or non-material benefit shall be confiscated.

Chapter Eighteen
CRIMES AGAINST HONOUR AND REPUTATION

Insult

158. člen

(1) Kdor koga razžali, se kaznuje z denarno kaznijo ali zaporom do treh mesecev.

(2) Če je dejanje iz prejšnjega odstavka storjeno s tiskom, po radiu, televiziji ali z drugim sredstvom javnega obveščanja ali na spletnih straneh ali na javnem shodu, se storilec kaznuje z denarno kaznijo ali zaporom do šestih mesecev.

(3) Ne kaznuje se, kdor se o kom žaljivo izrazi v znanstvenem, književnem ali umetniškem delu, v resni kritiki, pri izpolnjevanju uradne dolžnosti, časnikarskega poklica, politične ali druge družbene dejavnosti, obrambi kakšne pravice ali varstvu upravičenih koristi, če se iz načina izražanja ali iz drugih okoliščin vidi, da tega ni storil z namenom zaničevanja.

(4) Če je razžaljenec razžalitev vrnil, sme sodišče obe stranki ali eno od njiju kaznovati ali kazen odpustiti.

Obrekovanje

159. člen

(1) Kdor o kom trdi ali raznaša kaj neresničnega, kar lahko škoduje njegovi časti ali dobremu imenu, čeprav ve, da je to, kar trdi ali raznaša, neresnično, se kaznuje z denarno kaznijo ali zaporom do šestih mesecev.

(2) Če je dejanje iz prejšnjega odstavka storjeno s tiskom, po radiu, televiziji ali z drugim sredstvom javnega obveščanja ali na spletnih straneh ali na javnem shodu, se storilec kaznuje z denarno kaznijo ali zaporom do enega leta.

(3) Če je tisto, kar se neresnično trdi ali raznaša, take narave, da ima hude posledice za oškodovanca, se storilec kaznuje z zaporom do dveh let.

Article 158

(1) Whoever insults another person shall be punished by a fine or imprisonment for up to three months.

(2) If an act referred to in the preceding paragraph is committed through the press, radio, television or other mass media or through websites, or at a public gathering, the perpetrator shall be punished by a fine or imprisonment for up to six months.

(3) Whoever speaks insultingly of another person in a scientific, literary or artistic work, in a serious review or in the performance of official duties, in a journalistic work, in the course of a political or other social activity, or in defence of a right or the protection of justified benefits shall not be punished, provided that the manner of expressing such words or other circumstances of the case indicate that such expression was not meant to be derogatory.

(4) If the injured person returns the insult, the court may punish both parties, or one of them, or may remit the punishment.

Slander

Article 159

(1) Whoever issues or circulates any false information about another person that could tarnish that person's honour or reputation and which he or she knows to be false shall be punished by a fine or imprisonment for up to six months.

(2) If an act referred to in the preceding paragraph is committed through the press, radio, television or other mass media or through websites or at a public gathering, the perpetrator shall be punished by a fine or imprisonment for up to one year.

(3) If what has been issued or circulated is of such nature that it could cause grave consequences for the injured party, the perpetrator shall be sentenced to imprisonment for up to two years.

Žaljiva obdolžitev

160. člen

(1) Kdor o kom trdi ali raznaša kaj, kar lahko škoduje njegovi časti ali dobremu imenu, se kaznuje z denarno kaznijo ali zaporom do treh mesecev.

(2) Če je dejanje iz prejšnjega odstavka storjeno s tiskom, po radiu, televiziji ali z drugim sredstvom javnega obveščanja ali na spletnih straneh ali na javnem shodu, se storilec kaznuje z denarno kaznijo ali zaporom do šestih mesecev.

(3) Če je tisto, kar se trdi ali raznaša, take narave, da ima hude posledice za oškodovanca, se storilec kaznuje z denarno kaznijo ali zaporom do enega leta.

(4) Če dokaže resničnost svoje trditve ali če dokaže, da je imel utemeljen razlog verjeti v resničnost tistega, kar je trdil ali raznašal, se storilec ne kaznuje za žaljivo obdolžitev, lahko pa se kaznuje za razžalitev (158. člen) ali očitanje kaznivega dejanja z namenom zaničevanja (162. člen).

(5) Če kdo za koga trdi ali raznaša, da je storil kaznivo dejanje, za katero se storilec preganja po uradni dolžnosti, se sme resničnost, da je oškodovanec storil kaznivo dejanje, dokazovati le s pravnomočno sodbo, z drugimi dokazi pa le, če pregon ali sojenje ni mogoče ali ni dovoljeno.

(6) Če je bila žaljiva obdolžitev, da je oškodovanec storil kaznivo dejanje, za katero se storilec preganja po uradni dolžnosti, storjena v okoliščinah iz tretjega odstavka 158. člena tega zakonika, se storilec ne kaznuje za žaljivo obdolžitev, čeprav ni pravnomočne sodbe, če dokaže, da je imel utemeljen razlog verjeti v resničnost tistega, kar je trdil ali raznašal.

Opravljanje

Defamation

Article 160

(1) Whoever claims or circulates anything false about another person that could tarnish the honour or reputation of that person, shall be punished by a fine or imprisonment for up to three months.

(2) If an act referred to in the preceding paragraph is committed through the press, radio, television or other mass media or through websites or at a public gathering, the perpetrator shall be punished by a fine or imprisonment for up to six months.

(3) If what has been claimed or circulated is of such nature that it could cause grave consequences for the injured party, the perpetrator shall be punished by a fine or imprisonment for up to one year.

(4) If the perpetrator proves the veracity of his or her claims or that he or she had a valid reason to believe in the truthfulness of what he or she claimed or circulated, he or she shall not be punished for defamation but may be punished for insult (Article 158) or for the false and contemptuous accusation of a criminal offence (Article 162).

(5) The truthfulness of any claim that a person has committed a criminal offence that is prosecuted *ex officio* may only be proved by means of a final judgment. Other evidence may be allowed in support of such a claim only when prosecution or a court trial is not possible or permitted.

(6) If the defamation entails that the injured party has committed a criminal offence that is prosecuted *ex officio*, in the circumstances determined in paragraph three of Article 158 of this Code, the perpetrator shall not be punished for defamation even without a final judgment if he or she can prove the existence of a valid reason to believe that the disseminated claim was true.

Calumny

161. člen

(1) Kdor trdi ali raznaša kaj iz osebnega ali družinskega življenja kakšne osebe, kar lahko škoduje njenemu dobremu imenu, se kaznuje z denarno kaznijo ali zaporom do treh mesecev.

(2) Če je dejanje iz prejšnjega odstavka storjeno s tiskom, po radiu, televiziji ali z drugim sredstvom javnega obveščanja ali na spletnih straneh ali na javnem shodu, se storilec kaznuje z denarno kaznijo ali zaporom do šestih mesecev.

(3) Če je tisto, kar kdo trdi ali raznaša, take narave, da ima hude posledice za oškodovanca, se storilec kaznuje z denarno kaznijo ali zaporom do enega leta.

(4) Resničnosti ali neresničnosti tistega, kar se trdi ali raznaša iz osebnega ali družinskega življenja koga drugega, ni mogoče dokazovati, razen v primerih iz petega odstavka tega člena.

(5) Kdor trdi ali raznaša kaj iz osebnega ali družinskega življenja drugega pri opravljanju uradne dolžnosti, politične ali druge družbene dejavnosti, pri obrambi kakšne pravice ali varstvu upravičenih koristi, se ne kaznuje, če dokaže resničnost svoje trditve ali če dokaže, da je imel utemeljen razlog verjeti v resničnost tistega, kar je trdil ali raznašal.

Očitanje kaznivega dejanja z namenom zaničevanja

162. člen

(1) Kdor z namenom zaničevanja komu očita, da je storil kaznivo dejanje ali da je bil obsojen zaradi kaznivega dejanja ali to z istim namenom komu pove, se kaznuje z denarno kaznijo ali zaporom do treh mesecev.

Article 161

(1) Whoever claims or circulates any information about the personal or family affairs of another person which could tarnish that person's honour and reputation shall be punished by a fine or imprisonment for up to three months.

(2) If an act referred to in the preceding paragraph is committed through the press, radio, television or other mass media or through websites or at a public gathering, the perpetrator shall be punished by a fine or imprisonment for up to six months.

(3) If what has been claimed or circulated is of such nature that it could cause grave consequences for the injured party, the perpetrator shall be punished by a fine or imprisonment for up to one year.

(4) Except in the cases referred to in paragraph five of this Article, it shall not be allowed to prove in court the veracity of what has been claimed or circulated about another person's personal or family life.

(5) Whoever claims or circulates any information about the personal or family affairs of another person in the performance of an official duty, a political or other social activity, the defence of a right or the protection of justified benefits shall not be punished provided that he or she proves the veracity of his or her claims or that he or she had reasonable grounds to believe in the veracity of the information claimed or circulated.

Contemptuous criminal accusation

Article 162

(1) Whoever accuses a person of having committed a criminal offence or having been convicted of the same with a view to exposing that person to contempt, or whoever communicates such information to a third person with the same intention shall be punished by a fine or imprisonment for up to three months.

(2) Če je dejanje iz prejšnjega odstavka storjeno s tiskom, po radiu, televiziji ali z drugim sredstvom javnega obveščanja ali na spletnih straneh ali na javnem shodu, se storilec kaznuje z denarno kaznijo ali zaporom do šestih mesecev.

Sramotitev Republike Slovenije

163. člen

(1) Kdor javno stori dejanje iz 158. do 162. člena tega zakonika proti Republiki Sloveniji ali predsedniku republike v zvezi z opravljanjem njegovih nalog, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Enako se kaznuje, kdor javno sramoti zastavo, grb ali himno Republike Slovenije.

Sramotitev tuje države ali mednarodne organizacije

164. člen

(1) Kdor javno stori dejanje iz 158. do 162. člena tega zakonika proti tuji državi, voditelju tuje države ali diplomatskemu predstavniku tuje države v Republiki Sloveniji ali kdor javno sramoti zastavo, grb ali himno tuje države, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Enako se kaznuje, kdor stori dejanje iz prejšnjega odstavka proti mednarodni organizaciji, ki jo priznava Republika Slovenija, ali proti njenemu predstavniku ali njenim simbolom.

Sramotitev slovenskega naroda ali narodnih skupnosti

(2) If an act referred to in the preceding paragraph is committed through the press, radio, television or other mass media or through websites or at a public gathering, the perpetrator shall be punished by a fine or imprisonment for up to six months.

Dishonouring the Republic of Slovenia

Article 163

(1) Whoever publicly commits an act referred to in Articles 158 to 162 of this Code against the Republic of Slovenia or against the President of the Republic with respect to the performance of his or her duties shall be punished by a fine or imprisonment for up to one year.

(2) The same punishment shall be imposed on anyone who publicly desecrates the flag, coat-of arms or national anthem of the Republic of Slovenia.

Dishonouring a foreign country or international organisation

Article 164

(1) Whoever publicly commits an act referred to in Articles 158 to 162 of this Code against a foreign country, the head of state or a diplomatic representative of a foreign country, or whoever publicly desecrates the flag, coat-of-arms or national anthem of a foreign country shall be punished by a fine or imprisonment for up to one year.

(2) The same punishment shall be imposed on anyone who commits an act referred to in the preceding paragraph against an international organisation recognised by the Republic of Slovenia or against a representative or the insignia thereof.

Dishonouring the Slovenian people or national communities

165. člen

Kdor javno stori dejanje iz 158. do 160. člena tega zakonika proti slovenskemu narodu ali proti italijanski ali madžarski narodni skupnosti ali proti romski skupnosti, ki živijo v Republiki Sloveniji, se kaznuje z denarno kaznijo ali zaporom do enega leta.

Javna objava kaznivih dejanj zoper čast in dobro ime

166. člen

(1) Odgovorni urednik oziroma tisti, ki ga je nadomeščal, se za kazniva dejanja iz 158. do 165. člena zakonika, ki so storjena z javno objavo teh dejanj v časopisih in revijah, radijskih in televizijskih programih, elektronskih publikacijah, na teletekstu ali v drugih oblikah dnevnih ali periodičnih publikacij ali na spletnih straneh, kaznuje v mejah kazni, predpisane za kaznivo dejanje, pod enim od naslednjih pogojev:

- 1) če je avtor do konca glavne obravnave pred sodiščem prve stopnje ostal neznan;
- 2) če je bila informacija objavljena brez avtorjeve privolitve;
- 3) če so bile takrat, ko je bila informacija objavljena, podane stvarne ali pravne ovire za pregon avtorja, ki še vedno trajajo.

(2) Pod pogoji iz prejšnjega odstavka se enako kaznuje izdajatelj ali tiskar, če je bila javna objava kaznivih dejanj iz 158. do 165. člena tega zakonika storjena po neperiodični tiskani publikaciji, in izdelovalec, če je bila storjena po gramofonski plošči, na zgoščenki, filmu, DVD-ju in drugih videosredstvih, zvočnih ali podobnih sredstvih, ki so namenjene širšemu krogu ljudi.

(3) Odgovorni urednik oziroma tisti, ki ga je nadomeščal, se ne kaznuje za dejanje iz prvega odstavka tega člena, če je šlo za prenos oddaje v živo, ki ga ni mogel preprečiti ali za objavo na spletnih straneh, ki uporabnikom omogočajo objave vsebin v dejanskem času oziroma brez

Article 165

Whoever publicly commits an act referred to in Articles 158 to 160 of this Code against the Slovenian people or against the Hungarian or Italian national communities living in the Republic of Slovenia shall be punished by a fine or imprisonment for up to one year.

Public notice of criminal offences against honour and reputation

Article 166

(1) The responsible editor or person acting in his or her place shall be punished within the limits of the sentence prescribed for a criminal offence referred to in Articles 158 to 165 of this Code committed by making a public notice of these acts in newspapers and magazines, radio and television programmes, electronic publications, on teletext or in other forms of daily or periodical publications, or on websites, under one of the following conditions:

- 1) the author remains unknown until the end of the main hearing before the court of first instance;
- 2) the information is published without the author's consent;
- 3) there were material or legal impediments to prosecuting the author at the time of the publication of information, and such impediments continue to exist.

(2) The publisher or printer shall be punished in the same manner under the conditions referred to in the preceding paragraph if the public notice of a criminal offence referred to in Articles 158 to 165 of this Code was made in non-periodical printed publications, as shall the manufacturer if the public notice has been made by releasing a vinyl record, CD, DVD, film or other video, audio or other carriers intended for a broader circle of people.

(3) The responsible editor or person acting in his or her place shall not be punished for committing an act referred to in paragraph one of this Article if it concerns a live broadcast of a show and if he or she could not prevent it or if it concerns publication on websites that enable

predhodnega nadzora.

Odpustitev kazni za kazniva dejanja iz 158. do 162. člena

167. člen

Če je bil storilec kaznivega dejanja iz 158. do 162. in 166. člena tega zakonika izzvan z nedostojnim ali surovim ravnanjem oškodovanca ali se pred sodiščem opraviči oškodovancu ali pred sodiščem prekliče tisto, kar je trdil ali raznašal, mu sme sodišče kazen odpustiti.

Posebne določbe o pregonu

168. člen

(1) Pregon zaradi kaznivih dejanj iz 158. do 162. in 166. člena tega zakonika se začne na zasebno tožbo.

(2) Če so dejanja iz 158. do 162. in 166. člena tega zakonika storjena proti državnemu organu ali občinskemu ali pokrajinskemu organu ali proti uradni ali vojaški osebi v zvezi z opravljanjem njune službe v tem organu, se pregon začne na predlog, razen za uradne osebe iz 1. točke prvega odstavka 99. člena, funkcionarje vlade Republike Slovenije in funkcionarje samoupravne lokalne skupnosti, kjer se pregon začne na zasebno tožbo.

(3) Pregon za kaznivo dejanje iz 164. člena tega zakonika se začne z dovoljenjem ministra za pravosodje.

(4) Če so dejanja iz 158. do 162. in 166. člena tega zakonika storjena proti pokojni osebi, se začne pregon na zasebno tožbo zakonca, osebe, s katero je pokojnik živel v zunajzakonski skupnosti, partnerja iz registrirane istospolne partnerske skupnosti, njegovih otrok ali

users to publish content in real time or without prior control.

Remission of punishment for a criminal offence referred to in Articles 158 to 162

Article 167

If the perpetrator of a criminal offence referred to in Articles 158 to 162 and Article 166 of this Code has been provoked by indecent or brutal conduct by the injured party, or if he or she offers an apology to the injured party before the court, or if he or she retracts what he or she has claimed or circulated before the court, his or her punishment may be remitted.

Special provisions on prosecution

Article 168

(1) Prosecution of a criminal offence referred to in Articles 158 to 162 and Article 166 of this Code shall be initiated upon a private action.

(2) If an act referred to in Articles 158 to 162 and Article 166 of this Code is committed against a state authority or municipal or regional authority or against an official or members of the military in relation to the performance of their duties, prosecution shall be initiated upon a proposal, except for the officials referred to in point 1, paragraph one of Article 99, the highest officials of the Government of the Republic and the highest officials of local self-governing communities, regarding which prosecution shall be initiated upon a private action.

(3) Prosecution for a criminal offence referred to in Article 164 of this Code shall be initiated with the permission of the Minister of Justice.

(4) If an act referred to in Articles 158 to 162 and Article 166 of this Code is committed against a deceased person, prosecution shall be initiated upon a private action brought by his or her spouse, common-law partner, registered same-sex civil partner, children or adopted children,

posvojencev, staršev ali posvojiteljev, bratov ali sester.

parents or adoptive parents, or brothers or sisters.

Objava sodbe

Publication of judgments

169. člen

Article 169

Pri obsodbi za kazniva dejanja iz 158. do 165. člena tega zakonika, storjena s tiskom, po radiu, televiziji ali z drugim sredstvom javnega obveščanja ali na spletnih straneh, sme sodišče na oškodovančevo zahtevo odločiti, da se sodba na stroške obsojenca objavi na isti način, kot je bilo dejanje storjeno, v celoti ali izvlečku.

When convicting an offender of a criminal offence referred to in Articles 158 to 165 of this Code committed through the press, radio, television or other mass media or through websites, the court may order that the whole judgment or a part thereof be published at the perpetrator's expense in the same manner as was used for the commission of the act, in full or as an extract.

Devetnajsto poglavje

KAZNIVA DEJANJA ZOPER SPOLNO NEDOTAKLJIVOST

Chapter Nineteen

CRIMES AGAINST SEXUAL INTEGRITY

Posilstvo

Rape

170. člen

Article 170

(1) Kdor prisili osebo drugega ali istega spola k spolnemu občevanju ali s tem izenačenemu spolnemu ravnanju, tako da uporabi silo ali zagrozi z neposrednim napadom na življenje ali telo, se kaznuje z zaporom od enega do desetih let.

(1) Whoever compels a person of the same or opposite sex to submit to sexual intercourse or sexual conduct equivalent to sexual intercourse by force or threat of imminent attack on life or body shall be sentenced to imprisonment for between one and ten years.

(2) Če je dejanje iz prejšnjega odstavka storjeno grozovito ali posebno poniževalno ali če je dejanje storilo več oseb zaporedoma ali nad obsojenci ali drugimi osebami, ki jim je vzeta prostost, se storilec kaznuje z zaporom od treh do petnajstih let.

(2) If an act referred to in the preceding paragraph is committed in a horrific or extremely humiliating manner or successively by several perpetrators or against convicted persons or other persons deprived of liberty, the perpetrator shall be sentenced to imprisonment for between three and fifteen years.

(3) Kdor prisili osebo drugega ali istega spola k spolnemu občevanju ali s tem izenačenemu spolnemu ravnanju, tako da ji zagrozi, da bo o njej ali njenih bližnjih odkril, kar bi škodovalo njeni ali njihovi časti ali dobremu imenu, ali da bo njej ali njenim bližnjim povzročil veliko premoženjsko škodo, se kaznuje z zaporom od šestih mesecev do petih let.

(3) Whoever compels a person of the same or opposite sex to submit to sexual intercourse or sexual conduct equivalent to sexual intercourse by threatening him or her with the disclosure of any information concerning him or her or his or her relatives that could tarnish their honour and reputation or cause them major pecuniary damage shall be sentenced to imprisonment for between six months and five years.

(4) Če sta bili dejanji iz prvega ali tretjega odstavka tega člena storjeni proti osebi, s katero storilec živi v zakonski, zunajzakonski skupnosti ali registrirani istospolni skupnosti, se pregon začne na predlog.

Spolno nasilje

171. člen

(1) Kdor uporabi silo ali zagrozi osebi drugega ali istega spola z neposrednim napadom na življenje ali telo in jo tako prisili, da stori ali trpi kakšno spolno dejanje, ki ni zajeto v prejšnjem členu, se kaznuje z zapornom od šestih mesecev do desetih let.

(2) Če je dejanje iz prejšnjega odstavka storjeno grozovito ali posebno poniževalno ali če je dejanje storilo več oseb zaporedoma ali nad obsojenci ali drugimi osebami, ki jim je vzeta prostost, se kaznuje z zapornom od treh do petnajstih let.

(3) Kdor osebo drugega ali istega spola prisili, da stori ali trpi kakšno spolno dejanje iz prvega odstavka tega člena, tako da ji zagrozi, da bo o njej ali njenih bližnjih odkril, kar bi škodovalo njeni ali njihovi časti ali dobremu imenu, ali da bo njej ali njenim bližnjim povzročil veliko premoženjsko škodo, se kaznuje z zapornom do petih let.

(4) Če sta bili dejanji iz prvega ali tretjega odstavka tega člena storjeni proti osebi, s katero storilec ali storilka živi v zakonski, zunajzakonski skupnosti ali registrirani istospolni partnerski skupnosti, se pregon začne na predlog.

Spolna zloraba slabotne osebe

172. člen

(1) Kdor spolno občuje ali stori kakšno drugo spolno dejanje z

(4) If an act referred to in paragraph one or three of this Article is committed against a spouse or an extramarital partner or a registered same-sex civil partner, prosecution shall be initiated upon a proposal.

Sexual violence

Article 171

(1) Whoever uses force or threatens a person of the same or opposite sex with an imminent attack on life or body, thereby compelling that person to submit to or to perform any sexual act not covered by the preceding Article, shall be sentenced to imprisonment for between six months and ten years.

(2) If an act referred to in the preceding paragraph is committed in a horrific or extremely humiliating manner or successively by several perpetrators or against convicted persons or other persons deprived of liberty, the perpetrator shall be sentenced to imprisonment for between three and fifteen years.

(3) Whoever compels a person of the same or opposite sex to perform or to submit to any sexual act referred to in paragraph one of this Article by threatening him or her or his or her relatives with the disclosure of any information concerning him or her or his or her relatives that could tarnish their honour or reputation or cause them major pecuniary damage shall be sentenced to imprisonment for up to five years.

(4) If an act referred to in paragraph one or three of this Article is committed against a spouse or an extramarital partner or a registered same-sex civil partner, prosecution shall be initiated upon a proposal.

Sexual abuse of a vulnerable person

Article 172

(1) Whoever has sexual intercourse or performs any other

osebo drugega ali istega spola, tako da zlorabi njeno duševno bolezen, začasno duševno motnjo, hujšo duševno zaostalost, slabost ali kakšno drugačno stanje, zaradi katerega se ne more upirati, se kaznuje z zaporom od enega do osmih let.

(2) Kdor v okoliščinah iz prejšnjega odstavka kako drugače prizadene spolno nedotakljivost slabotne osebe, se kaznuje z zaporom do petih let.

Spolni napad na osebo, mlajšo od petnajst let

173. člen

(1) Kdor spolno občuje ali stori kakšno drugo spolno dejanje z osebo drugega ali istega spola, ki še ni stara petnajst let, se kaznuje z zaporom od treh do osmih let.

(2) Kdor stori dejanje iz prejšnjega odstavka s slabotno osebo, ki še ni stara petnajst let, ali tako, da uporabi silo ali zagrozi z neposrednim napadom na življenje ali telo, ali na tak način doseže storitev dejanja z drugo osebo, se kaznuje z zaporom od petih do petnajstih let.

(3) Učitelj, vzgojitelj, skrbnik, posvojitelj, roditelj, duhovnik, zdravnik ali druga oseba, ki zlorabo svojega položaja spolno občuje ali stori kakšno drugo spolno dejanje z osebo, ki še ni stara petnajst let in mu je zaupana v učenje, vzgojo, zdravljenje, varstvo ali oskrbo, se kaznuje z zaporom od treh do desetih let.

(4) Kdor v okoliščinah iz prvega, drugega in tretjega odstavka tega člena kako drugače prizadene spolno nedotakljivost osebe, ki še ni stara petnajst let, se kaznuje z zaporom do petih let.

(5) Dejanje iz prvega odstavka tega člena ni protipravno, če je bilo storjeno z osebo primerljive starosti in če ustreza stopnji njene

sexual act with a person of the same or opposite sex by abusing his or her mental illness, temporary mental disorder, serious mental retardation, weakness or any other condition due to which that person is incapable of resisting, shall be sentenced to imprisonment for between one and eight years.

(2) Whoever in the circumstances referred to in the preceding paragraph violates the sexual integrity of a vulnerable person in any other manner shall be sentenced to imprisonment for up to five years.

Sexual assault on a person younger than fifteen years of age

Article 173

(1) Whoever has sexual intercourse or performs any other sexual act with a person of the same or opposite sex under the age of fifteen years shall be sentenced to imprisonment for between three and eight years.

(2) Whoever commits an act referred to in the preceding paragraph against a vulnerable person under the age of fifteen or by threatening him or her with a direct attack on life or body, or, by acting in such manner, commits the aforementioned act against another person, shall be sentenced to imprisonment for between five and fifteen years.

(3) A teacher, educator, guardian, adoptive parent, parent, clergyman, doctor or any other person who through the abuse of his or her position has sexual intercourse or performs any other sexual act with a person under the age of fifteen that has been entrusted to him or her for teaching, education, medical treatment, protection or care shall be sentenced to imprisonment for between three and ten years.

(4) Whoever in the circumstances referred to in paragraphs one, two or three of this Article violates the sexual integrity of a person under the age of fifteen years shall be sentenced to imprisonment for up to five years.

(5) The act referred to in paragraph one of this Article shall not be unlawful if it is committed with a person of comparable age and if it is

duševne in telesne zrelosti.

Pridobivanje oseb, mlajših od petnajst let, za spolne namene

173.a člen

(1) Kdor osebo, mlajšo od petnajst let, prek informacijskih ali komunikacijskih tehnologij nagovarja za srečanje z namenom, da bi zoper njo storil kaznivo dejanje iz prvega odstavka 173. člena tega zakonika ali zaradi izdelave slik, avdiovizualnih ali drugih predmetov pornografske ali drugačne seksualne vsebine, in so nagovarjanju sledila konkretna dejanja za uresničitev srečanja, se kaznuje z zaporom do enega leta.

(2) Dejanje iz prejšnjega odstavka ni protipravno, če je bilo storjeno zaradi uresničitve dejanja iz prvega odstavka 173. člena in pod pogoji iz petega odstavka 173. člena tega zakonika.

Kršitev spolne nedotakljivost z zlorabo položaja

174. člen

(1) Kdor zlorabi svoj položaj in tako pripravi osebo drugega ali istega spola, ki mu je podrejena ali od njega odvisna, k spolnemu občevanju, ali da stori oziroma trpi kakšno drugo spolno dejanje, se kaznuje z zaporom do petih let.

(2) Učitelj, vzgojitelj, skrbnik, posvojitelj, roditelj ali druga oseba, ki z zlorabo svojega položaja spolno občuje ali stori kakšno drugo spolno dejanje z osebo, staro nad petnajst let, ki mu je zaupana v učenje, vzgojo, varstvo in oskrbo, se kaznuje z zaporom od enega do osmih let.

Zloraba prostitucije

appropriate to that person's mental and physical maturity.

Solicitation of persons under fifteen years of age for sexual purposes

Article 173a

(1) Whoever proposes, by means of information and communication technology, to meet with a person under fifteen years of age for the purpose of committing a criminal offence referred to in paragraph one of Article 173 or for the purpose of producing photographs or audiovisual or other items with pornographic or other sexual content, and where this proposal is followed by material acts in order to realise such a meeting, shall be sentenced to imprisonment for up to one year.

(2) The act referred to in the preceding paragraph shall not be unlawful if it is committed for the purposes of carrying out the act referred to in paragraph one of Article 173 provided that the conditions referred to in paragraph five of Article 173 of this Code are met.

Violation of sexual Integrity through abuse of authority

Article 174

(1) Whoever, by abusing his or her authority, induces his or her subordinate of the same or different sex who depends on him or her to have sexual intercourse with him or her or to perform or submit to any other sexual act, shall be sentenced to imprisonment for up to five years.

(2) A teacher, educator, guardian, adoptive parent, parent or any other person who through the abuse of his or her position has sexual intercourse or performs any other sexual act with a person above the age of fifteen whom he or she is entrusted to teach, educate, protect or care for, shall be sentenced to imprisonment for between one and eight years.

Exploitation of prostitution

175. člen

(1) Kdor zaradi izkoriščanja sodeluje pri prostituciji druge osebe ali kdor s silo, grožnjo ali preslepitvijo navede, pridobi ali spodbudi drugo osebo k prostituciji, se kaznuje z zaporom od treh mesecev do petih let.

(2) Kdor zaradi izkoriščanja sodeluje pri prostituciji mladoletne osebe ali posega po prostituciji mladoletne osebe ali kdor s silo, grožnjo, preslepitvijo, novačenjem ali nagovarjanjem navede, pridobi ali spodbudi mladoletno osebo k prostituciji, se kaznuje z zaporom od enega do desetih let.

(3) Če sta bili dejanji iz prvega ali drugega odstavka tega člena storjeni proti več osebam ali v okviru hudodelske združbe, se storilec kaznuje z zaporom od enega do dvanajstih let.

Prikazovanje, izdelava, posest in posredovanje pornografskega gradiva

176. člen

(1) Kdor osebi, mlajši od petnajst let, proda, prikaže ali z javnim razstavljanjem ali kako drugače omogoči, da so ji dostopni spisi, slike, avdiovizualni ali drugi predmeti pornografske vsebine, ali ji prikaže pornografsko ali drugačno seksualno predstavo, se kaznuje z denarno kaznijo ali zaporom do dveh let.

(2) Kdor s silo, grožnjo, preslepitvijo, prekoračitvijo ali zlorabo pooblastil, novačenjem, nagovarjanjem ali zaradi izkoriščanja navede, pridobi ali spodbudi mladoletno osebo za izdelavo slik, avdiovizualnih ali drugih predmetov pornografske ali drugačne seksualne vsebine, za sodelovanje v pornografski ali drugačni seksualni predstavi ali kdor taki predstavi vedoma prisostvuje, se kaznuje z zaporom od šestih mesecev do osmih let.

Article 175

(1) Whoever participates for exploitative purposes in the prostitution of another or instructs, obtains or encourages another to engage in prostitution by force, threats or deception shall be sentenced to imprisonment for between three months and five years.

(2) Whoever participates for exploitative purposes in the prostitution of a minor, or exploits the prostitution of a minor, or whoever instructs, obtains or encourages the prostitution of a minor by force, threat, deception, recruitment or solicitation, shall be sentenced to imprisonment for between one and ten years.

(3) If an act referred to in paragraph one or two of this Article is committed against several persons or within a criminal organisation, the perpetrator shall be sentenced to imprisonment for between one and twelve years.

The presentation, manufacture, possession and distribution of pornographic material

Article 176

(1) Whoever sells, presents or publicly exhibits documents, pictures or audiovisual or other items of a pornographic nature to persons under fifteen years of age, enables them to gain access to these in any other manner, or presents to them a pornographic or other sexual performance, shall be punished by a fine or imprisonment for up to two years.

(2) Whoever by force, threat, deception, excessive or abusive powers, recruitment or solicitation, or for exploitative purpose instructs, obtains or encourages a minor to produce photographs, audiovisual or other items of a pornographic or other sexual nature, or uses them in a pornographic or other sexual performance, or is knowingly present at such performances, shall be sentenced to imprisonment for between six months and eight years.

(3) Enako kot v prejšnjem odstavku se kaznuje, kdor zase ali za drugega pridobiva, proizvede, razširi, proda, uvozi, izvozi ali drugače ponudi pornografsko ali drugačno seksualno gradivo, ki vključuje mladoletne osebe ali njihove realistične podobe, ali kdor poseduje tako gradivo ali pridobi dostop do takega gradiva s pomočjo informacijskih ali komunikacijskih tehnologij, ali razkriva identiteto mladoletne osebe v takem gradivu.

(4) Če je bilo dejanje iz drugega ali tretjega odstavka tega člena storjeno v hudodelski združbi za izvrševanje takih kaznivih dejanj, se storilec kaznuje z zaporom od enega do osmih let.

(5) Pornografsko ali drugačno seksualno gradivo iz drugega, tretjega in četrtega odstavka tega člena se vzame ali njegova uporaba ustrezno onemogoči.

Dvajseto poglavje
KAZNIVA DEJANJA ZOPER ČLOVEKOVO ZDRAVJE

Prenašanje nalezljivih bolezni

177. člen

(1) Kdor se ne ravna po predpisih ali odredbah, s katerimi pristojni organ odredi pregled, razkuženje, izločitev bolnikov ali kakšne druge ukrepe za zatiranje ali preprečevanje nalezljivih bolezni pri ljudeh in s tem povzroči, da se nalezljiva bolezen razširi, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Enako se kaznuje, kdor se ne ravna po predpisih ali odredbah, s katerimi pristojni organi določijo ukrepe za zatiranje ali preprečevanje kužnih bolezni pri živalih, ki se lahko prenesejo na ljudi, in s tem povzroči, da se kužna bolezen prenese na ljudi.

(3) Kdor stori dejanje iz prvega ali drugega odstavka tega člena

(3) The same punishment as referred to in the preceding paragraph shall be imposed on whoever, for him- or herself or any third person, produces, distributes, sells, imports, or exports pornographic or other sexual materials depicting minors or their realistic images, or supplies them in any other way, or possesses such materials, or obtains access to such materials by means of information and communication technology, or discloses the identity of a minor in such materials.

(4) If an act referred to in paragraph two or three of this Article is committed within a criminal organisation for the commission of such criminal offences, the perpetrator shall be sentenced to imprisonment for between one and eight years.

(5) The pornographic or other sexual materials referred to in paragraphs two, three and four of this Article shall be confiscated or their use shall be appropriately prevented.

Chapter Twenty
CRIMES AGAINST PUBLIC HEALTH

Transmission of infectious diseases

Article 177

(1) Whoever fails to comply with regulations or orders by which a competent authority orders a medical examination, disinfection, quarantine or other measures for suppressing or preventing infectious diseases in human beings and thereby causes the spread of an infectious disease, shall be punished by a fine or imprisonment for up to one year.

(2) The same punishment shall be imposed on anyone who fails to comply with regulations or orders by which a competent authority determines measures for suppressing or preventing infectious diseases in animals and thereby causes the spread of an infectious disease to humans.

(3) Whoever commits an act referred to in paragraph one or

iz malomarnosti, se kaznuje z denarno kaznijo ali zaporom do šestih mesecev.

(4) Če ima dejanje iz prvega, drugega ali tretjega odstavka tega člena za posledico smrt ene ali več oseb, se storilec kaznuje za dejanje iz prvega ali drugega odstavka z zaporom do osmih let, za dejanja iz tretjega odstavka pa z zaporom do petih let.

Opustitev zdravstvene pomoči

178. člen

(1) Zdravnik ali drug zdravstveni delavec, ki v nasprotju s svojo poklicno dolžnostjo ne pomaga bolniku ali komu drugemu, ki je v nevarnosti za življenje, se kaznuje z zaporom do enega leta.

(2) Dejanje iz prejšnjega odstavka ni protipravno, če zdravnik opusti določen način zdravljenja, poseg ali medicinski postopek na izrecno pisno zahtevo bolnika ali druge osebe, ki je sposobna odločati o sebi in pomoč zavrača tudi še potem, ko je poučena o nujnosti pomoči ter o mogočih posledicah zavrnitve in tudi potem, ko jo je zdravnik ponovno poskusil prepričati, naj spremeni svojo odločitev.

Malomarno zdravljenje in opravljanje zdravilske dejavnosti

179. člen

(1) Zdravnik, ki pri opravljanju zdravniške dejavnosti iz malomarnosti ravna v nasprotju s pravili zdravniške znanosti in stroke in tako povzroči, da se komu občutno poslabša zdravje, se kaznuje z zaporom do treh let.

(2) Enako se kaznuje

(a) zdravstveni delavec, ki pri svoji zdravstveni dejavnosti iz malomarnosti ravna v nasprotju s pravili stroke, pa pri tem povzroči,

two of this Article by negligence shall be punished by a fine or imprisonment for up to six months.

(4) If an act referred to in paragraph one, two or three of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for up to eight years for an act referred to in paragraph one or two of this Article and for up to five years for an act referred to in paragraph three.

Failure to render medical assistance

Article 178

(1) A physician or other healthcare professional who, in breach of his or her professional duties, fails to render medical assistance to a patient or any person whose life is in danger shall be sentenced to imprisonment for up to one year.

(2) An act referred to in the preceding paragraph shall not be unlawful if the physician abandons a method of treatment, surgery or medical procedure at the explicit written request of the patient or other person who is capable of making a decision about him- or herself and also refuses help after being informed of the urgency of treatment and the possible consequences of refusing such, even after the physician has once again tried to persuade that person to alter his or her decision.

Negligent medical treatment and healing activity

Article 179

(1) A physician who in the performance of a medical activity fails to act in conformity with the code of professional conduct, thereby causing substantial impairment of a patient's health, shall be sentenced to imprisonment for up to three years.

(2) The same punishment shall be imposed on:

(a) healthcare professionals who in the performance of their duties fail to act in conformity with the code of professional conduct out of

da se komu občutno poslabša zdravje ali

- (b) zdravilec, ki pri opravljanju dovoljene zdravilske dejavnosti iz malomarnosti neustrezno izbere in uporabi zdravilski sistem ali zdravilsko metodo, pa pri tem povzroči, da se komu občutno poslabša zdravje.

(3) Če zaradi dejanja iz prvega ali drugega odstavka kdo umre, se storilec kaznuje z zapornom od enega do osmih let.

Mazaštvo

180. člen

(1) Kdor se ukvarja z zdravljenjem ali opravljanjem zdravilske dejavnosti, čeprav nima predpisane kvalifikacije, in pri tem odvrne bolnika od pravočasnega iskanja zdravniške pomoči, se kaznuje z zapornom od šestih mesecev do petih let.

(2) Storilec dejanja iz prejšnjega odstavka, ki povzroči pomembno škodo na zdravju osebe, ki v postopke zdravljenja ni privolila ali ni bila sposobna privoliti, se kaznuje z zapornom od šestih mesecev do osmih let.

(3) Če ima dejanje iz prvega odstavka za posledico smrt bolnika, se storilec kaznuje z zapornom od enega do desetih let.

(4) Pripomočki, namenjeni ali uporabljeni za zdravljenje po prvem odstavku tega člena, se odzamejo.

Nedovoljena presaditev delov človeškega telesa in sprememba človeškega genoma

181. člen

(1) Zdravnik, ki komu vzame del telesa zaradi presaditve ali

negligence, thus causing substantial impairment of a patient's health, or

- (b) healers who in the performance of their duties make an inappropriate choice or use a healing system or method that causes substantial impairment of a patient's health.

(3) If an act referred to in paragraph one or two results in the death of a person, the perpetrator shall be sentenced to imprisonment for between one and eight years.

Quackery

Article 180

(1) Anyone providing medical treatment or healing treatment despite lacking the required qualification, thus preventing a patient from seeking timely medical assistance, shall be sentenced to imprisonment for between six months and five years.

(2) A perpetrator of an act referred to in the preceding paragraph who causes serious harm to a person's health shall be sentenced to imprisonment for between six months and eight years.

(3) If an act referred to in paragraph one results in the death of a patient, the perpetrator shall be sentenced to imprisonment for between one and ten years.

(4) The equipment and accessories intended for or used in the treatment referred to in paragraph one of this Article shall be confiscated.

Illegal transplanting of human body parts and modification of the human genome

Article 181

(1) A physician who, contrary to the code of professional

komu presadi del telesa, čeprav je jemanje ali presaditev dela telesa po pravilih zdravniške znanosti in stroke neupravičeno, se kaznuje z zapornom od šestih mesecev do petih let.

(2) Enako se kaznuje zdravnik, ki z namenom presaditve vzame del človeškega telesa, preden je na predpisan način ugotovljena smrt.

(3) S kaznijo iz prvega odstavka se kaznuje zdravnik, ki komu protipravno odvzame spolne celice, nedovoljeno ravna z njimi ali krši anonimnost dajalca spolnih celic.

(4) Zdravnik, ki komu vzame del telesa zaradi presaditve ali presadi komu del telesa, ne da bi si poprej pridobil z zakonom predpisano privolitev dajalca in prejemnika ali njunih zakonitih zastopnikov ali kadar v nasprotju s predpisanimi postopki odvzeti del človeškega telesa hrani ali uporabi za drug namen, kot je bil odvzet, se kaznuje z zapornom od treh mesecev do petih let.

(5) Kdor poskuša ali izvede poseg, katerega namen je spremeniti človeški genom in se ne opravlja za preventivne, diagnostične ali terapevtske namene, ali je njegov cilj uvesti spremembe v genom potomcev, se kaznuje z zapornom do petih let.

(6) Enako kot v prejšnjem odstavku se kaznuje, kdor vzame ali pridobi odvzeti del človeškega telesa, za katerega darovalec prejme plačilo, kdor nezakonito razpolaga z odvzetim delom človeškega telesa, kdor uporabi ali poskusi uporabiti človeško telo ali njegove dele z namenom pridobivanja premoženjske koristi ali kdor neupravičeno in proti plačilu posreduje pri dajanju delov telesa žive ali umrle osebe za presaditev.

Malomarno opravljanje lekarniške dejavnosti

182. člen

Lekarnar ali druga oseba, pooblaščenca za izdajanje zdravil, ki iz

conduct, removes a part of a patient's body or transplants a part of a human body to the body of a patient, shall be sentenced to imprisonment for between six months and five years.

(2) A physician who for the purpose of performing a transplant removes a part of a human body before the death of that patient has been properly established shall be punished to the same extent.

(3) The punishment referred to in paragraph one shall also apply to a physician who unlawfully removes germ cells, handles them in a prohibited manner, or violates the anonymity of a germ cell donor.

(4) A physician who for the purpose of performing a transplant removes a part of a patient's body or transplants a part of a human body to a patient without obtaining prior statutory consent from the donor or the recipient of the body part or from their statutory representatives, or when, contrary to the required procedures, stores or uses the removed part of a human body for some other purpose, shall be sentenced to imprisonment for between three months and five years.

(5) Anyone attempting to perform or who performs a procedure whose purpose is to modify the human genome and which is not performed for preventive, diagnostic, or therapeutic purposes, or with a view to implementing changes in the genome of future generations, shall be sentenced to imprisonment for up to five years.

(6) The punishment referred to in the preceding paragraph shall be imposed on anyone who removes or obtains a removed part of a human body for which the donor receives payment, anyone who illegally disposes of a removed human body part, uses or attempts to use a human body or a part thereof with a view to gaining proceeds therefrom, or who serves as an agent in the provision of transplants of parts of the body of a living or deceased person unlawfully and for consideration.

Negligent performance of pharmacy services

Article 182

A pharmacist or any other person authorised to dispense

malomarnosti ne pripravi zdravila v predpisanem razmerju ali količini ali izda namesto predpisanega ali zahtevanega zdravila drugo zdravilo ali snov ali pri pripravljanju ali izdajanju zdravil kako drugače ravna v nasprotju s pravili znanosti in stroke in tako povzroči, da se komu občutno poslabša zdravje, se kaznuje z zaporom do dveh let.

Proizvodnja in promet škodljivih sredstev za zdravljenje

183. člen

(1) Kdor proizvaja, prodaja ali kako drugače daje v promet zdravila ali druga sredstva za zdravljenje, ki so škodljiva za zdravje, se kaznuje z zaporom do osmih let.

(2) Enako se kaznuje, kdor pridobiva, predeluje ali razpečava okuženo kri ali drugo tkivo ali iz tega izdelano snov za zdravljenje.

(3) Kdor stori dejanje iz prvega ali drugega odstavka tega člena iz malomarnosti, se kaznuje z zaporom do enega leta.

(4) Če ima dejanje iz prvega, drugega ali tretjega odstavka tega člena za posledico hudo ali posebno hudo telesno poškodbo ali temu ustrezno okvaro zdravja ene ali več oseb, se storilec kaznuje za dejanje iz prvega ali drugega odstavka z zaporom do desetih let, za dejanje iz tretjega odstavka pa z zaporom do petih let.

(5) Če ima dejanje iz prvega, drugega ali tretjega odstavka tega člena za posledico smrt ene ali več oseb, se storilec kaznuje za dejanje iz prvega ali drugega odstavka z zaporom od enega do petnajstih let, za dejanje iz tretjega odstavka pa z zaporom od enega do desetih let.

Proizvodnja in promet zdravju škodljivih živil in drugih izdelkov

medicines who, out of negligence, fails to prepare the prescribed quantity or proportion of a medicine, or who dispenses a medicine or substance other than that prescribed, or acts in any other manner contrary to the code of professional conduct in the preparation or dispensing of medicines, thereby causing substantial impairment of a person's health, shall be sentenced to imprisonment for up to two years.

Manufacture and trade in harmful medicines

Article 183

(1) Whoever manufactures, sells or otherwise places on the market medicines or other healing remedies that are harmful to health shall be sentenced to imprisonment for up to eight years.

(2) Whoever is engaged in the extraction, preparation or distribution of infected blood or other tissues or derives therefrom healing remedies shall be punished to the same extent.

(3) Whoever commits an act referred to in paragraph one or two of this Article out of negligence shall be sentenced to imprisonment for up to one year.

(4) If an act referred to in paragraph one, two or three of this Article results in a serious or a particularly serious bodily injury or in a corresponding impairment of health of at least one person, the perpetrator shall be sentenced to imprisonment for up to ten years for an act referred to in paragraph one or two, while for committing an act referred to in paragraph three he or she shall be sentenced to imprisonment for up to five years.

(5) If an act referred to in paragraph one, two or three of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between one and fifteen years for committing an act referred to in paragraph one or two and between one and ten years for committing an act referred to in paragraph three.

Manufacture and trade in foodstuffs harmful to health and other

products

Article 184

(1) Whoever produces, sells or otherwise places on the market foodstuffs that are harmful to human health, thus putting at risk human life or health, shall be sentenced to imprisonment for up to three years.

(2) Whoever produces, sells or otherwise places on the market products for personal care, toys or similar products for mass consumption that are harmful to human health shall be punished to the same extent.

(3) Whoever commits an act referred to in paragraph one or two of this Article out of negligence shall be sentenced to imprisonment for up to one year.

(4) If an act referred to in paragraph one, two or three of this Article results in a serious or a particularly serious bodily injury or a corresponding impairment of the health of one or more persons, the perpetrator shall be sentenced to imprisonment for up to eight years for committing an act referred to in paragraph one or two, while for committing an act referred to in paragraph three he or she shall be sentenced to imprisonment for up to five years.

(5) If an act referred to in paragraph one, two or three of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between one and twelve years for committing an act referred to in paragraph one or two and between one and eight years for committing an act referred to in paragraph three.

(6) Harmful foodstuffs and other products shall be confiscated.

Unconscientious Inspection of meat for human consumption

Article 185

(1) A veterinarian or a person responsible for inspecting slaughter animals and meat intended for consumption who performs inspection unconscientiously or contrary to the relevant regulations or fails

184. člen

(1) Kdor proizvaja, prodaja ali kako drugače daje v promet živila, ki so škodljiva za zdravje ljudi, in tako povzroči nevarnost za življenje ali zdravje ljudi, se kaznuje z zaporom do treh let.

(2) Enako se kaznuje, kdor proizvaja, prodaja ali kako drugače daje v promet sredstva za osebno nego, otroške igrače ali podobne izdelke za množično potrošnjo, ki so škodljivi za zdravje.

(3) Kdor stori dejanje iz prvega ali drugega odstavka tega člena iz malomarnosti, se kaznuje z zaporom do enega leta.

(4) Če ima dejanje iz prvega, drugega ali tretjega odstavka tega člena za posledico hudo ali posebno hudo telesno poškodbo ali temu ustrezno okvaro zdravja ene ali več oseb, se storilec kaznuje za dejanje iz prvega ali drugega odstavka z zaporom do osmih let, za dejanje iz tretjega odstavka pa z zaporom do petih let.

(5) Če ima dejanje iz prvega, drugega ali tretjega odstavka tega člena za posledico smrt ene ali več oseb, se storilec kaznuje za dejanje iz prvega ali drugega odstavka z zaporom od enega do dvanajstih let, za dejanje iz tretjega odstavka pa z zaporom od enega do osmih let.

(6) Škodljiva živila in drugi izdelki se vzamejo.

Nevestno pregledovanje mesa za prehrano

185. člen

(1) Veterinar ali druga pooblaščen oseba, ki pri pregledu klavnih živali ali mesa, ki je namenjeno za prehrano, nevestno ravna ali kljub predpisom ne opravi pregleda in s tem omogoči, da pride v promet

meso, ki je škodljivo za človekovo zdravje, se kaznuje z zaporom do enega leta.

(2) Če je dejanje iz prejšnjega odstavka storjeno iz malomarnosti, se storilec kaznuje z denarno kaznijo ali zaporom do šestih mesecev.

Nepravilna proizvodnja in promet s prepovedanimi drogami, nedovoljenimi snovmi v športu in predhodnimi sestavinami za izdelavo prepovedanih drog

186. člen

(1) Kdor nepravilno proizvaja, predeluje, prodaja ali ponuja naprodaj ali zaradi prodaje ali dajanja v promet kupuje, hrani ali prenaša ali posreduje pri prodaji ali nakupu ali kako drugače nepravilno daje v promet rastline ali substance, ki so razvrščene kot prepovedane droge ali nedovoljene snovi v športu, ali predhodne sestavine, ki se uporabljajo za izdelavo prepovedanih drog, se kaznuje z zaporom od enega do desetih let.

(2) Kdor prodaja, ponuja na prodaj ali brezplačno deli prepovedano drogo, ali nedovoljeno snov v športu, ali predhodno sestavino za izdelavo prepovedanih drog mladoletni osebi, duševno bolni osebi, osebi z začasno duševno motnjo, hujšo duševno zaostalostjo ali osebi, ki je v postopku odvajanja od odvisnosti ali rehabilitacije ali če stori dejanje v vzgojnih ali izobraževalnih ustanovah ali v njihovi neposredni bližini, v zaporih, v vojaških enotah, v javnih lokalih ali na javnih prireditvah, ali stori dejanje iz prvega odstavka javni uslužbenec, duhovnik, zdravnik, socialni delavec, učitelj ali vzgojitelj in pri tem izkorišča svoj položaj ali kdor za izvrševanje omenjenega dejanja uporablja mladoletne osebe se kaznuje z zaporom od treh do petnajst let.

(3) Če je dejanje iz prvega ali drugega odstavka storjeno v hudodelski združbi za izvedbo takih dejanj, ali če je storilec tega dejanja organiziral mrežo prekupčevalcev ali posrednikov, se kaznuje z zaporom od petih do petnajstih let.

to perform an inspection and thereby facilitates the placing on the market of meat that is hazardous to human health shall be sentenced to imprisonment for up to one year.

(2) Whoever commits an act referred to in the preceding paragraphs by negligence shall be punished by a fine or imprisonment for up to six months.

Illicit manufacture and trade in narcotic drugs, illicit substances in sport and illicit drug precursors

Article 186

(1) Whoever illicitly produces, processes, sells or offers for sale or, for the purpose of sale or placing on the market, buys, stores or transfers or acts as an agent in the sale or purchase of or otherwise unlawfully places on the market plants or substances that are classified as narcotic drugs or illicit substances in sport, or the precursors used to manufacture narcotic drugs, shall be sentenced to imprisonment for between one and ten years.

(2) Whoever sells, offers for sale or distributes free of charge narcotic drugs or precursors used to manufacture narcotic drugs, or illicit substances in sport to a minor, mentally disabled person, a person with a temporary mental disturbance or severe mental retardation or a person undergoing treatment for addiction or rehabilitation, or, if the act is committed in educational institutions or in the immediate vicinity thereof, in prisons, military units, public bars and restaurants or at public events, or if an act referred to in paragraph one is committed by a public employee, priest, physician, social worker, teacher or educator who thereby exploits his or her position, or whoever in order to commit the aforementioned act uses minors, shall be sentenced to imprisonment for between three and fifteen years.

(3) If an act referred to in paragraph one or two of this Article is committed within a criminal organisation, or if the perpetrator of such act organises a network of resellers or agents, the perpetrator shall be sentenced to imprisonment for between five or fifteen years.

(4) Kdor brez pooblastila izdeluje, nabavlja, ima ali daje v uporabo opremo, snovi ali predhodne sestavine, za katere ve, da so namenjene za izdelavo prepovedanih drog ali nedovoljenih snovi v športu, se kaznuje z zaporom od šestih mesecev do petih let.

(5) Prepovedane droge ali nedovoljene snovi v športu in sredstva za njihovo izdelovanje se vzamejo. Prevozna sredstva, uporabljena za prevoz in hrambo drog ali nedovoljenih snovi v športu, se odvzamejo, če imajo za prevoz in hrambo drog ali nedovoljenih snovi v športu posebej prirejene prostore ali če je njihov lastnik vedel ali bi bil mogel vedeti, da bodo uporabljena za tak namen.

Omogočanje uživanja prepovedanih drog ali nedovoljenih snovi v športu

187. člen

(1) Kdor napelje drugega k uživanju prepovedanih drog ali nedovoljenih snovi v športu ali mu jih da, da jih uživa on ali kdo drug, ali kdor da na razpolago prostore za uživanje prepovedanih drog ali nedovoljenih snovi v športu ali kako drugače omogoči drugemu, da uživa prepovedane droge ali nedovoljene snovi v športu, se kaznuje z zaporom od šestih mesecev do osmih let.

(2) Kdor stori dejanje iz prvega odstavka proti več osebam, proti mladoletni osebi, duševno bolni osebi, osebi z začasno duševno motnjo, hujšo duševno zaostalostjo ali osebi, ki je v postopku odvajanja od odvisnosti ali rehabilitacije ali če stori dejanje v vzgojnih ali izobraževalnih ustanovah ali v njihovi neposredni bližini, v zaporih, v vojaških enotah, v javnih lokalih ali na javnih prireditvah, ali stori dejanje iz prvega odstavka javni uslužbenec, duhovnik, zdravnik, socialni delavec, učitelj ali vzgojitelj in pri tem izkorišča svoj položaj, se kaznuje z zaporom od enega do dvanajstih let.

(4) Whoever without authorisation manufactures, purchases, possesses or provides other persons with equipment, substances or precursors that are to his or her knowledge intended for the manufacture of narcotic drugs or illicit substances in sport, shall be sentenced to imprisonment for between six months and five years.

(5) Illicit drugs or illicit substances in sport and the means for their manufacture shall be confiscated. The means of transport used in the transport and storage of drugs or illicit substances in sport shall be confiscated if they are provided with a specially adapted space for the transport and storage of drugs or illicit substances in sport, or if their owner knew or should have known that they would be used for that purpose.

Facilitating the consumption of narcotic drugs or illicit substances in sport

Article 187

(1) Whoever solicits another person to use narcotic drugs or illegal substances in sport or provides a person with drugs for their personal consumption or to be consumed by a third person, or whoever provides a person with a place or other facility to use narcotic drugs or illicit substances in sport or otherwise facilitates others to use such substances shall be sentenced to imprisonment for between six months and eight years.

(2) Whoever commits an act referred to in paragraph one against several persons, a minor, a mentally disabled person, a person with a temporary mental disturbance or severe mental retardation or a person undergoing treatment for addiction or rehabilitation, or if the act is committed in educational institutions or in the immediate vicinity thereof, in prisons, military units, public bars and restaurants or at public events, or if an act referred to in paragraph one is committed by a public employee, priest, physician, social worker, teacher or educator who thereby exploits his or her position, shall be sentenced to imprisonment for between one and twelve years.

(3) Prepovedane droge, nedovoljene snovi v športu in pripomočki za njihovo uživanje se vzamejo.

(4) Dejanje iz prvega in drugega odstavka tega člena ni protipravno, če storilec ravna po programu zdravljenja odvisnosti ali nadzorovane uporabe droge, ki je v skladu z zakonom potrjen in se izvaja v okviru ali pod nadzorom javnega zdravstva.

Enaindvajseto poglavje
KAZNIVA DEJANJA ZOPER ZAKONSKO ZVEZO, DRUŽINO IN
OTROKE

Dvojna zakonska zveza

188. člen

(1) Kdor sklene novo zakonsko zvezo, čeprav je že poročen, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Enako se kaznuje tudi, kdor sklene zakonsko zvezo z osebo, za katero ve, da je poročena.

(3) Če je prejšnja zakonska zveza prenehala ali je bila razveljavljena, se pregon ne začne, če pa se je začel, se ustavi.

Sprememba rodbinskega stanja

189. člen

Kdor podtakne ali zamenja otroka ali kako drugače spremeni njegovo rodbinsko stanje, se kaznuje z zaporom do treh let.

(3) Narcotic drugs, illicit substances in sport and accessories for their consumption shall be confiscated.

(4) An act referred to in paragraphs one and two shall not be unlawful if the perpetrator acts in accordance with an addiction treatment programme or a supervised drug consumption programme approved in accordance with an Act and carried out within or under public healthcare supervision.

Chapter Twenty-One
CRIMES AGAINST MARRIAGE, FAMILY AND YOUTH

Bigamy

Article 188

(1) Whoever, being already married, enters into a second marriage shall be punished by a fine or imprisonment for up to one year.

(2) Whoever enters into a marriage with a person who he or she knows to be already married shall be punished to the same extent.

(3) If the previous marriage has been dissolved or annulled, prosecution shall not be initiated; if prosecution has already been initiated, it shall be stayed.

Alteration of family status

Article 189

Whoever substitutes a child for another child or otherwise alters the family status of a child shall be sentenced to imprisonment for up to three years.

Odvzem mladoletne osebe

190. člen

(1) Kdor protipravno odvzame mladoletno osebo roditelju, posvojitelju, skrbniku, zavodu ali osebi, ki ji je zaupana, ali jo zadržuje in preprečuje, da bi jo imel tisti, ki ima pravico do nje, ali kdor zlonamerno onemogoča, da bi se uresničila izvršljiva odločba glede mladoletne osebe, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) V primeru, da je dejanje povzročilo poslabšanje duševnega ali telesnega zdravja mladoletne osebe ali da je ogrozilo njen razvoj, se kaznuje z zaporom od enega do petih let.

(3) Če izreče sodišče pogojno obsodbo, lahko naloži storilcu, da mora mladoletno osebo izročiti upravičencu ali omogočiti uresničitev izvršljive odločbe glede mladoletne osebe.

(4) Če je storilec dejanja iz prvega odstavka tega člena prostovoljno izročil mladoletno osebo upravičencu ali omogočil uresničitev izvršljive odločbe, se mu kazen lahko odpusti.

Nasilje v družini

191. člen

(1) Kdor v družinski skupnosti z drugim grdo ravna, ga pretepa ali drugače boleče ali ponižujoče ravna, ga z grožnjo z neposrednim napadom na življenje ali telo preganja iz skupnega prebivališča ali mu omejuje svobodo gibanja, ga zalezuje, ga prisiljuje k delu ali opuščanju dela ali ga kako drugače z nasilnim omejevanjem njegovih enakih pravic spravlja v skupnosti v podrejen položaj, se kaznuje z zaporom do petih let.

Abduction of minors

Article 190

(1) Whoever unlawfully abducts a minor from his or her parent, adoptive parent, guardian, institution or a person to whom the minor has been entrusted, or whoever detains a minor or prevents him or her from living with the person he or she is entitled to live with, or whoever maliciously prevents the enforcement of an enforceable judgment with respect to a minor, shall be punished by a fine or imprisonment for up to one year.

(2) If such act causes deterioration in the mental or physical health of a minor or threatens his or her development, the perpetrator shall be sentenced to imprisonment for between one and five years.

(3) If the court imposes a suspended sentence, it may order the perpetrator to relinquish the minor to the entitled person or enable the enforcement of an enforceable judgment with respect to the minor.

(4) If the perpetrator referred to in paragraph one of this Article relinquishes the minor to the entitled person by his or her own free will and enables the enforcement of an enforceable judgment, his or her punishment may be remitted.

Domestic violence

Article 191

(1) Whoever treats another family member badly, beats him or her, or in any other way treats him or her in a painful or humiliating manner, threatens by a direct attack on his or her life or body to expel him or her from their joint residence or in any other way limits his or her freedom of movement, stalks him or her, forces him or her to work or give up his or her work, or in any other way puts him or her into a subordinate position by aggressively limiting his or her equal rights, shall be sentenced to imprisonment for up to five years.

(2) Enako se kaznuje, kdor stori dejanje iz prejšnjega odstavka v kakšni drugi trajnejši življenjski skupnosti.

(3) Če je dejanje iz prvega odstavka storjeno proti osebi, s katero je storilec živel v družinski ali drugi trajnejši skupnosti, ki je razpadla, je pa dejanje s to skupnostjo povezano, se storilec kaznuje z zapornom do treh let.

Zanemarjanje mladoletne osebe in surovo ravnanje

192. člen

(1) Starši, skrbnik, rejnik ali druga oseba, ki hudo krši svoje dolžnosti do mladoletne osebe, se kaznuje z zapornom do treh let.

(2) Starši, skrbnik, rejnik ali druga oseba, ki sili mladoletno osebo k pretiranemu delu ali k delu, ki ni primerno njeni starosti ali k opuščanju dela, ali jo iz koristoljubnosti navaja k beračenju ali drugim dejanjem, ki so škodljiva za njen razvoj, ali z njo surovo ravna ali jo trpinči, se kaznuje z zapornom do petih let.

Kršitev družinskih obveznosti

193. člen

(1) Kdor hudo zanemarja družinske obveznosti, ki jih ima po zakonu, in tako pusti v težkem položaju družinskega člana, ki ne more sam skrbeti zase, se kaznuje z zapornom do dveh let.

(2) Če sodišče izreče pogojno obsodbo, lahko naloži storilcu, da mora redno izpolnjevati svoje dolžnosti skrbi, vzgoje in preživljanja.

(2) The same punishment shall be imposed on whoever commits an act referred to in the preceding paragraph in any other permanent domestic community.

(3) If an act referred to in paragraph one of this Article is committed against a person with whom the perpetrator lives in a domestic or other permanent community that broke up, and this act is linked to the community, the perpetrator shall be sentenced to imprisonment for up to three years.

Neglect and maltreatment of minors

Article 192

(1) A parent, guardian, foster parent or other person who seriously breaches his or her obligations towards a minor shall be sentenced to imprisonment for up to three years.

(2) A parent, guardian, foster parent or other person who forces a minor to perform excessive work or to perform work unsuitable to his or her age or to give up his or her work, or who for self-serving motives solicits a minor to mendicancy or other conduct prejudicial to his or her proper development, or who maltreats or tortures a minor, shall be sentenced to imprisonment for up to five years.

Violation of family responsibilities

Article 193

(1) Whoever seriously violates statutory family responsibilities by leaving a dependent family in a difficult situation shall be sentenced to imprisonment for up to two years.

(2) If the court imposes a suspended sentence, it may order the perpetrator to regularly honour his or her responsibilities as to providing care, education and support.

Neplačevanje preživnine

194. člen

(1) Kdor ne daje preživnine za osebo, ki jo po zakonu mora preživljati in za katero je višina njegove preživninske obveznosti določena z izvršilnim naslovom, čeprav bi to zmožel, se kaznuje z zaporem do enega leta.

(2) Če je zaradi dejanja iz prejšnjega odstavka ogroženo ali bi lahko bilo ogroženo preživljanje upravičenca ali če se storilec izmika dajati preživnino, se kaznuje z zaporem do treh let.

(3) Če sodišče izreče pogojno obsodbo, lahko naloži storilcu dejanja iz prvega ali drugega odstavka tega člena, da mora redno plačevati preživnino, lahko pa tudi, da mora poravnati zaostalo preživnino ali druge prisojene obveznosti, nastale s preživljanjem.

Krvoskrunstvo

195. člen

Oseba, ki spolno občuje z mladoletnim krvnim sorodnikom v ravni črti ali z mladoletnim bratom oziroma sestro, se kaznuje z zaporem do dveh let.

Dvaindvajseto poglavje
KAZNIVA DEJANJA ZOPER DELOVNO RAZMERJE IN SOCIALNO
VARNOST

Kršitev temeljnih pravic delavcev

Non-payment of maintenance

Article 194

(1) Whoever fails to pay maintenance, despite being able to do so, to a person they are obliged to support according to an Act and for whom the level of maintenance has been determined by an enforcement instrument shall be sentenced to imprisonment for up to one year.

(2) If due to an act referred to in the preceding paragraph the livelihood of the person entitled to maintenance is or could be at risk, or if the perpetrator evades the obligation to pay maintenance, the perpetrator shall be sentenced to imprisonment for up to three years.

(3) If the court issues a suspended sentence, it may order the perpetrator of an act referred to in paragraph one or two of this Article to make regular maintenance payments and may also order him or her to settle any outstanding maintenance payments or other court-ordered obligations arising from maintenance.

Incest

Article 195

An adult who has sexual intercourse with an underage lineal relative or underage brother or sister shall be sentenced to imprisonment for up to two years.

Chapter Twenty-Two
CRIMES AGAINST AN EMPLOYMENT RELATIONSHIP AND SOCIAL
SECURITY

Violations of fundamental employee rights

196. člen

(1) Kdor ne ravna po predpisih o sklenitvi pogodbe o zaposlitvi in o prenehanju delovnega razmerja, plači in drugih prejemkih iz delovnega razmerja, delovnem času, odmoru, počitku, letnem dopustu ali odsotnosti z dela, varstvu žensk, mladine in invalidov, varstvu delavcev zaradi nosečnosti in starševstva, varstva starejših delavcev, prepovedi nadurnega ali nočnega dela ali plačilu predpisanih prispevkov in tako prikrajša enega ali več delavcev ali iskalcev zaposlitve za pravice, ki jim pripadajo, ali jim jih omeji, se kaznuje z zaporom do treh let in denarno kaznijo.

(2) Če so bile z dejanjem iz prejšnjega odstavka kršene pravice najmanj dvajsetih delavcev ali če so enemu ali več delavcem kršene pravice v obdobju najmanj dveh let, se storilec kaznuje z zaporom do petih let in denarno kaznijo.

(3) S kaznijo iz prvega odstavka tega člena se kaznuje, kdor pogojuje sklenitev pogodbe o zaposlitvi s tem, da delavka med zaposlitvijo ne bo zanosila ali rodila otroka ali od delavke med zaposlitvijo zahteva izjavo, da bo v takem primeru dala odpoved delovnega razmerja ali sprejela sporazumno prenehanje delovnega razmerja.

Šikaniranje na delovnem mestu

197. člen

(1) Kdor na delovnem mestu ali v zvezi z delom s spolnim nadlegovanjem, psihičnim nasiljem, trpinčenjem ali neenakopravnim obravnavanjem povzroči drugemu zaposlenemu ponižanje ali prestrašenosť, se kaznuje z zaporom do dveh let.

(2) Če ima dejanje iz prejšnjega odstavka za posledico psihično, psihosomatsko ali fizično obolenje ali zmanjšanje delovne

Article 196

(1) Whoever acts contrary to the regulations governing the conclusion and termination of employment contracts, salary and other remuneration from employment, working time, breaks and rest, annual leave or absence from work, the protection of women, young people and disabled persons, the protection of employees due to pregnancy and parenthood, the protection of older employees, the prohibition of overtime or night work, or the payment of prescribed contributions, thus depriving one or several employees or job seekers of their rights or restricting their rights, shall be sentenced to imprisonment for up to three years and imposed a fine.

(2) If the rights of at least twenty employees have been violated by an act referred to in the preceding paragraph, or if one or several employees' rights have been violated in at least a two-year period, the perpetrator shall be sentenced to imprisonment for up to five years and imposed a fine.

(3) The punishment referred to in paragraph one of this Article shall be imposed on whoever makes the conclusion of an employment contract conditional upon a female employee not getting pregnant or having children, or if during her employment period a female employee is required to make a statement that in such an event she would give notice or accept consensual termination of the employment relationship.

Workplace harassment

Article 197

(1) Whoever humiliates or intimidates another person in the workplace or in relation to work by sexual harassment, psychological violence, ill-treatment or unequal treatment shall be sentenced to imprisonment for up to two years.

(2) If an act referred to in the preceding paragraph results in a psychological, psychosomatic or physical illness or the reduced work

storilnosti zaposlenega, se storilec kaznuje z zaporom do treh let.

Kršitev pravic pri zaposlovanju ali brezposelnosti

198. člen

(1) Kdor komu odreče ali omeji pravico do svobodne zaposlitve pod takimi pogoji, kot so določeni s predpisi, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Enako se kaznuje, kdor zavestno ne ravna po predpisih o pravicah brezposelnih oseb in tako brezposelno osebo prikrajša za pravico, ki ji pripada ali ji jo omeji.

Zaposlovanje na črno

199. člen

(1) Kdor v nasprotju s predpisi zaposli dva ali več delavcev in jih ne prijavi za ustrezno zavarovanje ali zaposli dva ali več tujcev ali oseb brez državljanstva brez ustreznih dovoljenj za delo, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Kdor zaporedoma ali trajneje ali v znatnem številu zaposluje tujce, ki niso državljani države članice Evropske unije in nezakonito prebivajo na ozemlju Republike Slovenije, se kaznuje z zaporom do dveh let.

(3) Če je dejanje iz prvega ali drugega odstavka tega člena storjeno z zaposlitvijo delavcev, ki niso usposobljeni za izvajanje del s posebnimi pooblastili ali s pravico poseganja v telesno ali duševno celovitost posameznika ali pod posebej izkoriščevalskimi delovnimi pogoji ali z izkoriščanjem žrtve trgovine z ljudmi ali z zaposlitvijo mladoletne osebe, se storilec kaznuje z zaporom do treh let.

productivity of an employee, the perpetrator shall be sentenced to imprisonment for up to three years.

Violation of rights concerning employment and unemployment

Article 198

(1) Whoever denies or restricts another person's right to free employment under equal conditions provided by regulations shall be punished by a fine or imprisonment for up to one year.

(2) Whoever knowingly acts contrary to the regulations governing the rights of the unemployed, thus depriving an unemployed person of any of his or her rights or restricting them, shall be punished in accordance with the preceding paragraph.

Undeclared employment

Article 199

(1) Whoever, contrary to regulations, employs two or more persons and does not take out appropriate insurance for them, or employs several foreigners or persons without citizenship and without suitable work permits, shall be punished by a fine or imprisonment for up to one year.

(2) Whoever subsequently or permanently or in significant numbers employs foreigners who are not EU citizens and reside illegally in the territory of the Republic of Slovenia shall be sentenced to imprisonment for up to two years.

(3) If an act referred to in paragraph one or two of this Article is committed by employing workers who lack the competence to perform work that requires special authorisations or the right to interfere with the physical or mental integrity of an individual, or work under particularly exploitative working conditions, or by exploiting a victim of human trafficking, or by employing a minor, the perpetrator shall be sentenced to imprisonment for up to three years.

Kršitev pravic do sodelovanja pri upravljanju in kršitev sindikalnih pravic

200. člen

(1) Kdor s kršitvijo predpisov ali splošnih aktov prepreči ali onemogoči delavcem uresničevanje pravic do sodelovanja pri upravljanju ali te pravice zlorabi ali ovira njihovo uresničevanje, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Enako se kaznuje, kdor s kršitvijo predpisov ali splošnih aktov prepreči ali onemogoči delavcem svobodno združevanje in sindikalne dejavnosti ali ovira uresničevanje sindikalnih pravic ali prevzame sindikat.

Ogrožanje varnosti pri delu

201. člen

(1) Kdor v rudniku, tovarni, na gradbišču ali kakšnem drugem delovnem kraju uniči, poškoduje ali odstrani varnostne naprave in tako povzroči nevarnost za življenje ljudi, se kaznuje z zaporom do treh let.

(2) Oseba, ki je odgovorna za varnost in zdravje pri delu v rudnikih, tovarnah, delavnicah, na gradbiščih ali drugih delovnih krajih in ne postavi varnostnih naprav ali ne skrbi za njihovo brezhibnost ali ne poskrbi za njihovo delovanje, kadar je potrebno, ali sicer ne ravna po predpisih ali tehničnih pravilih o varnostnih ukrepih in tako povzroči nevarnost za življenje ljudi, se kaznuje z zaporom do dveh let.

(3) Če je dejanje iz prvega ali drugega odstavka tega člena storjeno iz malomarnosti, se storilec kaznuje z zaporom do enega leta.

(4) Če ima dejanje iz prvega, drugega ali tretjega odstavka tega člena za posledico hudo telesno poškodbo ene ali več oseb, se storilec za

Violation of the right to participate in management and violation of trade union rights

Article 200

(1) Whoever violates regulations and general legal acts by preventing or hindering employees from exercising their rights to participate in management, and whoever abuses such rights or hinders their exercise, shall be punished by a fine or imprisonment for up to one year.

(2) Whoever violates regulations and general legal acts by preventing or hindering employees from freely associating and carrying out trade union activities, or hinders the exercise of trade union rights, or takes over a trade union shall be punished to the same extent.

Endangering safety at work

Article 201

(1) Whoever destroys, damages or removes safety devices in a mine, factory, or on a construction or other work site, thus endangering human lives, shall be sentenced to imprisonment for up to three years.

(2) A person responsible for safety and health at work in a mine, factory, workshop, or on a construction or other work site who fails to install safety devices or ensure their operation when necessary, or otherwise fails to comply with the regulations and technical rules on security measures, thus endangering human lives, shall be sentenced to imprisonment for up to two years.

(3) Whoever commits an act referred to in paragraph one or two of this Article by reason of negligence shall be sentenced to imprisonment for up to one year.

(4) If an act referred to in paragraph one, two or three of this Article results in the very serious physical injury of one or more persons,

dejanje iz prvega ali drugega odstavka tega člena kaznuje z zaporom do petih let, za dejanje iz tretjega odstavka pa z zaporom do treh let.

(5) Če ima dejanje iz prvega, drugega ali tretjega odstavka tega člena za posledico smrt ene ali več oseb, se storilec za dejanje iz prvega ali drugega odstavka kaznuje z zaporom od enega do dvanajstih let, za dejanje iz tretjega odstavka pa z zaporom od enega do osmih let.

Kršitev pravic iz socialnega zavarovanja

202. člen

Kdor ne ravna po predpisih o socialnem zavarovanju in s tem koga prikrajša za pravico, ki mu pripada, ali mu jo omeji, se kaznuje z denarno kaznijo ali zaporom do enega leta.

Zloraba pravic iz socialnega zavarovanja

203. člen

(1) Kdor hlini ali si povzroči bolezen ali delovno nezmožnost in s tem doseže, da se mu na podlagi socialnega zavarovanja prizna pravica, ki mu ne bi pripadala, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Kdor pristojnemu organu predloži lažne listine ali da lažno izjavo in ga s tem preslepi, da izda odločbo o pokojnini, invalidnini ali denarnem socialnem dodatku, čeprav niso dani pogoji za izdajo take odločbe, se kaznuje z zaporom do dveh let.

the perpetrator shall be sentenced to imprisonment for up to five years for an act referred to in paragraph one or two and for up to three years for an act referred to in paragraph three.

(5) If an act referred to in paragraph one, two or three of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between one and twelve years for an act referred to in paragraph one or two and between one and eight years for an act referred to in paragraph three.

Violation of social insurance rights

Article 202

Whoever knowingly acts contrary to social insurance regulations and thereby deprives a person of a right or hinders him or her from exercising such right shall be punished by a fine or imprisonment for up to one year.

Abuse of social insurance rights

Article 203

(1) Whoever by feigning illness or by bringing a disease upon him- or herself or by incapacitating him- or herself for work succeeds in claiming a social insurance right to which he or she would otherwise not be entitled, shall be punished by a fine or imprisonment for up to one year.

(2) Whoever submits fake documents or gives a false statement to the competent authority and thus misleads it into issuing a decision on a retirement pension, disability allowance, or monetary social allowance, even though the conditions for issuing such a decision are not met, shall be sentenced to imprisonment for up to two years.

Tatvina

204. člen

(1) Kdor vzame komu tujo premično stvar, da bi si jo protipravno prilastil, se kaznuje z zaporem do treh let.

(2) Če je vrednost ukradene stvari majhna in si je storilec hotel prilastiti stvar take vrednosti, se kaznuje z denarno kaznijo ali zaporem do enega leta.

(3) Pregon za dejanje iz prejšnjega odstavka se začne na predlog.

(4) Če je storilec vrnil oškodovancu ukradeno stvar, preden je zvedel, da je uveden kazenski postopek, se mu sme kazen odpustiti.

Velika tatvina

205. člen

(1) Storilec tatvine iz prvega odstavka prejšnjega člena se kaznuje z zaporem do petih let:

- 1) če je storil tatvino tako, da je z vlomom, vdorom ali drugačnim premagovanjem večjih ovir prišel v zaprto stavbo, sobo, blagajno, omaro ali druge zaprte prostore;
- 2) če sta storili tatvino dve ali več oseb, ki so se združile zato, da bi kradle;
- 3) če je storil tatvino na posebno predrzen način;
- 4) če je imel pri sebi kakšno orožje ali nevarno orodje za napad ali obrambo;
- 5) če je storil tatvino ob požaru, povodnji ali podobni naravni nesreči;
- 6) če je storil tatvino tako, da je izrabil nemoč ali nesrečo drugega.

Larceny

Article 204

(1) Whoever takes another person's movable property with the intention of unlawfully appropriating it shall be sentenced to imprisonment for up to three years.

(2) If the stolen property is of low value and if the perpetrator intends to appropriate it, the perpetrator shall be punished by a fine or imprisonment for up to one year.

(3) Prosecution of an act referred to in the preceding paragraph of this Article shall be initiated upon a proposal.

(4) If the perpetrator returns the stolen property to the injured party before he or she learns of the initiation of criminal prosecution, his or her punishment may be remitted.

Grand larceny

Article 205

(1) A perpetrator of larceny as referred to in paragraph one of the preceding Article shall be sentenced to imprisonment for up to five years if the larceny was committed:

- 1) by entering into a closed building or room or by opening a strong-box, wardrobe, case or other enclosure by way of burglary, or by breaking into or surmounting other larger obstacles;
- 2) by at least two persons who colluded with the intention of committing larceny;
- 3) in a particularly audacious manner;
- 4) with a weapon or dangerous implement that was intended for use in attack or defence;
- 5) during a fire, flood or similar natural disaster;
- 6) by taking advantage of the helplessness or accident of another person.

(2) Enako se kaznuje storilec tatvine, če je ukradena stvar posebnega kulturnega pomena ali naravna vrednota ali če je ukradena stvar velike vrednosti in si je storilec hotel prilastiti tako stvar ali stvar take vrednosti.

(3) Če je bila z dejanjem iz prvega odstavka tega člena pridobljena stvar posebnega kulturnega pomena ali stvar velike vrednosti in si je storilec hotel prilastiti tako stvar ali stvar take vrednosti ali če je bilo dejanje iz drugega odstavka tega člena storjeno v hudodelski združbi, se kaznuje z zaporem od enega do osmih let.

Rop

206. člen

(1) Kdor vzame tujo premično stvar, da bi si jo protipravno prilastil, tako da uporabi silo zoper kakšno osebo ali ji zagrozi z neposrednim napadom na življenje ali telo, se kaznuje z zaporem od enega do desetih let.

(2) Če sta storili rop dve ali več oseb, ki so se združile zato, da bi ropale, ali če je vrednost ukradene stvari velika in si je storilec hotel prilastiti stvar take vrednosti, se storilec kaznuje z zaporem od treh do petnajstih let.

(3) Če je bilo dejanje iz prvega ali drugega odstavka tega člena storjeno v hudodelski združbi, se storilec kaznuje z zaporem od petih do petnajstih let.

Roparska tatvina

207. člen

(1) Kdor je zaloten pri tatvini, pa zato, da bi ukradeno stvar obdržal, uporabi proti komu silo ali mu zagrozi z neposrednim napadom

(2) The same punishment shall be imposed on a perpetrator of larceny if the stolen property is of particular cultural significance, or a valuable natural feature, or of high value, and if his or her intention was to appropriate such item or property of such value.

(3) If an act referred to in paragraph one of this Article is committed in order to acquire property of particular cultural significance or of high value and if the intention of the perpetrator is to appropriate such item or property of such value, or if an act referred to in paragraph two of this Article is committed within a criminal organisation, the perpetrator shall be sentenced to imprisonment for between one and eight years.

Robbery

Article 206

(1) Whoever takes another person's movable property with a view to unlawfully appropriating it by using force against another person or by threatening another person with imminent attack on life or body shall be sentenced to imprisonment for between one and ten years.

(2) If robbery is committed by at least two persons who colluded with the intention of committing robbery, or if the stolen property is of high value and the perpetrator's intention is to appropriate property of such value, he or she shall be sentenced to imprisonment for between three and fifteen years.

(3) If an act referred to in paragraph one or two of this Article is committed within a criminal organisation, the perpetrator shall be sentenced to imprisonment for between five and fifteen years

Larceny in the form of robbery

Article 207

(1) Whoever, when caught stealing, uses force against another person or threatens another person with imminent attack on life or body in

na življenje ali telo, se kaznuje z zaporom od enega do desetih let.

(2) Če je vrednost ukradene stvari velika in si je storilec hotel prilastiti stvar take vrednosti, se kaznuje z zaporom od treh do petnajstih let.

Zatajitev

208. člen

(1) Kdor si protipravno prilasti tujo premično stvar, ki mu je zaupana, se kaznuje z zaporom do dveh let.

(2) Če je vrednost zatajene stvari majhna in si je storilec hotel prilastiti stvar take vrednosti, se kaznuje z denarno kaznijo ali zaporom do šestih mesecev.

(3) Če stori dejanje iz prvega odstavka tega člena skrbnik, se kaznuje z zaporom do treh let.

(4) Če je zatajena stvar posebnega kulturnega pomena ali naravna vrednota ali če je zatajena stvar velike vrednosti in si je storilec hotel prilastiti tako stvar ali stvar take vrednosti, se kaznuje z zaporom do petih let.

(5) Kdor si protipravno prilasti tujo premično stvar, ki jo je našel ali je do nje po naključju prišel, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(6) Pregon za dejanje iz prvega, drugega in petega odstavka tega člena se začne na predlog.

Poneverba in neupravičena uporaba tujega premoženja

order to keep the stolen item shall be sentenced to imprisonment for between one and ten years.

(2) If the stolen item is of high value and if the perpetrator's intention is to appropriate an item of such value, he or she shall be sentenced to imprisonment for between three and fifteen years.

Misappropriation

Article 208

(1) Whoever unlawfully appropriates another person's movable property that is entrusted to him or her shall be sentenced to imprisonment for up to two years.

(2) If the misappropriated property is of low value and if the perpetrator's intention is to appropriate an item of such value, he or she shall be punished by a fine or imprisonment for up to six months.

(3) If an act referred to in paragraph one of this Article is committed by a guardian, he or she shall be sentenced to imprisonment for up to three years.

(4) If the misappropriated property is of particular cultural significance or a valuable natural feature or of high value, and if the perpetrator's intention is to appropriate such item or property of such value, he or she shall be sentenced to imprisonment for up to five years.

(5) Whoever unlawfully appropriates another person's movable property which he or she has found or which has come into his or her possession by chance, shall be punished by a fine or imprisonment for up to one year.

(6) Prosecution of an act referred to in paragraphs one, two, and five of this Article shall be initiated upon a proposal.

Embezzlement and unlawful use of another person's property

209. člen

(1) Kdor si protipravno prilasti denar, premično stvar ali drug del tujega premoženja, ki mu je zaupano v zvezi z zaposlitvijo ali pri opravljanju gospodarske, finančne ali poslovne dejavnosti ali pri opravljanju dolžnosti skrbnika ali mu je prepuščeno kot uradni osebi v službi, se kaznuje z zaporom do treh let.

(2) Če stori dejanje iz prejšnjega odstavka uradna oseba proti tujemu premoženju, ki ji je dosegljivo ob preiskavi stanovanja, prostorov ali oseb, ob izvršbi v sodnem ali upravnem postopku ali v zvezi z nalogami varovanja oseb ali premoženja, se kaznuje z zaporom do petih let.

(3) Če gre pri dejanju iz prvega odstavka tega člena za premoženje majhne vrednosti, pa si je storilec hotel prilastiti tako vrednost, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(4) Če gre pri dejanju iz prvega ali drugega odstavka tega člena za premoženje velike vrednosti in si je storilec hotel pridobiti tako premoženjsko korist, se storilec kaznuje z zaporom od enega do osmih let.

(5) Če storilec zaupane ali dosegljive stvari iz prvega ali drugega odstavka tega člena neupravičeno uporabi, se kaznuje z denarno kaznijo ali zaporom do treh let.

Odvzem motornega vozila

210. člen

(1) Kdor vzame tuje motorno vozilo z namenom, da ga protipravno uporabi za vožnjo, se kaznuje z zaporom do dveh let.

Article 209

(1) Whoever unlawfully appropriates money, a movable object, or any other part of another person's property entrusted to him or her by virtue of employment or the performance of an economic, financial, or business activity, or while performing the duties of a guardian, or has been left with such as an official on duty, shall be sentenced to imprisonment for up to three years.

(2) If an official commits an act referred to in the preceding paragraph against another person's property available to him or her during the search of a dwelling, premises or persons, or in the course of judicial or administrative proceedings, or in relation to the tasks of protecting persons or property, he or she shall be sentenced to imprisonment for up to five years.

(3) If an act referred to in paragraph one of this Article involves property of low value, and if the perpetrator intended to appropriate this property, he or she shall be punished by a fine or imprisonment for up to one year.

(4) If an act referred to in paragraph one or two of this Article involves property of high value and if the perpetrator intended to appropriate this property, he or she shall be sentenced to imprisonment for between one and eight years.

(5) If the perpetrator unlawfully uses the objects that are entrusted or accessible to him or her as referred to in paragraph one or two of this Article, he or she shall be punished by a fine or imprisonment for up to three years.

Joyriding

Article 210

(1) Whoever unlawfully takes another person's motor vehicle with the intention of using it shall be sentenced to imprisonment for up to

(2) Poskus je kazniv.

(3) Če storilec kaznivega dejanja iz prvega odstavka tega člena motorno vozilo uniči, ga napravi nerabnega, ali ga zapusti na neznanem kraju, se kaznuje z zaporem do treh let.

Goljufija

211. člen

(1) Kdor, zato da bi sebi ali komu drugemu pridobil protipravno premoženjsko korist, spravi koga z lažnim prikazovanjem ali prikrivanjem dejanskih okoliščin v zmotu ali ga pusti v zmoti in ga s tem zapelje, da ta v škodo svojega ali tujega premoženja kaj stori ali opusti, se kaznuje z zaporem do treh let.

(2) Kdor z namenom iz prejšnjega odstavka tega člena v zavarovalništvu ob sklenitvi pogodbe navede lažne podatke ali zamolči pomembne podatke, sklene prepovedano dvojno zavarovanje ali sklene zavarovalno pogodbo potem, ko je zavarovalni ali škodni primer že nastopil, ali lažno prikaže škodni dogodek, se kaznuje z zaporem do enega leta.

(3) Če sta goljufijo storili dve ali več oseb, ki so se združile zato, da bi goljufale, ali če je storilec z dejanjem iz prvega odstavka tega člena povzročil veliko premoženjsko škodo, se storilec kaznuje z zaporem od enega do osmih let.

(4) Če je bilo dejanje iz prvega ali tretjega odstavka tega člena storjeno v hudodelski združbi, se storilec kaznuje z zaporem od enega do desetih let.

(5) Če je z dejanjem iz prvega odstavka tega člena povzročena

two years.

(2) Attempts to commit such a criminal offence shall be punishable.

(3) If the perpetrator of a criminal offence referred to in paragraph one of this Article destroys the motor vehicle, or renders it unfit for use, or abandons it at an unknown place, he or she shall be sentenced to imprisonment for up to three years.

Fraud

Article 211

(1) Whoever, with the intention of obtaining illegal proceeds for him- or herself or a third person by false representation, or by suppressing facts leads another person into error or keeps that person in error, thus inducing him or her to perform an act or to omit to perform an act to the detriment of his or her or another person's property, shall be sentenced to imprisonment for up to three years.

(2) Whoever, with the intention referred to in the preceding paragraph of this Article, takes out an insurance contract by providing false information, or suppresses any important information, takes out prohibited double insurance, or concludes an insurance contract after the insurance or loss event has already taken place, or reports a fake loss event, shall be sentenced to imprisonment for up to one year.

(3) If the fraud is committed by at least two persons who colluded with the intention of committing fraud, or if the perpetrator committing an act referred to in paragraph one of this Article causes large-scale property damage, the perpetrator shall be sentenced to imprisonment for between one and eight years.

(4) If an act referred to in paragraph one or three of this Article is committed within a criminal organisation, the perpetrator shall be sentenced to imprisonment for between one and ten years.

(5) If a minor loss of property has been incurred by committing

majhna premoženjska škoda in je storilec hotel pridobiti majhno premoženjsko korist, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(6) Kdor, zato da bi drugega oškodoval, spravi koga z lažnim prikazovanjem ali prikriivanjem dejanskih okoliščin v zmotu ali ga pusti v zmoti in ga s tem zapelje, da ta v škodo svojega ali tujega premoženja kaj stori ali opusti, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(7) Pregon za dejanje iz petega in šestega odstavka tega člena se začne na predlog.

Organiziranje denarnih verig in nedovoljeno prirejanje iger na srečo

212. člen

(1) Kdor organizira, sodeluje ali pomaga pri organiziranju ali izvajanju denarnih verig, pri katerih udeleženci vplačujejo določene denarne zneske organizatorjem ali drugim udeležencem, ki so se pred njimi vključili v igro ali dejavnost in pričakujejo plačilo določenih denarnih zneskov od udeležencev, ki naj bi se za njimi vključili v tako igro ali dejavnost, se kaznuje z zaporom do treh let.

(2) Enako se kaznuje, kdor, zato da bi sebi ali komu drugemu pridobil protipravno premoženjsko korist, priredi, sodeluje ali pomaga pri prirejanju iger na srečo, za katere ni bilo izdano dovoljenje ali koncesija pristojnega organa.

(3) Če si je z dejanji iz prejšnjih odstavkov sam ali kdo drug pridobil večjo premoženjsko korist ali povzročil drugemu večjo premoženjsko škodo, se storilec kaznuje z zaporom do petih let.

(4) Če si je z dejanji iz prvega ali drugega odstavka tega člena sam ali kdo drug pridobil veliko premoženjsko korist ali povzročil drugemu veliko premoženjsko škodo, se storilec kaznuje z zaporom od enega do

an act referred to in paragraph one of this Article and if the perpetrator's intention is to acquire minor proceeds, he or she shall be punished by a fine or imprisonment for up to one year.

(6) Whoever, with the intention of causing damage to another person by false representation or the suppression of facts, leads a person into error or keeps him or her in error, thus inducing him or her to perform an act or to omit to perform an act to the detriment of his or her or another person's property, shall be punished by a fine or imprisonment for up to one year.

(7) Prosecution of an act referred to in paragraphs five and six of this Article shall be initiated upon a proposal.

Organising money chains and illegal gambling

Article 212

(1) Whoever organises, participates in, or helps organise or implement money chains where participants pay certain amounts of money to organisers or other participants who are already included in a game or activity, and expect certain amounts of money to be paid by the participants who are to join such game or activity after them, shall be sentenced to imprisonment for up to three years.

(2) The same punishment shall be imposed on whoever, with the intention of acquiring illegal proceeds for him- or herself or a third person, organises or participates or assists in organising games of chance for which no authorisation or concession has been granted by a competent authority.

(3) If major proceeds are gained by the perpetrator or by a third person by committing an act referred to in the preceding paragraphs, or if major damage to property has been caused to a third person, the perpetrator shall be sentenced to imprisonment for up to five years.

(4) If substantial proceeds of crime are obtained by the perpetrator or by a third person by committing an act referred to in paragraph one or two, or if significant damage to property is caused to a

osmih let.

Izsiljevanje

213. člen

(1) Kdor, zato da bi sebi ali komu drugemu pridobil protipravno premoženjsko korist, s silo ali resno grožnjo koga prisili, da kaj stori ali opusti v škodo svojega ali tujega premoženja, se kaznuje z zaporom do petih let.

(2) Enako se kaznuje, kdor, zato da bi sebi ali komu drugemu pridobil protipravno premoženjsko korist, komu zagrozi, da bo o njem ali njegovih bližnjih odkril kaj, kar bi škodovalo njihovi časti ali dobremu imenu, in ga s tem prisili, da v škodo svojega ali tujega premoženja kaj stori ali opusti.

(3) Če dejanje iz prvega ali drugega odstavka tega člena storita dve ali več oseb ali če je storjeno z uporabo orožja ali nevarnega orodja ali na posebej surov in poniževalen način, se storilec kaznuje z zaporom od enega do osmih let.

(4) Če je bilo dejanje iz prejšnjih odstavkov storjeno v hudodelski združbi, se storilec kaznuje z zaporom od enega do desetih let.

Oderuštvo

214. člen

Kdor sprejme ali si za uslugo, ki jo nekemu stori, zase ali za koga drugega zagotovi očitno nesorazmerno premoženjsko korist, s tem da izrabi njegovo slabo premoženjsko stanje, hude stanovanjske razmere,

third person, the perpetrator shall be sentenced to imprisonment for between one and eight years.

Extortion and blackmail

Article 213

(1) Whoever, with the intention of unlawfully acquiring property for him- or herself or a third person, coerces another person by use of force or serious threat to perform an act or to omit to perform an act to the detriment of his or her or another person's property, shall be sentenced to imprisonment for up to five years.

(2) Whoever, with the intention of unlawfully obtaining proceeds for him- or herself or a third person, threatens another person with the disclosure of any matter concerning him or her or his or her relatives that could tarnish his or her or his or her relatives' honour or reputation, thereby compelling that person to perform an act or to omit to perform an act to the detriment of his or her or another person's property, shall be punished to the same extent.

(3) If an act referred to in paragraph one or two of this Article has been committed by at least two persons, or if it has been committed by using a weapon or a dangerous instrument, or in a particularly cruel and humiliating manner, the perpetrators shall be sentenced to imprisonment for between one and eight years.

(4) If an act referred to in the preceding paragraphs is committed within a criminal organisation, the perpetrator shall be sentenced to imprisonment for between one and ten years.

Usury

Article 214

Whoever, on his or her own behalf or on behalf of a third person, accepts or negotiates an obviously disproportionate amount of proceeds in exchange for a favour to another person, thereby taking

stisko, nezadostno izkušnost ali lahkomiselnost, se kaznuje z zaporom do treh let in z denarno kaznijo.

Izneverjenje

215. člen

(1) Kdor zastopa premoženjske koristi kakšne osebe ali oskrbuje njeno premoženje, pa zavestno ne izpolni svoje obveznosti delati v njeno korist ali dela v njeno škodo, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Če storilec ob storitvi dejanja iz prejšnjega odstavka izrablja pooblastilo za pridobitev premoženjske koristi sebi ali komu drugemu, se kaznuje z zaporom do treh let.

(3) Če stori dejanje iz drugega odstavka tega člena odvetnik, notar, skrbnik, izvršitelj ali stečajni upravitelj ali če si storilec pridobi veliko premoženjsko korist, se kaznuje z zaporom do petih let.

Zloraba izvršbe

216. člen

(1) Kdor v izvršbi protipravno izterja več, kot je kdo dolžan plačati, ali si prilasti zmotno preplačilo dolga, se kaznuje z denarno kaznijo ali zaporom do dveh let.

(2) Enako se kaznuje, kdor v izvršbi izigra upnika za njegovo terjatev z dogovorom z udeleženci dražbe.

(3) Poskus je kazniv.

advantage of that person's poor pecuniary circumstances, severe housing problems, inexperience, or recklessness, shall be sentenced to imprisonment for up to three years and imposed a fine.

Disloyalty

Article 215

(1) Whoever, in the course of representing the financial interests of another or of having charge of his or her property, knowingly fails to perform his or her obligation to work for his or her benefit, or acts to the detriment of his or her property, shall be punished by a fine or imprisonment for up to one year.

(2) If the perpetrator committing an act referred to in the preceding paragraph takes advantage of an authorisation with a view to procuring proceeds for him- or herself or for a third person, shall be sentenced to imprisonment for up to three years.

(3) If an act referred to in paragraph two of this Article is committed by an attorney, notary public, guardian, enforcement officer, or receiver, or if the perpetrator obtains substantial proceeds, he or she shall be sentenced to imprisonment for up to five years.

Abuse of enforcement

Article 216

(1) Whoever, in the course of enforcement, unlawfully collects an amount of money larger than that to be paid by another person, or appropriates an erroneous overpayment of a debt, shall be punished by a fine or imprisonment for up to two years.

(2) Whoever in the course of enforcement defrauds a creditor of his or her claim through an agreement with auction participants shall be punished to the same extent.

(3) Any attempt to commit such an act shall be punishable.

Prikrivanje

217. člen

(1) Kdor premično ali nepremično stvar, za katero ve, da je bila pridobljena s kaznivim dejanjem, kupi, sprejme v zastavo, si kako drugače pridobi, prikrije ali razpeča, se kaznuje z zaporom do dveh let.

(2) Kdor stori dejanje iz prejšnjega odstavka, pa bi moral in mogel vedeti, da je bila stvar pridobljena s kaznivim dejanjem, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(3) Če sta dejanje iz prvega ali drugega odstavka tega člena storili dve ali več oseb, ki so se združile zaradi prikrivanja ali je vrednost stvari iz prvega ali drugega odstavka tega člena večja ali je stvar posebnega kulturnega pomena ali naravna vrednota, se storilec kaznuje za dejanje iz prvega odstavka z zaporom do treh let, za dejanje iz drugega odstavka pa z zaporom do dveh let.

(4) Če je bila prikrita stvar pridobljena s kaznivim dejanjem, za katero se storilec preganja na zasebno tožbo ali predlog, se storilec dejanj iz prvega in drugega odstavka tega člena preganja na zasebno tožbo oziroma na predlog.

(5) Če je bilo dejanje iz prvega, drugega ali tretjega odstavka tega člena storjeno v hudodelski združbi za izvedbo kaznivih dejanj, se storilec kaznuje z zaporom do petih let.

Nedovoljen izvoz in uvoz stvari, ki so posebnega kulturnega pomena, ali naravne vrednote

218. člen

Concealment

Article 217

(1) Whoever purchases, takes as a pledge, or otherwise acquires, conceals or disposes of movable or immovable property that he or she knows has been gained unlawfully, shall be sentenced to imprisonment for up to two years.

(2) Whoever commits an act referred to in the preceding paragraph, and whoever should and could have known that the property has been gained unlawfully, shall be punished by a fine or imprisonment for up to one year.

(3) If an act referred to in paragraph one or two of this Article is committed by at least two persons who colluded with the intention of concealment, or if the property referred to in paragraph one or two of this Article is of high value, or the property is of particular cultural significance or a valuable natural feature, the perpetrator shall be sentenced to imprisonment for up to three years for an act referred to in paragraph one, and to imprisonment for up to two years for an act referred to in paragraph two.

(4) If the concealed property is obtained by committing a criminal offence for which the perpetrator is prosecuted by a private action or complaint, prosecution of an offence referred to in paragraphs one and two shall be initiated upon a private action or complaint.

(5) If an offence referred to in paragraph one, two or three of this Article is committed within a criminal organisation, the perpetrator shall be sentenced to imprisonment for up to five years.

Unlawful export and import of goods of particular cultural significance or valuable natural features

Article 218

(1) Kdor brez dovoljenja pristojnega organa odnese v tujino ali kdor iz nje v nasprotju z mednarodnim pravom prinese stvar, ki je posebnega kulturnega pomena ali naravna vrednota, se kaznuje z zaporom do treh let.

(2) Če je stvar iz prejšnjega odstavka velikega ali izjemnega kulturnega pomena, se storilec kaznuje z zaporom do petih let.

Poškodovanje ali uničenje stvari, ki so posebnega kulturnega pomena ali naravne vrednote

219. člen

(1) Kdor protipravno poškoduje ali uniči stvar, ki je posebnega kulturnega pomena, naravno vrednoto ali drugo zavarovano naravno bogastvo ali stvar, ki je javna dobrina, se kaznuje z zaporom do petih let.

(2) Če je poškodovana ali uničena stvar kulturni spomenik ali naravna vrednota velikega ali izjemnega pomena za Republiko Slovenijo ali če je povzročena škoda velika, se storilec kaznuje z zaporom do osmih let.

Poškodovanje tuje stvari

220. člen

(1) Kdor tujo stvar poškoduje, uniči ali napravi neuporabno, se kaznuje z denarno kaznijo ali zaporom do dveh let.

(2) Če je povzročena škoda velika, se storilec kaznuje z zaporom do petih let.

(3) Pregon za dejanje iz prvega odstavka tega člena se začne

(1) Whoever, without permission from the competent authority, exports goods of particular cultural significance or valuable natural features to a foreign country or imports the same contrary to the principles of international law shall be sentenced to imprisonment for up to three years.

(2) If the goods referred to in the preceding paragraph are of exceptional cultural significance, the perpetrator shall be sentenced to imprisonment for up to five years.

Damaging or destroying goods of particular cultural significance or valuable natural features

Article 219

(1) Whoever unlawfully damages or destroys goods of particular cultural significance, valuable natural features, other protected natural resources or public resources, shall be sentenced to imprisonment for up to five years.

(2) If the damaged or destroyed goods represent a cultural monument or a valuable natural feature of exceptional importance to the Republic of Slovenia, or if the damage caused is of high value, the perpetrator shall be sentenced to imprisonment for up to eight years.

Damaging another person's object

Article 220

(1) Whoever damages, destroys or renders unfit for use an object belonging to another person shall be punished by a fine or imprisonment for up to two years.

(2) If the damage incurred is considerable, the perpetrator shall be sentenced to imprisonment for up to five years.

(3) Prosecution of an act referred to in paragraph one of the

na predlog.

Napad na informacijski sistem

221. člen

(1) Kdor neupravičeno vstopi ali vdre v informacijski sistem ali kdor neupravičeno prestreže podatek ob nejavnem prenosu v informacijski sistem ali iz njega, se kaznuje z zaporom do enega leta.

(2) Kdor podatke v informacijskem sistemu neupravičeno uporabi, spremeni, preslika, prenaša, uniči ali v informacijski sistem neupravičeno vnese kakšen podatek, ovira prenos podatkov ali delovanje informacijskega sistema, se kaznuje za zaporom do dveh let.

(3) Poskus dejanja iz prejšnjega odstavka je kazniv.

(4) Če je z dejanjem iz drugega odstavka tega člena povzročena velika škoda, se storilec kaznuje z zaporom od treh mesecev do petih let.

Požig

222. člen

(1) Kdor požge tujo hišo ali drugo stavbo, namenjeno za prebivanje, gospodarsko poslopje ali poslovno stavbo, stavbo ali drugo nepremičnino, ki je v javni rabi, se kaznuje z zaporom od enega do osmih let.

(2) Če so požgane stvari iz prejšnjega odstavka last tistega, ki je požgal, ravnal pa je iz zlobnih ali drugih nizkotnih nagibov, se kaznuje z zaporom do petih let.

preceding Article shall be initiated upon a proposal.

Attack on information systems

Article 221

(1) Whoever unlawfully enters or breaks into an information system, or unlawfully intercepts data during a non-public transmission to or from an information system, shall be sentenced to imprisonment for up to one year.

(2) Whoever makes unlawful use of data in an information system, or changes, copies, transmits, destroys, or illegally imports data into an information system, or obstructs data transmission or the operation of an information system, shall be sentenced to imprisonment for up to two years.

(3) Any attempt to commit an act referred to in the preceding paragraph shall be punishable.

(4) If the damage incurred by committing an act referred to in paragraph two of this Article is considerable, the perpetrator shall be sentenced to imprisonment for between three months and five years.

Arson

Article 222

(1) Whoever sets fire to another person's house or other building intended for dwelling, outbuilding, office building, building or other piece of property, shall be sentenced to imprisonment for between one and eight years.

(2) If the property referred to in the preceding paragraph belongs to the perpetrator, by whom it was set on fire out of malicious or other vile motives, the perpetrator shall be sentenced to imprisonment for up to five years.

(3) Če je dejanje iz prvega odstavka tega člena storjeno iz malomarnosti, se storilec kaznuje z zaporom do treh let.

(4) Če sta dejanje iz prvega odstavka tega člena storili dve ali več oseb ali če je požgana stvar posebnega kulturnega pomena, naravna vrednota ali velike vrednosti, se storilec kaznuje z zaporom od enega do desetih let.

Oškodovanje tujih pravic

223. člen

(1) Kdor, zato da bi komu preprečil uveljavitev stvarne pravice, odtuji, uniči, poškoduje ali vzame svojo stvar, na kateri ima ta zastavno pravico ali pravico užitka, in ga s tem oškoduje, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Enako se kaznuje tudi, kdor, zato da bi preprečil plačilo upnika, med prisilno izvršbo uniči, poškoduje, odtuji ali skrije dele svojega premoženja in s tem upnika oškoduje.

(3) Pregon za dejanje iz prvega in drugega odstavka tega člena se začne na predlog.

Pregon, kadar je storilec v bližnjem razmerju z oškodovancem

224. člen

Za kaznivo dejanje iz 204., 205., prvega, drugega, četrtega in petega odstavka 208., 210., 211., prvega in drugega odstavka 215. in 220. člena tega zakonika, ki so bila storjena proti zakoncu ali osebi, s katero živi v zunajzakonski skupnosti, ali partnerju iz registrirane

(3) If an act referred to in paragraph one of this Article is committed through negligence, the perpetrator shall be sentenced to imprisonment for up to three years.

(4) If an act referred to in paragraph one of this Article is committed by two or more persons, or if the burnt down property is of particular cultural significance or a valuable natural feature or of high value, the perpetrator shall be sentenced to imprisonment for between one and ten years.

Infringement of the rights of others

Article 223

(1) Whoever with the intention of preventing another person from satisfying a claim upon an object misappropriates, destroys, damages or takes his or her own thing on which that person established a lien or usufruct rights, shall be punished by a fine or imprisonment for up to one year.

(2) Whoever, with a view to preventing payment to a creditor destroys, damages, misappropriates or hides any part of his or her property in the course of an enforcement process and thereby causes damage to the creditor, shall be punished to the same extent.

(3) Prosecution of an act referred to in paragraphs one and two of this Article shall be initiated upon a proposal.

Prosecution when the perpetrator is closely related to the injured party

Article 224

For a criminal offence referred to in Articles 204, 205, paragraphs one, two, four, and five of Article 208, Articles 210, 211, paragraphs one and two of Article 215, and Article 220 of this Code committed against a spouse or common-law partner, or a registered

istospolne partnerske skupnosti, krvnemu sorodniku v ravni vrsti, bratu ali sestri ali drugemu krvnemu sorodniku v stranski vrsti do vštetega tretjega kolena, sorodniku po svaštvu do vštetega drugega kolena, posvojitelju ali posvojencu, rejniku ali rejencu ali proti drugim osebam, s katerimi živi storilec v skupnem gospodinjstvu, se pregon začne na zasebno tožbo.

Štiriindvajseto poglavje
KAZNIVA DEJANJA ZOPER GOSPODARSTVO

Protipravno omejevanje konkurence

225. člen

(1) Kdor pri opravljanju gospodarske dejavnosti v nasprotju s predpisi, ki urejajo varstvo konkurence, krši prepoved omejevalnih sporazumov med podjetji, zlorabi prevladujoči položaj enega ali več podjetij ali ustvari prepovedano koncentracijo podjetij in s tem prepreči ali pomembno ovira ali izkrivlja konkurenco v Republiki Sloveniji ali na trgu Evropske unije ali njenem pomembnem delu, ali pomembno vpliva na trgovino med državami članicami, kar ima za posledico veliko premoženjsko korist za to podjetje ali za ta podjetja ali veliko premoženjsko škodo za drugo podjetje, se kaznuje z zaporom od šestih mesecev do petih let.

(2) Storilcu kaznivega dejanja kršitve prepovedi omejevalnih sporazumov iz prejšnjega odstavka, ki je dejanje naznanil, preden je bilo odkrito ali preden je izvedel, da je odkrito in je sodeloval pri njegovem preiskovanju in odpravljanju posledic ter ni prisilil drugih k udeležbi pri omejevanju konkurence, niti jih ni prisilil, da so v njej še naprej udeleženi, se sme kazeti od šestih mesecev do petih let.

Povzročitev stečaja z goljufijo ali nevestnim poslovanjem

226. člen

(1) Kdor, zato da obveznosti ne bi bile plačane, navidezno ali

same-sex civil partner, lineal relative, brother, sister or first cousin up to three times removed, a relative by marriage up to twice removed, an adoptive parent, adopted child, foster parent, foster child or other person living in the same household as the perpetrator, prosecution shall be initiated upon a private action.

Chapter Twenty-Four
CRIMES AGAINST THE ECONOMY

Unlawful restriction of competition

Article 225

(1) Whoever in pursuing an economic activity contrary to the regulations governing the protection of competition violates the prohibition of restricting agreements between companies, abuses the dominant position of one or more companies, or creates a prohibited concentration of businesses and thus prevents or significantly impedes or distorts competition in the Republic of Slovenia, or in the European Union market or a significant part thereof, or significantly influences trade between the Member States, which results in large proceeds for such company or companies or large damage to the property of another company, shall be sentenced to imprisonment for between six months and five years.

(2) A perpetrator who violates the prohibition of restricting agreements referred to in the preceding paragraph and declares such an act before it is detected or before he or she became aware that it had been detected and took part in its investigation and the elimination of the consequences and neither compelled others to take part in the restriction of competition nor forced them to continue to take part therein, may be granted a remission of the sentence.

Causing bankruptcy by fraud or unconscientious operations

Article 226

(1) Whoever, with the intention of avoiding paying his or her

dejansko poslabša svoje premoženjsko stanje ali premoženjsko stanje drugega dolžnika in s tem povzroči stečaj ali kdor z enakim namenom povzroči izpolnitev pogojev za izbris gospodarske družbe iz sodnega registra po uradni dolžnosti brez likvidacije, tako da:

- 1) premoženje ali njegov del, ki bi sodil v stečajno maso, navidezno proda, odsvoji brezplačno ali za izredno nizko ceno ali uniči;
- 2) sklene lažno pogodbo o dolgu ali prizna neresnične terjatve;
- 3) prikrije, uniči, spremeni ali tako vodi poslovne knjige ali listine, da se iz njih ne more ugotoviti dejanskega premoženjskega stanja ali plačilne sposobnosti;
- 4) na drug goljufiv način doseže, da se začne stečajni postopek ali postopek za izbris gospodarske družbe iz sodnega registra po uradni dolžnosti brez likvidacije, se kaznuje z zaporom od šestih mesecev do petih let.

(2) Kdor ve, da sam ali kdo drug kot plačnik ni zmožen plačila, pa nesmotrno troši sredstva, se čezmerno zadolžuje, sklepa škodljive pogodbe, neodplačno ali navidezno ali pod ceno prenaša premoženje na druge osebe ali na drug način zmanjšuje vrednost svojega premoženja ali premoženja oziroma podjetja, ki ga upravlja ali opušča pravočasno zavarovanje ali uveljavljanje terjatev, ali kako drugače očitno krši svoje dolžnosti pri vodenju gospodarske dejavnosti ali finančnem poslovanju in s tem povzroči dolgoročno plačilno nesposobnost ali prezadolženost, pa zaradi tega pride do stečaja ali izpolnitve pogojev za izbris gospodarske družbe po uradni dolžnosti brez likvidacije in do večje premoženjske škode za upnike, se kaznuje z zaporom do petih let.

(3) Če je zaradi dejanj iz prejšnjih odstavkov nastala velika premoženjska škoda, se storilec kaznuje z zaporom od enega do osmih let.

Oškodovanje upnikov

227. člen

(1) Kdor pri opravljanju gospodarske dejavnosti ve, da je sam

obligations, apparently or actually impairs his or her own or a third person's financial situation and thus causes bankruptcy, or whoever, with the same intention, causes fulfilment of the conditions for removing a business from the company register *ex officio* without liquidation, through:

- 1) apparent sale, disposal free of charge or at an extremely low price, or destruction of the property or a part thereof that belongs to the bankruptcy estate;
- 2) the conclusion of a false debt agreement or the acknowledgement of a false claim;
- 3) concealing, destroying, altering or keeping books of account or documents in such a manner so as to render the identification of the actual financial situation or solvency impossible;
- 4) causing in another fraudulent manner the initiation of bankruptcy proceedings or the procedure for removing the business from the company register *ex officio* without liquidation, shall be sentenced to imprisonment for between six months and five years.

(2) Whoever is aware that he himself or she herself or another person as payer is unable to pay, but irrationally spends money, borrows excessively, concludes detrimental contracts, performs free, fictitious or below-price transfers of property to other persons, or otherwise reduces the value of his or her property or the company he or she manages, or omits the timely taking out of insurance or the enforcement of claims, or otherwise manifestly violates his or her duties in carrying out an economic activity or financial operations, thereby causing long-term financial insolvency or over-indebtedness resulting in bankruptcy or the creation of the conditions for removing the business from the company register *ex officio* without liquidation and major damage to creditors' property, shall be sentenced to imprisonment for up to five years.

(3) If an act referred to in the preceding paragraphs results in significant damage to property, the perpetrator shall be sentenced to imprisonment for between one and eight years.

Defrauding of creditors

Article 227

(1) Whoever, in the performance of economic activities, is

ali kdo drug kot dolžnik postal nezmožen za plačilo, pa iz zadolženega premoženja izplača dolg ali kako drugače namenoma spravi kakšnega upnika v ugodnejši položaj in tako povzroči premoženjsko škodo drugim upnikom, se kaznuje z zaporom do petih let.

(2) Enako se kaznuje, kdor ve, da je sam ali kdo drug kot dolžnik postal nezmožen za plačilo, pa zato da bi izigral in oškodoval upnike, prizna neresnično terjatev, sestavi lažno pogodbo ali s kakšnim drugim goljufivim dejanjem povzroči premoženjsko škodo upnikom.

(3) Če je bila z dejanjem iz prvega ali drugega odstavka tega člena povzročena velika premoženjska škoda, se storilec kaznuje z zaporom od enega do osmih let.

Poslovna goljufija

228. člen

(1) Kdor pri opravljanju gospodarske dejavnosti pri sklenitvi ali izvajanju pogodbe ali posla preslepi drugega s prikazovanjem, da bodo obveznosti izpolnjene, ali s prikrivanjem, da obveznosti ne bodo ali ne bodo mogle biti izpolnjene, zaradi delne ali celotne neizpolnitve obveznosti pa si pridobi premoženjsko korist ali nastane za stranko ali koga drugega premoženjska škoda, se kaznuje z zaporom do petih let.

(2) Če je zaradi dejanja iz prejšnjega odstavka pridobljena velika premoženjska korist ali nastala velika premoženjska škoda, se storilec kaznuje z zaporom od enega do desetih let.

(3) Če je zaradi dejanja iz prvega odstavka tega člena pridobljena majhna premoženjska korist ali nastala majhna premoženjska škoda, se storilec kaznuje z denarno kaznijo ali zaporom do enega leta.

Goljufija na škodo Evropske unije

aware that he himself or she herself or another person as debtor has become insolvent and uses borrowed funds to pay a debt or otherwise intentionally puts a certain creditor in a preferential position and thus causes damage to the property of other creditors, shall be sentenced to imprisonment for up to five years.

(2) Whoever, being aware that he or she or another person is insolvent and with a view to defrauding or defrauding creditors, concedes a false claim, drafts a false contract or otherwise causes damage to the property of creditors, shall be punished to the same extent.

(3) If major damage to property has been caused by an act referred to in paragraph one or two of this Article, the perpetrator shall be sentenced to imprisonment for between one and eight years.

Commercial Fraud

Article 228

(1) Whoever, in the performance of an economic activity, defrauds another when concluding or performing a contract or a transaction by representing the obligations as that they will be met, or by concealing the fact that he or she will not or will not be able to meet his or her obligations, obtains illegal proceeds or causes damage to the property of a client or a third person due to such partial or complete non-compliance with obligations, shall be sentenced to imprisonment for up to five years.

(2) If an act referred to in the preceding paragraph results in large proceeds or large damage to property, the perpetrator shall be sentenced to imprisonment for between one and ten years.

(3) If an act referred to in paragraph one of this Article results in small proceeds or small damage to property, the perpetrator shall be punished by a fine or imprisonment for up to one year.

Fraud to the detriment of the European Union's financial interests

229. člen

(1) Kdor se izogne odhodkom, s tem da uporabi ali predloži lažne, nepravilne ali nepopolne izjave ali dokumente ali ne razkrije podatkov in tako poneveri ali neupravičeno zadržuje ali neustrezno uporabi sredstva splošnega proračuna Evropske unije ali proračunov, ki jih upravlja Evropska unija ali se upravljajo v njihovem imenu, se kaznuje z zaporom od treh mesecev do treh let.

(2) Enako se kaznuje, kdor pridobi sredstva z dejanji in iz proračunov iz prejšnjega odstavka.

(3) Če je bila z dejanjem iz prejšnjih odstavkov pridobljena velika premoženjska korist ali povzročena velika premoženjska škoda, se storilec kaznuje z zaporom od enega do osmih let.

(4) S kaznimi iz prejšnjih odstavkov tega člena se kaznujejo vodje podjetij ali druge osebe, ki so pooblaščenice za sprejemanje odločitev ali nadzor v podjetjih, če omogočijo ali ne preprečijo kaznivih dejanj storilcem iz prejšnjih odstavkov, ki so jim podrejeni in delujejo v imenu podjetja.

Preslepitev pri pridobitvi in uporabi posojila ali ugodnosti

230. člen

(1) Kdor zase ali za koga drugega pridobi posojilo, investicijska sredstva, subvencijo ali kakšno drugo ugodnost za opravljanje gospodarske dejavnosti, čeprav ne izpolnjuje zahtevanih pogojev, s tem da posojilodajalcu ali drugemu, ki je pristojen za podelitev ali odobritev take ugodnosti, predloži neresnične ali nepopolne podatke o premoženjskem stanju, bilancah, dobičku ali izgubi ali druge podatke, pomembne za odobritev posojila ali ugodnosti oziroma te podatke zamolči, se kaznuje z denarno kaznijo ali zaporom do treh let.

Article 229

(1) Whoever avoids expenses by way of using or submitting false, incorrect, or incomplete statements or documents, or fails to disclose data and thus misappropriates or unjustifiably holds or inappropriately uses the funds of the general budget of the European Union or of the budgets managed by the European Union or managed on their behalf, shall be sentenced to imprisonment for between three months and three years.

(2) Whoever obtains funds through acts and from the budgets referred to in the preceding paragraph shall be punished to the same extent.

(3) If an act referred to in the preceding paragraphs results in large proceeds or large damage to property, the perpetrator shall be sentenced to imprisonment for between one and eight years.

(4) The punishment referred to in the preceding paragraphs of this Article shall be imposed on managers of companies or other persons authorised to make decisions or exercise control in enterprises if they enable perpetrators who are subordinated to them and act on behalf of the company to commit or fail to prevent them from committing a criminal offence referred to in the preceding paragraphs.

Loan and benefit fraud

Article 230

(1) Whoever, without having complied with the conditions required for obtaining a loan, investment funds, a subsidy or any other benefit for the performance of an economic activity, obtains such a loan or other benefit for him- or herself or for another person by providing the lender or another person authorised to approve or grant such a loan or benefit false or incomplete information concerning his or her financial situation, financial statements, profit or losses or any other fact relevant to the approval of the loan or other benefit, or suppresses any data, shall be

(2) Kdor tistega, ki je podelil ali odobril posojilo ali ugodnost iz prejšnjega odstavka, preslepi glede namena uporabe ali mu prikrije, da jih je uporabil v druge namene, kot so bili odobreni ali dogovorjeni, se kaznuje z denarno kaznijo ali zaporom do dveh let.

Preslepitev pri poslovanju z vrednostnimi papirji

231. člen

(1) Kdor zaradi trgovanja z delnicami, drugimi vrednostnimi papirji ali drugimi finančnimi instrumenti lažno prikaže premoženjsko stanje, podatke o dobičku ali izgubi ali druge podatke v prospektu, pri objavi letnega poročila ali na drug način, ki pomembno vplivajo na njihovo vrednost, in s tem zapelje eno ali več oseb, da jih kupijo, prodajo ali z njimi na drug način poslujejo, se kaznuje z denarno kaznijo ali zaporom do dveh let.

(2) Če je šlo pri dejanju iz prejšnjega odstavka za vrednostne papirje ali druge finančne instrumente velike vrednosti, se storilec kaznuje z zaporom do petih let.

Preslepitev kupcev

232. člen

(1) Kdor, zato da bi preslepil kupce, v večjem obsegu razpečava izdelke z oznako, v kateri so podatki, ki ne ustrezajo vsebini, vrsti, izvoru ali kakovosti blaga, ali razpečava izdelke, ki niso toliko težki ali take kakovosti, kot se pri njih navadno domneva, ali razpečava izdelke brez oznake o vsebini, vrsti, izvoru, kakovosti ali trajanju izdelka, če je taka oznaka predpisana, se kaznuje z denarno kaznijo ali zaporom do dveh let.

(2) Enako se kaznuje, kdor sklepa pogodbe z lažnimi

punished by a fine or imprisonment for up to three years.

(2) Whoever deceives the person who approved or granted a loan or benefit referred to in the preceding paragraph as to the purpose of such loan or benefit or conceals the fact that the loan or benefit has been used for purposes other than those approved or agreed upon, shall be punished by a fine or imprisonment for up to two years.

Fraud in securities trading

Article 231

(1) Whoever, for the purpose of trading in shares, other securities or other financial instruments, falsely represents his or her financial situation, profit or loss, or any other data in the prospectus when publishing an annual report or otherwise that has a considerable impact on the price of the aforementioned securities, and thereby induces one or more persons to buy or sell or make any other transaction in such securities, shall be punished by a fine or imprisonment for up to two years.

(2) If an act referred to in the preceding paragraph relates to securities or other high-value financial instruments, the perpetrator shall be sentenced to imprisonment for up to five years.

Defrauding customers

Article 232

(1) Whoever, with the intention of deceiving customers, puts into circulation a considerable amount of products labelled with false information about their content, type, origin or quality, or products whose weight or quality does not meet the required standards applicable to such products, or products that are not duly labelled so as to indicate their content, type, origin, quality or expiration date, shall be punished by a fine or imprisonment for up to two years.

(2) Whoever enters into contracts containing false declarations

navedbami o dobavnem roku ali načinu izpolnitve obveznosti kot bistvenem sestavnem delu pogodbe.

(3) Kdor, zato da bi preslepil kupce ali uporabnike storitev, lažno objavi, da je znižana cena blaga ali da se blago razprodaja ali da se bodo cene zvišale ali uporablja kakšen drug lažen oglas, se kaznuje z denarno kaznijo.

Neupravičena uporaba tuje oznake ali modela

233. člen

(1) Kdor pri gospodarskem poslovanju neupravičeno uporabi tujo firmo, znamko, geografsko označbo ali drugo posebno oznako za blago ali storitev ali uporabi bistveni del te oznake kot svojo firmo, znamko ali drug znak za označevanje blaga ali storitev, se kaznuje z zaporom do treh let.

(2) Enako se kaznuje, kdor pri gospodarskem poslovanju neupravičeno uporabi tuji model.

(3) Predmeti iz prvega in drugega odstavka tega člena ter orodja in naprave, ki se uporabljajo za njihovo izdelovanje, se vzamejo.

Neupravičena uporaba tujega izuma ali topografije

234. člen

(1) Kdor pri gospodarskem poslovanju neupravičeno uporabi tuji izum, zavarovan s patentom ali dodatnim varstvenim certifikatom, ali registrirano topografijo polprevodniškega vezja, ali novo rastlinsko sorto, zavarovano z žlahtniteljsko pravico, se kaznuje z zaporom do treh let.

regarding the delivery date or the method of complying with obligations where any such declaration is an essential component of the contract shall be punished to the same extent.

(3) Whoever, with the intention of defrauding customers or users of services, falsely declares a reduction in prices, sales of merchandise, or announces an impending price increase, or uses other deceptive advertising, shall be punished by a fine.

Unlawful use of another person's mark or model

Article 233

(1) Whoever, in the performance of an economic activity, unjustifiably uses another person's corporate name, brand, geographical indication, or another person's special goods trademark or service trademark, or uses essential components of another person's mark in his or her own corporate name, brand, or other mark of goods or services, shall be sentenced to imprisonment for up to three years.

(2) Whoever, in the performance of an economic activity, unlawfully uses another person's model shall be punished to the same extent.

(3) The objects referred to in paragraphs one and two of this Article and tools and devices used in their manufacture shall be confiscated.

Unlawful use of another person's patent or topography

Article 234

(1) Whoever, in the performance of an economic activity, unlawfully uses an invention protected by a patent or additional protection certificate by another person or a registered semiconductor topography, or a new plant variety protected by a plant variety right, shall be sentenced to imprisonment for up to three years.

(2) Proizvodi, izdelani na podlagi neupravičene uporabe iz prejšnjega odstavka, se vzamejo.

Ponareditev ali uničenje poslovnih listin

235. člen

(1) Kdor v poslovne knjige, spise ali druge poslovne listine in evidence, ki jih mora voditi po zakonu ali na podlagi drugih predpisov, izdanih na podlagi zakona, in so pomembne za poslovni promet z drugimi pravnimi ali fizičnimi osebami ali so namenjene za odločitve v zvezi z gospodarsko ali finančno dejavnostjo ali kot podlaga za davčni nadzor, vpiše lažne podatke ali ne vpiše kakšnega pomembnega podatka ali s svojim podpisom potrdi tako knjigo, listino ali spis z lažno vsebino ali omogoči sestavo knjige, listine ali spisa z lažno vsebino, se kaznuje z zaporom do dveh let.

(2) Enako se kaznuje, kdor lažno poslovno knjigo, listino ali spis uporabi kot resnično ali kdor uniči, skrrije, precej poškoduje ali kako drugače napravi neuporabne poslovne knjige, listine ali spise iz prejšnjega odstavka.

(3) Poskus dejanj iz prvega in drugega odstavka tega člena je kazniv.

Izdaja in neupravičena pridobitev poslovne skrivnosti

236. člen

(1) Kdor neupravičeno v nasprotju s svojimi dolžnostmi glede varovanja poslovne skrivnosti sporoči ali izroči komu podatke, ki so poslovna skrivnost, ali mu kako drugače omogoči, da pride do njih, ali jih zbira z namenom, da jih izroči nepoklicani osebi, se kaznuje z zaporom do treh let.

(2) Goods manufactured on the basis of the unlawful use referred to in the preceding paragraph shall be confiscated.

Forgery or destruction of business documents

Article 235

(1) Whoever enters false information or fails to enter any relevant information into books of account, documents or files that he or she has a duty to keep according to an Act or other regulations issued on the basis of an Act and which are essential to conducting business with other legal or natural persons, or are intended for making decisions concerning economic or financial activities or which serve as a basis for fiscal control, or whoever certifies such a book of account, document or file containing false information with his or her signature or facilitates the creation of such a book of account, document or file, shall be sentenced to imprisonment for up to two years.

(2) Whoever uses a false book of account, document or file as truthful, or whoever destroys or hides the books of account, documents or files referred to in the preceding paragraph or substantially damages or renders the same useless, shall be punished to the same extent.

(3) Any attempt to commit an act referred to in paragraphs one and two of this Article shall be punishable.

Disclosure and unlawful acquisition of trade secrets

Article 236

(1) Whoever, unlawfully and in non-compliance with his or her duties to safeguard trade secrets, discloses or conveys information designated as a trade secret to another person, or otherwise enables the person to access such information or the possibility to collect such information in order to convey the same to an unauthorised person, shall be sentenced to imprisonment for up to three years.

(2) Enako se kaznuje, kdor z namenom, da jih neupravičeno uporabi, protipravno pride do podatkov, ki se varujejo kot poslovna skrivnost.

(3) Če so podatki iz prvega ali drugega odstavka tega člena posebno pomembni, če kdo izroči take podatke zato, da jih kdo odnese v tujino, ali je dejanje storjeno iz koristoljubnosti, se storilec kaznuje z zapornom do petih let.

(4) Če je dejanje iz prvega ali tretjega odstavka tega člena storjeno iz malomarnosti, se storilec kaznuje z zapornom do enega leta.

(5) Za poslovno skrivnost se štejejo listine in podatki, ki so z zakonom, statutom, pravili ali drugim splošnim aktom ali odredbo pristojnega organa ali druge upravičene osebe razglašeni za industrijsko, bančno ali drugo poslovno skrivnost in so tako pomembni, da so z njihovo izdajo očitno nastale ali bi lahko nastale hujše škodljive posledice.

Zloraba informacijskega sistema

237. člen

(1) Kdor pri gospodarskem poslovanju neupravičeno vstopi ali vdre v informacijski sistem ali ga neupravičeno uporablja tako, da uporabi, spremeni, preslika, prenaša, uniči ali v informacijski sistem vnese kakšen podatek, ovira prenos podatkov ali delovanje informacijskega sistema ali neupravičeno prestreže podatek ob nejavnem prenosu v informacijski sistem, da bi sebi ali komu drugemu pridobil protipravno premoženjsko korist ali drugemu povzročil premoženjsko škodo, se kaznuje z zapornom do treh let.

(2) Če je bila z dejanjem iz prejšnjega odstavka pridobljena velika premoženjska korist ali povzročena velika premoženjska škoda in je storilec hotel sebi ali komu drugemu pridobiti tako premoženjsko korist ali

(2) Whoever unlawfully procures information designated as a trade secret with the intention of using it unlawfully shall be punished to the same extent.

(3) If the information referred to in paragraph one or two of this Article is of particular importance, or if it is disclosed to a third person with a view to being transmitted abroad, or if the act is committed for self-serving motives, the perpetrator shall be sentenced to imprisonment for up to five years.

(4) If an act referred to in paragraph one or three of this Article is committed through negligence, the perpetrator shall be sentenced to imprisonment for up to one year.

(5) Documents and data that are, in accordance with an Act, statutes, rules or any general legal act or order issued by a competent authority or other authorised person, classified as industrial, banking or other trade secrets and are of such relevance that their disclosure manifestly caused or could have caused severe consequences, shall be deemed a trade secret.

Misuse of information systems

Article 237

(1) Whoever, in the performance of an economic activity, unlawfully enters or breaks into an information system, or unlawfully uses an information system by applying, altering, copying, transmitting or destroying data, or inputs into the information system any data, or obstructs data transmission or the operation of the information system, or unlawfully intercepts data during a non-public transmission into or from the information system in order to obtain illegal proceeds for him- or herself or a third person or to cause damage to the property of another person, shall be sentenced to imprisonment for up to three years.

(2) If an act referred to in the preceding paragraph results in large proceeds or large damage to property and if the perpetrator's intention was to cause such damage to property or to gain such proceeds,

drugemu povzročiti tako premoženjsko škodo, se kaznuje z zaporom do petih let.

Zloraba notranje informacije

238. člen

(1) Kdor notranjo informacijo, ki bi lahko pomembno vplivala na ceno vrednostnega papirja ali drugega finančnega instrumenta, uvrščenega na organiziran trg v Republiki Sloveniji ali v vsaj eni državi članici Evropske unije ali za katero je bil vložen predlog za uvrstitev na tak trg, ne glede na to, ali je bil posel sklenjen na tem trgu ali zunaj njega, pridobi v zvezi s svojim položajem pri izdajatelju vrednostnega papirja ali lastniškem deležem v kapitalu izdajatelja vrednostnega papirja, svojo zaposlitvijo ali pri opravljanju dejavnosti in jo izkoristi zase ali za koga drugega za posredno ali neposredno pridobitev ali odsvojitve tega vrednostnega papirja ali drugega finančnega instrumenta, se kaznuje z zaporom do treh let.

(2) Enako se kaznuje oseba, ki notranjo informacijo sporoči nepoklicani osebi ali na podlagi notranje informacije priporoči tretji osebi posredno ali neposredno pridobitev ali odsvojitve tega vrednostnega papirja ali drugega finančnega instrumenta.

(3) Enako kot v prvem odstavku se kaznuje oseba, ki nepooblaščenno pride do notranje informacije in jo izkoristi za posredno ali neposredno pridobitev ali odsvojitve tega vrednostnega papirja ali drugega finančnega instrumenta zase ali za koga drugega.

(4) Če je pri dejanjih iz prejšnjih odstavkov šlo za vrednostne papirje ali druge finančne instrumente velike vrednosti, se storilec kaznuje z zaporom do petih let.

Zloraba trga finančnih instrumentov

239. člen

(1) Kdor, zato da bi sebi ali komu drugemu pridobil protipravno

he or she shall be sentenced to imprisonment for up to five years.

Abuse of insider information

Article 238

(1) Whoever, in relation to the position he or she occupies with an issuer of securities or his or her equity interest in the issuer of securities, his or her employment, or when performing an activity, obtains insider information capable of influencing the price of a security or other financial instrument listed on the regulated market in the Republic of Slovenia or in at least one Member State of the European Union, or regarding which an application has been made for such a listing, notwithstanding whether the transaction was concluded on or outside this market, and uses it for him- or herself or any third person with a view to direct or indirect acquisition or disposal of such security or other financial instrument, shall be sentenced to imprisonment for up to three years.

(2) Whoever discloses insider information to an unauthorised person, or on the basis of such insider information recommends to a third person the direct or indirect acquisition or disposal of such security or other financial instrument, shall be punished to the same extent.

(3) Whoever acquires insider information without authorisation and uses it for the direct or indirect acquisition or disposal of such security or other financial instrument for him- or herself or any third person, shall be punished to the same extent as determined in paragraph one.

(4) If an act referred to in the preceding paragraphs relates to securities or other financial instruments of high value, the perpetrator shall be sentenced to imprisonment for up to five years.

Abuse of the financial instruments market

Article 239

(1) Whoever, with the intention of procuring illegal proceeds for

premoženjsko korist, s prepovedanim ravnanjem zlorabi trg finančnih instrumentov, tako, da:

- 1) sklene posel ali izda naročilo za trgovanje, ki udeležencem trga da napačno ali zavajajočo predstavo glede ponudbe, povpraševanja ali cene finančnega instrumenta, ali s tem ena ali več povezanih oseb zagotovijo ceno enega ali več finančnih instrumentov na nenormalni ali umetni ravni;
- 2) pri sklenitvi posla ali izdaji naročila za trgovanje uporabi fiktivna sredstva ali druge oblike goljufivega ravnanja;
- 3) razširja napačne ali zavajajoče informacije o finančnih instrumentih, z istim ciljem razširja govornice ter napačne in zavajajoče novice po medijih, medmrežju ali na drug podoben način,

se kaznuje z zaporom do treh let.

(2) Če je bila z dejanjem iz prejšnjega odstavka pridobljena velika premoženjska korist ali povzročena velika premoženjska škoda in je storilec hotel sebi ali komu drugemu pridobiti tako premoženjsko korist ali drugemu povzročiti tako premoženjsko škodo, se kaznuje z zaporom do petih let.

Zloraba položaja ali zaupanja pri gospodarski dejavnosti

240. člen

(1) Kdor pri opravljanju gospodarske dejavnosti zlorabi svoj položaj ali dano zaupanje, prekorači pravice ali opusti dolžnosti, ki jih ima na podlagi zakona, drugega predpisa, akta pravne osebe ali pravnega posla glede razpolaganja s tujim premoženjem ali koristmi, njihovega upravljanja ali zastopanja in s tem sebi ali komu drugemu pridobi protipravno premoženjsko korist ali povzroči premoženjsko škodo, se kaznuje z zaporom do petih let.

(2) Če je bila z dejanjem iz prejšnjega odstavka pridobljena velika premoženjska korist ali povzročena velika premoženjska škoda in je storilec hotel sebi ali komu drugemu pridobiti tako premoženjsko korist ali drugemu povzročiti tako premoženjsko škodo, se kaznuje z zaporom od enega do osmih let.

him- or herself or for a third person, abuses the market in financial instruments by means of a prohibited action, namely by:

- 1) concluding a transaction or entering into a trade contract, providing market participants with incorrect or misleading information about the supply, demand, or price of a financial instrument, or getting one or more connected persons to ensure the price of one or more financial instruments at an abnormal or artificial level;
- 2) using fictitious means or any other form of fraudulent conduct when concluding a transaction or entering into a trade contract;
- 3) spreading incorrect or misleading information on financial instruments, following the same objective when spreading rumours, incorrect and misleading information via media, online, or in any other similar manner,

shall be sentenced to imprisonment for up to three years.

(2) If an act referred to in the preceding paragraph results in large proceeds or large damage to property and if the perpetrator's intention was to cause such damage to property or to gain such proceeds, he or she shall be sentenced to imprisonment for up to five years.

Abuse of a position or trust in a business activity

Article 240

(1) Whoever, in the performance of an economic activity, abuses his or her position or the trust placed in him or her, exceeds his or her rights or omits to perform his or her duties according to an Act, another regulation, or an act of a legal person or a legal transaction for the disposal of another person's property or benefits, or their management or representation, and thereby obtains illegal proceeds for him- or herself or for a third person, or causes damage to the property of another person, shall be sentenced to imprisonment for up to five years.

(2) If an act referred to in the preceding paragraph results in large proceeds or large damage to property and if the perpetrator's intention is to gain such proceeds for him- or herself or a third person or to cause damage to the property of another person, he or she shall be sentenced to imprisonment for between one and eight years.

(3) Če je storilec z dejanjem iz prvega odstavka tega člena sebi ali komu drugemu pridobil nepremoženjsko korist, se kaznuje z zaporom do dveh let.

Nedovoljeno sprejemanje daril

241. člen

(1) Kdor pri opravljanju gospodarske dejavnosti zase ali za koga drugega zahteva ali sprejme nedovoljeno nagrado, darilo ali kakšno drugo korist ali obljubo oziroma ponudbo take koristi, da bi zaradi pridobitve ali ohranitve posla ali druge nedovoljene koristi zanemaril koristi svoje organizacije ali druge fizične osebe ali ji povzročil škodo, se kaznuje z zaporom od šestih mesecev do šestih let in denarno kaznijo.

(2) Storilec dejanja iz prejšnjega odstavka, ki zahteva ali sprejme nedovoljeno nagrado, darilo ali kakšno drugo korist ali obljubo oziroma ponudbo take koristi zase ali za koga drugega kot protiuslugo zaradi pridobitve ali ohranitve posla ali druge koristi, se kaznuje za zaporom od treh mesecev do petih let in denarno kaznijo.

(3) Storilec dejanja iz prvega odstavka tega člena, ki po sklenitvi posla ali opravljeni storitvi ali pridobitvi druge nedovoljene koristi zase ali za koga drugega zahteva ali sprejme nedovoljeno nagrado, darilo ali kakšno drugo korist, se kaznuje z zaporom do štirih let in denarno kaznijo.

(4) Sprejeta nagrada, darilo ali kakšna druga korist se vzamejo.

Nedovoljeno dajanje daril

242. člen

(3) If an act referred to in paragraph one of this Article is committed with the intention of procuring any non-material benefit for the perpetrator or another person, the perpetrator shall be sentenced to imprisonment for up to two years.

Unlawful acceptance of gifts

Article 241

(1) Whoever, in the performance of an economic activity, requests or agrees to accept for him- or herself or any third person an unlawful award, gift or other benefits, or a promise or offer of such benefits, in order to neglect the interests of his or her organisation or other natural person or to cause damage to the same when obtaining or retaining business or other unauthorised benefits, shall be sentenced to imprisonment for between six months and six years and imposed a fine.

(2) The perpetrator of an act referred to in the preceding paragraph of this Article who requests or agrees to accept an unlawful award, gift or other benefits, or a promise or offer of such benefits for him- or herself or any third person in exchange for obtaining or retaining business or other benefits, shall be sentenced to imprisonment for between three months and five years and imposed a fine.

(3) The perpetrator of an act referred to in paragraph one of this Article who requests or agrees to accept an unlawful award, gift or other benefits after the contract is concluded or service provided, or other unauthorised benefits are acquired for him- or herself or any third person, shall be sentenced to imprisonment for up to four years and imposed a fine.

(4) The accepted award, gift or any other benefits shall be confiscated.

Making unlawful gifts

Article 242

(1) Kdor osebi, ki opravlja gospodarsko dejavnost, obljubi, ponudi ali da nedovoljeno nagrado, darilo ali kakšno drugo korist zanjo ali za koga drugega, da bi sebi ali komu drugemu pridobil kakšno neupravičeno ugodnost pri pridobitvi ali ohranitvi posla ali druge nedovoljene koristi iz prvega odstavka 241. člena, se kaznuje z zaporom od šestih mesecev do šestih let in denarno kaznijo.

(2) Kdor osebi, ki opravlja gospodarsko dejavnost, obljubi, ponudi ali da nedovoljeno nagrado, darilo ali kakšno drugo korist zanjo ali za koga drugega kot protiuslugo za pridobitev ali ohranitev posla ali druge koristi, se kaznuje z zaporom do štirih let in denarno kaznijo.

(3) Storilcu iz prejšnjih odstavkov, ki je dal nedovoljeno nagrado, darilo ali kakšno drugo korist na zahtevo, pa je dejanje naznanil, preden je bilo odkrito ali preden je izvedel, da je bilo odkrito, se sme kazneni odpustiti, če to ne nasprotuje pravilom mednarodnega prava.

(4) Dana nagrada, darilo ali kakšna druga korist se vzamejo, v primeru iz prejšnjega odstavka pa se smejo vrniti tistemu, ki jih je dal.

Ponarejanje denarja

243. člen

(1) Kdor ponaredi denar, da bi ga spravil v obtok kot pravega, ali kdor spremeni pravi denar, da bi ga spravil v obtok, ali kdor tak ponarejeni denar spravi v obtok, se kaznuje z zaporom od šestih mesecev do osmih let.

(2) Enako se kaznuje, kdor si preskrbi ponarejen denar, da bi ga spravil v obtok kot pravega.

(3) Enako se kaznuje, kdor z zakonitimi napravami ali materiali organa, pristojnega za izdajo denarja, denar izdelava s kršitvijo pravic ali

(1) Whoever promises, offers, or gives an unlawful award, gift or any other benefits to a person performing an economic activity intended for such person or any third person with a view to obtaining any unlawful benefit for him- or herself or any third person when obtaining or retaining business or other illegal benefits referred to in paragraph one of Article 241 shall be sentenced to imprisonment for between six months and six years and imposed a fine.

(2) Whoever promises, offers, or gives an unlawful award, gift or any other benefits to a person performing an economic activity, intended for such person or any third person in exchange for obtaining or retaining business or other benefits shall be sentenced to imprisonment for up to four years and imposed a fine.

(3) If a perpetrator referred to in the preceding paragraphs who gives an unlawful award, gift or any other benefits upon request declares the act before it is detected or before he or she becomes aware that it has been detected, his or her punishment may be remitted, provided this is not in contravention of the rules of international law.

(4) The award, gift or other benefits given shall be confiscated, while in the case referred to in the preceding paragraph the same may be returned to the person who gave such.

Counterfeiting money

Article 243

(1) Whoever makes counterfeit money with the intention of putting it into circulation as genuine, or alters genuine money with the same intention, or puts such counterfeit money into circulation, shall be sentenced to imprisonment for between six months and eight years.

(2) Whoever acquires counterfeit money with the intention of putting it into circulation as genuine shall be punished to the same extent.

(3) Whoever makes money by using lawful devices or materials of the body responsible for issuing money and thus violates the rights or

pogojev, v skladu s katerimi lahko pristojni organi izdajo denar.

(4) Če gre pri dejanju iz prvega ali drugega odstavka tega člena za veliko količino ali veliko premoženjsko vrednost ponarejenega denarja, se storilec kaznuje z zaporem od enega do desetih let.

(5) Kdor da v obtok ponarejen denar, ki ga je prejel kot pravega, ali kdor ve, da je bil denar ponarejen ali da je bil tak denar spravljen v obtok, pa tega ne naznani, se kaznuje z denarno kaznijo ali zaporem do šestih mesecev.

(6) Ponarejeni denar se vzame.

(7) Denar je kovan ali papirnat denar, ki je na podlagi zakona v obtoku ali je namenjen v obtok v Republiki Sloveniji ali drugi državi.

Ponarejanje in uporaba ponarejenih vrednotnic ali vrednostnih papirjev

244. člen

(1) Kdor ponaredi kolke ali poštne znamke ali druge vrednotnice ali kdor spremeni kakšno tako pravo vrednotnico, da bi jo uporabil kot pravo ali jo dal v uporabo komu drugemu, ali kdor ponarejene vrednotnice uporabi kot prave ali si jih s tem namenom pridobi, se kaznuje z zaporem do treh let.

(2) Kdor ponaredi vrednostne papirje ali kdor spremeni kakšen tak pravi vrednostni papir, da bi ga uporabil kot pravega ali ga dal v uporabo komu drugemu, ali kdor take ponarejene vrednostne papirje uporabi kot prave ali jih s tem namenom pridobi, se kaznuje z zaporem od enega do osmih let.

(3) Če gre pri dejanju iz prejšnjih odstavkov za veliko količino vrednotnic ali vrednostnih papirjev, se storilec kaznuje z zaporem od enega do desetih let.

conditions pursuant to which the competent bodies may issue money shall be punished to the same extent.

(4) If an act referred to in paragraph one or two of this Article involves a great quantity or a high financial value of counterfeit money, the perpetrator shall be sentenced to imprisonment for between one and ten years.

(5) Whoever puts counterfeit money received as genuine into circulation, or whoever knows that money was counterfeited or put into circulation and fails to declare such acts, shall be punished by a fine or imprisonment for up to six months.

(6) Counterfeit money shall be confiscated.

(7) Money shall mean the coins or paper money put into circulation in the Republic of Slovenia or another country in accordance with an Act.

Creation and use of counterfeit duty stamps or securities

Article 244

(1) Whoever counterfeits fiscal, postage or other duty stamps or alters any of these stamps with the intention of using them as genuine or giving them to be used by a third person, or whoever uses counterfeit duty stamps as genuine or acquires them for such purpose, shall be sentenced to imprisonment for up to three years.

(2) Whoever counterfeits securities or alters any security with the intention of using it as genuine or gives it to a third person, or whoever uses counterfeit securities as genuine or acquires them for such purpose, shall be sentenced to imprisonment for between one and eight years.

(3) If an act referred to in the preceding paragraphs involves a large quantity of duty stamps or securities, the perpetrator shall be sentenced to imprisonment for between one and ten years.

(4) Kdor odstrani žig, s katerim se vrednotnice iz prvega odstavka tega člena uničujejo, ali kdor si kako drugače prizadeva napraviti te vrednotnice, kakor da ne bi bile uporabljene, ali kdor že uporabljene take vrednotnice znova uporabi ali proda, kakor da bi bile veljavne, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(5) Ponarejene vrednotnice in ponarejeni vrednostni papirji se vzamejo.

(6) Za vrednotnice po tem zakoniku se štejejo kolki in druge vrednotnice, izdane in v obtoku na podlagi zakona Republike Slovenije, ter tuje vrednotnice.

Pranje denarja

245. člen

(1) Kdor denar ali premoženje, za katero ve, da je bilo pridobljeno s kaznivim dejanjem, sprejme, zamenja, hrani, z njim razpolaga, ga uporabi pri gospodarski dejavnosti ali na drug način, določen z zakonom o preprečevanju pranja denarja, s pranjem zakrije ali poskusi zakriti njegov izvor, se kaznuje z zaporom do petih let.

(2) Enako se kaznuje, kdor stori dejanje iz prejšnjega odstavka, pa je hkrati storilec ali udeleženec pri kaznivem dejanju, s katerim je bil pridobljen denar ali premoženje iz prejšnjega odstavka.

(3) Če je denar ali premoženje iz prvega ali drugega odstavka tega člena velike vrednosti, se storilec kaznuje z zaporom do osmih let in denarno kaznijo.

(4) Če je dejanje iz prejšnjih odstavkov storjeno v hudodelski združbi za izvedbo takih dejanj, se storilec kaznuje z zaporom od enega do desetih let in denarno kaznijo.

(4) Whoever removes an official stamp by means of which the duty stamps referred to in paragraph one of this Article are obliterated or otherwise tries to make such duty stamps appear to have been unused, or whoever applies an already used duty stamps or sells them as valid, shall be punished by a fine or imprisonment for up to one year.

(5) Counterfeit duty stamps and securities shall be confiscated.

(6) Fiscal stamps and other duty stamps issued and put into circulation under an Act of the Republic of Slovenia and foreign duty stamps shall be deemed the duty stamps referred to in this Code.

Money laundering

Article 245

(1) Whoever accepts, exchanges, stores, holds, uses in an economic activity or in any other manner determined by the Act governing the prevention of money laundering conceals or attempts to conceal by laundering the origin of money or property that was, to his or her knowledge, acquired through the commission of a criminal offence, shall be sentenced to imprisonment for up to five years.

(2) Whoever commits an act referred to in the preceding paragraph and is simultaneously the perpetrator of or participates in a criminal offence by which money or property under the preceding paragraph was acquired shall be punished to the same extent.

(3) If the money or property referred to in paragraph one or two of this Article is of high value, the perpetrator shall be sentenced to imprisonment for up to eight years and imposed a fine.

(4) If an act referred to in the preceding paragraphs is committed within a criminal organisation, the perpetrator shall be sentenced to imprisonment for between one and ten years and imposed a fine.

(5) Kdor bi moral in mogel vedeti, da je bil denar ali premoženje pridobljeno s kaznivim dejanjem, pa stori dejanje iz prvega ali tretjega odstavka tega člena, se kaznuje z zaporom do dveh let.

(6) Denar in premoženje iz prejšnjih odstavkov se vzameta.

Zloraba negotovinskega plačilnega sredstva

246. člen

(1) Kdor z zlorabo čeka, kreditne ali plačilne kartice ali drugega negotovinskega plačilnega sredstva, ki ga je upravičen uporabljati, banko ali drugega izdajatelja v nasprotju z dogovorom o uporabi tega sredstva zaveže k izplačilu zneska, za katerega ve, da nima kritja na računu, in tako pridobi premoženjsko korist, se kaznuje z zaporom do dveh let.

(2) Če je bila z dejanjem iz prejšnjega odstavka pridobljena večja premoženjska korist, se storilec kaznuje z zaporom do petih let.

(3) Če je bila z dejanjem iz prvega odstavka tega člena pridobljena velika premoženjska korist, se storilec kaznuje z zaporom od enega do osmih let.

(4) Pregon za dejanje iz prvega odstavka tega člena se začne na predlog.

Uporaba ponarejenega negotovinskega plačilnega sredstva

247. člen

(1) Kdor namesti na bančni avtomat ali aparat za vplačila s kartico napravo za preslikavanje zapisa plačilnih ali kreditnih kartic ali njeno prepoznavo pridobi preko plačila na celotnem medmrežju ali jo

(5) Whoever should and could have known that the money or property had been acquired through a criminal offence, and whoever commits an act referred to in paragraph one or three of this Article, shall be sentenced to imprisonment for up to two years.

(6) The money and property referred to in the preceding paragraphs shall be confiscated.

Abuse of non-cash means of payment

Article 246

(1) Whoever, through fraudulent use of cheques, credit or debit cards, or any other non-cash means of payment that he or she is entitled to use, instructs a bank or other issuer, in contravention of the agreement on the use of such means of payment, to pay an amount that he or she knows is not backed by his or her account balance, and thereby acquires illegal proceeds, shall be sentenced to imprisonment for up to two years.

(2) If major proceeds are gained through an act referred to in the preceding paragraph, the perpetrator shall be sentenced to imprisonment for up to five years.

(3) If substantial proceeds are gained through an act referred to in paragraph one of this Article, the perpetrator shall be sentenced to imprisonment for between one and eight years.

(4) Prosecution of an act referred to in paragraph one of this Article shall be initiated upon a proposal.

Use of counterfeit non-cash means of payment

Article 247

(1) Whoever installs a card skimming device on a cash dispenser or a payment machine or accesses debit and credit card identification data from a credit card machine in the entire network or

ponaredi na kakšen drug način ali kdor tako ponarejeno plačilno ali kreditno kartico uporabi in si pridobi premoženjsko korist, se kaznuje z zaporom do petih let.

(2) Enako se kaznuje, kdor ponaredi ali uporabi ponarejeno drugo kartico ali drugo negotovinsko plačilno sredstvo in si pridobi premoženjsko korist s pomočjo tehničnih naprav za prepoznavo kartice ali drugega negotovinskega plačilnega sredstva.

(3) Če je bila z dejanjem iz prvega ali drugega odstavka tega člena pridobljena velika premoženjska korist, se storilec kaznuje z zaporom od enega do osmih let.

Izdelava, pridobitev in odtujitev pripomočkov za ponarejanje

248. člen

(1) Kdor izdelata, hrani, prenese, si pridobi, proda ali da v uporabo pripomočke za ponarejanje denarja, vrednotnic, vrednostnih papirjev ali zaščitne elemente, ki so namenjeni za zaščito pred ponarejanjem, ali napravo za preslikavanje zapisa kreditne, plačilne ali druge kartice ali drugega negotovinskega plačilnega sredstva, se kaznuje z zaporom do dveh let.

(2) Pripomočki za ponarejanje se vzamejo.

(3) Poskus kaznivega dejanja iz prvega odstavka tega člena je kazniv.

Davčna zatajitev

249. člen

(1) Kdor z enim ali več ravnanji, zato da bi se sam ali kdo drug popolnoma ali deloma izognil plačilu davkov, prispevkov ali drugih predpisanih obveznosti fizičnih ali pravnih oseb ali neupravičeno dobil v celoti ali deloma vrnjen davek v Republiki Sloveniji ali drugih državah članicah Evropske unije, da lažne podatke o pridobljenih dohodkih,

counterfeits a debit or credit card in any other manner, or whoever uses such a counterfeit debit or credit card and thus gains illegal proceeds, shall be sentenced to imprisonment for up to five years.

(2) Whoever forges or uses a forged payment card or other non-cash means of payment and gains illegal proceeds by means of card or other non-cash means of payment identification devices shall be punished to the same extent.

(3) If major proceeds are gained by committing an act referred to in paragraph one or two of this Article, the perpetrator shall be sentenced to imprisonment for between one and eight years.

Fabrication, acquisition and misappropriation of forgery instruments

Article 248

(1) Whoever fabricates, keeps, transfers, acquires or sells instruments for counterfeiting money, duty stamps or securities, or protective elements against counterfeiting or against the skimming of credit, debit or other cards or other non-cash means of payment, or otherwise makes such instruments available for use, shall be sentenced to imprisonment for up to two years.

(2) Forgery instruments shall be confiscated.

(3) Any attempt to commit a criminal offence referred to in paragraph one of this Article shall be punished.

Tax evasion

Article 249

(1) Whoever with a view to either evading, in whole or in part, the payment of taxes, contributions, or any other prescribed liabilities of natural or legal persons, or to enabling another person to do so, or unlawfully obtained a tax refund, in whole or in part, in the Republic of Slovenia or in other Member States of the European Union, provides once

stroških, predmetih, blagu ali drugih okoliščinah, ki vplivajo na ugotovitev davkov in drugih predpisanih obveznosti, ali kako drugače preslepi organ, pristojen za odmero ali nadzor nad obračunavanjem in plačevanjem teh obveznosti, pa skupna višina neporavnanih obveznosti ali obveznosti, ki se jim je izogibal, ali davka, ki mu je bil neupravičeno vrnjen, ne glede na vrsto obveznosti ali davka v obdobju največ dvanajstih zaporednih mesecev, doseže veliko premoženjsko vrednost, se kaznuje z zaporom od enega do osmih let.

(2) Enako se kaznuje, kdor z namenom iz prejšnjega odstavka enkrat ali večkrat ne prijavi pridobljenega dohodka ali drugih okoliščin, ki vplivajo na ugotovitev davkov, prispevkov ali drugih predpisanih obveznosti fizičnih ali pravnih oseb, kadar je prijava obvezna, pa skupna višina neporavnanih obveznosti ali obveznosti, ki se jim je izogibal, ne glede na vrsto obveznosti v obdobju največ dvanajstih zaporednih mesecev, doseže veliko premoženjsko vrednost.

(3) Kdor z namenom, da bi preprečil ugotovitev dejanske davčne obveznosti, na zahtevo pristojnega davčnega organa ne daje podatkov, ne vodi ali ne predloži poslovnih knjig in evidenc, ki jih je dolžan voditi, ali so knjige in evidence vsebinsko napačne, ali ne da pojasnil v zvezi s predmetom davčnega nadzora ali ovira davčni nadzor, se kaznuje z zaporom do dveh let.

(4) Če je bilo dejanje iz prvega ali drugega odstavka tega člena storjeno v hudodelski združbi, se storilec kaznuje z zaporom od treh do dvanajstih let.

Tihotapstvo

250. člen

(1) Kdor prenese, izogibajoč se ukrepom carinskega nadzorstva, čez carinsko črto Evropske unije blago velike premoženjske vrednosti, ali ga prenese z uporabo sile ali grožnje, se kaznuje z zaporom do petih let in denarno kaznijo.

or multiple times false information about income, expenses, objects, goods or other circumstances relevant to taxation and other statutory liabilities, or otherwise defrauds the tax authorities responsible for assessing or supervising the charging and paying of such liabilities, and the total amount of the outstanding liabilities or liabilities evaded or the unlawful tax refund, notwithstanding the type of liability or tax, generates a financial gain in a period of a maximum twelve consecutive months, shall be sentenced to imprisonment for one to eight years.

(2) The same punishment shall be imposed on anyone who, with the intention referred to in the preceding paragraph, fails, once or several times, to report income earned or other circumstances impacting the assessment of tax liability, contributions or other prescribed liabilities of natural and legal persons, and the total amount of the outstanding liabilities or liabilities evaded, notwithstanding the type of liability, generates a financial gain in a period of a maximum of twelve consecutive months.

(3) Whoever, with the intention of preventing an assessment of actual tax liability, fails to provide or keep information, submit books of account or records that he or she is obliged to keep upon the request of the competent tax authority, or if such books and records are substantially incorrect, or fails to provide clarifications relating to the subject of a tax inspection, or obstructs a tax inspection, shall be sentenced to imprisonment to up to two years.

(4) If an act referred to in paragraph one or two of this Article is committed within a criminal organisation, the perpetrator shall be sentenced to imprisonment for between three and twelve years.

Smuggling

Article 250

(1) Whoever transports goods of high value across the customs border of the European Union and thus avoids customs control, or whoever transports such goods by means of force or threat, shall be sentenced to imprisonment for up to five years and imposed a fine.

(2) Kdor se ukvarja s prenašanjem blaga na carinsko območje Evropske unije in se pri tem izogiba ukrepom carinskega nadzorstva, ga po njem prevaža, nudi skrivališča ali skladišča, ga ponuja ali doseže prodajo, pa gre za blago, ki skupaj dosega večjo premoženjsko vrednost, se kaznuje z zaporom od enega do desetih let zavora in denarno kaznijo.

(3) S kaznijo iz prejšnjega odstavka se kaznuje uradna oseba, ki z zlorabo uradnega položaja ali pravic omogoči tihotapstvo blaga na carinsko območje Evropske unije ali prevoz po njem.

(4) Če storilec z dejanji iz drugega ali tretjega odstavka tega člena sebi ali komu drugemu pridobi veliko premoženjsko korist ali povzroči nevarnost za življenje ali zdravje ljudi ali podpira teroristično dejavnost ali taka dejanja stori kot član hudodelske združbe, se kaznuje z zaporom od treh do petnajstih let in z denarno kaznijo.

(5) Kdor pridobiva ali zbira tihotapsko blago velike premoženjske vrednosti za prenos na carinsko območje Evropske unije, preskrbuje ponarejene dokumente ali prevoz na in po carinskem območju Evropske unije ali kako drugače organizira skrivanje, skladiščenje ali prodajo tihotapskega blaga, se kaznuje z zaporom od treh do dvanajstih let in denarno kaznijo.

(6) Prejšnji odstavki se uporabljajo tudi za kazniva dejanja, storjena v tujini, če je država, v kateri so bila storjena, enako kot Republika Slovenija sprejela skupno mednarodnopravno obveznost preprečevati taka kazniva dejanja, ne glede na to, kje so storjena, ter je dejanja v svojem zakonu ustrezno enako določila kot kazniva dejanja.

(7) Vrednost blaga po tem členu se določa po njegovi tržni vrednosti na območju Republike Slovenije.

(8) Tihotapsko blago se vzame.

(2) Whoever is engaged in the transportation of goods into the customs territory of the European Union, thereby avoiding customs control measures, or transports such goods through such territory, provides hiding places or storage places, or offers or achieves the sale of such goods whose total value constitutes a high financial value, shall be sentenced to imprisonment for between one and ten years and imposed a fine.

(3) Any official who, through abuse of office or rights, enables the smuggling of goods into the customs territory of the European Union or transport therein, shall be imposed the punishment referred to in the preceding paragraph.

(4) If the perpetrator gains major proceeds for him- or herself or a third person by committing an act referred to in paragraph two or three of this Article, or if he or she causes a threat to human life or health, or offers support to terrorist activities, or commits such acts as a member of a criminal organisation, he or she shall be sentenced to imprisonment for between three and fifteen years and imposed a fine.

(5) Whoever acquires or collects smuggled goods of high of high financial value for the purpose of their transport into the customs territory of the European Union, provides forged documents or transport in and through the customs territory of the European Community, or organises in any other manner the concealment, storage or sale of the smuggled goods, shall be sentenced to imprisonment for between three and twelve years and imposed a fine.

(6) The preceding paragraph shall also apply to criminal offences committed abroad if the country where such criminal offences are committed has adopted, in the same manner as the Republic of Slovenia, a common international legal obligation to prevent such criminal offences regardless of the place of their commission, and has appropriately defined such acts as criminal offences under its laws.

(7) The value of goods referred to in this Article shall be determined according to their market value in the territory of the Republic of Slovenia.

(8) Smuggled goods shall be confiscated.

Ponarejanje listin

251. člen

(1) Kdor ponaredi listino ali spremeni pravo listino, zato da bi se taka listino uporabila kot prava, ali kdor ponarejeno ali spremenjeno listino uporabi kot pravo, se kaznuje z zaporom do dveh let.

(2) Poskus je kazniv.

(3) Kdor ponaredi javno listino, oporoko, javno ali uradno knjigo ali kakšno drugo knjigo, ki se mora voditi na podlagi zakona, spremeni tako pravo listino ali kdor tako ponarejeno ali spremenjeno listino hrani zaradi uporabe ali jo uporabi kot pravo, se kaznuje z zaporom do treh let.

Posebni primeri ponarejanja listin

252. člen

(1) Za ponarejanje listin se kaznuje po prvem odstavku, če gre za listino iz tretjega odstavka prejšnjega člena, pa po tretjem odstavku prejšnjega člena:

- 1) kdor kakšen papir, golico ali kakšno drugo listino, ki jo je kdo podpisal, neupravičeno izpolni s kakšno izjavo, ki ima pomen za pravna razmerja;
- 2) kdor koga preslepi o vsebini kakšne listine in jo ta podpiše, misleč, da se podpisuje pod kakšno drugo listino ali pod kakšno drugo vsebino;
- 3) kdor izda listino v imenu kakšne osebe brez njenega pooblastila ali v imenu osebe, ki je ni;

Forgery of documents

Article 251

(1) Whoever forges a document, or alters a genuine document with the intention of using such document as genuine, or whoever uses a forged or altered document as genuine, shall be sentenced to imprisonment for up to two years.

(2) Any attempt to do so shall be punishable.

(3) Whoever forges an official document, will, public or official record, or any other record that has to be kept under an Act, or alters a such genuine document, or keeps such forged or altered document with the purpose of using it, or uses it as genuine, shall be sentenced to imprisonment for up to three years.

Special cases of forging documents

Article 252

(1) The forging of documents shall be punished pursuant paragraph one of the preceding Article and the punishment for forging documents referred to in paragraph three of the preceding Article shall be imposed on :

- 1) whoever unlawfully completes any writing, blank form or other document previously signed by another person with any statement that is relevant to legal relations;
- 2) whoever misinforms another of the content of any document, thus inducing him or her to sign such a document in the belief that he or she is signing some other document or some other content;
- 3) whoever issues a document either in the name of another person without his or her authorisation or in the name of a non-existent

- 4) kdor kot izdajatelj listine doda k svojemu podpisu kakšen položaj ali naziv, čeprav nima takega položaja ali naziva, pa to bistveno vpliva na dokazilno moč listine;
- 5) kdor napravi listino tako, da neupravičeno uporabi pravi pečat ali znamenje.

(2) S kaznijo iz tretjega odstavka prejšnjega člena se kaznuje, kdor kot tržno blago napravi za drugega doktorsko disertacijo, magistrsko, diplomsko, izpitno, maturitetno ali seminarsko nalogo ali sestavi za drugega kakšno drugo pisno nalogo, potrebno za pridobitev izobrazbe, ali kdor tako nalogo uporabi kot svojo.

Overitev lažne vsebine

253. člen

(1) Kdor spravi pristojni organ ali notarja v zmoto in s tem doseže, da ta v javni listini, zapisniku, knjigi ali poslovni listini potrdi kar koli lažnega, kar naj bi bil dokaz v pravnem prometu, se kaznuje z zaporom do treh let.

(2) Enako se kaznuje tudi, kdor uporabi javno listino, zapisnik, knjigo ali poslovno listino iz prejšnjega odstavka, čeprav ve, da je lažna.

Nezakonito dajanje pravne pomoči

254. člen

(1) Kdor se brez ustrezne izobrazbe ali brez ustreznih izpolnjenih pogojev za plačilo ukvarja s tem, da v sodnih ali upravnih postopkih daje pravno pomoč, se kaznuje z denarno kaznijo ali z zaporom do enega leta.

(2) Pridobljena premoženjska korist se vzame.

person;

- 4) whoever, as an issuer of a document, adds to his or her signature any position or title to which he or she is not entitled and which has an essential effect on the evidentiary power of the issued document;
- 5) whoever draws up a document with the unjustified use of a valid seal or mark.

(2) Whoever compiles for another person a doctoral thesis, master's thesis, diploma thesis, exam, *matura* examination or seminar paper as tradable goods, or draws up some other written paper for another person required for obtaining a degree, or uses such paper as his or her own, shall be punished in accordance with paragraph three of the preceding Article.

Certifying false content

Article 253

(1) Whoever deceives a competent authority or a notary public so that the latter certifies any false matter in an official document, record, book or business document that is intended as evidence in legal transactions, shall be sentenced to imprisonment for up to three years.

(2) Whoever uses an official document, record, book or business document referred to in the preceding paragraph, despite being aware that the document is false, shall be punished to the same extent.

Illegal provision of legal aid

Article 254

(1) Whoever provides legal aid in judicial or administrative procedures for consideration without having proper qualifications or meeting the required conditions, shall be punished by a fine or imprisonment for up to one year.

(2) The proceeds gained therefrom shall be confiscated.

Izdaja in uporaba lažnega zdravniškega ali veterinarskega spričevala

255. člen

(1) Zdravnik, ki zavestno izda lažno zdravniško spričevalo ali drugo zdravniško potrdilo, se kaznuje z zaporom do treh let.

(2) Enako se kaznuje, kdor zavestno uporabi zdravniško spričevalo ali potrdilo iz prejšnjega odstavka.

(3) Veterinar, ki zavestno izda lažno veterinarsko spričevalo, se kaznuje z zaporom do enega leta.

(4) Enako kot v prejšnjem odstavku se kaznuje, kdor zavestno uporabi spričevalo iz prejšnjega odstavka.

Ponarejanje znamenj za zaznamovanje blaga, mer in uteži

256. člen

(1) Kdor, zato da bi jih uporabil kot prave, ponaredi znamenja za zaznamovanje domačega ali tujega blaga, kot so pečati, žigi, znamke ali druge predpisane oznake, s katerimi se zaznamujejo zlato, srebro, živina, les ali kakšno drugo blago, ali prava taka znamenja spremeni ali odstrani ali uporabi ponarejena znamenja kot prava, se kaznuje z denarno kaznijo ali zaporom do dveh let.

(2) Enako se kaznuje, kdor ponaredi mere ali uteži ali kdor jih uporabi pri merjenju kot prave.

(3) Kdor neupravičeno izdelava, si pridobi, proda ali da v uporabo pripomočke za izdelovanje znamenj za zaznamovanje ali označevanje blaga kakor tudi ponarejene mere in uteži, se kaznuje z zaporom do enega leta.

(4) Ponarejena znamenja, mere in uteži kakor tudi pripomočki za njihovo ponarejanje se vzamejo.

Issuing and using false medical or veterinary certificates

Article 255

(1) A physician who knowingly issues a false medical certificate shall be sentenced to imprisonment for up to three years.

(2) Whoever knowingly uses a medical certificate referred to in the preceding paragraph shall be punished to the same extent.

(3) A veterinarian who knowingly issues a false veterinary certificate shall be sentenced to imprisonment for up to one year.

(4) Whoever knowingly uses a certificate referred to in the preceding paragraph shall be punished to the same extent.

Counterfeiting labels for marking goods, measures and weights

Article 256

(1) Whoever, with the intention of using them as genuine, counterfeits labels for marking domestic or foreign goods, such as seals, stamps or other prescribed labels for the marking of gold, silver, livestock, timber or other commodities, or whoever alters or removes genuine labels or uses counterfeit labels as genuine, shall be punished by a fine, or sentenced to imprisonment for up to two years.

(2) Whoever counterfeits measures or weights, or uses them in measuring as genuine, shall be punished to the same extent.

(3) Whoever unlawfully manufactures, acquires, sells or brings into use instruments for the fabrication of counterfeit labels for marking goods, counterfeit measures or weights shall be sentenced to imprisonment for up to one year.

(4) Counterfeit labels, measures and weights as well as appropriate counterfeiting implements shall be confiscated.

Šestindvajseto poglavje
KAZNIVA DEJANJA ZOPER URADNO DOLŽNOST, JAVNA
POOBLASTILA IN JAVNA SREDSTVA

Zloraba uradnega položaja ali uradnih pravic

257. člen

(1) Uradna oseba ali javni uslužbenec, ki izrabi svoj položaj ali prestopi meje uradnih pravic ali ne opravi uradne dolžnosti in s tem sebi ali komu drugemu pridobi kakšno nepremoženjsko korist ali komu prizadene škodo, se kaznuje z zaporom do dveh let..

(2) Če storilec z dejanjem iz prejšnjega odstavka povzroči večjo škodo ali huje prekrši pravice drugega, se kaznuje z zaporom do treh let.

(3) Uradna oseba ali javni uslužbenec, ki izrabi svoj uradni položaj ali prestopi meje uradnih pravic ali ne opravi uradne dolžnosti in s tem sebi ali komu drugemu pridobi protipravno premoženjsko korist, se kaznuje z zaporom od treh mesecev do petih let.

(4) Enako kot v prejšnjem odstavku se kaznuje storilec iz prejšnjega odstavka, ki izkoristi svoj položaj ali vpliv za nezakonito povečanje lastnega premoženja v večji vrednosti.

(5) Če je storilec z dejanjem iz tretjega in četrtega odstavka pridobil sebi ali komu drugemu veliko protipravno premoženjsko korist in je hotel pridobiti tako korist, se kaznuje z zaporom od enega do osmih let.

257.a člen

Chapter Twenty-Six
CRIMES AGAINST OFFICIAL DUTIES, PUBLIC AUTHORITY AND
PUBLIC FUNDS

Abuse of office or official powers

Article 257

(1) An official or public employee who, with the intention of procuring any non-material benefit for him- or herself or another person, or of causing damage to another person, abuses his or her office or exceeds the limits of his or her official duties or fails to perform his or her official duties, shall be sentenced to imprisonment for up to two years

(2) If by committing an act referred to in the preceding paragraph the perpetrator causes substantial damage or seriously encroaches upon the rights of another person, he or she shall be sentenced to imprisonment for up to three years.

(3) An official or public employee who, with the intention of procuring illegal proceeds for him- or herself or for another person, abuses his or her office or exceeds the limits of his or her official duties or fails to perform his or her official duties, shall be sentenced to imprisonment for between three months and five years

(4) A perpetrator referred to in the preceding paragraph who abuses his or her office or influence to secure an unlawful increase in his or her personal wealth to a significant extent shall be punished as set out in the preceding paragraph.

(5) If, by committing an act referred to in paragraphs three and four of this Article, a perpetrator acquires for him- or herself or another person large illegal proceeds in accordance with his or her original intent, he or she shall be sentenced to imprisonment for between one and eight years.

Article 257a

Oškodovanje javnih sredstev

(1) Uradna oseba, javni uslužbenec ali druga pooblaščenca oseba uporabnika javnih sredstev, ki pri naročanju, pridobivanju, upravljanju teh sredstev ali razpolaganju z njimi, zavestno krši predpise, opušča dolžno nadzorstvo ali kako drugače povzroči ali omogoči nezakonito ali nenamensko uporabo javnih sredstev, čeprav predvideva ali bi morala in mogla predvidevati, da lahko za javna sredstva zaradi tega nastane večja premoženjska škoda, in ta res nastane, se kaznuje z zaporom od treh mesecev do petih let in z denarno kaznijo.

(2) Če je zaradi dejanja iz prejšnjega odstavka nastala velika premoženjska škoda, se storilec kaznuje z zaporom od enega do osmih let in z denarno kaznijo.

(3) Uporabnik javnih sredstev po tem členu je pravna oseba javnega prava ali njena enota ali pravna oseba zasebnega prava ali zasebnik, če s temi sredstvi ali na njihov račun izvaja javno službo ali druge dejavnosti v javnem interesu ali zagotavlja javne dobrine na podlagi koncesije ali druge izključne ali posebne pravice.

(4) Javna sredstva po tem členu so nepremičnine, premičnine, denarna sredstva, terjatve, kapitalske naložbe in druge oblike finančnega premoženja države, samoupravne lokalne skupnosti, Evropske unije ali druge pravne osebe javnega prava.

Nevestno delo v službi

258. člen

Uradna oseba ali javni uslužbenec, ki zavestno krši zakone ali druge predpise, opušča svoje nadzorstvo ali kako drugače očitno nevestno ravna v službi, čeprav predvideva ali bi morala in mogla predvidevati, da lahko nastane zaradi tega hujša kršitev pravic drugega ali škoda na javni dobrini ali premoženjska škoda, in res nastane kršitev oziroma večja škoda, se kaznuje z denarno kaznijo ali zaporom do treh let.

Defrauding public funds

(1) An official, public employee, or any other person authorised by a user of public funds who by ordering, acquiring, managing or disposing of these funds knowingly violates regulations, fails to exercise due supervision or otherwise causes or enables unlawful and ineligible use of public funds even though he or she understood or should and could have understood that such conduct might cause major damage to public funds and such damage actually occurs, shall be punished by a fine or imprisonment for between three months and five years.

(2) If an act referred to in the preceding paragraph of this Article results in substantial damage to property, the perpetrator shall be punished by a fine or imprisonment for between one and eight years.

(3) A user of public funds under this Article shall be a legal person under public law or a unit thereof, or a legal person under private law or a private individual who by means of public funds or at the expense thereof provides a public service or performs other activities in the public interest, or provides public goods on the basis of a concession or other exclusive or special right.

(4) Public funds under this Article shall mean immovable and movable property, cash, accounts receivables, equity investments, and other forms of financial assets of the general government, a self-governing local community, the European Union or other legal person under public law.

Unconscientious performance of work

Article 258

An official or public employee who consciously violates Acts and other regulations or fails to exercise due supervision or otherwise performs his or her duties in an unconscientious manner, even though he or she understood or should and could have understood that such conduct might result in a serious violation of the rights of another person or in major damage to public goods or in major damage to property, and such a violation or damage actually occurs, shall be punished by a fine or

Ponareditev ali uničenje uradne listine, knjige, spisa ali arhivskega gradiva

259. člen

(1) Uradna oseba, ki v uradno listino, knjigo, ali spis vpiše lažne podatke ali ne vpiše kakšnega pomembnega podatka ali s svojim podpisom oziroma pečatom potrdi uradno listino, knjigo ali spis z lažno vsebino ali s svojim podpisom oziroma uradnim pečatom omogoči sestavo uradne listine, knjige ali spisa z lažno vsebino, se kaznuje z zaporom do treh let.

(2) Enako se kaznuje tudi uradna oseba, ki uradno listino, knjigo ali spis z lažno vsebino uporabi v službi kot resnične ali ki uradno listino, knjigo ali spis uniči, skrije, jih precej poškoduje ali kako drugače napravi neuporabne.

(3) Kdor protipravno odtuji, uniči ali prikriva arhivsko gradivo, ali ga napravi neuporabnega, se kaznuje z zaporom od treh mesecev do treh let.

Izdaja tajnih podatkov

260. člen

(1) Uradna oseba ali druga oseba, ki v nasprotju s svojimi dolžnostmi varovanja tajnih podatkov sporoči ali izroči komu tajne podatke ali mu kako drugače omogoči, da pride do njih, ali zbira take podatke, zato da jih izroči nepoklicani osebi, se kaznuje z zaporom do treh let.

(2) Enako se kaznuje, kdor protipravno pride do tajnih podatkov, da bi jih neupravičeno uporabil, kakor tudi, kdor take podatke brez dovoljenja javno objavi.

imprisonment for up to three years.

Forgery or destruction of an official document, book, file or archival materials

Article 259

(1) An official who enters false information or fails to enter any relevant information in an official document, book or file, or certifies an official document, book or file containing false information with his or her signature or stamp, or facilitates the creation of such a document, book or file, shall be sentenced to imprisonment for up to three years.

(2) An official who uses a false official document, book or file as genuine, or who destroys or hides or substantially damages or renders useless an official document, book or file, shall be punished to the same extent.

(3) Whoever unlawfully alienates, destroys, or conceals archival materials or renders them useless shall be sentenced to imprisonment for between three months and three years.

Disclosure of classified information

Article 260

(1) An official or any other person who, in non-compliance with his or her duty to protect classified information, discloses or conveys information designated as classified to another person, or otherwise provides a person with access to such information or with the possibility to collect such information in order to convey the same to an unauthorised person, shall be sentenced to imprisonment for up to three years.

(2) Whoever unlawfully obtains classified information in order to use it unjustifiably or publishes such information without permission shall be punished to the same extent.

(3) Oseba, ki izpolni znake kaznivega dejanja iz prvega odstavka tega člena, se ne kaznuje, če gre za tajni podatek, ki razkriva protipraven poseg v človekove pravice ali temeljne svoboščine, druge ustavne ali zakonske pravice, hujše zlorabe oblasti ali pooblastil ali druge hujše nepravilnosti pri izvrševanju oblasti, javnih pooblastil ali opravljanju javne službe, dejanje pa ni storjeno iz koristoljubnosti in ne ogroža življenja ljudi ali nima hujših ali nepopravljivih škodljivih posledic za varnost ali zakonsko varovane interese Republike Slovenije.

(4) Ne glede na določbo drugega odstavka tega člena se ne kaznuje, kdor tajni podatek javno objavi, pridobi, posreduje ali poseduje z namenom razkritja javnosti, če glede na okoliščine primera javni interes po razkritju tajnega podatka prevlada nad javnim interesom po ohranitvi njegove tajnosti, in če z dejanjem ni neposredno ogroženo življenje ene ali več oseb.

(5) Če je dejanje iz prvega odstavka tega člena izvršeno iz koristoljubnosti ali je bilo z objavo neposredno ogroženo življenje ljudi ali je imela objava hujše ali nepopravljive škodljive posledice za varnost ali zakonsko varovane interese Republike Slovenije, se storilec kaznuje z zaporom do osmih let.

(6) Če je dejanje iz prvega odstavka tega člena storjeno iz malomarnosti, se storilec kaznuje z zaporom do enega leta.

Jemanje podkupnine

261. člen

(1) Uradna oseba ali javni uslužbenec, ki zase ali za koga drugega zahteva ali sprejme nagrado, darilo ali kakšno drugo korist ali obljubo oziroma ponudbo take koristi, da bi v mejah svojih uradnih pravic opravila uradno dejanje, ki ga ne bi smela opraviti, ali da ne bi opravila

(3) A person whose actions have the characteristics of a criminal offence referred to in paragraph one of this Article shall not be punished if it concerns classified information revealing an unlawful encroachment upon human rights or fundamental freedoms, other constitutional or legal rights, serious abuse of power or authority or other severe irregularities in exercising public office or public authority or in performing public services but the act is not committed out of self-interest and poses no threat to human lives or has no severe or irreparable adverse consequences for the security or legally protected interests of the Republic of Slovenia.

(4) Notwithstanding the provision of paragraph two of this Article, whoever publishes, acquires, disseminates or possesses classified information with a view to disclosing it to the public, if, depending on the circumstances of the case, the public interest in the disclosure of classified information prevails over the public interest in maintaining its secrecy, and if this act does not directly endanger the life of one or more persons, shall not be punished.

(5) If an act referred to in paragraph one of this Article is committed out of self-interest or there is a risk to human lives due to the publication of the classified information, or its publication has severe or irreparable adverse consequences for the security of the legally protected interests of the Republic of Slovenia, the perpetrator shall be punished by imprisonment for up to eight years.

(6) If an act referred to in paragraph one of this Article is committed through negligence, the perpetrator shall be sentenced to imprisonment for up to one year.

Acceptance of bribes

Article 261

(1) An official or public employee who requests or agrees to accept for him- or herself or another person an award, gift or other benefit or a promise or offer of such benefit in order to perform an official act within the scope of his or her official duties that should not be performed,

dejanja, ki bi ga morala ali smela opraviti ali kako drugače zlorabila svoj položaj, ali kdor posreduje pri takem podkupovanju, se kaznuje z zaporom od enega do osmih let in denarno kaznijo.

(2) Uradna oseba ali javni uslužbenec, ki zase ali za koga drugega zahteva ali sprejme nagrado, darilo ali kakšno drugo korist ali obljubo oziroma ponudbo take koristi, da bi v mejah svojih uradnih pravic opravila uradno dejanje, ki bi ga tudi sicer morala ali smela opraviti, ali da ne bi opravila dejanja, ki ga tudi sicer ne bi smela opraviti, ali kako drugače uporabila svoj položaj, ali kdor posreduje pri takem podkupovanju uradne osebe, se kaznuje z zaporom od enega do petih let in denarno kaznijo.

(3) Uradna oseba ali javni uslužbenec, ki, potem ko opravi oziroma ne opravi uradnega dejanja iz prejšnjih odstavkov, zahteva ali sprejme v zvezi s tem nagrado, darilo ali kakšno drugo korist, se kaznuje z denarno kaznijo ali zaporom do štirih let in denarno kaznijo.

(4) Sprejeta nagrada, darilo in kakšna druga korist se vzamejo.

Dajanje podkupnine

262. člen

(1) Kdor uradni osebi ali javnemu uslužbencu obljubi, ponudi ali da nagrado, darilo ali kakšno drugo korist zanjo ali za koga drugega, da bi v mejah svojih uradnih pravic opravila uradno dejanje, ki ga ne bi smela opraviti, ali da ne bi opravila dejanja, ki bi ga morala ali smela opraviti ali da bi kako drugače zlorabila svoj položaj ali kdor posreduje pri takem podkupovanju, se kaznuje za zaporom od enega do šestih let in denarno kaznijo.

(2) Kdor uradni osebi ali javnemu uslužbencu obljubi, ponudi ali da nagrado, darilo ali kakšno drugo korist zanjo ali za koga drugega, da bi v mejah svojih uradnih pravic opravila uradno dejanje, ki bi ga tudi sicer

or in order not to perform an official act that should or could be performed, or in order to otherwise abuse his or her position, or whoever serves as an intermediary in the bribe shall be sentenced to imprisonment for between one and eight years and imposed a fine.

(2) An official or public employee who requests or agrees to accept for him- or herself or another person an award, gift or other benefit, or a promise or offer of such benefit, in order to perform an official act within the scope of his or her official duties that should or could be performed, or in order not to perform an official act that should not be performed, or in order to otherwise abuse his or her position, or whoever serves as an intermediary in the bribe shall be sentenced to imprisonment for between one and five years and imposed a fine.

(3) An official or public employee who requests or accepts an award, gift or other benefit with respect to the performance of an official act referred to in the preceding paragraphs after having committed or without having committed the official act shall be punished by a fine or sentenced to imprisonment for up to four years and imposed a fine.

(4) The accepted award, gift and other benefit shall be confiscated.

Giving bribes

Article 262

(1) Whoever promises, offers or gives an award, gift or other benefit to an official or public employee or to any other person in order to perform an official act within the scope of his or her official duties that should not be performed, or in order not to perform an official act which should or could be performed, or in order to otherwise abuse his or her position, or whoever serves as an intermediary in the bribe shall be sentenced to imprisonment for between one and six years and imposed a fine.

(2) Whoever promises, offers or gives an award, gift or other benefit to an official or public employee or to any other person in order to either perform an official act within the scope of his or her official duties

morala ali smela opraviti, ali da ne bi opravila dejanja, ki ga tudi sicer ne bi smela opraviti ali da bi kako drugače uporabila svoj položaj, se kaznuje z zaporom od šestih mesecev do štirih let in denarno kaznijo.

(3) Storilcu kaznivega dejanja iz prejšnjih odstavkov, ki je dal nagrado, darilo ali kakšno drugo korist na zahtevo uradne osebe ali javnega uslužbenca, pa je dejanje naznanil, preden je bilo odkrito ali preden je izvedel, da je odkrito, se sme kazni odpustiti, če to ne nasprotuje pravilom mednarodnega prava.

Sprejemanje koristi za nezakonito posredovanje

263. člen

(1) Kdor zase ali za koga drugega zahteva ali sprejme nagrado, darilo ali kakšno drugo korist ali obljubo oziroma ponudbo take koristi, da bi izkoristil svoj položaj ali svoj resnični ali domnevni vpliv in posredoval, da se opravi ali ne opravi kakšno uradno dejanje, se kaznuje z zaporom do štirih let in denarno kaznijo.

(2) Enako se kaznuje, kdor izrabi svoj položaj ali svoj resnični ali domnevni vpliv in posreduje, da bi se opravilo uradno dejanje, ki se ne bi smelo opraviti, ali da se ne bi opravilo uradno dejanje, ki bi se moralo ali smelo opraviti.

(3) Če storilec za posredovanje iz prejšnjega odstavka pred posredovanjem ali po njem zase ali za koga drugega sprejme nagrado, darilo ali kakšno drugo korist, se kaznuje z zaporom od enega do šestih let in denarno kaznijo.

(4) Sprejeta nagrada, darilo ali kakšna druga korist se vzamejo.

Dajanje daril za nezakonito posredovanje

that should or could be performed, or in order not to perform an official act that should not be performed, or in order to otherwise abuse his or her position, shall be sentenced to imprisonment for between six months and four years and imposed a fine.

(3) If the perpetrator of a criminal offence referred to in the preceding paragraphs gives an award, gift or other benefit at the request of an official or public employee, and reports the commission of such act before it is detected or before he or she becomes aware that it has been detected, his or her punishment may be remitted, provided that it is not in contravention of the rules of international law.

Accepting a benefit for unlawful intermediation

Article 263

(1) Whoever accepts an award, gift or any other benefit or promise or offer of such benefit for him- or herself or another in order to use his or her position or real or presumptive influence to intervene for the performance or non-performance of a specific official act shall be sentenced to imprisonment for up to four years and imposed a fine.

(2) Whoever uses his or her position or his or her real or presumptive influence to intervene either for the performance of a specific official act that should not be performed, or for the non-performance of an official act that should or could be performed, shall be punished to the same extent.

(3) If, prior to or after an intervention, the perpetrator accepts any award, gift or other benefit for him- or herself or another in exchange for his or her intervention referred to in the preceding paragraph, he or she shall be sentenced to imprisonment for between one and five years and imposed a fine.

(4) The accepted award, gift and other benefit shall be confiscated.

Giving gifts for unlawful intervention

264. člen

(1) Kdor drugemu obljubi, ponudi ali da nagrado, darilo ali kakšno drugo korist zanj ali za koga drugega, da bi izkoristil svoj položaj ali svoj resnični ali domnevni vpliv in posredoval, da se opravi ali ne opravi kakšno uradno dejanje, se kaznuje z zaporom do štirih let in denarno kaznijo.

(2) Kdor drugemu obljubi, ponudi ali da nagrado, darilo ali kakšno drugo korist zanj ali za koga drugega, da bi izkoristil svoj položaj ali svoj resnični ali domnevni vpliv in posredoval, da bi se opravilo uradno dejanje, ki se ne bi smelo opraviti, ali da se ne bi opravilo uradno dejanje, ki bi se moralo ali smelo opraviti, se kaznuje z zaporom od enega do šestih let in denarno kaznijo.

(3) Storilcu kaznivega dejanja iz prejšnjih odstavkov, ki je dal nagrado, darilo ali kakšno drugo korist na zahtevo osebe, ki je nezakonito posredovala, pa je dejanje naznanil, preden je bilo odkrito ali preden je izvedel, da je odkrito, se sme kazen odpustiti.

265. člen (črtan)

Kršitev človeškega dostojanstva z zlorabo uradnega položaja ali uradnih pravic

266. člen

Uradna oseba, ki pri opravljanju službe z zlorabo svojega uradnega položaja ali uradnih pravic s kom grdo ravna, ga žali, ga lahko telesno poškoduje ali sploh ravna z njim tako, da prizadene njegovo človeško dostojanstvo, se kaznuje z zaporom do treh let.

Article 264

(1) Whoever promises, offers or gives an award, gift or any other benefit to another person or to a third person in order for the former to use his or her position or real or presumptive influence to intervene for the performance or non-performance of a specific official act shall be sentenced to imprisonment for up to four years and imposed a fine.

(2) Whoever promises, offers or gives an award, gift or any other benefit to another person or to a third person in order for the former to use his or her position or real or presumptive influence to intervene either for the performance of a specific official act that should not be performed or for the non-performance of an official act that should or could be performed, shall be sentenced to imprisonment for between one and six years and imposed a fine.

(3) If the perpetrator of a criminal offence referred to in the preceding paragraphs gives an award, gift or other benefit at the request of an illegal intermediary, and reports the commission of such act before it is detected or before he or she becomes aware that it has been detected, his or her punishment may be remitted.

Article 265 (Deleted)

Violation of human dignity through abuse of an official position or official powers

Article 266

An official who, in the performance of his or her office or through abuse of such position or official powers, ill-treats, insults, inflicts slight bodily harm on a person or otherwise treats a person in such a manner so as to damage the person's dignity, shall be sentenced to imprisonment for up to three years.

Izsiljevanje izjave

267. člen

(1) Uradna oseba, ki pri opravljanju službe ali javnih pooblastil uporabi silo, grožnjo ali kakšno drugo nedovoljeno sredstvo ali nedovoljen način, da bi od obdolženca, pričē, izvedenca ali koga drugega izsilila izpovedbo ali kakšno drugo izjavo, se kaznuje z zaporom od treh mesecev do petih let.

(2) Če je bilo dejanje iz prejšnjega odstavka storjeno s hudim nasiljem ali če storilec z izsiljevanjem izpovedbe povzroči hude posledice za obdolženca v kazenskem postopku, se storilec kaznuje z zaporom od enega do osmih let.

Protipravna prilastitev stvari ob preiskavi ali izvršbi

268. člen

(1) Uradna oseba, ki ob preiskavi stanovanja, prostorov ali oseb ali ob izvršbi v sodnem ali upravnem postopku vzame stvar zato, da si jo protipravno prilasti, se kaznuje z zaporom od šestih mesecev do petih let.

(2) Če gre za stvar velike vrednosti in je storilec hotel, da si prilasti stvar take vrednosti, se kaznuje z zaporom od enega do osmih let.

Sedemindvajseto poglavje
KAZNIVA DEJANJA ZOPER VOJAŠKO SLUŽBO

Neizpolnitev ukaza in odrekanje poslušnosti

Extortion of a statement

Article 267

(1) An official who, in the performance of his or her office or powers conferred by public law, uses force, threats or other unauthorised means or unauthorised methods to extort a deposition or other statement from a defendant or a witness, expert witness or any other person, shall be sentenced to imprisonment for between three months and five years.

(2) If an act referred to in the preceding paragraph is committed in an extremely violent manner or if, by extorting the deposition, the perpetrator causes severe consequences for a defendant in criminal proceedings, the perpetrator shall be sentenced to imprisonment for between one and eight years.

Misappropriation of objects during an investigation or enforcement procedure

Article 268

(1) An official who, during the search of a dwelling, premises or persons or in the course of judicial or administrative proceedings, takes an object with the intention of appropriating it, shall be sentenced to imprisonment for between six months and five years.

(2) If the object is of high value and the perpetrator's intention was to appropriate an object of such value, he or she shall be sentenced to imprisonment for between one and eight years.

Chapter Twenty-Seven
CRIMES AGAINST MILITARY DUTY

Non-execution of an order and refusal of obedience

269. člen

(1) Vojaška oseba, ki ne izpolni ukaza nadrejene vojaške osebe v zvezi s službo ali mu odreče poslušnost, pa zaradi tega nastane nevarnost za življenje ljudi ali premoženje velike vrednosti, se kaznuje z zapornom do dveh let.

(2) Vojaška oseba, ki se upira stražarju, straži, patrulji, dežurnemu ali drugi vojaški osebi, ko pri opravljanju svoje vojaške dolžnosti skrbi za varnost in red v vojaški enoti, se kaznuje z denarno kaznijo ali zapornom do enega leta.

Upiranje nadrejenemu

270. člen

(1) Vojaška oseba, ki se skupaj z drugimi vojaškimi osebami upre ukazu nadrejene vojaške osebe v zvezi s službo ali ga noče izpolniti ali mu odreče, da bi storila svojo dolžnost, se kaznuje z zapornom od treh mesecev do petih let.

(2) Vojaška oseba, ki pri storitvi dejanja iz prejšnjega odstavka uporabi orožje, se kaznuje z zapornom od enega do desetih let.

(3) S kaznijo iz prejšnjega odstavka se kaznuje, kdor je organiziral dejanje iz prvega odstavka tega člena, kakor tudi vojaški starešina, ki je sodeloval pri takem dejanju.

Odklonitev sprejema ali uporabe orožja

271. člen

Vojaška oseba, ki v nasprotju s predpisi in brez upravičenega razloga noče sprejeti orožja ali ga noče uporabiti po ukazu ali pravilih

Article 269

(1) A member of the military who fails to execute an order given by his or her superior with respect to military service or who refuses to obey him or her, thereby endangering human lives or property of high value, shall be sentenced to imprisonment for up to two years.

(2) A member of the military who resists a guard, sentry, patrol, officer on duty or other member of the military when performing his or her military duty to safeguard security and maintain order in a military unit shall be punished by a fine or imprisonment for up to one year.

Disobeying a superior officer

Article 270

(1) A member of the military who, together with other members of the military, disobeys an order of a superior officer or refuses to carry it out, or refuses to perform his or her duty, shall be sentenced to imprisonment for between three months and five years.

(2) A member of the military who uses arms in committing an act referred to in the preceding paragraph shall be sentenced to imprisonment for between one and ten years.

(3) The punishment referred to in the preceding paragraph shall also be imposed on anyone who organises the commission of an act referred to in paragraph one of this Article as well as on a superior military officer who participates in the commission of such act.

Refusal to take or use arms

Article 271

A member of the military who, contrary to regulations and without justified cause, refuses to take or use arms when ordered to do so

službe, se kaznuje z zaporom do enega leta.

Lažna ustna poročanja in lažna poročila

272. člen

Vojaška oseba, ki pri opravljanju službe lažno ustno poroča ali da lažno poročilo ali v njem zamolči kakšno dejstvo, ki ga ne bi smela zamolčati, in s tem spravi v nevarnost življenje ljudi ali premoženje velike vrednosti, se kaznuje z denarno kaznijo ali zaporom do enega leta.

Samovoljna odstranitev in beg iz vojske

273. člen

(1) Vojaška oseba, ki samovoljno zapusti svojo enoto ali službo med opravljanjem pomembne naloge ali med večjo bojno pripravljenostjo enote, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Enako se kaznuje vojaška oseba, ki ve za okoliščine iz prvega odstavka tega člena, pa se samovoljno ne vrne z dovoljenega izostanka iz enote ali službe, in vojaška oseba, ki samovoljno zapusti svojo enoto ali službo za več kot deset dni.

(3) Vojaška oseba, ki se skriva, da bi se izognila službi v vojski, se kaznuje z zaporom do treh let.

(4) S kaznijo iz prejšnjega odstavka se kaznuje vojaška oseba, ki odide iz države in ostane v tujini, da bi se izognila službi v vojski.

Grdo ravnanje s podrejenim

or in accordance with the rules of service, shall be sentenced to imprisonment for up to one year.

False oral reporting and false reports

Article 272

A member of the military who, in carrying out his or her duties, gives a false oral report or submits a false report or in so doing suppresses any fact that should not be suppressed, thus endangering human lives or property of high value, shall be punished by a fine or imprisonment for up to one year.

Desertion or escape from the armed forces

Article 273

(1) A member of the military who by his or her own free will deserts his or her unit or service during the performance of an important task or during a state of increased alert shall be punished by a fine or imprisonment for up to one year.

(2) Any member of the military who is aware of the circumstances referred to in paragraph one of this Article but fails to return of his or her own free will from an authorised period of leave from his or her unit or service, or who deserts his or her unit or service for more than ten days, shall be punished to the same extent.

(3) A member of the military who goes into hiding in order to evade service in the armed forces shall be sentenced to imprisonment for up to three years.

(4) The punishment referred to in the preceding paragraph shall also be imposed on a member of the military who leaves the country and remains abroad in order to evade service in the armed forces.

III treatment of subordinates

274. člen

(1) Nadrejena vojaška oseba, ki v službi ali v zvezi s službo grdo ravna s podrejenim, ali ravna z njim tako, da žali njegovo človeško dostojanstvo, se kaznuje z zaporom do treh let.

(2) Če nadrejena vojaška oseba stori dejanje iz prejšnjega odstavka proti več osebam, se kaznuje z zaporom do petih let.

Kršitev predpisov o straženju

275. člen

(1) Vojaška oseba, ki ne ravna v skladu s predpisi o straženju, patrolji, dežurni ali drugi službi za vzdrževanje varnosti in reda v vojaški enoti, poveljstvu ali zavodu ali za vojaško zaščito objektov ali območij in s tem povzroči nevarnost za življenje ljudi ali premoženje velike vrednosti, se kaznuje z zaporom do treh let.

(2) Če je dejanje iz prejšnjega odstavka storjeno iz malomarnosti, se storilec kaznuje z zaporom do enega leta.

(3) Če imata dejanji iz prvega ali drugega odstavka tega člena za posledico hudo telesno poškodbo ene ali več oseb ali veliko premoženjsko škodo, se storilec kaznuje za dejanje iz prvega odstavka z zaporom od enega do petih let, za dejanje iz drugega odstavka pa z zaporom do treh let.

(4) Če imata dejanji iz prvega ali drugega odstavka tega člena za posledico smrt ene ali več oseb, se storilec kaznuje za dejanje iz prvega odstavka z zaporom od enega do dvanajstih let, za dejanje iz drugega odstavka pa z zaporom od enega do osmih let.

Article 274

(1) A superior military officer who, during or in connection with military service, ill-treats a subordinate or violates his or her human dignity shall be sentenced to imprisonment for up to three years.

(2) If a superior military officer commits an act referred to in the preceding paragraph against more than one person, he or she shall be sentenced to imprisonment for up to five years.

Violation of sentry rules

Article 275

(1) A member of the military who endangers human lives or property of high value by acting contrary to the rules of sentry duty, patrol, standby duty or any other duty for safeguarding security and maintaining order in a military unit, headquarters or institution or for ensuring the military protection of objects or areas, shall be sentenced to imprisonment for up to three years.

(2) If an act referred to in the preceding paragraph is committed through negligence, the perpetrator shall be sentenced to imprisonment for up to one year.

(3) If an act referred to in paragraph one or two of this Article involves serious bodily injury to one or more persons or large property damage, the perpetrator shall be sentenced to imprisonment for between one and five years for an act referred to in paragraph one, and for up to three years for an act referred to in paragraph two.

(4) If an act referred to in paragraph one or two of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between one and twelve years for an act referred to in paragraph one, and for between one and eight years for an act referred to in paragraph two.

Opustitev ukrepov za varnost ljudi in premoženja v vojaški enoti

276. člen

(1) Poveljujoča vojaška oseba, ki ne stori predpisanih ali ukazanih ukrepov za varnost življenja in zdravja zaupanih mu ljudi, zavarovanje in dobro vzdrževanje objektov, predmetov in sredstev za bojno pripravljenost, nujno oskrbo zaupane mu enote s hrano, opremo ali sredstvi, ali ne ukrene, kar mora ukreniti, da so zavarovalna dela pravočasno in v redu opravljena in spravi s tem v nevarnost življenje ljudi ali premoženje velike vrednosti, se kaznuje z zaporom do treh let.

(2) Če je dejanje iz prejšnjega odstavka storjeno iz malomarnosti, se storilec kaznuje z zaporom do enega leta.

(3) Če imata dejanji iz prvega ali drugega odstavka tega člena za posledico hudo telesno poškodbo ene ali več oseb, se storilec kaznuje za dejanje iz prvega odstavka z zaporom od enega do petih let, za dejanje iz drugega odstavka pa z zaporom do treh let.

(4) Če imata dejanji iz prvega ali drugega odstavka tega člena za posledico smrt ene ali več oseb, se storilec kaznuje za dejanje iz prvega odstavka z zaporom od enega do dvanajstih let, za dejanje iz drugega odstavka pa z zaporom od enega do osmih let.

Opustitev zavarovanja pri vojaških vajah

277. člen

(1) Vojaška oseba, ki pri vaji, pouku ali poskusih ne stori predpisanih ali ukazanih varnostnih ali previdnostnih ukrepov in spravi s tem v nevarnost življenje ljudi ali premoženje velike vrednosti, se kaznuje

Omission of safety measures for military personnel and property

Article 276

(1) A military commander who endangers human lives or property of high value by failing to enforce the prescribed or ordered measures for protecting the lives and health of the personnel entrusted to him or her, for the safeguarding and maintenance of military installations, objects and combat readiness equipment, or for the essential supply of his or her military unit with food, equipment and materials, or by failing to do what is required to ensure the appropriate and timely completion of protective measures, shall be sentenced to imprisonment for up to three years.

(2) If an act referred to in the preceding paragraph is committed through negligence, the perpetrator shall be sentenced to imprisonment for up to one year.

(3) If an act referred to in paragraph one or two of this Article involves serious bodily injury to one or more persons, the perpetrator shall be sentenced to imprisonment for between one and five years for an act referred to in paragraph one, and for up to three years for an act referred to in paragraph two.

(4) If an act referred to in paragraph one or two of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between one and twelve years for an act referred to in paragraph one, and for between one and eight years for an act referred to in paragraph two.

Failure to enforce protective measures during military exercises

Article 277

(1) A member of the military who, during exercises, training or tests, fails to enforce the required or ordered safety or precautionary measures, thereby endangering human lives or property of high value,

z zapalom do treh let.

(2) Če je dejanje iz prejšnjega odstavka storjeno iz malomarnosti, se storilec kaznuje z zapalom do enega leta.

(3) Če imata dejanji iz prvega ali drugega odstavka tega člena za posledico hudo telesno poškodbo ene ali več oseb, se storilec kaznuje za dejanje iz prvega odstavka z zapalom od enega do petih let, za dejanje iz drugega odstavka pa z zapalom do treh let.

(4) Če imata dejanji iz prvega ali drugega odstavka tega člena za posledico smrt ene ali več oseb, se storilec kaznuje za dejanje iz prvega odstavka z zapalom od enega do dvanajstih let, za dejanje iz drugega odstavka pa z zapalom od enega do osmih let.

Odgovornost za kaznivo dejanje, storjeno na ukaz nadrejenega

278. člen

Podrejeni se ne kaznuje, če stori kaznivo dejanje na ukaz ali povelje nadrejene vojaške osebe in se ta ukaz ali povelje nanaša na vojaško dolžnost, razen če ne gre za vojno hudodelstvo ali kakšno drugo hudo kaznivo dejanje, ali če je vedel, da pomeni izvršitev ukaza ali povelja kaznivo dejanje.

Milejše kaznovanje zaradi izzvanosti

279. člen

Če je bil storilec kaznivega dejanja iz 269. člena, prvega odstavka 270. člena ali prvega odstavka 273. člena tega zakonika izzvan z nezakonitim ali surovim ravnanjem vojaške osebe, se sme kaznovati mileje ali se mu sme odpustiti kazen.

shall be sentenced to imprisonment for up to three years.

(2) If an act referred to in the preceding paragraph is committed through negligence, the perpetrator shall be sentenced to imprisonment for up to one year.

(3) If an act referred to in paragraph one or two of this Article involves serious bodily injury to one or more persons, the perpetrator shall be sentenced to imprisonment for between one and five years for an act referred to in paragraph one, and for up to three years for an act referred to in paragraph two.

(4) If an act referred to in paragraph one or two of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between one and twelve years for an act referred to in paragraph one, and for between one and eight years for an act referred to in paragraph two.

Liability for a criminal offence committed by order of a superior officer

Article 278

A subordinate member of the military shall not be punished if he or she commits a criminal offence by the order or command of a superior officer issued in relation to a military duty, unless the performance thereof constitutes a war crime or any other grave criminal offence, or if he or she was aware that carrying out such order or command constituted a criminal offence.

Mitigated punishment in cases of provocation

Article 279

If the perpetrator of a criminal offence referred to in Article 269, paragraph one of Article 270 or paragraph one of Article 273 of this Code is provoked by unlawful or brutal conduct on the part of a member of the military, his or her punishment may be mitigated or remitted.

Opustitev ovadbe, da se pripravlja kaznivo dejanje

280. člen

(1) Kdor ve, da se pripravlja kaznivo dejanje, za katero je z zakonom predpisana kazen treh ali več let zapor, pa ga v času, ko se je dalo še preprečiti, ne naznani in je bilo dejanje poskušeno ali dokončano, se kaznuje z zapornom do enega leta.

(2) Če je šlo pri dejanju iz prejšnjega odstavka za kaznivo dejanje, za katero je z zakonom predpisana kazen najmanj petnajst let zapor ali dosmrtni zapor, se storilec kaznuje z zapornom do treh let.

(3) Kdor ne naznani, da se pripravlja kaznivo dejanje iz prvega odstavka tega člena, se ne kaznuje, če je storilec zakonec, oseba, s katero živi v zunajzakonski skupnosti ali registrirani istospolni partnerski skupnosti, krvni sorodnik v ravni vrsti, brat ali sestra, posvojitelj ali posvojenec. Če se katera od oseb, navedenih v tem odstavku, ne kaznuje za opustitev ovadbe iz prvega odstavka tega člena, se za opustitev ovadbe ne kaznuje niti njen zakonec ali oseba, s katero živi v zunajzakonski skupnosti niti partner iz registrirane istospolne partnerske skupnosti.

Opustitev ovadbe kaznivega dejanja ali storilca

281. člen

(1) Kdor ve za storilca kaznivega dejanja, za katero je z zakonom predpisana kazen najmanj petnajstih let zapor ali dosmrtnega zapor, ali kdor samo ve, da je bilo tako dejanje storjeno, pa tega ne

Failure to report a criminal offence in preparation

Article 280

(1) Whoever, having knowledge of the preparations for a criminal offence punishable by an Act by imprisonment for three years or more, fails to inform the competent authorities thereof sufficiently in advance to prevent it, and if the perpetration of such act is subsequently attempted or accomplished, shall be sentenced to imprisonment for up to one year.

(2) If an act referred to in the preceding paragraph is committed with respect to a criminal offence punishable by an Act by imprisonment for at least fifteen years or a life sentence, the perpetrator shall be sentenced to imprisonment for up to three years.

(3) No punishment shall be imposed on whoever fails to inform the competent authorities of the preparations for a criminal offence referred to in paragraph one of this Article if he or she is the spouse, cohabitant, registered civil partner, lineal relative, brother, sister, adoptive parent or adopted child of the perpetrator. If any of the aforementioned persons is not to be punished for failing to report the preparations of a criminal offence pursuant to paragraph one of this Article, his or her spouse, common-law partner, or registered same-sex civil partner shall not be punished for such act.

Failure to report a criminal offence or perpetrator

Article 281

(1) Whoever has knowledge of a perpetrator of a criminal offence punishable by an Act by imprisonment for at least fifteen years, or whoever has knowledge of the commission of such an act and fails to

naznani, čeprav je od take ovadbe odvisno, da se storilec ali dejanje pravočasno odkrije, se kaznuje z zaporom do treh let.

(2) Uradna oseba, ki zavestno opusti ovadbo kaznivega dejanja, za katero zve pri opravljanju svoje službe, če je zanj z zakonom predpisana kazen treh ali več let zavora, storilec pa se preganja po uradni dolžnosti, se kaznuje z zaporom do treh let.

(3) Kdor opusti ovadbo, se ne kaznuje, če je storilec zakonec, oseba, s katero živi v zunajzakonski skupnosti ali registrirani istospolni partnerski skupnosti, krvni sorodnik v ravni vrsti, brat ali sestra, posvojitelj ali posvojenec ali če je zagovornik, zdravnik ali spovednik storilca. Ker se katera od oseb iz tega odstavka razen zagovornika, zdravnika ali spovednika ne kaznuje za opustitev ovadbe iz prvega odstavka tega člena, se za opustitev ovadbe ne kaznuje niti njen zakonec niti oseba, s katero živi v zunajzakonski skupnosti niti partner iz registrirane istospolne partnerske skupnosti.

Pomoč storilcu po storitvi kaznivega dejanja

282. člen

(1) Kdor skriva storilca kaznivega dejanja, ki se preganja po uradni dolžnosti, ali mu s skrivanjem orodja, sledov ali kako drugače pomaga, da ga ne odkrijejo, ali kdor skriva obsojenca ali stori kaj drugega, da se ne bi izvršila kazen ali izrečeni varnostni ukrep ali da se ne bi uporabil vzgojni ukrep oddaje v vzgojni zavod ali prevzgojni dom, se kaznuje z zaporom do enega leta.

(2) Če gre za pomoč storilcu kaznivega dejanja po prejšnjem odstavku, za katero je predpisana kazen zavora najmanj petnajstih let ali dosmrtnega zavora, se storilec kaznuje z zaporom do petih let.

inform the competent authorities thereof, even though such information is crucial for the timely identification of the perpetrator, shall be sentenced to imprisonment for up to three years.

(2) An official who consciously fails to report a criminal offence that he or she learns of in the performance of his or her official duties and which is punishable by an Act by imprisonment for three years or more and the perpetrator thereof is prosecuted *ex officio*, shall be sentenced to imprisonment for up to three years.

(3) No punishment shall be imposed on whoever fails to report a criminal offence if the perpetrator is his or her spouse, common-law partner, registered same-sex civil partner, lineal relative, brother, sister, adoptive parent, or adopted child, or if such person is the defence counsel, physician or confessor of the perpetrator. Since no person referred to in this paragraph, except the defence counsel, physician or confessor, is to be punished for failure to report a criminal offence referred to in paragraph one of this Article, no punishment shall be imposed on his or her spouse, common-law partner or registered same-sex civil partner for failing to report a criminal offence.

Provision of assistance to a perpetrator after the commission of a criminal offence

Article 282

(1) Whoever conceals or shelters the perpetrator of a criminal offence that is prosecuted *ex officio* or conceals the instruments or traces of the criminal offence or otherwise provides him or her with assistance in avoiding being discovered, or whoever hides a convicted person or commits any other act in order to prevent the enforcement of a punishment or a precautionary measure, or to prevent the application of a corrective measure in a residential treatment institution or correctional facility, shall be sentenced to imprisonment for up to one year.

(2) If the assistance referred to in the preceding paragraph is provided to the perpetrator of a criminal offence that is punishable by at least fifteen years of imprisonment or a life sentence, the person providing the assistance shall be sentenced to imprisonment for up to five years.

(3) Kazen za dejanje iz prvega odstavka tega člena ne sme biti ne po vrsti ne po višini hujša od kazni, ki je predpisana za kaznivo dejanje osebe, ki ji je storilec pomagal.

(4) Za dejanje iz prvega ali drugega odstavka tega člena se ne kaznuje zakonec storilca, oseba, s katero živi v zunajzakonski skupnosti ali v registrirani istospolni partnerski skupnosti, ali krvni sorodnik v ravni vrsti, brat ali sestra, posvojitelj ali posvojenec. Ker se katera od oseb iz tega odstavka ne kaznuje za kaznivo dejanje iz prvega ali drugega odstavka, se za pomoč storilcu pri storitvi kaznivega dejanja iz prvega ali drugega odstavka tega člena ne kaznuje niti njegov zakonec ali oseba, s katero živi v zunajzakonski skupnosti niti partner iz registrirane istospolne partnerske skupnosti.

(5) Če se pregon storilca kaznivega dejanja začne na predlog, se tudi storilec kaznivega dejanja iz prvega odstavka tega člena preganja na predlog.

Kriva ovadba

283. člen

(1) Kdor koga naznani, da je storil kaznivo dejanje, ki se preganja po uradni dolžnosti, pa ve, da ga ni storil, se kaznuje z zaporom do dveh let.

(2) Enako se kaznuje, kdor podtakne sledove kaznivega dejanja ali kako drugače povzroči, da se uvede kazenski postopek za kaznivo dejanje, za katero se storilec preganja po uradni dolžnosti, zoper nekoga, za katerega ve, da ga ni storil.

(3) Kdor se sam naznani, da je storil kaznivo dejanje, ki se preganja po uradni dolžnosti, čeprav ga ni storil, se kaznuje z denarno kaznijo.

(3) The punishment for an act referred to in paragraph one of this Article may not be greater, either in type or extent, than the punishment prescribed for the criminal offence committed by the person provided assistance by the perpetrator.

(4) No punishment shall be imposed on the spouse, common-law partner, registered same-sex civil partner, lineal relative, brother, sister, adoptive parent or adopted child of the perpetrator for the commission of an act referred to in paragraph one or two of this Article. Since no punishment is to be imposed on any of the persons referred to in this paragraph for committing an act referred to in paragraph one or two of this Article, no punishment for the act of assisting in the commission of a criminal offence shall be imposed on the perpetrator's spouse, common-law partner or registered same-sex civil partner.

(5) In the event prosecution of the perpetrator of a criminal offence is initiated upon a proposal, the same shall apply to the perpetrator of a criminal offence referred to in paragraph one of this Article.

False criminal complaint

Article 283

(1) Whoever reports that a person has committed a criminal offence that is prosecuted *ex officio* and knows that the accusation is false shall be sentenced to imprisonment for up to two years.

(2) The same punishment shall be imposed on whoever plants the traces of a criminal offence on another person or otherwise causes the initiation of criminal proceedings against such person *ex officio* and is aware that that person is not the perpetrator of the criminal offence concerned.

(3) Whoever falsely reports that he or she has committed a criminal offence that is prosecuted *ex officio* shall be punished by a fine.

(4) Enako kot v prejšnjem odstavku se kaznuje tudi, kdor naznani, da je bilo storjeno kaznivo dejanje, ki se preganja po uradni dolžnosti, čeprav ve, da tako dejanje ni bilo storjeno, in s tem povzroči, da državni organi začnejo ukrepati.

(5) Če stori dejanje iz prvega ali drugega odstavka tega člena uradna oseba z zlorabo uradnega položaja, se kaznuje z zaporom do treh let.

Kriva izpovedba

284. člen

(1) Priča, izvedenec, cenilec, prevajalec ali tolmač, ki pred sodiščem, v postopku o prekršku, parlamentarne preiskave, za ugotavljanje kršitev delovnih obveznosti ali drugih kršitev delovne discipline, v drugem disciplinskem ali upravnem postopku po krivem izpove, izvedenec ali cenilec, ki da lažno pisno mnenje, ali prevajalec, ki da lažni pisni prevod, se kaznuje z zaporom do treh let.

(2) Enako se kaznuje stranka, ki je pri dokazovanju z zaslišanjem strank v pravdnem, nepravdnem, izvršilnem ali upravnem postopku po krivem izpovedala, in je sodišče ali drug pristojni organ na to izpovedbo oprlo svojo odločbo v tem postopku.

(3) Za krivo izpovedbo v kazenskem postopku se storilec kaznuje z zaporom do petih let.

(4) Če ima dejanje iz prejšnjega odstavka posebno hude posledice za obdolženca, se storilec kaznuje z zaporom od enega do osmih let.

(5) Če storilec prostovoljno prekliče svojo krivo izpovedbo, preden se izda dokončna odločba, se kaznuje z denarno kaznijo, sme pa se mu tudi odpustiti kazen.

(4) The same punishment as referred to in the preceding paragraph shall be imposed on whoever reports a criminal offence that is prosecuted *ex officio*, thus initiating action by the competent state authorities, despite knowing that the allegation is false.

(5) If an act referred to in paragraph one or two of this Article is committed by an official through abuse of office, he or she shall be sentenced to imprisonment for up to three years.

False deposition

Article 284

(1) A witness, expert, appraiser, translator or interpreter who makes a false deposition before a court in minor offence proceedings, in parliamentary investigation proceedings, in proceedings for identifying violations of work obligations or other violations of work discipline or in other disciplinary or administrative proceedings, and an expert or appraiser who makes a false opinion in writing, or a translator who makes a false written translation, shall be sentenced to imprisonment for up to three years.

(2) The same punishment shall be imposed on any party who, while being heard in civil, non-contentious, enforcement or administrative proceedings, makes a false statement on which the court or other competent authority bases its decision in such proceedings.

(3) The offence of making a false deposition in criminal proceedings shall be punished by imprisonment for up to five years.

(4) If an act referred to in the preceding paragraph entails particularly severe consequences for the defendant, the perpetrator shall be sentenced to imprisonment for between one and eight years.

(5) If the perpetrator voluntarily withdraws his or her false statement before a judgment is passed, he or she shall be punished by a fine or his or her punishment shall be remitted.

Preprečitev dokazovanja

285. člen

(1) Kdor, zato da bi preprečil ali otežil dokazovanje, skrije, uniči ali poškoduje tujo listino ali drugo stvar, predlagano za dokazovanje, ali jo napravi delno ali popolnoma neuporabno, se kaznuje z zaporom do treh let.

(2) Enako se kaznuje tudi, kdor z namenom iz prejšnjega odstavka odstrani, uniči, pokvari, premakne ali prestavi mejnik, zemljemersko znamenje ali sploh kakšno znamenje o lastninski pravici na nepremičnini ali pravici do uporabe vode ali kdor z enakim namenom tako znamenje postavi napačno.

(3) Kdor, zato da bi preprečil ali otežil dokazovanje v kazenskem postopku, predloži dokaze, za katere ve, da so lažni ali ponarejeni, se kaznuje z zaporom do petih let.

Oviranje pravosodnih in drugih državnih organov

286. člen

(1) Kdor z namenom, da bi v sodnem ali upravnem postopku ali v postopku parlamentarne preiskave ali v postopku pred Komisijo za preprečevanje korupcije vplival na pričanje ali izvajanje dokazov ali kdor z namenom, da bi v predkazenskem postopku vplival na zbiranje obvestil, uporabi zoper drugega fizično silo, grožnjo ali ustrahovanje, mu ponuja ali daje nedovoljene koristi, se kaznuje z zaporom do petih let.

(2) Enako se kaznuje, kdor z namenom, da bi vplival na opravljanje uradnih dolžnosti uradnih oseb v pravosodju, v organih

Preventing the giving or taking of evidence

Article 285

(1) Whoever, with the intention of preventing or hindering the giving and taking of evidence, conceals, destroys or damages a document of another person, or another object proposed as evidence, or renders such document or object wholly or partly useless, shall be sentenced to imprisonment for up to three years.

(2) Whoever, with the intention referred to in the preceding paragraph, removes, destroys, damages, shifts or relocates a boundary stone, geodetic mark or any other landmark intended to designate a real property right or the right to use water, or whoever, with the same intention, falsely sets up such a landmark, shall be punished to the same extent.

(3) Whoever, with the intention of preventing or hindering the giving and taking of evidence in criminal proceedings, submits evidence that he or she is aware is false or forged shall be sentenced to imprisonment for up to five years.

Obstruction of judicial and other State bodies

Article 286

(1) Whoever, with the intention of influencing testimony or the taking of evidence in judicial or administrative proceedings or in the course of a parliamentary investigation or during a procedure before the Commission for the Prevention of Corruption, or whoever, with the intention of interfering with the collection of information in pre-trial proceedings uses physical force, threats or intimidation against another person, or offers or gives to such person illicit benefits, shall be sentenced to imprisonment for up to five years.

(2) The same punishment shall be imposed on whoever uses physical force, threats or intimidation against an official with the intention

odkrivanja in pregona v zvezi s kazenskim postopkom, uporabi zoper uradno osebo fizično silo, grožnjo ali ustrahovanje.

Kršitev tajnosti postopka

287. člen

(1) Kdor neupravičeno izda, kar je izvedel v postopku pred glavno obravnavo ali na obravnavi pred sodiščem, na ustni obravnavi v upravnem postopku ali postopku o prekršku ali postopku parlamentarne preiskave ali v postopku pred Komisijo za preprečevanje korupcije, za kar je z zakonom določeno, da se ne sme objaviti, ali pa je bilo z odločbo pristojnega organa ali sodišča odločeno, da ostane tajno, se kaznuje z denarno kaznijo ali z zapornom do enega leta.

(2) Kdor objavi osebne podatke mladoletne osebe, ki je udeleženec v sodnem, upravnem ali v kakršnemkoli drugem postopku, ali objavi druge informacije, na podlagi katerih bi bilo mogoče prepoznati njegovo identiteto, se kaznuje z denarno kaznijo ali z zapornom do 3 let.

(3) Kdor razkrije identiteto ali posamezne osebne ali druge podatke, ki bi lahko pripeljali do razkritja identitete zaščitene priče, ogrožene osebe ali osebe s prirejeno identiteto, se kaznuje z zapornom do treh let.

(4) S kaznijo iz prejšnjega odstavka se kaznuje, kdor razkrije identiteto ali posamezne osebne ali druge podatke, ki bi lahko pripeljali do razkritja identitete zaščitene prijavitelja korupcije, če so s tem razkritjem prijavitelju povzročene hujše posledice.

(5) Če stori dejanje iz tretjega ali četrtega odstavka tega člena uradna oseba, se kaznuje z zapornom do petih let.

Protizakonito, pristransko in krivično sojenje

of interfering with the performance of official duties by officials in the judiciary and law enforcement authorities in relation to criminal proceedings.

Violation of the secrecy of proceedings

Article 287

(1) Whoever unlawfully discloses any matter that he or she learns of in the course of proceedings before the main hearing, during a hearing in court, during an oral hearing in administrative proceedings, or during minor offence proceedings, or in the course of a parliamentary investigation, or during a procedure before the Commission for the Prevention of Corruption, whose publication is prohibited by an Act or by a decision issued by a court or other competent authority, shall be punished by a fine or imprisonment for up to a year.

(2) Whoever publishes the personal data of a minor who is party to judicial, administrative, or any other proceedings, or publishes other information that could be relevant to establishing the minor's identity, shall be punished by a fine or imprisonment for up to three years.

(3) Whoever reveals the identity or personal or other data of a protected witness, a person at risk or a person with a modified identity, shall be sentenced to imprisonment for up to three years.

(4) Whoever reveals the identity or personal or other data of a protected person reporting corruption shall be sentenced to the same punishment if such disclosure has severe consequences for the reporting person.

(5) If an act referred to in paragraph three or four of this Article is committed by an official, he or she shall be sentenced to imprisonment for up to five years.

Unlawful, biased and unjust trial

288. člen

(1) Sodnik, ki pri vodenju sodnega postopka ali izrekanju sodne odločbe zavestno krši zakon ali izkrivlja pravo, da bi stranki v postopku škodoval ali ji neupravičeno dal prednost, se kaznuje z zaporom do treh let.

(2) Enako se kaznuje sodnik, ki z namenom iz prejšnjega odstavka tega člena opre sodno odločbo na dejstva, za katera ve, da ne obstojijo ali se krivo podtikajo z lažnimi ali nedovoljenimi dokazi.

Preprečitev vrnitve na delo

289. člen

Kdor zavestno ne ravna po pravnomočni sodni odločbi, s katero je bilo odločeno o vrnitvi delavca na delo, se kaznuje z denarno kaznijo ali zaporom do enega leta.

Kršitev prepovedi opravljanja poklica

290. člen

Kdor omogoči drugemu opravljanje poklica, dejavnosti ali dolžnosti, čeprav ve, da mu je bil s pravnomočno sodno odločbo izrečen varnostni ali varstveni ukrep prepovedi opravljanja poklica ali da je taka prepoved nastala kot pravna posledica obsodbe, se kaznuje z denarno kaznijo ali zaporom do enega leta.

Beg osebe, ki ji je vzeta prostost

Article 288

(1) A judge who, in conducting judicial proceedings or handing down a court decision, knowingly violates or distorts the law with the intention of causing damage to a party to the proceedings or giving unjustified precedence to that party, shall be sentenced to imprisonment for up to three years.

(2) A judge who, with the intention referred to in the preceding paragraph of this Article, bases a court decision on facts that he or she is aware do not exist or are imputed by false or unlawful evidence, shall be punished to the same extent

Preventing a return to work

Article 289

Whoever knowingly fails to comply with a final judgment entitling a worker to return to his or her job shall be punished by a fine or imprisonment for up to one year.

Violation of a prohibition on practising a profession

Article 290

Whoever enables another person to perform a profession, activity or duty, although he or she knows that that person has been prohibited from performing such profession by a final court decision issued as a security or preventive measure or that such prohibition is a legal consequence of a conviction, shall be punished by a fine or imprisonment for up to one year.

Escape from prison

291. člen

Kdor s silo ali grožnjo, da bo neposredno napadel življenje ali telo, pobegne iz zapora ali pripora, se kaznuje z zaporom do treh let.

Upor oseb, ki jim je vzeta prostost

292. člen

(1) Kdor sodeluje v skupini oseb, ki jim je vzeta prostost in so se zbrale, da bi se s silo osvobodile ali da bi združeno napadle osebe, katerih nadzorstvu so zaupane, ali da bi jih s silo ali grožnjo, da bodo neposredno uporabile silo, prisilile, da kaj storijo ali opustijo, kar je proti njihovi dolžnosti, se kaznuje z zaporom do dveh let.

(2) Storilec dejanja iz prejšnjega odstavka, ki je uporabil silo ali grožnjo, se kaznuje z zaporom do treh let.

Omogočanje bega osebi, ki ji je vzeta prostost

293. člen

(1) Kdor s silo, grožnjo, preslepitvijo ali kako drugače omogoči beg komu, ki prestaja kazen v zaporu, ali komu, ki je priprt, ali ki prestaja varnostni ukrep obveznega psihiatričnega zdravljenja in varstva v zdravstvenem zavodu, ali mladoletniku, ki je v prevzgojnem domu, se kaznuje z zaporom do treh let.

(2) Če je dejanje iz prejšnjega odstavka storjeno v organizirani skupini, se storilec kaznuje z zaporom do petih let.

Article 291

Whoever escapes from a prison or confinement by force or threat of imminent attack on life and body shall be sentenced to imprisonment for up to three years.

Prison rebellion

Article 292

(1) Whoever cooperates with a group of prisoners assembled with a view to escaping from custody by force, or to making a joint attack on persons in charge of their supervision, or to compelling these persons by force or threat of imminent use of force to commit or omit an act contrary to their duties, shall be sentenced to imprisonment for up to two years.

(2) A perpetrator of an act referred to in the preceding paragraph who has used force or threat shall be sentenced to imprisonment for up to three years.

Enabling the escape of prisoners

Article 293

(1) Whoever by force, threat, deception, or otherwise enables the escape of a person serving a sentence in a prison, or a detained person or a person subject to compulsory psychiatric treatment and confinement in a mental health institution, or a minor in a correctional institution, shall be sentenced to imprisonment for up to three years.

(2) If an act referred to in the preceding paragraph is committed by an organised group, the perpetrator shall be sentenced to imprisonment for up to five years.

Hudodelsko združevanje

294. člen

(1) Kdor sodeluje v hudodelski združbi, ki ima namen storiti kaznivo dejanje, za katero se sme izreči kazen več kot treh let zapora ali dosmrtnega zapora, se kaznuje z zaporom od treh mesecev do petih let.

(2) Kdor ustanovi ali vodi združbo iz prejšnjega odstavka, se kaznuje z zaporom od šestih mesecev do osmih let.

(3) Storilcu kaznivega dejanja iz prejšnjih odstavkov, ki prepreči nadaljnje opravljanje teh dejanj ali razkrije podatke, ki so pomembni za preiskovanje in dokazovanje že storjenih kaznivih dejanj, se kazen za ta dejanja omili v skladu z 51. členom tega zakonika.

Dogovor za kaznivo dejanje

295. člen

Kdor se s kom dogovori, da bosta storila kaznivo dejanje, za katero se sme izreči kazen petih let zapora ali hujša kazen, se kaznuje z zaporom do enega leta.

Nasilništvo

296. člen

Criminal association

Article 294

(1) Whoever participates in a criminal organisation whose purpose is to commit criminal offences punishable by imprisonment for more than three years or a life sentence shall be sentenced to imprisonment for between three months and five years.

(2) Whoever establishes or leads an organisation referred to in the preceding paragraph shall be sentenced to imprisonment for between six months and eight years.

(3) The perpetrator of a criminal offence referred to in the preceding paragraphs who prevents the further commission of such acts or discloses information that is relevant to investigating and proving already committed criminal offences may receive a mitigated sentence pursuant to Article 51 of this Code.

Criminal conspiracy

Article 295

Whoever agrees to commit a criminal offence with another person that is punishable by imprisonment for five years or more shall be sentenced to imprisonment for up to one year.

Violent conduct

Article 296

(1) Kdor z drugim grdo ravna, ga pretepa ali drugače boleče ali ponižujoče kaznuje, ga s silo ali grožnjo z neposrednim napadom na življenje ali telo preganja ali mu jemlje svobodo gibanja, ga prisiljuje k delu ali opuščanju dela ali ga kako drugače z nasilnim omejevanjem njegovih enakih pravic spravlja v podrejen položaj, se kaznuje z zaporom do dveh let.

(2) Če dejanje iz prejšnjega odstavka storita dve ali več oseb ali če je bilo hudo ponižanih več oseb ali če storilec drugega lahko telesno poškoduje, se storilec kaznuje z zaporom do treh let.

(3) Enako kot v prejšnjem odstavku se kaznuje, kdor povzroča nasilje ali ogroža varnost drugih na športnih prireditvah ali v zvezi s temi prireditvami.

Javno spodbujanje sovraštva, nasilja ali nestrpnosti

297. člen

(1) Kdor javno spodbuja ali razpihuje sovraštvo, nasilje ali nestrpnost, ki temelji na narodnostni, rasni, verski ali etnični pripadnosti, spolu, barvi kože, poreklu, premoženjskem stanju, izobrazbi, družbenem položaju, političnem ali drugem prepričanju, invalidnosti, spolni usmerjenosti ali katerikoli drugi osebni okoliščini, in je dejanje storjeno na način, ki lahko ogrozi ali moti javni red in mir, ali z uporabo grožnje, zmerjanja ali žalitev, se kaznuje z zaporom do dveh let.

(2) Enako se kaznuje, kdor na način iz prejšnjega odstavka javno širi ideje o večvrednosti ene rase nad drugo ali daje kakršnokoli pomoč pri rasistični dejavnosti ali zanika, zmanjšuje pomen, odobrava, opravičuje, smeši ali zagovarja genocid, holokavst, hudodelstvo zoper človečnost, vojno hudodelstvo, agresijo ali druga kazniva dejanja zoper človečnost, kot so opredeljena v pravnem redu Republike Slovenije.

(1) Whoever ill-treats another person, beats him or her or punishes him or her in some other painful or humiliating manner, persecutes him or her or deprives him or her of freedom of movement by use of force or threat of imminent attack on life and limb, forces him or her to work or to abandon work, or otherwise puts him or her in a subordinate position by violently restricting his or her equal rights, shall be sentenced to imprisonment for up to two years.

(2) If an act referred to in the preceding paragraph is committed by at least two or more persons, or entails the serious humiliation of several persons or slight bodily harm, the perpetrator shall be sentenced to imprisonment for up to three years.

(3) The same punishment as referred to in the preceding paragraph shall be imposed on a person who causes violence or poses a threat to the safety of others at sporting events or in relation to such events.

Public incitement to hatred, violence or intolerance

Article 297

(1) Whoever publicly incites or stirs up hatred, violence or intolerance with respect to nationality, race, religion, ethnicity, gender, skin colour, origin, financial situation, education, social position, political or other beliefs, disability, sexual orientation, or any other personal circumstance, and commits an act in a manner that can jeopardise or disturb public law and order, or uses threats, verbal abuse or insults shall be sentenced to imprisonment for up to two years.

(2) The same punishment shall be imposed on a person who, in the manner referred to in the preceding paragraph, publicly disseminates ideas on the supremacy of one race over another, or provides aid in any manner for racist activities or denies, diminishes the significance of, approves, justifies, derides, or advocates genocide, holocaust, crimes against humanity, war crimes, aggression, or other criminal offences against humanity, as they are defined in the legal order of the Republic of Slovenia.

(3) Če je dejanje iz prejšnjih odstavkov storjeno z objavo v sredstvih javnega obveščanja ali na spletnih straneh se s kaznijo iz prvega ali drugega odstavka tega člena kaznuje tudi odgovorni urednik oziroma tisti, ki ga je nadomeščal, razen če je šlo za prenos oddaje v živo, ki ga ni mogel preprečiti ali za objavo na spletnih straneh, ki uporabnikom omogočajo objave vsebin v dejanskem času oziroma brez predhodnega nadzora.

(4) Če je dejanje iz prvega ali drugega odstavka tega člena storjeno s prisilo, grdim ravnanjem, ogrožanjem varnosti, sramotivijo etničnih, narodnostnih, narodnih ali verskih simbolov, poškodovanjem tujih stvari, skrunitvijo spomenikov, spominskih znamenj ali grobov, se storilec kaznuje z zaporem do treh let.

(5) Če stori dejanja iz prvega ali drugega odstavka tega člena uradna oseba z zlorabo uradnega položaja ali pravic, se kaznuje z zaporem do petih let.

(6) Sredstva in predmeti s sporočili iz prvega in drugega odstavka tega člena, pa tudi pripomočki, namenjeni za njihovo izdelovanje, razmnoževanje in razpečevanje, se vzamejo ali njihova uporaba ustrezno onemogoči.

Sodelovanje v skupini, ki stori kaznivo dejanje

298. člen

(1) Kdor sodeluje v skupini, ki s skupnim delovanjem stori kakšno nasilje proti ljudem, uniči ali poškoduje premoženje večje vrednosti ali poskusi storiti tako kaznivo dejanje, se kaznuje za samo sodelovanje z zaporem do dveh let.

(2) Če je bil pri delovanju skupine iz prejšnjega odstavka kdo ubit ali hudo telesno poškodovan, se udeleženec skupine za samo sodelovanje kaznuje z zaporem do treh let.

(3) If an act referred to in the preceding paragraphs is committed by publication in the mass media or on websites, the editor or person acting as editor shall be imposed the punishment referred to in paragraph one or two of this Article, except if this involves the live broadcast of a show that he or she cannot prevent or publication on a website that enables users to publish content in real time or without prior review.

(4) If an act referred to in paragraph one or two of this Article is committed by coercion, ill-treatment, endangering security, desecration of ethnic, national community, national or religious symbols, damaging the movable property of another person, the desecration of monuments or memorial stones or graves, the perpetrator shall be sentenced to imprisonment for up to three years.

(5) If an act referred to in paragraph one or two of this Article is committed by an official through abuse of office or powers, he or she shall be sentenced to imprisonment for up to five years.

(6) Materials and objects bearing the messages referred to in paragraphs one and two of this Article, and all devices intended for their manufacture, multiplication and distribution, shall be confiscated, or their use disabled in an appropriate manner.

Participation in a group committing a criminal offence

Article 298

(1) Whoever participates in a group that, acting in concert, commits violence against people, destroys or damages property of considerable value, or attempts to commit such criminal offences, shall be sentenced to imprisonment for up to two years.

(2) If the action of the group referred to in the preceding paragraph entails the death of or serious bodily injury to a person, the participants in the group shall be sentenced to imprisonment for up to three years.

(3) Vodja skupine, ki je storila dejanje iz prvega ali drugega odstavka tega člena, se kaznuje z zaporom od šestih mesecev do petih let.

Preprečitev uradnega dejanja ali maščevanje uradni osebi

299. člen

(1) Kdor s silo ali grožnjo, da bo neposredno uporabil silo, prepreči ali poskusi preprečiti uradni osebi uradno dejanje, ki ga je nameravala opraviti v okviru svojih pravic, ali jo na enak način prisili, da opravi uradno dejanje, se kaznuje z zaporom od treh mesecev do dveh let.

(2) Če storilec ob storitvi dejanja iz prvega odstavka tega člena huje razžali uradno osebo, grdo ravna z njo ali ji prizadene lahko telesno poškodbo ali pa ji grozi z uporabo orožja ali nevarnega predmeta ali sredstva, se kaznuje z zaporom od šestih mesecev do petih let.

(3) Kdor stori dejanje iz prvega ali drugega odstavka tega člena proti uradni osebi, ko ta opravlja naloge policije ali državne varnosti, zasleduje storilca kaznivega dejanja ali pazi na koga, ki mu je vzeta prostost ali opravlja dejanja kazenskega pregona, dejanja upravnega inšpekcijskega nadzora, vodi preiskavo ali sodi v kazenskem postopku, se kaznuje z zaporom od enega do petih let.

(4) Enako kot v prejšnjem odstavku se kaznuje, kdor se uradni osebi, ki opravlja ali je opravljala dejanja v postopku o prekršku ali kazenskem pregonu, naloge policije, dejanja upravnega inšpekcijskega nadzora, vodi ali je vodila preiskavo, ali sodi ali je sodila v kazenskem postopku, maščuje zaradi dejanj, ki jih je opravila sama ali druga uradna oseba v okviru svojih pravic, tako da je ogroženo življenje, telo, osebna varnost ali premoženje uradne osebe ali njenih bližnjih sorodnikov.

(3) The leader of a group that has committed an act referred to in paragraph one or two of this Article shall be sentenced to imprisonment for between six months and five years.

Preventing the performance of official acts or inflicting revenge on an official

Article 299

(1) Whoever, by force or threat of imminent use of force, prevents or attempts to prevent an official from performing an official act that he or she intended to perform within the scope of his or her official duties, or whoever in the same manner compels an official to perform an official act, shall be sentenced to imprisonment for between three months and two years.

(2) If the perpetrator referred to in paragraph one of this Article seriously insults an official, maltreats him or her or inflicts actual bodily harm upon him or her, or threatens to use a weapon or a dangerous object or means, he or she shall be sentenced to imprisonment for between six months and five years.

(3) Whoever commits an act referred to in paragraph one or two of this Article against an official performing police or national security tasks, pursuing the perpetrator of a criminal offence or guarding a detained person, or performing criminal prosecution acts or acts of administrative inspection supervision, or conducting an investigation, or against judges in criminal proceedings, shall be sentenced to imprisonment for between one and five years.

(4) The same punishment as referred to in the preceding paragraph shall be imposed on a person who inflicts revenge on an official who performs or has performed acts in minor offence proceedings or criminal prosecution, exercises police tasks, performs acts of administrative inspection supervision, conducts or has conducted an investigation, or judges or has judged in criminal proceedings, for acts committed by him- or herself or another official within his or her rights so as to endanger the life, limb, personal security, or property of the official

(5) Če je storilec dejanja iz prvega do četrtega odstavka tega člena izzvan z nezakonitim ravnanjem uradne osebe, se kaznuje z denarno kaznijo ali zaporom do šestih mesecev, sme pa se mu kazen odpustiti.

Napad na uradno osebo, ko opravlja naloge varnosti

300. člen

(1) Kdor napade ali resno zagrozi, da bo napadel uradno osebo ali drugo osebo, za katero ve, da pomaga uradni osebi, ko ta opravlja naloge policije ali državne varnosti ali varuje javni red, ali osebo, ki opravlja naloge v zvezi z izvrševanjem kazenskih sankcij, se kaznuje z zaporom od šestih mesecev do treh let.

(2) Če storilec ob storitvi dejanja iz prejšnjega odstavka uradni osebi ali drugi osebi, za katero ve, da ji pomaga, grozi z orožjem ali nevarnim predmetom ali sredstvom ali z njo grdo ravna ali jo lahko telesno poškoduje, se kaznuje z zaporom od šestih mesecev do petih let.

(3) S kaznijo iz prejšnjega odstavka se kaznuje, kdor stori dejanje iz prvega odstavka tega člena proti dvema ali več osebam.

Sodelovanje v skupini, ki prepreči uradni osebi uradno dejanje

301. člen

(1) Kdor sodeluje v skupini, ki s skupnim delovanjem prepreči ali poskusi preprečiti uradni osebi uradno dejanje ali jo na enak način prisili, da opravi uradno dejanje, se kaznuje za samo sodelovanje z zaporom od treh mesecev do dveh let.

or his or her close relatives.

(5) If the perpetrator of an act referred to in paragraphs one to four of this Article is provoked by the unlawful conduct of the official, he or she shall be punished by a fine or imprisonment for up to six months, or his or her punishment may be remitted.

Attack on an official performing security tasks

Article 300

(1) Whoever attacks an official or another person whom he or she knows to be assisting that official in performing police or national security tasks or tasks for safeguarding public order, or a person performing tasks in relation to the enforcement of penal sanctions, or whoever seriously threatens such an attack, shall be sentenced to imprisonment for between six months and three years.

(2) If the perpetrator referred to in paragraph one of this Article threatens the official or another person whom he or she knows to be assisting that official with weapons or a dangerous object or instrument, ill-treats him or her or inflicts slight bodily harm upon him or her, the perpetrator shall be sentenced to imprisonment for between six months and five years.

(3) The punishment referred to in the preceding paragraph shall be imposed on a perpetrator who has committed an act referred to in paragraph one of this Article against two or more persons.

Participation in a group obstructing an official in the performance of an official act

Article 301

(1) Whoever participates in a group that, through concerted action, prevents or attempts to prevent an official from performing an official act or in the same manner compels an official to perform an official act, shall be, for the act of participation itself, sentenced to imprisonment

(2) Vodja skupine, ki je storila dejanje iz prejšnjega odstavka, se kaznuje z zaporom od šestih mesecev do treh let.

Hujskanje k upiranju

302. člen

(1) Kdor druge hujška k nasilnemu upiranju zakonitim odločbam ali ukrepom državnih organov ali proti uradni osebi, ki opravlja uradno dejanje, se kaznuje z zaporom do enega leta.

(2) Če zaradi dejanja iz prejšnjega odstavka odločba ali ukrep državnega organa ni bil izveden ali je bila izvedba zelo otežena ali je to dejanje storil vodja skupine, se storilec kaznuje z zaporom do treh let.

Odstranitev ali poškodovanje uradnega pečata ali znamenja

303. člen

Kdor odstrani ali poškoduje uradni pečat ali znamenje, ki ga je upravičena uradna oseba uporabila za to, da zavaruje predmete ali prostore, ali kdor brez odstranitve ali poškodbe pečata ali znamenja vstopi v tak prostor, se kaznuje z denarno kaznijo ali zaporom do šestih mesecev.

Odvzem ali uničenje uradnega pečata ali uradnih spisov

304. člen

(1) Kdor protipravno vzame, skrije, uniči ali poškoduje ali kako

for between three months and two years.

(2) The leader of a group that has committed an act referred to in the preceding paragraph shall be sentenced to imprisonment for between six months and three years.

Incitement to resistance

Article 302

(1) Whoever incites other persons to violently resist lawful decisions and measures taken by state authorities or to resist an official performing an official act, shall be sentenced to imprisonment for up to one year.

(2) If any decision or measure of a state authority cannot be enforced or its enforcement is considerably hampered as a result of an act referred to in the preceding paragraph, or if the same has been committed by the leader of a group, the perpetrator shall be sentenced to imprisonment for up to three years.

Removing or damaging an official seal or label

Article 303

Whoever removes or damages an official seal or label used by an official in order to protect certain objects or premises, or whoever enters such premises without removing or damaging the seal or label, shall be punished by a fine or imprisonment for up to six months.

Removing or destroying an official seal or official file

Article 304

(1) Whoever unlawfully removes, hides, destroys, damages or

drugače napravi neuporaben uradni pečat, uradno knjigo, spis ali listino, ki pripada ali je pri državnemu organu, gospodarski družbi, drugi pravni osebi ali posamezniku, ki izvaja javna pooblastila, se kaznuje z zaporem do dveh let.

(2) Poskus je kazniv.

Lažno izdajanje za uradno ali vojaško osebo

305. člen

(1) Kdor se, zato da bi sebi ali drugemu pridobil kakšno korist ali da bi komu prizadejal škodo, lažno izdaja za uradno ali vojaško osebo ali neupravičeno nosi oznake uradne ali vojaške osebe, se kaznuje z denarno kaznijo ali zaporem do enega leta.

(2) Enako se kaznuje, kdor opravi kakšno dejanje, ki ga je upravičena opraviti samo uradna ali vojaška oseba.

Izdelovanje in pridobivanje orožja in pripomočkov, namenjenih za kaznivo dejanje

306. člen

(1) Kdor orožje, razstrelilne snovi ali pripomočke, s katerimi se lahko napravijo, ali strupe, za katere ve, da so namenjeni za kaznivo dejanje, izdelata ali si jih pridobi ali jih hrani ali komu omogoči, da pride do njih, se kaznuje z zaporem do treh let.

(2) Kdor napravi ali komu odstopi ponarejen ključ, odpirač ali kakšen drug pripomoček za vlom, čeprav ve, da je namenjen za kaznivo dejanje, se kaznuje z zaporem do enega leta.

otherwise renders useless an official seal, journal, file or document belonging to or in the possession of a state body, company or other legal entity or a person or an individual exercising public authority, shall be sentenced to imprisonment for up to two years.

(2) Any attempt to commit such an act shall be punishable.

Impersonation of an official or a member of the military

Article 305

(1) Whoever falsely represents himself as an official or a member of the military or whoever unlawfully bears the insignia of an official or a member of the military with the intention of procuring a benefit for him- or herself or another person, or with the intention of causing damage to another person, shall be punished by a fine or imprisonment for up to one year.

(2) The same punishment shall be imposed on whoever performs an act that only an official or a member of the military is entitled to perform.

Manufacture and procurement of weapons and accessories intended for the commission of criminal offences

Article 306

(1) Whoever manufactures or procures or keeps weapons, explosive materials or accessories for their manufacture, or poisons that he or she knows to be intended for the commission of a criminal offence, or whoever provides another person with access to the same, shall be sentenced to imprisonment for up to three years.

(2) Whoever manufactures or offers to another person a false key, lock pick or any other burglary instrument, even though he or she knows it to be intended for the commission of a criminal offence, shall be sentenced to imprisonment for up to one year.

(3) Enako kot v prejšnjem odstavku se kaznuje, kdor z namenom storitve kaznivega dejanja poseduje, izdeluje, prodaja, daje v uporabo, uvaža, izvaža ali kako drugače zagotavlja pripomočke za vdor ali neupravičen vstop v informacijski sistem.

Nedovoljena proizvodnja in promet orožja ali eksploziva

307. člen

(1) Kdor protipravno sestavi, izdelava, ponuja, prodaja, menja, dostavi, uvozi, izvozi, vnese v državo ali iznese iz nje strelno, kemično, biološko ali jedrsko orožje, strelivo ali eksploziv ali vojaško orožje in vojaško opremo, katerih promet, nabava in posest posameznikom, pravnim osebam in podjetnikom niso dovoljeni ali so omejeni, ali pri tem posreduje, ali kdor tako orožje, strelivo ali eksploziv, razen strelnega orožja ali streliva, za katero se lahko izda orožna listina, protipravno pridobi ali hrani, se kaznuje z zaporom od šestih mesecev do petih let.

(2) Če gre pri dejanju iz prejšnjega odstavka za orožje, strelivo ali eksplozivne snovi ali kakšno drugo bojno sredstvo v veliki količini ali vrednosti ali pomeni nevarnost ali če je dejanje storjeno v hudodelski združbi, se storilec kaznuje z zaporom od enega do desetih let.

(3) Če gre pri dejanju iz prvega odstavka tega člena za posamezno strelno orožje ali manjšo količino streliva za tako orožje ali če storilec z namenom nedovoljene prodaje pridobi ali hrani strelno orožje ali strelivo, za katero se lahko izda orožna listina, ali če ga hrani v veliki količini ali vrednosti, se storilec kaznuje z zaporom do enega leta.

(4) Enako kot v prejšnjem odstavku se kaznuje, kdor ponareja ali nedovoljeno uničuje, odstranjuje ali spreminja oznake na strelnem orožju.

(5) Kdor protipravno izdelava, pridobi, ponuja, prodaja, menja,

(3) The punishment referred to in the preceding paragraph shall be imposed on whoever possesses, manufactures, sells, brings into use, imports, exports, or makes available in any other manner, with the intention of committing a criminal offence, instruments intended for the breaking into or unjustifiable entry into an information system.

Illicit manufacturing of and trafficking in weapons or explosives

Article 307

(1) Whoever unlawfully assembles, manufactures, offers, sells, exchanges, delivers, imports, exports, brings into or takes out of the country firearms, chemical, biological or nuclear weapons, ammunition or explosives or military weapons and equipment, which individuals, legal persons and business persons are prohibited or restricted from trading, purchasing or possessing, or whoever acts as an intermediary therein, or unlawfully acquires or keeps such weapons, ammunition or explosives, except for firearms for which a firearm certificate may be issued, shall be sentenced to imprisonment for between six months and five years.

(2) If an act referred to in the preceding paragraph involves a large quantity of or very valuable or dangerous firearms, ammunition, explosive substances or other means of combat, or if it poses a risk, or if the act has been committed within a criminal organisation, the perpetrator shall be sentenced to imprisonment for between one and ten years.

(3) If an act referred to in paragraph one of this Article involves an individual firearm or a small quantity of ammunition for such a firearm, or if the perpetrator, with a view to illegally selling them, acquires or keeps firearms or ammunition for which a firearm certificate may be issued or if he or she keeps them in a large quantity or high value, the perpetrator shall be sentenced to imprisonment for up to one year.

(4) The same punishment as referred to in the preceding paragraph shall be imposed on a person who counterfeits, unlawfully destroys, removes, or changes firearm marks.

(5) Whoever unlawfully manufactures, procures, offers, sells,

pošilja, dostavi, uvozi, izvozi, vnese v državo ali iznese iz nje sestavne oziroma rezervne dele orožja, streliva, eksploziva, eksplozivnih naprav in eksplozivnega orožja ali vojaškega orožja in vojaške opreme, snov, sestavine, programsko opremo ali tehnologijo, za katere ve, da bodo uporabljene za proizvodnjo ali delovanje predmetov iz prejšnjih odstavkov, jih s tem namenom hrani ali pri tem posreduje, se kaznuje z zapornom do petih let.

Prepovedano prehajanje meje ali ozemlja države

308. člen

(1) Kdor nasilno prekorači državno mejo Republike Slovenije ali oborožen nezakonito vstopi na njeno ozemlje, se kaznuje z zapornom od treh mesecev do treh let ali z denarno kaznijo.

(2) Enako se kaznuje tujec, ki nima dovoljenja za prebivanje v Republiki Sloveniji, če se na način iz prejšnjega odstavka zadržuje na njenem ozemlju ali se upre zakoniti odstranitvi z njega.

(3) Kdor se ukvarja s tem, da tujce, ki nimajo dovoljenja za vstop v Republiko Slovenijo ali prebivanje v njej, nezakonito spravlja na njeno ozemlje, jih po njem prevaža ali jim pomaga pri skrivanju ali kdor enega ali več takih tujcev za plačilo nezakonito spravi čez mejo ali ozemlje države ali omogoči nezakonito prebivanje na njem, se kaznuje z zapornom do petih let in denarno kaznijo.

(4) S kaznijo iz prejšnjega odstavka se kaznuje uradna oseba, ki omogoči tujcu nezakonit vstop na ozemlje Republike Slovenije ali nezakonito prebivanje na njem.

(5) Kdor pridobiva ali zbira ljudi za nezakonito preseljevanje, jim preskrbuje ponarejene dokumente ali prevoz ali kako drugače organizira nezakonito preseljevanje ali organizira preseljevanje s preslepitvijo pristojnih organov glede pravega namena vstopa na ozemlje Republike Slovenije, se kaznuje z zapornom do petih let in denarno kaznijo.

exchanges, sends, delivers, imports, exports, brings into or takes out of the country components or spare parts of firearms, ammunition, explosives, explosive devices and explosive weapons, or military weapons and military equipment, substances, ingredients, software or technology, which he or she is aware will be used for the manufacture or operation of the items referred to in the preceding paragraphs, and keeps them for such purpose or acts as an intermediary therein, shall be sentenced to imprisonment for up to five years.

Illegal crossing of the state border or territory

Article 308

(1) Whoever crosses the border of the Republic of Slovenia by force, or enters its territory illegally armed with weapons, shall be sentenced to imprisonment for between three months and three years and imposed a fine.

(2) The same punishment shall be imposed on a foreigner who does not possess a permit to reside in the Republic of Slovenia, if he or she stays in its territory in the manner referred to in the preceding paragraph, or if her or she resists legal removal therefrom.

(3) Whoever illegally brings foreigners into the Republic of Slovenia, transports them or helps them to hide, or whoever brings or assists in bringing such foreigners into the state territory or facilitates their illegal stay therein for payment shall be sentenced to imprisonment for up to five years and imposed a fine.

(4) An official who enables a foreigner to enter into the territory of the Republic of Slovenia illegally or to stay therein illegally shall be imposed the punishment referred to in the preceding paragraph.

(5) Whoever accepts or gathers people for illegal migration, provides them with forged documents or with transportation, or otherwise organises their illegal migration, or organises migration by deceiving the competent authorities as to the real purpose of foreigners entering into the territory of the Republic of Slovenia, shall be sentenced to imprisonment

(6) Če storilec z dejanji iz tretjega, četrtega ali petega odstavka tega člena sebi ali komu drugemu pridobi nesorazmerno premoženjsko korist ali priskrbi brezpravno delovno silo ali povzroči nevarnost za življenje ali zdravje ljudi ali taka dejanja stori kot član hudodelske združbe, se kaznuje z zapornom od enega do osmih let in denarno kaznijo.

(7) Prejšnji odstavki se uporabljajo tudi za kazniva dejanja, storjena v tujini, če je država, v kateri so bila storjena, enako kot Republika Slovenija sprejela skupno mednarodnopravno obveznost preprečevati taka kazniva dejanja, ne glede na to, kje so storjena, ter je dejanja v svojem zakonu ustrezno enako določila kot kazniva dejanja. Če je bilo kaznivo dejanje storjeno na območju Evropske unije, se državljani njenih članic pri uporabi drugega, tretjega, četrtega in petega odstavka tega člena ne štejejo za tujce.

Zloraba znamenj za pomoč in nevarnost

309. člen

(1) Kdor zlorabi znamenje za pomoč ali znamenje za nevarnost ali neutemeljeno kliče na pomoč ali lažno sporoči, da grozi nevarnost in s tem povzroči, da so državni organi ali druge pristojne organizacije ukrepale brez potrebe ali neupravičeno uporabile sredstva sistema zaščite, reševanja in pomoči, se kaznuje z zapornom do treh let.

(2) Če je bilo z dejanjem iz prejšnjega odstavka preprečeno ali ovirano delo pravosodnih ali drugih državnih organov in je bila s tem preprečena storitev uradnega dejanja ali povzročena večja premoženjska škoda, se storilec kaznuje z zapornom do petih let.

Samovoljnost

for up to five years and imposed a fine.

(6) If the perpetrator gains disproportionate proceeds for him- or herself or a third person by committing an act referred to in paragraph three, four or five of this Article, or if he or she arranges an unlawful workforce, or causes a threat to human life or health, or commits such acts as a member of a criminal organisation, he or she shall be sentenced to imprisonment for between one and eight years and imposed a fine.

(7) The preceding paragraphs shall also apply to criminal offences committed abroad if the country where such criminal offences are committed adopts, the same as the Republic of Slovenia, a common international legal obligation to prevent such criminal offences, regardless of where they are committed, and properly defines such acts in an Act as criminal offences. If the criminal offence is committed in the territory of the European Union, the citizens of its Member States shall not be considered to be foreigners in the application of paragraphs two, three, four and five of this Article.

Abuse of distress and warning signals

Article 309

(1) Whoever abuses a distress or warning signal or makes an unwarranted call for help, or provides false information on a threat, thus causing a state body or other authorised organisation to act without due necessity or to unjustifiably use funds earmarked for the protection, rescue and assistance system, shall be sentenced to imprisonment for up to three years.

(2) If an act referred to in the preceding paragraph obstructs or hinders the work of judicial or other state bodies and results in large damage to property, the perpetrator shall be sentenced to imprisonment for up to five years.

Arbitrary Exercise of Rights

310. člen

(1) Kdor si samovoljno vzame svojo pravico ali pravico, za katero misli, da mu pripada, se kaznuje z denarno kaznijo ali zaporom do šestih mesecev.

(2) Kdor si samovoljno vzame svojo pravico ali pravico, za katero misli, da mu pripada, z uporabo sile ali resne grožnje z napadom na življenje ali telo, se kaznuje z zaporom do dveh let.

(3) Enako kot v prejšnjem odstavku se kaznuje, kdor stori dejanje iz prejšnjega odstavka za drugega.

(4) Kdor zase ali koga drugega z dejanjem iz drugega odstavka tega člena izterja dolg, se kaznuje z zaporom do treh let.

(5) Pregon za dejanje iz prvega odstavka tega člena se začne na zasebno tožbo, za dejanji iz drugega in tretjega odstavka pa na predlog.

Oviranje verskih obredov

311. člen

Kdor ovira, prepreči ali moti verski obred ali kdor se na kraju, ki je temu namenjen, žaljivo obnaša, se kaznuje z denarno kaznijo ali zaporom do enega leta.

Oviranje pogreba in skrunitev groba

312. člen

(1) Kdor ovira, prepreči ali moti pogreb, se kaznuje z zaporom do enega leta.

Article 310

(1) Whoever exercises an existing or an alleged right in an arbitrary manner shall be punished by a fine or imprisonment for up to six months.

(2) Whoever exercises an existing or an alleged right in an arbitrary manner by using force or serious threat of attack on life and body shall be sentenced to imprisonment for up to two years.

(3) Whoever commits an act referred to in the preceding paragraph on behalf of another person shall be punished to the same extent.

(4) Whoever commits an act referred to in paragraph two of this Article to collect a debt for him- or herself or another person shall be sentenced to imprisonment for up to three years.

(5) Prosecution of an act referred to in paragraph one of this Article shall be initiated upon a private action, and for an act referred to in paragraphs two and three, upon a proposal.

Obstruction of religious ceremonies

Article 311

Whoever obstructs, prevents or disrupts a religious ceremony or whoever acts offensively at a place intended for such a ceremony shall be punished by a fine or imprisonment for up to one year.

Obstruction of funerals and desecration of graves

Article 312

(1) Whoever obstructs, prevents or disrupts a funeral shall be sentenced to imprisonment for up to one year.

(2) Enako se kaznuje, kdor neupravičeno prekoplje ali razdre grob ali kakšen drug kraj, na katerem so pokopani umrli, ali ga sicer hudo oskruni.

(3) Če dejanja iz prejšnjih odstavkov storita dve ali več oseb ali če sta bila oskrunjena dva ali več grobov, se kaznujeta z zaporem do treh let.

Skrnitev trupla

313. člen

Kdor neupravičeno skrije, odnese, poškoduje, uniči ali kako drugače oskruni truplo, del trupla ali posmrtne ostanke, se kaznuje z zaporem do dveh let.

Trideseto poglavje
KAZNIVA DEJANJA ZOPER SPLOŠNO VARNOST LJUDI IN
PREMOŽENJA

Povzročitev splošne nevarnosti

314. člen

(1) Kdor s požarom, povodnjo, eksplozijo, strupom ali strupenim plinom, ionizirajočim sevanjem, motorno silo, električno ali kakšno drugo energijo ali kakšnim drugim splošno nevarnim dejanjem ali sredstvom ali opustitvijo dejanja, ki bi ga moral storiti za zagotovitev splošne varnosti ljudi in premoženja, povzroči nevarnost za življenje ljudi ali premoženje velike vrednosti, se kaznuje z zaporem do petih let.

(2) Kdor z eksplozivom ali drugim nevarnim dejanjem in sredstvom, z namenom izsiljevanja, zastraševanja, prisiljenja k storitvi ali opustitvi nekega drugega dejanja, maščevanja ali pridobitve

(2) The same punishment shall be imposed on a person who unjustifiably digs up or demolishes a grave or other place of interment, or otherwise desecrates the same.

(3) If an act referred to in the preceding paragraphs is committed by two or more persons, or if two or more graves are desecrated, the perpetrators shall be sentenced to imprisonment for up to three years.

Desecration of corpses

Article 313

Whoever unlawfully hides, removes, damages, destroys or otherwise desecrates a corpse or any part thereof or mortal remains shall be sentenced to imprisonment for up to two years.

Chapter Thirty
CRIMES AGAINST GENERAL SAFETY OF PEOPLE AND PROPERTY

Causing general danger

Article 314

(1) Whoever endangers human lives or property of substantial value by causing a fire, flood, or explosion, by using poison or poisonous gases, ionising radiation, mechanical force, electricity or other forms of energy, or by any other act or means causing general danger, or by omitting an act required to be performed in order to ensure the general security of people and property, shall be sentenced to imprisonment for up to five years.

(2) Whoever plans, attempts to or carries out a dangerous act threatening the security of people or property of considerable value by using explosives, or commits other dangerous acts and uses other means

premoženjske ali nepremoženjske koristi sebi ali komu drugemu, načrtuje, poskusi ali izvede nevarno dejanje, pri katerem je ali bi bila ogrožena varnost ljudi ali premoženja večje vrednosti, se kaznuje z zaporom od enega do osmih let.

(3) Kdor stori dejanje iz prvega odstavka iz malomarnosti, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(4) Če ima dejanje iz prvega, drugega ali tretjega odstavka tega člena za posledico hudo telesno poškodbo ene ali več oseb ali veliko premoženjsko škodo, se storilec kaznuje za dejanje iz prvega in drugega odstavka z zaporom do desetih let, za dejanje iz tretjega odstavka pa z zaporom do petih let.

(5) Če ima dejanje iz prvega, drugega ali tretjega odstavka tega člena za posledico smrt ene ali več oseb, se storilec kaznuje za dejanje iz prvega odstavka z zaporom od enega do petnajstih let, za dejanje iz drugega odstavka z zaporom najmanj petnajstih let, za dejanje iz tretjega odstavka pa z zaporom do osmih let.

Povzročitev nevarnosti pri gradbeni dejavnosti

315. člen

(1) Oseba, ki je odgovorna za načrtovanje ali nadzor načrtov za pripravo ali vodenje zidave ali gradbenih del, pa pri tem ravna v nasprotju s predpisi ali splošno priznanimi tehničnimi pravili in tako povzroči nevarnost za življenje ljudi ali premoženje velike vrednosti, se kaznuje z zaporom do treh let.

(2) Če je dejanje iz prejšnjega odstavka storjeno iz malomarnosti, se storilec kaznuje z denarno kaznijo ali zaporom do enega leta.

(3) Če ima dejanje iz prvega ali drugega odstavka tega člena za

with the intention of blackmailing, intimidating, inducing to perform or to omit to perform some other act, inflicting revenge, or procuring any material or non-material benefits for him- or herself or another person, shall be sentenced to imprisonment for between one and eight years.

(3) If an act referred to in paragraph one is committed through negligence, the perpetrator shall be punished by a fine or imprisonment for up to one year.

(4) If an act referred to in paragraph one, two or three of this Article causes serious bodily injury to one or more persons, or substantial damage to property, the perpetrator shall be sentenced to imprisonment for up to ten years for committing an act referred to in paragraphs one and two, and for up to five years for committing an act referred to in paragraph three of this Article

(5) If an act referred to in paragraph one, two or three of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between one and fifteen years for an act referred to in paragraph one, for at least fifteen years for an act referred to in paragraph two, and for up to eight years for an act referred to in paragraph three of this Article.

Causing danger in construction activities

Article 315

(1) A person responsible for planning or supervision of plans for the preparation or management of building construction or other works who, in the performance of his or her duties, fails to comply with the regulations or with the generally recognised technical rules, and thus endangers human lives or property of substantial value, shall be sentenced to imprisonment for up to three years.

(2) If an act referred to in the preceding paragraph is committed through negligence, the perpetrator shall be punished by a fine or imprisonment for up to one year.

(3) If an act referred to in paragraph one or two of this Article

posledico hudo telesno poškodbo ene ali več oseb ali veliko premoženjsko škodo, se storilec za dejanje iz prvega odstavka kaznuje z zaporom od enega do petih let, za dejanje iz drugega odstavka pa z zaporom do treh let.

(4) Če ima dejanje iz prvega ali drugega odstavka tega člena za posledico smrt ene ali več oseb, se storilec za dejanje iz prvega odstavka kaznuje z zaporom od enega do dvanajstih let, za dejanje iz drugega odstavka pa z zaporom do osmih let.

316. člen (črtan)

Ogrožanje okolja s hrupom ali svetlobo

317. člen

(1) Kdor s kršitvijo predpisov povzroča čezmeren hrup ali premočno osvetlitev, s katero se lahko povzročijo hujše okvare zdravja ljudi, se kaznuje z denarno kaznijo ali zaporom do dveh let.

(2) Če je dejanje iz prejšnjega odstavka storjeno iz malomarnosti, se storilec kaznuje z denarno kaznijo ali zaporom do enega leta.

Poškodovanje ali uničenje javnih naprav

318. člen

(1) Kdor uniči, poškoduje ali odstrani električne vode, plinovode, vodovode, toplovode, naftovode, telekomunikacijske naprave, podmorske kable, kanalizacijske naprave in naprave za varstvo okolja ali druge podobne javne naprave in tako povzroči motnje v preskrbi prebivalstva ali gospodarstva, se kaznuje z zaporom do petih let.

causes serious bodily injury to one or more persons, or substantial damage to property, the perpetrator shall be sentenced to imprisonment for between one and five years for an act referred to in paragraph one, and for up to three years for an act referred to in paragraph two.

(4) If an act referred to in paragraph one or two of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between one and twelve years for an act referred to in paragraph one, and for up to eight years for an act referred to in paragraph two.

Article 316 (Deleted)

Noise or light pollution of the environment

Article 317

(1) Whoever violates regulations by causing excessive noise or lighting that could result in severe damage to human health, shall be punished by a fine or imprisonment for up to two years.

(2) If an act referred to in the preceding paragraph is committed through negligence, the perpetrator shall be punished by a fine or imprisonment for up to one year.

Damaging or destroying public installations

Article 318

(1) Whoever damages, destroys or removes electrical wires, gas pipes, water supply installations, heating installations, oil pipelines, telecommunication devices, submarine cables, sewage installations, environmental protection devices, or other similar public installations, thus causing a disturbance in the supply to the general population or to industry, shall be sentenced to imprisonment for up to five years.

(2) Če je dejanje iz prejšnjega odstavka storjeno iz malomarnosti, se storilec kaznuje z denarno kaznijo ali zaporom do enega leta.

Prevažanje ali prenašanje razstreliva ali nevarnih snovi v nasprotju s predpisi

319. člen

Kdor v nasprotju s predpisi o prometu z razstrelivom ali lahko vnetljivimi snovmi ali z drugimi nevarnimi snovmi ali nevarnimi odpadki prevažata, odda za prevoz z javnim prometnim sredstvom take snovi ali jih sam prenaša, ko uporablja javno prevozno sredstvo, se kaznuje z denarno kaznijo ali zaporom do enega leta.

Zloraba telekomunikacijskih znamenj

320. člen

Kdor zavestno brez potrebe odda mednarodno dogovorjeno znamenje klica na pomoč ali znamenje, da mu grozi nevarnost, ali kdor s telekomunikacijskim znamenjem preslepi, da je dana varnost, ali kdor kako drugače zlorabi mednarodno dogovorjeno telekomunikacijsko znamenje, se kaznuje z denarno kaznijo ali zaporom do enega leta.

Neodvrnitev nevarnosti

321. člen

(1) Kdor ne naznani pravočasno pristojnemu organu ali organizaciji ali sicer ne stori vsega, kar je potrebno, da se odvrne požar, povodenj, eksplozija, prometna nesreča, ekološka nesreča ali kakšna

(2) If an act referred to in the preceding paragraph is committed through negligence, the perpetrator shall be punished by a fine or imprisonment for up to one year.

Transporting or carrying explosives or dangerous materials contrary to regulations

Article 319

Whoever, contrary to regulations on the transportation of explosives and other highly flammable materials or other dangerous substances and waste, transports such materials and substances, or hands them over for shipment by any means of public transport, or carries them him- or herself by using any means of public transport, shall be punished by a fine or imprisonment for up to one year.

Misuse of telecommunication signals

Article 320

Whoever knowingly and unnecessarily transmits an internationally agreed signal denoting a distress call or warning of a dangerous situation, or whoever by transmitting a telecommunication signal deceives the addressee into believing that a situation in fact poses no danger, or whoever otherwise misuses an internationally agreed telecommunication signal, shall be punished by a fine or imprisonment for up to one year.

Failure to avert danger

Article 321

(1) Whoever fails to inform the competent authority or organisation of the threat of a fire, flood, explosion, traffic accident, environmental accident or any other danger to human life, the natural

druga nevarnost za življenje ljudi ali čezmerno obremenitev okolja ali premoženje večje vrednosti, čeprav bi to lahko storil brez nevarnosti zase ali za koga drugega, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Kdor komu s silo, grožnjo ali preslepitvijo prepreči, da bi storil, kar je potrebno, da se odvrne nevarnost za življenje ljudi, okolje ali premoženje večje vrednosti, se kaznuje z zaporom do dveh let.

Odklonitev sodelovanja pri odvrščanju splošne nevarnosti

322. člen

Kdor v nasprotju z odredbo pristojnega organa ali organizacije brez upravičenega razloga ne sodeluje pri odvrščanju splošne nevarnosti ali odpravljanju posledic, se kaznuje z denarno kaznijo ali zaporom do šestih mesecev.

Enaintrideseto poglavje

KAZNIVA DEJANJA ZOPER VARNOST JAVNEGA PROMETA

Povzročitev prometne nesreče iz malomarnosti

323. člen

(1) Udeleženelec v prometu, ki s kršitvijo predpisov o varnosti cestnega prometa iz malomarnosti povzroči prometno nesrečo, v kateri je bila kakšna oseba hudo telesno poškodovana, se kaznuje z denarno kaznijo ali zaporom do treh let.

(2) Če ima dejanje iz prejšnjega odstavka za posledico smrt ene ali več oseb, se storilec kaznuje z zaporom do osmih let in s prepovedjo vožnje motornega vozila.

(3) Storilcu, ki ni imel pravice voziti motornega vozila, s katerim

environment or property of substantial value, or otherwise fails to take the measures necessary to avert such dangers, although he or she could have done so without exposing him- or herself or another person to danger, shall be punished by a fine or imprisonment for up to one year.

(2) Whoever, by use of force, threat or deception, prevents another from taking measures necessary to avert a danger to human life, the natural environment, or property of substantial value, shall be sentenced to imprisonment for up to two years.

Refusal to co-operate in averting a general emergency

Article 322

Whoever, contrary to an order issued by a competent authority or organisation and without a justified reason, fails to co-operate in averting a general emergency or in eliminating the consequences thereof, shall be punished by a fine or imprisonment for up to six months.

Chapter Thirty-One

CRIMES AGAINST SAFETY OF PUBLIC TRAFFIC

Causing a traffic accident through negligence

Article 323

(1) A participant in traffic who negligently violates road safety regulations and causes a traffic accident in which another person is seriously injured shall be punished by a fine or imprisonment for up to three years.

(2) If an act referred to in the preceding paragraph results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for up to eight years and prohibited from driving a motor vehicle.

(3) The motor vehicle by which a criminal offence referred to in

je bilo storjeno kaznivo dejanje iz prvega ali drugega odstavka tega člena, se to motorno vozilo vzame. Motorno vozilo, ki je last druge osebe, se vzame, če je ta oseba omogočila, dopustila ali dovolila vožnjo storilcu, za katerega je vedela ali bi bila mogla vedeti, da nima pravice voziti.

Nevarna vožnja v cestnem prometu

324. člen

(1) Voznik motornega vozila, ki v cestnem prometu povzroči neposredno nevarnost za življenje ali telo kakšne osebe s tem, da

- 1) vozi pod vplivom alkohola z več kot 1,10 grama alkohola na kilogram krvi ali več kot 0,52 miligrama alkohola v litru izdihanega zraka ali vozi pod vplivom prepovedanih drog, psihoaktivnih zdravil ali drugih psihoaktivnih snovi, ali
- 2) prekorači hitrost za več kot 30 km/h od dovoljene na območju za pešce, na območju umirjenega prometa ali na območju omejene hitrosti ali za več kot 50 km/h od dovoljene na cesti, ali
- 3) vozi predrzno ali brezobzirno ali vozi motorno vozilo, ki ga nima pravice voziti, in pri tem:
 - ne upošteva pravil o prehitevanju, prednosti ali varnostni razdalji, ali
 - na cesti, ki ima dva ali več označenih pasov za vožnjo v eno smer, vozi po smernem vozišču, namenjenem vožnji v nasprotni smeri, obrača ali vozi vzvratno ali poskuša tako voziti, ali
 - ne prilagodi hitrosti vožnje na nepreglednih odsekih ceste, v križiščih, pred prehodi za pešce ali ob njih, kolesarskih stezah ali prehodih, prehodih ceste čez železniško progo, se kaznuje z denarno kaznijo ali z zaporom do treh let.

(2) Kdor stori dejanje iz prejšnjega odstavka iz malomarnosti, se kaznuje z denarno kaznijo ali z zaporom do enega leta.

(3) Če ima dejanje iz prvega ali drugega odstavka tega člena za posledico prometno nesrečo z lahko telesno poškodbo ene ali več oseb,

paragraph one or two of this Article was committed shall be seized from the perpetrator if he or she did not have a licence to drive the vehicle. A motor vehicle that belongs to another person shall be seized if that person made possible, permitted or allowed the vehicle to be driven by the perpetrator and if he or she knew or should have known that the perpetrator had no licence to drive a vehicle.

Dangerous driving in road traffic

Article 324

(1) A driver of a motor vehicle who endangers the life or body of other persons in the road traffic

- 1) by driving under the influence of alcohol with more than 1.10 grams of alcohol per kilogram of blood, or more than 0.52 milligrams of alcohol per litre of exhaled air, or drives under the influence of illicit drugs, psychoactive medicines or other psychoactive substances, or
- 2) by exceeding the posted speed limit by more than 30 km/h in a pedestrian zone, in a slow traffic or limited speed zone, or by exceeding the posted speed limit by more than 50 km/h on the road, or
- 3) by reckless or inconsiderate driving or by driving a motor vehicle that he or she has no licence to drive, whereby:
 - he or she fails to comply with the rules on overtaking, priority or safe distance, or
 - on a road with two or more marked one-directional carriageways, drives on an opposite direction carriageway, makes turns or drives backwards or attempts to drive in such a manner, or
 - fails to adjust his or her driving speed on blind road sections, in crossroads, in front of or next to pedestrian crossings, bicycle lanes or passages, or level crossings, shall be punished by a fine or imprisonment for up to three years.

(2) If an act referred to in the preceding paragraph is committed through negligence, the perpetrator shall be punished by a fine or imprisonment for up to one year.

(3) If an act referred to in paragraph one or two of this Article results in a traffic accident causing slight bodily injury to one or more

se storilec kaznuje za dejanje iz prvega odstavka z denarno kaznijo ali zaporom od treh mesecev do treh let in s prepovedjo vožnje motornega vozila, za dejanje iz drugega odstavka tega člena pa z denarno kaznijo ali zaporom do dveh let.

(4) Če ima dejanje iz prvega odstavka tega člena za posledico prometno nesrečo s hudo telesno poškodbo ene ali več oseb, se storilec kaznuje z zaporom do petih let in s prepovedjo vožnje motornega vozila.

(5) Če ima dejanje iz prvega odstavka tega člena za posledico prometno nesrečo s smrtjo ene ali več oseb, se storilec kaznuje z zaporom od enega do dvanajstih let in s prepovedjo vožnje motornega vozila.

(6) Storilcu, ki ni imel pravice voziti motornega vozila, s katerim je bilo storjeno kaznivo dejanje iz prvega, drugega, tretjega, četrtega ali petega odstavka tega člena, se to motorno vozilo vzame. Motorno vozilo, ki je last druge osebe, se vzame, če je ta oseba omogočila, dopustila ali dovolila vožnjo storilcu, za katerega je vedela ali bi bila mogla vedeti, da nima pravice voziti.

Ogrožanje posebnih vrst javnega prometa

325. člen

(1) Kdor s kršitvijo predpisov o varnosti železniškega, ladijskega, zračnega prometa ali prometa na žičnicah ali javnem prevozu potnikov v cestnem prometu s kršitvijo predpisov o varnosti cestnega prometa iz malomarnosti povzroči nesrečo, se kaznuje z denarno kaznijo ali zaporom do dveh let.

(2) Če ima dejanje iz prejšnjega odstavka za posledico hudo telesno poškodbo kakšne osebe, se storilec kaznuje z zaporom do petih let in s prepovedjo vožnje motornega vozila.

persons, the perpetrator shall be punished by a fine or imprisonment for between three months and three years and prohibited from driving a motor vehicle for an act referred to in paragraph one, and by a fine or imprisonment for up to two years for an act referred to in paragraph two of this Article.

(4) If an act referred to in paragraph one results in a traffic accident causing serious bodily injury to one or more persons, the perpetrator shall be sentenced to imprisonment for up to five years and prohibited from driving a motor vehicle.

(5) If an act referred to in paragraph one of this Article results in a traffic accident causing the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between one and twelve years and prohibited from driving a motor vehicle.

(6) The motor vehicle by which a criminal offence referred to in paragraph one, two, three, four or five of this Article was committed shall be seized from the perpetrator if he or she did not have a licence to drive the vehicle. A motor vehicle that belongs to another person shall be seized if that person made possible, permitted or allowed the vehicle to be driven by the perpetrator and if he or she knew or should have known that the perpetrator had no licence to drive a motor vehicle.

Endangering special types of public traffic

Article 325

(1) Whoever, by violating the regulations of railway, shipping, air or cableway safety or the safety of public passenger road transport and causes a traffic accident through negligence shall be punished by a fine or imprisonment for up to two years.

(2) If an act referred to in the preceding paragraph causes serious injury to another person, the perpetrator shall be sentenced to imprisonment for up to five years and prohibited from driving a motor vehicle.

(3) Če ima dejanje iz prvega odstavka tega člena za posledico smrt ene ali več oseb, se storilec kaznuje z zaporom do osmih let in s prepovedjo vožnje motornega vozila.

Ogrožanje javnega prometa z nevarnim dejanjem ali sredstvom

326. člen

(1) Kdor uniči ali poškoduje prometne naprave, prometna sredstva, prometne znake in naprave za signalizacijo, prometne varnostne naprave, daje napačne signale ali znamenja, postavlja ovire na prometnih poteh ali ravna na drug podoben način in tako povzroči nevarnost za življenje ljudi ali premoženje velike vrednosti, se kaznuje z zaporom do treh let.

(2) Če je dejanje iz prejšnjega odstavka storjeno iz malomarnosti, se storilec kaznuje z zaporom do enega leta.

(3) Če ima dejanje iz prvega ali drugega odstavka tega člena za posledico hudo telesno poškodbo ene ali več oseb ali veliko premoženjsko škodo, se storilec kaznuje za dejanje iz prvega odstavka z zaporom do petih let, za dejanje iz drugega odstavka pa z zaporom do treh let.

(4) Če ima dejanje iz prvega ali drugega odstavka tega člena za posledico smrt ene ali več oseb, se storilec kaznuje za dejanje iz prvega odstavka z zaporom od enega do dvanajstih let, za dejanje iz drugega odstavka pa z zaporom do osmih let.

Opustitev nadzorstva v javnem prometu

327. člen

(3) If an act referred to in paragraph one of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for up to eight years and prohibited from driving a motor vehicle.

Endangering public traffic by dangerous acts or means

Article 326

(1) Whoever destroys or damages traffic installations, means of transport, traffic signs and signalling devices or traffic safety devices, or whoever transmits false signals or signs, creates obstacles on streets, roads or other traffic areas, or acts in any similar manner, thereby endangering human lives or property of substantial value, shall be sentenced to imprisonment for up to three years.

(2) If an act referred to in the preceding paragraph is committed through negligence, the perpetrator shall be sentenced to imprisonment for up to one year.

(3) If an act referred to in paragraph one or two of this Article causes serious bodily injury to one or more persons or substantial damage to property, the perpetrator shall be sentenced to imprisonment for up to five years for an act referred to in paragraph one, while for an act referred to in paragraph two he or she shall be sentenced to imprisonment for up to three years.

(4) If an act referred to in paragraph one or two of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between one and twelve years for an act referred to in paragraph one, and for an act referred to in paragraph two he or she shall be sentenced to imprisonment for up to eight years.

Failure to perform supervision of public traffic

Article 327

(1) Oseba, ki ji je zaupano nadzorstvo nad vzdrževanjem cest, mostov, nad prevoznimi sredstvi ali javnim prometom ali vodstvo ali usmerjanje vožnje, pa s kršitvijo svoje dolžnosti povzroči nevarnost za življenje ljudi ali premoženje velike vrednosti, se kaznuje z zaporom do treh let.

(2) Enako se kaznuje oseba, ki da nalog za vožnjo, čeprav ve, da voznik zaradi utrujenosti ali iz kakšnega drugega vzroka ni zmožen voziti vozila ali da prevozno sredstvo ni brezhibno, in tako povzroči nevarnost za življenje ljudi ali premoženje velike vrednosti.

(3) Če je dejanje iz prvega ali drugega odstavka tega člena storjeno iz malomarnosti, se storilec kaznuje z zaporom do enega leta.

(4) Če ima dejanje iz prvega, drugega ali tretjega odstavka tega člena za posledico hudo telesno poškodbo ene ali več oseb ali veliko premoženjsko škodo, se storilec za dejanje iz prvega in drugega odstavka kaznuje z zaporom do petih let, za dejanje iz tretjega odstavka pa z zaporom do treh let.

(5) Če ima dejanje iz prvega, drugega ali tretjega odstavka tega člena za posledico smrt ene ali več oseb, se storilec za dejanje iz prvega in drugega odstavka kaznuje z zaporom od enega do dvanajstih let, za dejanje iz tretjega odstavka pa z zaporom do osmih let.

Zapustitev poškodovanca v prometni nesreči brez pomoči

328. člen

(1) Voznik motornega vozila ali drugega prevoznega sredstva, ki pusti brez pomoči koga, ki je bil s tem prevoznim sredstvom ali zaradi njega poškodovan, se kaznuje z zaporom do enega leta.

(1) A person entrusted with the supervision and maintenance of roads and bridges, means of transport or public traffic, or a person entrusted with directing traffic who, by breaching his or her duties, causes danger to human lives or property of substantial value, shall be sentenced to imprisonment for up to three years.

(2) The same punishment shall be imposed on whoever, in the knowledge that a driver is incapable of driving due to fatigue or any other reason, or that the vehicle in question is not in a technically flawless condition, issues a driving order and thereby endangers human lives or property of substantial value.

(3) If an act referred to in paragraph one or two is committed through negligence, the perpetrator shall be sentenced to imprisonment for up to one year.

(4) If an act referred to in paragraph one, two or three of this Article causes serious bodily injury to one or more persons, or substantial damage to property, the perpetrator shall be sentenced to imprisonment for up to five years for an act referred to in paragraphs one and two, while for an act referred to in paragraph three he or she shall be sentenced to imprisonment for up to three years.

(5) If an act referred to in paragraph one, two or three of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between one and twelve years for an act referred to in paragraphs one and two, while for an act referred to in paragraph three he or she shall be sentenced to imprisonment for up to eight years.

Failure to render aid to a person who suffers serious bodily injury in a traffic accident

Article 328

(1) A driver of a motor vehicle or other means of transport who fails to render aid to a person who has been injured by or due to such means of transport shall be sentenced to imprisonment for up to one year.

(2) Če ima opustitev pomoči za posledico hudo telesno poškodbo ali smrt poškodovanega, se storilec kaznuje z zaporom od treh mesecev do petih let.

Ugrabitev zrakoplova ali plovila

329. člen

Kdor s silo ali resno grožnjo, da bo uporabil silo, prevzame nadzor nad zrakoplovom, ki leti, ali nad plovilom, ki pluje, se kaznuje z zaporom od enega do petnajstih let.

Napad na varnost zračnega prometa

330. člen

(1) Kdor spravi v nevarnost let zrakoplova, tako da položi ali prinese v zrakoplov razstrelivo ali druge podobne naprave ali snovi, uniči ali poškoduje navigacijske naprave na zrakoplovu ali napravi na njem kakšno drugo škodo ali daje napačna obvestila v zvezi z letom ali z napadom na posadko civilnega zrakoplova omejuje ali zmanjšuje sposobnost opravljanja dolžnosti članov posadke, ali s kršitvijo varnostnih navodil, ki so vidno označena ali jih potnikom posreduje vodja zrakoplova ali ostali člani posadke, se kaznuje z zaporom od enega do desetih let.

(2) Enako se kaznuje, kdor ogrozi varnost na letališču tako, da s silo ali grožnjo z uporabo sile prisili osebje letališča, da prekine poslovanje v zvezi s poleti zrakoplovov, ali z razstrelivom ali drugo podobno napravo ali snovjo uniči ali poškoduje zrakoplov ali naprave, namenjene za varnost zračnega prometa.

(3) Če ima dejanje iz prvega ali drugega odstavka tega člena za posledico smrt ene ali več oseb ali uničenje zrakoplova ali letališča, se storilec kaznuje z zaporom od treh do petnajstih let.

(2) If failure to render aid results in a serious bodily injury or the death of the injured person, the perpetrator shall be sentenced to imprisonment for between three months and five years.

Hijacking an aircraft or vessel

Article 329

Whoever, by force or serious threat of force, takes over the command of an aircraft during a flight, or of a vessel at sea, shall be sentenced to imprisonment for between one and fifteen years.

Jeopardising air traffic safety

Article 330

(1) Whoever endangers the safety of an aircraft by placing or bringing explosives or other similar devices aboard, by damaging or destroying navigational instruments, by causing other damage to the aircraft, or by giving false information regarding the flight, or whoever by attacking the crew of an aircraft limits or reduces the capability of the crew to perform their duties, or by violating safety instructions that are visibly marked or communicated to the passengers by the captain of the aircraft or other members of the crew, shall be sentenced to imprisonment for between one and ten years.

(2) The same punishment shall be imposed on whoever, by use of force or threat of force, coerces the personnel of an airport to discontinue operations concerning the flight schedule, or whoever, by means of explosive or other similar devices or substances, destroys or damages an aircraft or devices designed to secure the safety of air traffic, thereby endangering the safety of the airport.

(3) If an act referred to in paragraph one or two of this Article results in the death of one or more persons, or the destruction of an aircraft or airport, the perpetrator shall be sentenced to imprisonment for between three and fifteen years.

Uničenje in odstranitev znamenj, namenjenih za varnost zračnega prometa

331. člen

Kdor uniči, poškoduje ali odstrani znamenje, ki je namenjeno za varnost zračnega prometa, se kaznuje z zaporom do dveh let.

Dvaintrideseto poglavje
KAZNIVA DEJANJA ZOPER OKOLJE, PROSTOR IN NARAVNE DOBRINE

Obremenjevanje in uničevanje okolja

332. člen

(1) Kdor s kršitvijo predpisov:

- 1) z izpusti, emisijami ali vnosi količin snovi ali ionizirajočega sevanja v zrak, zemljo ali vodo spravi v nevarnost življenje ene ali več oseb ali povzroči nevarnost nastanka hude telesne poškodbe ali dejanske škode kakovosti zraka, zemlje ali vode ali živalim ali rastlinam;
- 2) zbira, prevaža, predeluje ali odstranjuje odpadke ali opravlja nadzor nad takimi postopki ali dejavnostmi po prenehanju obratovanja naprave za odstranjevanje odpadkov, ali trguje z odpadki ali jih posreduje tako, da spravi v nevarnost življenje ene ali več oseb ali povzroči nevarnost nastanka hude telesne poškodbe ali dejanske škode kakovosti zraka, zemlje ali vode ali živalim ali rastlinam;
- 3) iz 35. točke 2. člena Uredbe (ES) Evropskega parlamenta in Sveta z dne 14. junija 2006 o pošiljkah odpadkov, pošilja nezanemarljive količine odpadkov v eni pošiljki ali v več pošiljkah, ki se zdijo povezane;
- 4) upravlja obrat, v katerem se opravlja nevarna dejavnost ali se v njem skladiščijo nevarne snovi ali pripravki, kar bi zunaj obrata lahko povzročilo smrt ene ali več oseb ali hudo telesno poškodbo ali

Destruction and removal of air traffic safety markings

Article 331

Whoever destroys, damages or removes markings intended to ensure the safety of air traffic shall be sentenced to imprisonment for up to two years.

Chapter Thirty-Two
CRIMES AGAINST THE ENVIRONMENT, SPACE AND NATURAL RESOURCES

Burdening and destroying the environment

Article 332

(1) Whoever violates regulations by:

- 1) discharging, emitting or inputting quantities of substances or ionising radiation into the air, soil or water, endangering the life of one or more persons or causing a threat of serious bodily injury or actual damage to the quality of air, soil or water or to animals or plants;
- 2) collecting, transporting, processing or removing waste or exercising supervision over such procedures or activities after the cessation of the operation of waste disposal facilities or trading in waste or forwarding it so as to endanger the life of one or more persons or cause a threat of serious bodily injury or actual damage to the quality of air, soil or water or to animals or plants;
- 3) shipping substantial quantities of waste by one or several shipments that seem to be related under point 35 of Article 2 of Regulation (EC) of the European Parliament and of the Council of 14 June 2006 on shipments of waste;
- 4) managing a plant where a dangerous activity takes place or dangerous substances or preparations are stored, which in the area outside of the plant may cause the death of one or more persons or

dejansko škodo kakovosti zraka, zemlje ali vode ali živalim ali rastlinam;

- 5) povzroči nevarnost bistvenega poslabšanja habitata znotraj zaščitenega območja;
- 6) proizvaja, uvaža, izvaža, daje na trg ali uporablja snovi, ki tanjšajo ozonski plašč, se kaznuje z zaporom do petih let.

(2) Če ima dejanje iz točke 1), 2), 4) ali 5) prejšnjega odstavka za posledico hudo telesno poškodbo ali dejansko škodo kakovosti zraka, zemlje ali vode ali živalim ali rastlinam, se storilec kaznuje z zaporom do osmih let.

(3) Če ima dejanje iz točke 1), 2) ali 4) prvega odstavka tega člena za posledico smrt ene ali več oseb, se storilec kaznuje z zaporom od enega do dvanajstih let.

(4) Če je dejanje storjeno iz malomarnosti, se storilec za dejanje iz prvega odstavka tega člena kaznuje z denarno kaznijo ali zaporom do dveh let, za dejanje iz drugega odstavka tega člena z zaporom do treh let, za dejanje iz tretjega odstavka tega člena pa z zaporom od enega do osmih let.

(5) Če je dejanje iz prvega, drugega ali tretjega odstavka tega člena storjeno v hudodelski družbi za izvedbo teh dejanj, se storilec kaznuje z zaporom od enega do dvanajstih let.

Onesnaženje morja in voda s plovil

333. člen

(1) Kdor s kršitvijo predpisov s plovil izpusti ali odredi izpustitev nafte, kemikalij ali drugih onesnaževal v morje, jezerske ali rečne vode in s tem onesnaži morje, vode ali obale, se kaznuje z zaporom do petih let.

(2) Enako se kaznuje, kdor onesnažuje s ponavljajočimi se izpusti manjšega obsega, ki v posameznem primeru ne povzročijo

serious bodily injury or actual damage to the quality of air, soil or water or animals and plants;

- 5) causing a threat of substantial degradation of habitat within a protected area;
- 6) producing, exporting, importing, placing on the market or using substances that cause ozone layer depletion, shall be sentenced to imprisonment for up to five years.

(2) If an act referred to in point 1), 2), 4) or 5) of the preceding paragraph causes serious bodily injury or substantial damage to the quality of air, soil or water, or animals or plants, the perpetrator shall be sentenced to imprisonment for up to eight years.

(3) If an act referred to in point 1), 2) or 4) of paragraph one of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between one and twelve years.

(4) If the act is committed through negligence, the perpetrator shall be punished by a fine or imprisonment for up to two years for an act referred to in paragraph one of this Article, by imprisonment for up to three years for an act referred to in paragraph two of this Article, and by imprisonment for between one and eight years for an act referred to in paragraph three of this Article.

(5) If an act referred to in paragraph one, two or three of this Article is committed within a criminal organisation, the perpetrator shall be sentenced to imprisonment for between one and twelve years.

Pollution of the sea or waterways from vessels

Article 333

(1) Whoever violates regulations by releasing from a vessel oil, chemicals or other pollutants into the sea or a lake or river, thus polluting the sea, waterways or shores, shall be sentenced to imprisonment for up to five years.

(2) The same punishment shall be imposed for pollution caused by recurrent release of smaller quantities which in an isolated case would

poslabšanja kakovosti morja, jezerske ali rečne vode, v primeru, da gre za ponavljajoče izpuste, pa tako poslabšanje povzročijo.

(3) Če ima dejanje iz prvega ali drugega odstavka tega člena za posledico poslabšanje zdravja ljudi ali nepopravljivo poškodbo ali uničenje voda ali obale, živalskega ali rastlinskega sveta, se storilec kaznuje z zaporom od enega do desetih let.

(4) Če ima dejanje iz prvega ali drugega odstavka tega člena za posledico smrt ene ali več oseb, se storilec kaznuje z zaporom od treh do dvanajstih let.

(5) Če je dejanje storjeno iz malomarnosti, se storilec za dejanje iz prvega ali drugega odstavka tega člena kaznuje z zaporom do treh let, za dejanje iz tretjega odstavka tega člena z zaporom od šestih mesecev do petih let, za dejanje iz četrtega odstavka tega člena pa z zaporom od enega do osmih let.

(6) Če je dejanje iz prvega, drugega, tretjega ali četrtega odstavka tega člena storjeno v hudodelski družbi za izvedbo teh dejanj, se storilec kaznuje z zaporom od enega do dvanajstih let.

Protipravno ravnanje z jedrskimi ali drugimi nevarnimi radioaktivnimi snovmi

334. člen

(1) Kdor v nasprotju s predpisi ali s tehničnimi pravili o varnostnih ukrepih sprejema, poseduje, uporablja, prenaša, spreminja, odlaga, zavrže, omogoča pridobitev, razširja, proizvaja, obdeluje, skladišči, prevaža, uvaža, izvaža ali odstranjuje jedrske snovi ali druge nevarne radioaktivne snovi, kar bi lahko povzročilo smrt ali hudo telesno poškodbo ali veliko premoženjsko škodo ali veliko dejansko škodo na okolju, se kaznuje z zaporom do petih let.

(2) Če ima dejanje iz prejšnjega odstavka za posledico hudo telesno poškodbo ali veliko premoženjsko škodo ali veliko dejansko škodo

not result in the deterioration of the quality of sea, lake or river waters but do so if such releases are recurrent.

(3) If an act referred to in paragraph one or two of this Article causes the impairment of human health, or irreparable damage to or the destruction of waters or the shoreline, or animals or plants, the perpetrator shall be sentenced to imprisonment for between one and ten years.

(4) If an act referred to in paragraph one or two of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between three and twelve years.

(5) If the act is committed through negligence, the perpetrator shall be sentenced to imprisonment for up to three years for an act referred to in paragraph one or two of this Article, for between six months and five years for an act referred to in paragraph three of this Article and for between one and eight years for an act referred to in paragraph four of this Article.

(6) If an act referred to in paragraph one, two, three or four of this Article is committed within a criminal association, the perpetrator shall be sentenced to imprisonment for between one and twelve years.

Unlawful management of nuclear and other hazardous radioactive substances

Article 334

(1) Whoever violates regulations or technical rules concerning security measures by receiving, possessing, using, transferring, modifying, disposing, dumping, facilitating acquiring, expanding, producing, processing, storing, transporting, importing, exporting or removing nuclear or other hazardous radioactive substances which could cause death or serious bodily injury or considerable property damage or substantial damage to the environment, shall be sentenced to imprisonment for up to five years.

(2) If an act referred to in the preceding paragraph causes serious bodily injury, considerable damage to property, or substantial

na okolju, se storilec kaznuje z zaporom od šestih mesecev do osmih let.

(3) Če ima dejanje iz prvega odstavka tega člena za posledico smrt ene ali več oseb, se storilec kaznuje z zaporom od enega do dvanajstih let.

(4) Kdor pridobi jedrske snovi s tatvino, ropom, zatajitvijo, poneverbo, goljufijo, zlorabo položaja ali pooblastila, grožnjo ali uporabo sile ali drugim načinom ustrahovanja, se kaznuje z zaporom od enega do desetih let.

(5) Kdor z dejanjem, ki je usmerjeno proti jedrskemu objektu, ali dejanjem, ki posega v delovanje jedrskega objekta, povzroči zaradi izpostavljenosti sevanju ali sproščanju radioaktivnih snovi hudo telesno poškodbo ali smrt ene ali več oseb, veliko premoženjsko škodo ali veliko dejansko škodo na okolju ali kdor povzroči nevarnost nastanka katere od navedenih posledic, se kaznuje z zaporom od enega do petnajstih let.

(6) Kdor grozi, da bo jedrske snovi uporabil tako, da bo povzročil hudo telesno poškodbo ali smrt ene ali več oseb, veliko premoženjsko škodo ali veliko dejansko škodo na okolju ali da bo storil dejanje iz četrtega ali petega odstavka tega člena zato, da bo katera koli fizična ali pravna oseba prisiljena, da stori ali opusti katero koli dejanje, se kaznuje z zaporom do petnajstih let.

(7) Če je dejanje storjeno iz malomarnosti, se storilec za dejanje iz prvega odstavka tega člena kaznuje z zaporom do treh let, za dejanje iz drugega odstavka tega člena z zaporom od šestih mesecev do petih let, za dejanje iz tretjega odstavka tega člena pa z zaporom od enega do osmih let.

(8) Če je bilo dejanje iz prvega, drugega, tretjega, četrtega, petega ali šestega odstavka tega člena storjeno v hudodelski združbi za izvedbo teh dejanj, se storilec kaznuje z zaporom od enega do petnajstih let.

335. člen

damage to the environment, the perpetrator shall be sentenced to imprisonment for between six months and eight years.

(3) If an act referred to in paragraph one of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between one and twelve years.

(4) Whoever acquires nuclear substances by theft, robbery, misappropriation, embezzlement, fraud, abuse of duty or authority, threat or the use of force, or other method of intimidation, shall be sentenced to imprisonment for between one and ten years.

(5) Whoever by an action targeting or interfering with the operation of a nuclear facility causes serious bodily injury to or the death of one or more persons, or significant damage to property or the environment as a result of exposure to radiation or the release of radioactive substances, or whoever causes a threat of the occurrence of the aforementioned consequences shall be sentenced to imprisonment for between one and fifteen years.

(6) Whoever threatens to use nuclear substances with the intention of causing serious bodily injury to or the death of one or more persons, significant damage to property or the environment, or to commit an act referred to in paragraph four or five of this Article in order to compel a natural or legal person to carry out or refrain from carrying out any act, shall be sentenced to imprisonment for up to fifteen years.

(7) If the act is committed through negligence, the perpetrator shall be sentenced to imprisonment for up to three years for an act referred to in paragraph one of this Article, for between six months and five years for an act referred to in paragraph two of this Article, and for between one and eight years for an act referred to in paragraph three of this Article.

(8) If an act referred to in paragraph one, two, three, four, five or six of this Article is committed within a criminal organisation, the perpetrator shall be sentenced to imprisonment for between one and fifteen years.

Article 335

(črtan)

Onesnaženje pitne vode

336. člen

(1) Kdor s kakšno škodljivo snovjo onesnaži vodo, ki jo ljudje uporabljajo kot pitno vodo in tako povzroči nevarnost za življenje ali zdravje ljudi, se kaznuje z zaporom do treh let.

(2) Če je dejanje iz prejšnjega odstavka storjeno iz malomarnosti, se storilec kaznuje z denarno kaznijo ali zaporom do treh mesecev.

(3) Če ima dejanje iz prvega ali drugega odstavka tega člena za posledico hudo telesno poškodbo ene ali več oseb, se storilec kaznuje za dejanje iz prvega odstavka z zaporom do petih let, za dejanje iz drugega odstavka pa z zaporom do treh let.

(4) Če ima dejanje iz prvega ali drugega odstavka tega člena za posledico smrt ene ali več oseb, se storilec kaznuje za dejanje iz prvega odstavka z zaporom od enega do dvanajstih let, za dejanje iz drugega odstavka pa z zaporom od enega do osmih let.

(5) Kdor s kakšno škodljivo snovjo onesnaži vodo, ki je namenjena za napajanje živali in tako povzroči nevarnost za življenje in zdravje živali, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(6) Če ima dejanje iz petega odstavka za posledico pogin živali večje vrednosti ali večjega števila živali, se storilec kaznuje z zaporom do treh let.

Onesnaženje živil ali krme

(Deleted)

Pollution of drinking water

Article 336

(1) Whoever pollutes water used by people for drinking with any harmful substance, thereby causing a threat to human life or health, shall be sentenced to imprisonment for up to three years.

(2) If an act referred to in the preceding paragraph is committed through negligence, the perpetrator shall be punished by a fine or imprisonment for up to three months.

(3) If an act referred to in paragraph one or two of this Article causes serious bodily injury to one or more persons, the perpetrator shall be sentenced to imprisonment for up to five years for an act referred to in paragraph one, and for an act referred to in paragraph two he or she shall be sentenced to imprisonment for up to three years.

(4) If an act referred to in paragraph one or two of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between one and twelve years for an act referred to in paragraph one, and for an act referred to in paragraph two he or she shall be sentenced to imprisonment for between one and eight years.

(5) Whoever pollutes water intended for the watering of animals with any harmful substance, thereby causing a threat to the life and health of animals, shall be punished by a fine or imprisonment for up to one year.

(6) If an act referred to in paragraph five of this Article causes the death of animals of substantial value or of a substantial number of animals, the perpetrator shall be sentenced to imprisonment for up to three years.

Contamination of foodstuffs or fodder

337. člen

(1) Kdor s kakšno škodljivo snovjo onesnaži živila in tako povzroči nevarnost za življenje ali zdravje ljudi, se kaznuje z zaporom do treh let.

(2) Če je dejanje iz prejšnjega odstavka storjeno iz malomarnosti, se storilec kaznuje z denarno kaznijo ali zaporom do treh mesecev.

(3) Če ima dejanje iz prvega ali drugega odstavka tega člena za posledico hudo telesno poškodbo ene ali več oseb, se storilec kaznuje za dejanje iz prvega odstavka z zaporom do petih let, za dejanje iz drugega odstavka pa z zaporom do treh let.

(4) Če ima dejanje iz prvega ali drugega odstavka tega člena za posledico smrt ene ali več oseb, se storilec kaznuje za dejanje iz prvega odstavka z zaporom od enega do dvanajstih let, za dejanje iz drugega odstavka pa z zaporom od enega do osmih let.

(5) Kdor s kakšno škodljivo snovjo onesnaži živalsko krmo ali druga krmila, ki so namenjena za prehrano živali in tako povzroči nevarnost za življenje ali zdravje živali, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(6) Če ima dejanje iz prejšnjega odstavka za posledico pogin živali večje vrednosti ali večjega števila živali, se storilec kaznuje z zaporom do treh let.

Protipravno zavzetje nepremičnine

338. člen

(1) Kdor zavzame tuje zemljišče, ki je po predpisih določeno za

Article 337

(1) Whoever contaminates foodstuffs with any harmful substance, thereby causing a threat to human life or health, shall be sentenced to imprisonment for up to three years.

(2) If an act referred to in the preceding paragraph is committed through negligence, the perpetrator shall be punished by a fine or imprisonment for up to three months.

(3) If an act referred to in paragraph one or two of this Article causes serious bodily injury to one or more persons, the perpetrator shall be sentenced to imprisonment for up to five years for an act referred to in paragraph one, and for an act referred to in paragraph two he or she shall be sentenced to imprisonment for up to three years.

(4) If an act referred to in paragraph one or two of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between one and twelve years for an act referred to in paragraph one, and for an act referred to in paragraph two he or she shall be sentenced to imprisonment for between one and eight years.

(5) Whoever contaminates animal fodder or other feedstuffs intended for the feeding of animals with any harmful substance, thereby causing danger to the life or health of animals, shall be punished by a fine or imprisonment for up to one year.

(6) If an act referred to in the preceding paragraph causes the death of animals of substantial value or of a substantial number of animals, the perpetrator shall be sentenced to imprisonment for up to three years.

Unlawful occupation of real property

Article 338

(1) Whoever occupies another person's land that in accordance

zavarovano zemljišče ali območje, naravno vrednoto ali javno dobro, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Enako se kaznuje, kdor zavzame tuje zemljišče z namenom, da ga uporabi za gradnjo.

Uničenje nasadov s škodljivo snovjo

339. člen

Kdor s škodljivo snovjo povzroči uničenje tujih rastlin, sadnih dreves ali drugih nasadov in s tem povzroči večjo škodo na teh nasadih, se kaznuje z denarno kaznijo ali zaporom do dveh let.

Uničevanje gozdov

340. člen

(1) Kdor zavestno v nasprotju s predpisi ali odredbami pristojnih organov v večjem obsegu krči ali seka na golo gozd ali ga kako drugače uničuje, pa pri tem niso dani znaki kakšnega drugega kaznivega dejanja, se kaznuje z zaporom do enega leta.

(2) Kdor stori dejanje iz prejšnjega odstavka v varovalnem gozdu ali gozdu, ki ima poseben namen, se kaznuje z zaporom do treh let.

Mučenje živali

341. člen

(1) Kdor surovo ravna z živaljo ali ji po nepotrebem povzroča trpljenje, se kaznuje z denarno kaznijo ali zaporom do enega leta.

with regulations is determined to be a protected area, land, valuable natural feature or public good, shall be punished by a fine or imprisonment for up to one year.

(2) Whoever occupies another person's land with the intention of using it for construction shall be subject to the same punishment.

Destruction of plantations by a harmful substance

Article 339

Whoever causes the destruction of another person's plants, fruit trees or other plantations by means of a harmful substance, thereby causing substantial damage to such plantations, shall be punished by a fine or imprisonment for up to two years.

Forest cover destruction

Article 340

(1) Whoever knowingly and contrary to regulations or orders issued by competent bodies, reduces to a substantial degree or clear-cuts a forest or otherwise destroys a forest, and where no indications of another criminal offence are given, shall be sentenced to imprisonment for up to one year.

(2) Whoever commits an act referred to in the preceding paragraph in a protected forest or in a specific-purpose forest shall be sentenced to imprisonment for up to three years.

Torture of animals

Article 341

(1) Whoever treats an animal cruelly or causes it unnecessary suffering shall be punished by a fine or imprisonment for up to one year.

(2) Kdor se ukvarja z organizacijo borb živali ali stav v zvezi z borbo živali ali se ukvarja z vzrejo in vzgojo živali z namenom uporabe za borbo živali, se kaznuje z zaporom do dveh let in denarno kaznijo.

(3) Kdor z dejanjem iz prvega odstavka tega člena muči več živali ali mučeno žival trajno pohabi ali na krut način povzroči njen pogin, se kaznuje z zaporom do treh let.

(4) Če je zaradi dejanja iz drugega odstavka tega člena žival trajno hudo pohabljen ali pogine, se storilec kaznuje z zaporom do treh let in denarno kaznijo.

Nezakonit lov

342. člen

(1) Kdor brez dovoljenja ali sicer neupravičeno lovi in ubije ali rani divjo žival ali jo ujame živo, se kaznuje z denarno kaznijo ali zaporom do šestih mesecev.

(2) Če gre pri dejanju iz prejšnjega odstavka za divjad večje vrednosti ali divjad, pomembno po predpisih o lovstvu, ali je dejanje storjeno med varstveno dobo ali v skupini, se storilec kaznuje z denarno kaznijo ali zaporom do enega leta.

(3) Kdor lovi ogrožene ali zredčene vrste divjadi, katerih lov je prepovedan, kdor lovi brez posebnega dovoljenja divjad posamezne vrste, za katero je potrebno tako dovoljenje, kdor lovi na način ali s sredstvi, s katerimi se divjad množično pokončuje ali kdor lovi s pomočjo motornega vozila ali žarometa, se kaznuje z denarno kaznijo ali zaporom do dveh let.

Nezakoniti ribolov

(2) Whoever engages in organising animal fighting or in accepting bets for animal fighting, or engages in breeding and training for animal fighting purposes, shall be sentenced to imprisonment for between three and five years and imposed a fine.

(3) If an act referred to in the preceding paragraph involves the torture of a number of animals, or the permanent mutilation or cruel death of a tortured animal, the perpetrator shall be sentenced to imprisonment for up to three years.

(4) If an act referred to in paragraph two of this Article results in the serious mutilation or death of an animal, the perpetrator shall be sentenced to imprisonment for up to three years and imposed a fine.

Unlawful hunting

Article 342

(1) Whoever, without permission or otherwise unlawfully, hunts and kills or wounds a wild animal or traps it alive shall be punished by a fine or imprisonment for up to six months.

(2) If an act referred to in the preceding paragraph is committed against game of substantial value or game of importance in accordance with hunting regulations, during the closed hunting season or in a group, the perpetrator shall be punished by a fine or imprisonment for up to one year.

(3) Whoever hunts endangered or rare wild game species which it is prohibited to hunt, or whoever hunts a particular wild game species without a special licence, or whoever hunts in a manner or by means resulting in the mass killing of wild game, or whoever hunts by means of a motor vehicle or a spotlight, shall be punished by a fine or imprisonment for up to two years.

Unlawful fishing

343. člen

Kdor lovi ribe z razstrelivom, elektriko, strupom, omamnim sredstvom, pa pri tem povzroči pogin rib, ali lovi na način, ki je škodljiv za njihovo razmnoževanje, se kaznuje z denarno kaznijo ali zaporom do enega leta.

Nezakonito ravnanje z zaščitenimi živalmi in rastlinami

344. člen

(1) Kdor nezakonito poseduje, odvzame, poškoduje, usmrti, izvaža, uvaža ali trguje z zaščitenimi divjimi živalskimi ali rastlinskimi vrstami, zaščitenimi živalmi ali rastlinami ali njihovimi deli ali iz njih izdelanimi izdelki, se kaznuje z zaporom do treh let.

(2) Če je stvar iz prejšnjega odstavka velikega ali izjemnega naravovarstvenega pomena ali če je dejanje iz prejšnjega odstavka storjeno v hudodelski združbi za izvedbo takih dejanj, se storilec kaznuje z zaporom od šestih mesecev do petih let.

Prenašanje kužnih boleznih pri živalih in rastlinah

345. člen

(1) Kdor med epidemijo kakšne živalske kužne bolezni, ki lahko spravi v nevarnost rejo živali na celotnem območju države, ne ravna po predpisih, s katerimi so določeni ukrepi za zatiranje ali preprečevanje bolezni, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Enako se kaznuje, kdor med trajanjem nevarnosti za bolezen ali škodljivce, ki lahko spravijo v nevarnost rastlinski svet na celotnem območju države, ne ravna po predpisih, s katerimi so določeni ukrepi za zatiranje ali preprečevanje bolezni ali škodljivcev.

Article 343

Whoever fishes by means of explosives, electricity, poison, or narcotic substances, thereby causing the death of fish, or fishes in a manner that is harmful to the reproduction of fish, shall be punished by a fine or imprisonment for up to one year.

Unlawful handling of protected animals and plants

Article 344

(1) Whoever unlawfully possesses, seizes, damages, kills, exports, imports or trades in protected wild animal or plant species, protected animals or plants, or parts thereof or products made therefrom, shall be sentenced to imprisonment for up to three years.

(2) If the object referred to in the preceding paragraph is of great or exceptional significance for the conservation of nature, or if an act referred to in the preceding paragraph is committed within a criminal organisation, the perpetrator shall be sentenced to imprisonment for between six months and five years.

Transmission of contagious diseases in animals or plants

Article 345

(1) Whoever, during an epizootic among animals that could endanger breeding throughout the entire territory of the country, fails to comply with regulations determining the measures to be taken in order to suppress or prevent the diseases, shall be punished by a fine or imprisonment for up to one year.

(2) Whoever, for the duration of the threat of a disease or pest capable of endangering fauna throughout the entire territory of the country, fails to comply with regulations determining the measures to be taken in order to suppress or prevent the disease or pest, shall be subject

(3) Če ima dejanje iz prvega ali drugega odstavka tega člena za posledico razširitev kužne bolezni ali škodljivcev v večjem obsegu, se storilec kaznuje z zaporom do dveh let.

(4) Če je dejanje iz prvega, drugega ali tretjega odstavka tega člena storjeno iz malomarnosti, se storilec kaznuje z denarno kaznijo ali zaporom do šestih mesecev.

Izdelovanje škodljivih zdravil za zdravljenje živali

346. člen

(1) Kdor izdelava za prodajo ali razpečava snovi kot zdravila za zdravljenje ali preprečevanje kužnih bolezni pri živalih, ki so nevarna za njihovo življenje ali zdravje, pa so zaradi tega poginile živali večje vrednosti ali več živali ali so se razširile kužne bolezni, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Snovi iz prejšnjega odstavka tega člena se vzamejo.

Nevestna veterinarska pomoč

347. člen

Veterinar ali drug veterinarski delavec, ki pri opravljanju veterinarske dejavnosti iz malomarnosti ravna v očitnem nasprotju s pravili veterinarske znanosti in stroke in tako povzroči pogin živali večje vrednosti, se kaznuje z denarno kaznijo ali zaporom do enega leta.

to the same punishment.

(3) If an act referred to in paragraph one or two of this Article causes the spread of a contagious disease or pest on a substantial scale, the perpetrator shall be sentenced to imprisonment for up to two years.

(4) If an act referred to in paragraph one, two or three of this Article is committed through negligence, the perpetrator shall be punished by a fine or imprisonment for up to six months.

Production of harmful medicines for the treatment of animals

Article 346

(1) Whoever prepares or distributes substances that are designated as medicines for the treatment or prevention of contagious diseases in animals and that are harmful to the lives and health thereof, and if the use of such substances results in the death of animals of substantial value or of a substantial number of animals, or in the spread of a contagious disease, shall be punished by a fine or imprisonment for up to one year.

(2) The substances referred to in the preceding paragraph shall be confiscated.

Unconscientious veterinary aid

Article 347

A veterinary or any other veterinary worker who, in the performance of a veterinary activity and through negligence, acts in a way that is obviously contrary to the rules of veterinary science and the profession, thereby causing the death of animals of substantial value, shall be punished by a fine or imprisonment for up to one year.

Veleizdaja

High treason

348. člen

Article 348

Kdor s silo ali grožnjo, da bo uporabil silo, ogrozi obstoj Republike Slovenije ali tako poskuša spremeniti njeno ustavno ureditev ali strmoglaviti najvišje državne organe, se kaznuje z zaporom od enega do desetih let.

Whoever by force or by threat of force endangers the existence of the Republic of Slovenia or attempts to alter its constitutional order or to overthrow its highest government bodies shall be sentenced to imprisonment for between one and ten years.

Napad na ozemeljsko celovitost

Attack on the territorial integrity

349. člen

Article 349

Kdor poskuša s silo ali grožnjo, da bo uporabil silo, odcepiti del ozemlja Republike Slovenije ali del tega ozemlja pripojiti drugi državi, se kaznuje z zaporom od enega do desetih let.

Whoever attempts to separate any part of the territory of the Republic of Slovenia or to join the same to a foreign country by means or threat of force shall be sentenced to imprisonment for between one and ten years.

Napad na neodvisnost države

Attack on the independence of the State

350. člen

Article 350

Državljan Republike Slovenije, ki poskuša spraviti Republiko Slovenijo v podrejenost ali odvisnost nasproti drugi državi, se kaznuje z zaporom od enega do desetih let.

A citizen of the Republic of Slovenia who attempts to put the Republic of Slovenia in a position of subordination to or dependence on a foreign country shall be sentenced to imprisonment for between one and ten years.

Kršitev ozemeljske nedotakljivosti

Violation of territorial integrity

351. člen

Article 351

Kdor vdre na ozemlje Republike Slovenije zaradi kršitve njene

Whoever enters the territory of the Republic of Slovenia in

ozemeljske nedotakljivosti, se kaznuje z zapornom od enega do desetih let.

Uboj predsednika republike

352. člen

Kdor, zato da bi ogrozil ustavno ureditev ali varnost Republike Slovenije, vzame življenje predsednika Republike Slovenije ali tistega, ki ga nadomešča, se kaznuje z zapornom najmanj petnajstih let.

Nasilje zoper najvišje predstavnike države

353. člen

Kdor, zato da bi ogrozil opravljanje nalog v demokratični ureditvi ali varnost Republike Slovenije, ugrabi koga od najvišjih predstavnikov države, poslanca, člana državnega sveta, člana vlade, sodnika ustavnega ali vrhovnega sodišča ali stori zoper njega ali njegovega bližnjega kakšno drugo nasilje ali napade njegove uradne prostore, zasebno stanovanje ali prevozno sredstvo, se kaznuje z zapornom najmanj petnajstih let.

Nasilje zoper predstavnike tujih držav ali mednarodnih organizacij

354. člen

Kdor, zato da bi ogrozil ustavno ureditev ali varnost Republike Slovenije ali škodoval tuji državi, ugrabi predstavnika tuje države ali mednarodne organizacije ali stori zoper njega ali njegovega bližnjega kakšno drugo nasilje ali napade njegove uradne prostore, zasebno stanovanje ali prevozno sredstvo, se kaznuje z zapornom od treh do petnajstih let.

order to violate its territorial integrity shall be sentenced to imprisonment for between one and ten years.

Assassination of the President of the Republic

Article 352

Whoever, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, assassinates the President of the Republic of Slovenia or the person acting in his or her place, shall be sentenced to imprisonment for at least fifteen years.

Violence against the highest representatives of the State

Article 353

Whoever, with the intention of jeopardising the performance of tasks in the democratic order or the security of the Republic of Slovenia, abducts any of the highest representatives of the State, a member of the National Assembly, a member of the Government, or a judge of the Constitutional or Supreme Court, or commits any other act of violence against him or her or a member of his or her family or retinue, or violates his or her official or residential premises or means of transport, shall be sentenced to imprisonment for at least fifteen years.

Violence against representatives of foreign countries or international organisations

Article 354

Whoever, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia or causing damage to a foreign country, abducts the president of a foreign country or international organisation or commits other acts of violence against him or her or a member of his or her family or retinue, or violates his or her official or residential premises or means of transport, shall be sentenced to

Oborožen upor

355. člen

(1) Kdor organizira ali vodi oborožen upor, da bi ogrozil obstoj Republike Slovenije, spremenil njeno ustavno ureditev ali strmoglavil njene najvišje državne organe, se kaznuje z zaporom najmanj petnajstih let.

(2) Kdor sodeluje v oboroženem uporu iz prejšnjega odstavka, se kaznuje z zaporom do petih let.

Diverzija

356. člen

Kdor, zato da bi ogrozil ustavno ureditev ali varnost Republike Slovenije, poruši, zažge ali kako drugače uniči ali poškoduje kakšen gospodarski objekt, prometno sredstvo ali prometno napravo, napravo, namenjeno sistemu zvez, javno napravo za vodo ali prenos energije ali kakšen drug objekt, pomemben za varnost ljudi, preskrbo prebivalstva ali gospodarstvo, se kaznuje z zaporom najmanj petnajstih let.

Sabotaža

357. člen

(1) Kdor, zato da bi ogrozil ustavno ureditev ali varnost Republike Slovenije, prikrito, zahrbtno ali na drug podoben način povzroči pri opravljanju svoje delovne obveznosti veliko škodo državnemu organu ali organizaciji, v kateri dela, ali drugemu državnemu organu ali organizaciji, se kaznuje z zaporom od enega do desetih let.

imprisonment for between three and fifteen years.

Armed Rebellion

Article 355

(1) Whoever organises or leads an armed rebellion with the intention of endangering the existence of the Republic of Slovenia, altering its constitutional order, or overthrowing its highest government bodies, shall be sentenced to imprisonment for at least fifteen years.

(2) Whoever participates in an armed rebellion as referred to in the preceding paragraph shall be sentenced to imprisonment for up to five years.

Diversion

Article 356

Whoever, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, destroys, burns or otherwise damages any commercial building, means of communication or traffic installation, communication network or any part thereof, public installations for the supply of water or energy, or any other object relevant to the security or supply of the people or the economy, shall be sentenced to imprisonment for at least fifteen years.

Sabotage

Article 357

Whoever, in the performance of his or her work duties, causes substantial damage to the state body or organisation where he or she is employed or to any other state body or organisation in a covert, treacherous or similar manner, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, shall be

(2) Če je dejanje iz prejšnjega odstavka storjeno na jedrskem objektu, se storilec kaznuje z zapornom od enega do dvanajstih let.

Vohunstvo

358. člen

(1) Kdor služi tuji državi ali tuji organizaciji ali njenemu agentu, tako da zbira zaupne vojaške, gospodarske ali uradne podatke ali dokumente ali ji jih sporoči ali izroči ali ji omogoči, da pride do njih, se kaznuje z zapornom od enega do osmih let.

(2) Kdor v škodo Republike Slovenije ustvari za tujo državo ali tujo organizacijo obveščevalno službo ali jo vodi, se kaznuje z zapornom od treh do petnajstih let.

(3) Kdor se vključi v tujo obveščevalno službo iz prejšnjega odstavka ali podpira njeno delo, se kaznuje z zapornom od šestih mesecev do petih let.

Ščuvanje k nasilni spremembi ustavne ureditve

359. člen

(1) Kdor, zato da bi ogrozil obstoj, ustavno ureditev ali varnost Republike Slovenije, poziva ali ščuva k neposredni storitvi kaznivih dejanj iz 348. do 357. člena tega zakonika, se kaznuje z zapornom do petih let.

(2) Kdor stori dejanje iz prejšnjega odstavka z premoženjsko ali kako drugo pomočjo iz tujine, se kaznuje z zapornom od šestih mesecev do petih let.

sentenced to imprisonment for between one and ten years.

(2) If an act referred to in the preceding paragraph is committed at a nuclear facility, the perpetrator shall be sentenced to imprisonment for between one and twelve years.

Espionage

Article 358

(1) Whoever serves a foreign country or organisation or an agent thereof by collecting military, economic or official information or confidential documents, or by informing them of or providing them with access to such information or documents, shall be sentenced to imprisonment for between one and eight years.

(2) Whoever, to the detriment of the Republic of Slovenia, establishes or directs an intelligence service for a foreign country or organisation, shall be sentenced to imprisonment for between three and fifteen years.

(3) Whoever joins a foreign intelligence service referred to in the preceding paragraph or supports the operations thereof shall be sentenced to imprisonment for between six months and five years.

Incitement to violently changing the constitutional order

Article 359

(1) Whoever, with the intention of threatening the existence, constitutional order or security of the Republic of Slovenia, incites or instigates the direct commission of a criminal offence referred to in Articles 348 to 357 of this Code, shall be sentenced to imprisonment for up to five years.

(2) Whoever commits an act referred to in the preceding paragraph with financial or other support from abroad shall be sentenced to imprisonment for between six months and five years.

(3) Kdor izdeluje ali razmnožuje gradivo, s katerim se poziva ali ščuva k storitvi kaznivih dejanj iz prvega odstavka tega člena, zato da bi ga sam ali kdo drug razširjal, ali kdor z enakim namenom hrani večjo količino takega gradiva ali ga razširja, se kaznuje z zaporom do treh let.

Kaznovanje za najhujše oblike kaznivih dejanj

360. člen

(1) Za kaznivo dejanje iz 348. do 351. člena ter 354. in 357. člena tega zakonika, ki ima za posledico smrt ene ali več oseb, hudo nasilje ali veliko razdejanje, se storilec kaznuje z zaporom od desetih do petnajstih let.

(2) Če storilec pri storitvi dejanj iz prejšnjega odstavka naklepoma vzame življenje eni ali več osebam, se kaznuje z zaporom najmanj petnajstih let.

Štiriintrideseto poglavje KAZNIVA DEJANJA ZOPER OBRAMBNO MOČ DRŽAVE

Izmikanje obrambnim dolžnostim

361. člen

(1) Kdor se, ko je razglašeno izredno ali vojno stanje, skriva ali se ne odzove na poziv za izpolnitev obrambne dolžnosti, se kaznuje z denarno kaznijo ali zaporom do enega leta.

(2) Kdor, zato da bi se v času razglašenega izrednega ali vojnega stanja izognil obrambni dolžnosti kot nezmožen za tako dolžnost, hlini bolezen, uporabi ponarejeno listino ali kako drugače preslepi pristojni organ, se kaznuje z zaporom do treh let.

(3) Whoever manufactures or reproduces material serving to incite or instigate the execution of a criminal offence referred to in paragraph one of this Article with the intention of disseminating such material by him- or herself or through a third person, or whoever keeps a large quantity of such material with the same intention or disseminates it, shall be sentenced to imprisonment for up to three years.

Punishment for the gravest forms of criminal offences

Article 360

(1) For a criminal offence referred to in Articles 348 to 351 or Articles 353, 354 and 357 of this Code resulting in the death of one or more persons, severe violence, or great devastation, the perpetrator shall be sentenced to imprisonment for between ten and fifteen years.

(2) If the perpetrator, in committing an act referred to in the preceding paragraph, intentionally takes the life of one or more persons, he or she shall be sentenced to imprisonment for at least fifteen years.

Chapter Thirty-Four CRIMES AGAINST THE DEFENSIVE POWER OF THE STATE

Evasion of defence duties

Article 361

(1) Whoever, during a declared state of war or emergency, goes into hiding or fails to respond to a summons to defence shall be punished by a fine or imprisonment for up to one year.

(2) Whoever, with the intention of evading defence duties during a declared state of war or emergency, simulates an illness, uses a forged document or deceives a competent authority in any other way, thereby inducing the authority to declare him or her unfit for military service or duty, shall be sentenced to imprisonment for up to three years.

(3) Enako kot v prejšnjem odstavku se kaznuje, kdor stori dejanje iz prejšnjega odstavka, s tem da se sam ali s pomočjo drugega poškoduje ali kako drugače napravi za nezmožnega za obrambno dolžnost.

Izmikanje obrambnim dolžnostim s preslepitvijo

362. člen

(1) Kdor, ko je razglašeno izredno ali vojno stanje, hlini bolezen, uporabi ponarejeno listino ali kako drugače preslepi pristojni organ, da bi se izognil vojaški službi ali drugi obrambni dolžnosti, in ga tako zapelje, da ga ta razglasi za nezmožnega za opravljanje vojaške službe ali vojaške dolžnosti, se kaznuje z zaporom do treh let.

(2) Enako se kaznuje, kdor, da bi se izognil službi ali obveznosti iz prejšnjega odstavka ali da bi bil določen za lažjo službo ali obveznost, samega sebe poškoduje ali kako drugače napravi nezmožnega ali dovoli drugemu, da ga napravi nezmožnega.

(3) Kdor drugega z njegovim dovoljenjem ali brez njegovega dovoljenja telesno poškoduje ali ga kako drugače napravi nezmožnega, da bi se izognil vojaški službi ali drugi vojaški obveznosti, se kaznuje z zaporom od šestih mesecev do petih let.

Sila proti vojaški osebi pri opravljanju vojaške dolžnosti

363. člen

(1) Kdor s silo ali grožnjo, da bo neposredno uporabil silo, prepreči vojaški osebi opravljati vojaško dolžnost ali jo na enak način prisili opravljati vojaško dolžnost, se kaznuje z zaporom do dveh let.

(3) The same punishment shall be imposed on whoever, with the intention of evading defence duties, commits an act referred to in the preceding paragraph by inflicting injury upon him- or herself or otherwise incapacitating him - or herself for military service or allowing another person to do so.

Evasion of defence duties by deception

Article 362

(1) Whoever, during a declared state of war or emergency, with the intention of evading military service or any other defence duty, simulates an illness, uses a forged document or deceives a competent authority in any other way, thereby inducing it to declare him or her unfit for military service or duty, shall be sentenced to imprisonment for up to three years.

(2) The same punishment shall be imposed on whoever, with the intention of either evading the service or duty referred to in the preceding paragraph or of being assigned to a less demanding service or duty, inflicts injury upon him- or herself or otherwise incapacitates him- or herself for military service or allows another person to do so.

(3) Whoever, with the intention of incapacitating another person for military service or military duties, inflicts bodily harm upon such person with or without that person's permission, or otherwise renders that person unfit for military service, shall be sentenced to imprisonment for between six months and five years.

Use of force against a member of the military on duty

Article 363

(1) Whoever, by use of force or threat of imminent use of force, prevents a member of the military from performing military duty, or in the same manner compels him or her to perform such duty, shall be sentenced to imprisonment for up to two years.

(2) Poskus je kazniv.

(3) Če storilec ob storitvi dejanja iz prvega odstavka tega člena razžali vojaško osebo, grdo ravna z njo ali ji prizadene lahko telesno poškodbo ali ji grozi z uporabo orožja, se kaznuje z zaporom do treh let.

(4) Če je bil storilec dejanja iz prvega do tretjega odstavka tega člena izzvan z nezakonitim ali surovim ravnanjem vojaške osebe, se kaznuje z denarno kaznijo ali zaporom do šestih mesecev, sme pa se mu tudi odpustiti kazen.

Napad na vojaško osebo, ki opravlja službo

364. člen

(1) Kdor napade ali resno zagrozi, da bo napadel vojaško osebo, ki opravlja službo, se kaznuje z zaporom do dveh let.

(2) Če storilec pri dejanju iz prejšnjega odstavka vojaški osebi grozi z orožjem, z njo grdo ravna ali jo lahko telesno poškoduje, se kaznuje z zaporom do treh let.

(3) S kaznijo iz prejšnjega odstavka se kaznuje, kdor stori dejanje iz prvega odstavka tega člena proti dvema ali več vojaškim osebam.

Nevestno ravnanje s sredstvi za obrambo

365. člen

Kdor ravna v nasprotju s predpisi z orožjem, strelivom, razstrelivom, bojnimi napravami ali drugimi sredstvi, namenjenimi za

(2) Any attempt to commit such an act shall be punishable.

(3) A perpetrator referred to in paragraph one of this Article who, in committing such act, insults a member of the military, ill-treats him or her, inflicts actual bodily harm upon him or her, or threatens him or her with the use of arms, shall be sentenced to imprisonment for up to three years.

(4) If the perpetrator of an act referred to in paragraphs one to three of this Article is provoked by unlawful or brutal conduct on the part of the member of the military, he or she shall be punished by a fine or imprisonment for up to six months or his or her punishment may be remitted.

Attack on a member of the military on duty

Article 364

(1) Whoever attacks or seriously threatens to attack a member of the military on duty shall be sentenced to imprisonment for up to two years.

(2) A perpetrator who, in committing an act referred to in the preceding paragraph, insults a member of the military, ill-treats him or her or inflicts actual bodily harm upon him or her, shall be sentenced to imprisonment for up to three years.

(3) Whoever commits an act referred to in paragraph one against two or more members of the military shall be punished in accordance with the provision of the preceding paragraph of this Article.

Negligent handling of means of defence

Article 365

Whoever handles weapons, ammunition, explosives, combat devices or other facilities intended for the defence of the country and

obrambo države, ki so mu zaupana v hrambo, popravilo, oskrbo ali uporabo, čeprav predvideva ali bi moral in mogel predvideti, da se sredstva lahko izgubijo, uničijo ali poškodujejo, pa zaradi tega nastane velika premoženjska škoda, se kaznuje z zaporom do dveh let.

Izpodkopavanje obrambnih ukrepov

366. člen

Kdor uniči obrambne naprave, obrambne objekte, položaje, orožje ali druga obrambna sredstva, jih napravi neuporabna ali kako drugače ovira ali opušča obrambne ukrepe države, se kaznuje z zaporom od enega do desetih let.

Preprečevanje boja proti sovražniku

367. člen

Državljan Republike Slovenije, ki med vojno ali oboroženim spopadom preprečuje državljanom Republike Slovenije ali državljanom njenih zaveznikov boj proti sovražniku, se kaznuje z zaporom od enega do desetih let.

Služba v sovražnikovi vojski

368. člen

Državljan Republike Slovenije, ki med vojno ali oboroženim spopadom služi v sovražnikovi vojski ali v drugih sovražnikovih oboroženih silah ali sodeluje v vojni ali oboroženem spopadu kot borec proti Republiki Sloveniji ali njenim zaveznikom, se kaznuje z zaporom do desetih let.

entrusted to him or her for storage, repair, maintenance or use in a manner that is contrary to regulations, although he or she understands or should and could have understood that such means of defence may be lost, destroyed or damaged, and if his or her conduct causes substantial damage to property, shall be sentenced to imprisonment for up to two years.

Undermining defence measures

Article 366

Whoever destroys defence devices, defence facilities, defence positions, weapons or other means of defence, or renders them unserviceable, or otherwise hinders or omits the enforcement of measures for the country's defence, shall be sentenced to imprisonment for between one and ten years.

Preventing combat against the enemy

Article 367

A citizen of the Republic of Slovenia who, during a war or armed conflict, prevents other citizens of the Republic of Slovenia or citizens of its allies from combating the enemy, shall be sentenced to imprisonment for between one and ten years.

Service in the enemy's army

Article 368

A citizen of the Republic of Slovenia who, during a war or armed conflict, serves in the army or other armed forces of the enemy, or who fights in a war or in an armed conflict against the Republic of Slovenia or its allies, shall be sentenced to imprisonment for up to ten years.

Novačenje za tujo vojsko

369. člen

Kdor novači državljane Republike Slovenije ali državljane drugih držav ali osebe brez državljanstva za službo v sovražnikovi vojski ali drugih sovražnikovih oboroženih silah ali za sodelovanje v vojni ali oboroženem spopadu proti Republiki Sloveniji ali njenim zaveznikom, se kaznuje z zapornom od enega do desetih let.

Pomoč sovražniku

370. člen

(1) Državljan Republike Slovenije, ki med vojno pomaga sovražniku pri odvzemu premičnin, jemanju živeža ali drugih dobrin ali pri kakšnih drugih ukrepih proti prebivalstvu, se kaznuje z zapornom do petih let.

(2) Enako se kaznuje državljan Republike Slovenije, ki med vojno politično ali gospodarsko sodeluje s sovražnikom.

Petintrideseto poglavje
KAZNIVA DEJANJA ZOPER MEDNARODNO PRAVO

Ogrožanje oseb pod mednarodnim varstvom

371. člen

(1) Kdor ogrozi varnost osebe, ki je pod mednarodnim pravnim varstvom, z resno grožnjo, da bo napadel njo, njene uradne prostore, zasebno stanovanje ali prevozno sredstvo, se kaznuje z zapornom od enega do desetih let.

Recruitment for a foreign army

Article 369

Whoever recruits citizens of the Republic of Slovenia or citizens of other countries or stateless persons for service in the army or other armed forces of the enemy or for fighting in a war or an armed conflict against the Republic of Slovenia or its allies, shall be sentenced to imprisonment for between one and ten years.

Aiding the enemy

Article 370

(1) A citizen of the Republic of Slovenia who during a war assists the enemy in seizing movable property, food or other goods, or in carrying out any other measures against the population, shall be sentenced to imprisonment for up to five years.

(2) The same punishment shall be imposed on a citizen of the Republic of Slovenia who collaborates politically and economically during a war with the enemy.

Chapter Thirty-Five
CRIMES AGAINST INTERNATIONAL LAW

Endangering persons under international protection

Article 371

(1) Whoever endangers the safety of a person under international protection by seriously threatening to attack him or her, his or her official premises or private residence or his or her means of transport, shall be sentenced to imprisonment for one to ten years.

(2) Kdor osebo, ki je pod mednarodnim pravnim varstvom, ugrabi ali stori zoper njo kakšno drugo nasilje ali napade njene uradne prostore, zasebno stanovanje ali prevozno sredstvo, se kaznuje z zaporom najmanj enega leta.

(3) Če ima dejanje iz prvega ali drugega odstavka tega člena za posledico smrt ene ali več oseb, se storilec kaznuje z zaporom od petih do petnajstih let.

(4) Če storilec pri storitvi dejanja iz prvega ali drugega odstavka tega člena naklepoma vzame življenje eni ali več osebam, se kaznuje z zaporom najmanj petnajstih let.

Kršitev parlamentarčeve pravice

372. člen

Kdor v nasprotju s pravili mednarodnega prava med vojno ali oboroženim spopadom žali parlamentarca ali njegovo spremstvo, grdo ravna z njimi, jih zadrži ali jim prepreči vrnitev ali kako drugače prekrši njihovo nedotakljivost, se kaznuje z zaporom od šestih mesecev do petih let.

Jemanje talcev

373. člen

(1) Kdor ugrabi kakšno osebo in grozi, da jo bo ubil, poškodoval ali zadržal kot talca, da bi prisilil kakšno državo ali mednarodno organizacijo, da nekaj stori ali ne stori kot izrecen ali molčeč pogoj za izpustitev talca, se kaznuje z zaporom od enega do petnajstih let.

(2) Če ima dejanje iz prejšnjega odstavka za posledico smrt ene ali več oseb, se storilec kaznuje z zaporom od petih do petnajstih let.

(2) Whoever abducts a person under international protection or commits any other act of violence against him or her, or attacks his or her official premises or private residence or his or her means of transport, shall be sentenced to imprisonment for at least one year.

(3) If an act referred to in paragraph one or two of this Article results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between five and fifteen years.

(4) If, in the commission of an act referred to in paragraph one or two of this Article, the perpetrator deliberately takes the life of one or more persons, he or she shall be sentenced to imprisonment for at least fifteen years.

Infringement of the rights of parliamentarians

Article 372

Whoever, in time of war or armed conflict and in violation of international law, insults a parliamentarian or his or her retinue, ill-treats or detains him or her, prevents his or her return or otherwise infringes upon his or her inviolability, shall be sentenced to imprisonment for six months to five years.

Taking of hostages

Article 373

(1) Whoever abducts a person and threatens to kill or harm him or her, or takes him or her hostage with the intention of forcing a state or international organisation to perform or omit to perform a certain act which constitutes an express or implied condition for the release of a hostage, shall be sentenced to imprisonment for between one and fifteen years.

(2) If an act referred to in the preceding paragraph results in the death of one or more persons, the perpetrator shall be sentenced to imprisonment for between five and fifteen years.

(3) Če storilec pri storitvi dejanja iz prvega odstavka tega člena naklepoma vzame življenje eni ali več osebam, se kaznuje z zaporom najmanj petnajstih let.

Piratstvo

374. člen

(1) Član posadke ali potnik na plovilu ali zrakoplovu, razen vojaške ladje ali zrakoplova ter javne ladje ali zrakoplova, ki s kršitvijo pravil mednarodnega prava z namenom, da bi sebi ali drugemu pridobil premoženjsko ali nepremoženjsko korist ali drugega hudo oškodoval, na odprtem morju ali na kraju, ki ni pod oblastjo nobene države, stori protipravno dejanje nasilja, zadrževanja ali kakršnega koli plenjenja zoper drugo plovilo ali zrakoplov, osebe ali stvari, ki so na njih, se kaznuje z zaporom od enega do desetih let.

(2) Za piratstvo iz prejšnjega odstavka se šteje tudi, če dejanje stori član posadke vojaške ali javne ladje ali zrakoplova, ki se je protipravno uprla in prevzela oblast nad ladjo ali zrakoplovom.

(3) Če imata dejanji iz prvega ali drugega odstavka tega člena za posledico smrt ene ali več oseb ali veliko premoženjsko škodo, se storilec kaznuje z zaporom od petih do petnajstih let.

Kršitev omejevalnih ukrepov

374.a člen

(1) Kdor v nasprotju z omejitvami, ki so določene v predpisih o izvrševanju omejevalnih ukrepov, sprejetih na podlagi pravnih aktov in odločitev mednarodnih organizacij, ali omejitvami, ki se v skladu s pravno

(3) If the perpetrator, in committing an act referred to in paragraph one of this Article, deliberately takes the life of one or more persons, he or she shall be sentenced to imprisonment for at least fifteen years.

Piracy

Article 374

(1) A member of the crew or a passenger of a vessel or an aircraft, with the exception of a warship or a military aircraft and a ship or aircraft used for public services, who by violating the rules of international law and with the intention of procuring material or non-material benefits for him- or herself or for a third person, or of causing substantial damage to a third person, on the high seas or in a place outside the jurisdiction of any country, commits an unlawful act of violence or detention, or any act of depredation, directed against another vessel or aircraft, or against persons or property on board such vessel or aircraft, shall be sentenced to imprisonment for between one and ten years.

(2) An act referred to in the preceding paragraph shall also be considered to be piracy if it is committed by a member of the crew of a warship or a ship used for public services or an aircraft whose crew has unlawfully mutinied and taken control of the vessel or aircraft.

(3) If an act referred to in paragraph one or two of this Article results in the death of one or more persons or significant damage to property, the perpetrator shall be sentenced to imprisonment for between five and fifteen years.

Violation of restrictive measures

Article 374a

(1) Whoever, in contravention of the restrictions laid down by regulations imposing restrictive measures adopted pursuant to legal acts and decisions taken by international organisations, or of restrictions that,

ureditvijo mednarodnih organizacij v Republiki Sloveniji uporabljajo neposredno, ponudi, proda, nakaže, prenese, menja, dostavi, uvozi, izvozi, vnese v državo ali iznese iz nje blago, tehnologijo, denar ali premoženje ali pri tem posreduje ali omogoči dostop do takega blaga, tehnologije, denarja ali premoženja ali do koristi od njih ali tega ne onemogoči ali kdor tako blago, tehnologijo, denar ali premoženje protipravno pridobi ali hrani in si tako pridobi veliko premoženjsko korist, se kaznuje z zaporom od šestih mesecev do petih let.

(2) Blago, tehnologijo, denar in premoženje iz prejšnjega odstavka se vzame.

Šestintrideseto poglavje PREHODNE IN KONČNE DOLOČBE

375. člen

(1) Do uveljavitve kazenskega zakona za mladoletnike iz drugega odstavka 5. člena tega zakonika se za mladoletnike uporabljajo določbe drugega odstavka 70. člena, določbe 71. do 94. člena, določbe, ki se nanašajo na mladoletniški zapor v petem odstavku 47. člena, v prvem, drugem in četrtem odstavku 49. člena, ter določbe tretjega odstavka 100. člena, prvega odstavka 102. člena, točke 3) četrtega odstavka 103. člena, šestega odstavka 109. člena, drugega odstavka 113. člena in 115. člena Kazenskega zakonika (Uradni list RS, št. 63/94, 70/94 – popravek, 23/99, 40/04 in 95/04, v nadaljnjem besedilu: Kazenski zakonik), določbe tega zakonika, kot sicer veljajo za polnoletne, pa le, kolikor ne nasprotujejo navedenim določbam Kazenskega zakonika.

(2) Vzgojni ukrep, izrečen mladoletniku, se izbriše v enem letu od takrat, ko je bilo izvrševanje ustavljeno.

376. člen

in accordance with the legal provisions of international organisations in the Republic of Slovenia, apply directly, offers, sells, remits, transfers, trades, delivers, imports, exports, brings into or takes out of the country goods, technology, money or assets, or whoever intermediates therein, or enables access to such goods, technology, money or assets or to benefits thereof, or fails to provide access thereto, or whoever unlawfully acquires or keeps such goods, technology, money or assets, thus gaining substantial proceeds, shall be sentenced to imprisonment for between six months and five years.

(2) The goods, technology, money and assets referred to in the preceding paragraph shall be confiscated.

Chapter Thirty-Six TRANSITIONAL AND FINAL PROVISIONS

Article 375

(1) Pending the entry into force of the criminal law Act regulating juvenile perpetrators referred to in paragraph two of Article 5 of this Code, the provisions of paragraph two of Article 70, the provisions of Articles 71 to 94, the provisions relating to juvenile detention referred to in paragraph five of Article 47, in paragraphs one, two and four of Article 49, and the provision referred to in paragraph three of Article 100, paragraph one of Article 102, point 3 of paragraph four of Article 103, paragraph six of Article 109, paragraph two of Article 113 and Article 115 of the Criminal Code (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 63/94, 70/94 – corr., 23/99, 40/04, 95/04, hereinafter: the Criminal Code) shall apply; the provisions of this Code that otherwise apply to persons of legal age shall only apply provided they are not contrary to the provisions of the Criminal Code.

(2) A corrective measure imposed on a minor shall be expunged within a period of one year from the date on which its enforcement is suspended.

Article 376

Do uveljavitve zakona, ki bo urejal ukrepe obveznega psihiatričnega zdravljenja neprištevnih in bistveno zmanjšano prištevnih storilcev, se uporabljajo določbe o varnostnih ukrepih po 64. in 65. členu ter določbi drugega in četrtega odstavka 63. člena Kazenskega zakonika.

377. člen

Določba 392. člena Kazenskega zakonika se uporablja le za kaznivi dejanji po 130. in 132. členu Kazenskega zakona Republike Slovenije (Uradni list SRS, št. 12/77, 3/78, 19/84, 47/88, 33/89 in 5/90), ki se uporabljata, če je kaznivo dejanje storjeno pri upravljanju družbenih sredstev ali na škodo družbenega premoženja ali kapitala.

378. člen

Do določitve pogojev za opustitev kazenskega pregona v zakonu o kazenskem postopku se sodišča in državna tožilstva odločajo, da se kazenski pregon zoper storilca kaznivega dejanja ob smiselni uporabi razlogov o dejanju majhnega pomena iz 14. člena Kazenskega zakonika izključi, če je podana nesorazmernost med majhnim pomenom kaznivega dejanja ter posledicami, ki bi jih povzročil kazenski pregon.

379. člen

Če je bila izrečena stranska kazen izgona tujca iz države po 40. členu Kazenskega zakonika pred uveljavitvijo tega zakonika, se ta kazen zoper obsojenca izvrši tudi po začetku veljavnosti tega zakonika.

380. člen

Z dnem, ko začne veljati ta zakonik, preneha veljati Kazenski

The provisions referring to the precautionary measures referred to in Articles 64 and 65 and the provisions of paragraphs two and four of Article 63 of the Criminal Code shall apply until the entry into force of the Act that is to regulate measures for the compulsory psychiatric treatment of legally insane persons and persons with substantially diminished responsibility.

Article 377

The provision of Article 392 of the Criminal Code shall only apply to a criminal offence referred to in Articles 130 and 132 of the Criminal Law Act of the Republic of Slovenia (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], Nos 12/77, 3/78, 19/84, 47/88, 33/89 and 5/90), which shall apply if a criminal offence is committed in association with the management of socially-owned resources or to the detriment of social property or capital.

Article 378

Pending determination of the conditions for suspending prosecution, the courts and state prosecutors shall decide on the exclusion of criminal prosecution against a perpetrator with *mutatis mutandis* application of the reasons for offences of minor nature referred to in Article 14 of the Criminal Code if such minor nature of the criminal offence is disproportionate to the consequences of the criminal prosecution.

Article 379

If an accessory sentence of the expulsion of a foreigner from the country is imposed pursuant to Article 40 of the Criminal Code before this Code comes into force, such punishment shall also be enforced against the perpetrator after the entry into force of this Code.

Article 380

On the day this Code enters into force, the Criminal Code

zakonik (Uradni list RS, št. 63/94, 70/94 – popravek, 23/99, 40/04 in 95/04).

381. člen

Ta zakonik začne veljati 1. novembra 2008.

(Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 63/94, 70/94 – corr., 23/99, 40/04 and 95/04) shall cease to be in force.

Article 381

This Act shall enter into force on 1 November 2008.