LOVDATA

The Penal Code

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Kapitteloversikt:

Part I. General provisions

Part II. Criminal acts

Part III. Final provisions

Amendment acts incorporated in this text: Act 21.12.2005 No. 131, Act 17.06.2005 No. 90 as amended by Act 26.01.2007 No. 3, Act 30.06.2006 No. 45 Act 29.06.2007 No. 81, Act 07.03.2008 No. 4, Act 20.06.2008 No. 47, Act 27.06.2008 No. 53, Act 19.06.2009 No. 74, Act 26.03.2010 No. 9 as amended by Act 05.04.2013 No. 12, Act 25.06.2010 No. 46, Act 24.06.2011 No. 30, Act 24.06.2011 No. 32, Act 24.06.2011 No. 34, Act 20.01.2012 No. 6, Act 11.05.2012 No. 26, Act 22.06.2012 No. 49, Act 31.05.2013 No. 25, Act 21.06.2013 No. 85, Act 28.03.2014 No. 9, Act 09.05.2014 No. 16, Act 20.06.2014 No. 49, Act 29.05.2015 No. 36, Act 19.06.2015 No. 65, Act 18.12.2015 No. 126, Act 22.04.2016 No. 3, Act 29.04.2016 No. 7, Act

17.06.2016 No. 51, Act 17.06.2016 No. 52, Act 17.06.2016 No. 53, Act 16.12.2016 No. 98, Act 20.12.2018 No. 114, Act 21 June 2017 No. 90, Act 21 June 2017 No. 94, Act 1 June 2018 No. 25, Act 15 June 2018 No. 37, Act 20 April 2018 No. 6, Act 25 May 2018 No. 19, Act 21 June 2019 No. 50, Act 21 June 2019 No. 52.

Also incorporated although not in chronological order:
Act 21 June 2019 No. 48 (entry into force: 1 October 2020),
Act 29 May 2020 No. 59 (entry into force: 1 July 2020),
Act 27 March 2020 No. 15 (entry into force: 1 January 2021),
Act 4 December 2020 No. 135 (sections 190 and 191 only. Entry into force: 1 January 2021).
Act 18 June 2021 No. 122 (entry into force: 1 July 2022.)

Corrections: 17 August 2020 (section 282 (b)), 9 April 2021 (several expressions adjusted), 15 June 2021 (sections 175 a and 175 b).

Amendment acts *not incorporated* in this text:

Amendment act	Entry into force	Amending
Act 19 June 2020 No. 81	1 July 2020	Amending sections 5, 155, 209, 211, 265, 268 and 366. New sections 155 a, 155 b, 155 c and 156 a.
Act 4 December 2020 No. 135	4 December 2020 and 1 January 2021. (Amendments to sections 190 and 191 were incorporatet 9 April 2021.)	Amending sections 27, 67, 77, 87, 91, 96, 174, 184, 185, 186, 196, 257, 262, 264, 272, 274, 284, 305, 316, 332, 337, 352, 355 and 374. New sectionS 260 a, 355 a.
Act 5 March 2021 No. 6	5 March 2021 and 1 April 2021.	Amending sections 196 and 253.
Act 16 April 2021 No. 18	16 April 2021.	Section 5.
Act 7 May 2021 No. 33	1 June 2021.	Section 189.
Act 11 June 2021 No. 59	1 January 2022.	New sections 395 and 396.
Act 11 June 2021 No. 74	1 July 2021.	New sections 267 a and 267 b.
Act 18 June 2021 No. 97	1 January 2023.	Section 261.
Act 18 June 2021 No. 117	1 July 2022.	Sections 37 and 53.
Act 18 June 2021 No. 128	1 July 2021.	New section 199.
Act 8 April 2022 No. 22	1 July 2022.	Sections 68, 72 and 74.
Act 12 May 2022 No. 28 as amended by Act 21 June 2024 No. 46	1 January 2025	Section 211
Act 22 June 2022 No. 83	1 January 2023.	Sections 236, 311 and 317.
Act 16 June 2023 No. 62	1 May 2024.	Section 151.
Act 20 December 2023 No. 110	24 May 2024	Section 361
	1 September 2024	Sections 32, 37, 45, 52 a, 52 b, 52 c, 52 d (new), 53, 59, 78, 83, 93
Act 20 December 2023 No. 111	8 April 2024	Sections 57, 168, 169.
Act 20 December 2023 No. 113	1 January 2024	Sections 5 and 87. New sections 270, 270 a, 270 b.
Act 31 May 2024 No. 25	1 July 2024	New sections 130 and 130 a
Act 29. November 2024 No. 73	1 December 2024	Sections 52 a, 52 b, 52 c and 52 d
Act 25 April 2025 No. 12	1 January 2026	Sections 97, 99 and 169
Act 10 June 2025 No. 33	1 January 2026	Section 240
Act 20 June 2025 No. 83	Not yet in force	Sections 37, 53 and 231

Act 20 June 2025 No. 86	1 July 2025	Sections 11, 196, 279, 287, 291, 292 (repealed), 293, 294, 295, 300, 301, 303
	1 January 2026	Section 91
Act 22 December 2025 No. 115	Not yet in force	Section 261
Act 10 April 2026 No. 13	10 April 2026	Sections 91, 293 and 294
Act 12 June 2026 No. 28	Not yet in force	Amending section 68, new section 68 a, amending sections 72, 73, 92, 100
Act 19 June 2026 No. 48	Not yet in force	Sections 90, 407, 408
Act 23 June 2026 No. 71	1 July 2026	New sections 200, 200 a, amending section 308

This is an unofficial translation of the Norwegian version of the Act and is provided for information purposes only. Legal authenticity remains with the Norwegian version as published in Norsk Lovtidend. In the event of any inconsistency, the Norwegian version shall prevail.

The translation is provided by the Ministry of Justice and Public Security and the National Criminal Investigation Service.

Part I. General provisions

Chapter 1. Application of the criminal legislation

Section 1. *Application of the general provisions*

The provisions of Part I apply to all criminal acts unless otherwise provided in or pursuant to legislation or implied by interpretation.

Section 2. *Limitations under international law*

The criminal legislation applies subject to the limitations that follow from agreements with foreign states or otherwise by international law.

Section 3. *Temporal application of the criminal legislation*

The criminal legislation at the time of the act applies. However, the legislation at the time of the decision applies when this results in a more favourable outcome for the person charged and the legislative amendment is due to a change in view as to which acts should be punishable or as to the use of criminal sanctions.

When a continuous criminal offence continues after a legislative amendment imposing a stricter penalty has entered into force, the legislation in force at the respective times applies to the respective parts of the offence.

If a person has been charged, see section 82 of the Criminal Procedure Act, no account is taken of the fact that prosecution would have been time-barred under a more recent statute, or that it is no longer unconditional.

If the execution of a sanction has begun, no account is taken of the fact that the execution would have been time-barred under a more recent statute.

In the event of conviction after the reopening of a case, the same legislation applies as in the original decision.

Section 4. *Application of the criminal legislation to acts committed in Norway and in areas under Norwegian jurisdiction, etc.*

The criminal legislation applies to acts committed in Norway, including in Svalbard, on Jan Mayen and in the Norwegian dependencies, see the Act of 27 February 1930 No. 3.

The criminal legislation also applies to acts committed

a. on installations on the Norwegian continental shelf for exploration for or exploitation or storage of submarine natural resources and on pipelines and other fixed transport facilities connected to such installations, including ones located elsewhere than on the Norwegian continental shelf,
b. in the area of jurisdiction established pursuant to the Act of 17 December 1976 No. 91 relating to the Economic Zone of Norway, in the case of acts that harm interests that Norwegian jurisdiction is intended to protect, and
c. on Norwegian vessels, including aircraft, and drilling platforms or similar movable installations. If a vessel or installation is in or above the territory of another state, the criminal legislation applies only to an act committed by a person on board the vessel or installation.

Section 5. *Application of the criminal legislation to acts committed abroad*

Outside the area of application pursuant to section 4, the criminal legislation also applies to acts committed

a. by a Norwegian national,
b. by a person domiciled in Norway, or
c. on behalf of an enterprise registered in Norway,

when the acts:

1. are also punishable under the law of the country in which they are committed,
2. are deemed to constitute a war crime, genocide or a crime against humanity,
3. are deemed to constitute a breach of the laws of war,
4. are deemed to constitute child marriage or forced marriage,
5. are deemed to constitute genital mutilation,
6. are directed at the Norwegian State or Norwegian state authority, or fall within the scope of section 120 a, or sections 127 cf. 120 a,
7. are committed outside the area of sovereignty of any state and are punishable by imprisonment,
8. are deemed to constitute removal from care,
9. fall within the scope of sections 257, 291-296, 299-306 or sections 309-316,
10. are deemed to constitute terrorist or terrorism-related acts pursuant to chapter 18 of the Penal Code or fall within the scope of sections 145 or 146, or
11. are deemed to constitute incitement to a criminal act pursuant to section 183 of the Penal Code or constitute hate speech pursuant to section 185 of the Penal Code.

The first paragraph applies correspondingly to acts committed

a. by a person who after the time of the act has become a Norwegian national or has become domiciled in Norway,
b. by a person who is, or who subsequent to the act has become, a national of or domiciled in

another Nordic country and who is present in Norway, or
c. on behalf of a foreign enterprise that after the time of the act has transferred its entire operation to an enterprise registered in Norway.

Numbers 1, 2, 3, 6, 7, 8, 10 with the exception of section 145, and 11 of the first paragraph apply correspondingly to acts committed by persons other than those covered by the first and second paragraphs when the person is present in Norway and the act carries a maximum penalty of imprisonment for a term of more than one year.

In the case of acts specified in no. 2 of the first paragraph, the second and third paragraphs apply only if the act, pursuant to international law, is deemed to constitute genocide, a crime against humanity or a war crime.

The criminal legislation also applies to acts committed abroad by persons other than those covered by the first to fourth paragraphs if the act carries a maximum penalty of imprisonment for a term of six years or more and is directed at someone who is a Norwegian national or domiciled in Norway.

In the event of criminal prosecution pursuant to this section, the penalty may not exceed the maximum statutory penalty for a corresponding act in the country in which it has been committed.

Prosecution pursuant to this section shall only be instituted when in the public interest.

Section 6. *Special grounds for prosecution under international law*

Outside the area of application pursuant to sections 4 and 5, the criminal legislation also applies to acts that Norway has a right or an obligation to prosecute pursuant to agreements with foreign states or otherwise pursuant to international law.

Section 5 seventh paragraph, applies correspondingly.

Section 7. *Acts deemed to have been committed in several places*

When the punishability of an act is contingent on or affected by an actual or intended effect, the act is also deemed to have been committed at the place where the effect has occurred or was intended to be caused.

Section 8. *Power to prosecute offences which have been adjudicated abroad*

When a final judgment has been passed abroad which falls within the scope of
a. the Act of 25 March 1977 No. 22 relating to the transfer of prosecutions from or to other European countries,
b. the Act of 20 July 1991 No. 67 relating to the transfer of convicted persons, or
c. an international agreement forming part of the Schengen cooperation,

no criminal proceedings may be instituted or sentence passed in Norway for the same criminal offence if
1. the person in question was acquitted or found guilty without a sanction being imposed, or
2. the sanction imposed has been fully executed or is in the process of being executed or has been waived pursuant to the rules of the adjudicating country.

If the prosecution in the adjudicating country was not instituted at the request of Norwegian authorities, prosecution may be undertaken in Norway for cases specified in a) and b) of the first paragraph when

a. the act was committed in an area specified in section 4, see also section 7,
b. the offender was domiciled in Norway or was a Norwegian national at the time of the act and prosecution is in the public interest,
c. the act was directed against a person holding public office in Norway, or against a public institution or anything else of a public nature in Norway, or the offender himself/herself held public office in Norway, or
d. Norway has a right or obligation to prosecute under international law.

If the prosecution in the adjudicating country was not instituted at the request of Norwegian authorities, prosecution may be undertaken in Norway for cases specified in c) of the first paragraph when

a. the act was wholly or partly committed in Norway. If the act was only partly committed in Norway, however, the exception does not apply if the act was partly committed in the territory of the party to the convention that has passed judgment,
b. the act is punishable in Norway as a war crime, genocide, an offence against the autonomy and security of the State, an offence against the constitution and the political system, or as hijacking, an act of sabotage against infrastructure, an aggravated drug offence, unlawful involvement with plutonium and uranium, or aggravated arson or any other particularly dangerous act of destruction, or
c. the act was committed by a Norwegian official and was a breach of his/her official duties.

Chapter 2. Statutory definitions, etc.

Section 9. *Next-of-kin*

«Next-of-kin» means

a. a spouse,
b. relatives in direct line and siblings, and their spouses,
c. relatives of a spouse in direct line of ascent or descent and siblings, and their spouses,
d. step-siblings and their spouses,
e. foster parents and their parents, foster children and foster siblings, and
f. a fiancé/fiancée.

The provisions regarding spouses also apply to divorced spouses. However, relatives by marriage are only deemed to be next-of-kin in respect of matters that took place before the marriage was dissolved. The provision in the second sentence regarding relatives by marriage also applies to fiancés/fiancées after the engagement has been broken off.

An in-law relationship is deemed to continue after the marriage that established it has been terminated by death.

Registered partnerships and other cases where two persons live together permanently in a marriage-like relationship are deemed equivalent to marriage.

Section 10. *Public place and public act*

«Public place» means a place intended for general traffic or frequented by the public.

An act is public when it is committed in the presence of a sizable number of persons or when it could easily have been observed and has been observed from a public place. If the act consists of making a statement, it is also public if the statement is made in a way that makes it likely to reach a sizable number of persons.

Section 11. *Considerable harm to someone's body or health*

«Considerable harm to someone's body or health» means the loss or substantial impairment of a sense, an important organ or an important body part, serious disfigurement, deadly or protracted disease, or serious mental harm.

It is also «considerable harm» when a foetus dies or is injured as a result of a criminal act.

Section 12. *Object*

«Object» also means electricity and other types of power.

Section 13. *Calculation of statutory time limits*

Section 148, second paragraph, of the Courts of Justice Act and section 149, first paragraph, apply when statutory time limits are calculated.

Chapter 3. Basic conditions for criminal liability

Section 14. *Legal authority requirement*

Criminal sanctions, see sections 29 and 30, may only be imposed if authorised by law.

Section 15. *Contribution*

A penal provision also applies to any person who contributes to the violation, unless otherwise provided.

Section 16. *Attempt*

Any person who intends to commit an offence which is punishable by imprisonment for a term of one year or more, and performs an action leading directly to its commission, shall be penalised for attempt, unless otherwise provided.

Any person who voluntarily desists from committing the offence or prevents its commission, shall nevertheless not be penalised for attempt.

Section 17. *Necessity*

An act which would otherwise be punishable, is lawful when
a. it is committed to save life, health, property or other interests from a risk of harm which cannot be averted in another reasonable manner, and
b. this risk of harm is far greater than the risk of harm associated with the act.

Section 18. *Self-defence*

An act which would otherwise be punishable, is lawful when it
a. is committed to avert an unlawful attack,
b. does not exceed what is necessary, and
c. does not clearly go beyond what is justifiable, taking into account the dangerousness of the attack, the type of interest the attack violates, and the culpability of the assailant.

The rule in the first paragraph applies correspondingly to any person who effects a lawful arrest or attempts to prevent a person from evading being remanded in custody or serving a custodial sentence.

The exercise of public authority may only be met with an act of self-defence if the exercise of authority is unlawful and the person who exercises it acts with intent or gross negligence.

Section 19. *Self-enforcement*

An act which would otherwise be criminal, is lawful when the entitled person acts to restore an unlawfully altered state, and it would be unreasonable to wait for assistance from the authorities. Force may be used against a person only when the rights violation is clear, and must not exceed what is justifiable.

Section 20. *Accountability*

A person who at the time of the act is under 15 years old, is not criminally liable.

The same applies to a person who at the time of the act is unaccountable due to a
a. severely deviant state of mind
b. severely impaired consciousness or
c. severe mental disability.

When assessing unaccountability pursuant to the second paragraph, emphasis shall be given to the degree of failure in the person's perception of reality and functional capacity.

A person who is temporarily unaccountable as a result of self-induced intoxication, shall not be exempt from punishment, unless special reasons so indicate. A person who has a permanent condition as mentioned in the second paragraph a) and who deliberately induces a state of unaccountability, is liable to punishment if special reasons so indicate.

Section 21. *Culpability requirement*

The criminal legislation only applies to intentional offences unless otherwise provided.

Section 22. *Intent*

Intent exists when a person commits an act that fits the description of the offence in a penal provision

a. deliberately,
b. with the awareness that the act with certainty or most likely fits the description of the offence, or
c. considers it possible that the act fits the description of the offence, and chooses to act even if that should be the case.

Intent exists even if the offender is unaware that the act is unlawful, see section 26.

Section 23. *Negligence*

Any person who acts in contravention of the requirement of due care in an area of life, and who may be held to blame in view of his or her personal circumstances, is negligent.

The negligence is gross if the act is highly reproachable and there are grounds for significant blame.

Section 24. *Unintended consequence*

An unintended consequence is part of the assessment of whether an offence is aggravated if the offender has acted negligently with regard to the consequence or failed to prevent the consequence according to ability after becoming aware that it might occur.

Section 25. *Factual ignorance*

All persons shall be judged based on their perception of the factual situation at the time of the act.

If the ignorance is negligent, the act is subject to a penalty when negligent violation of the law is punishable.

Ignorance as a result of self-induced intoxication is disregarded. In such cases the offender is judged as if he/she were sober. The same applies if the person was in a self-induced state of unaccountability.

Section 26. *Ignorance of the law*

Any person who at the time of the act is unaware that the act is unlawful due to ignorance of legal rules shall be penalised if the ignorance is negligent.

Chapter 4. Enterprise penalties

Section 27. *Penalties for enterprises*

When a penal provision is violated by a person who has acted on behalf of an enterprise, the enterprise is liable to punishment. This applies even if no single person meets the culpability or the accountability requirement, see section 20.

«Enterprise» means a company, co-operative society, association or other organisation, sole proprietorship, foundation, estate or public body.

The penalty is a fine. The enterprise may also be sentenced to lose the right to operate, or may be prohibited from operating in certain forms, see section 56, and be subject to confiscation, see chapter 13.

Section 28. *Factors in determining whether a penalty shall be imposed on an enterprise*

In determining whether an enterprise shall be penalised pursuant to section 27, and in assessing the penalty, considerations shall include

a. the preventive effect of the penalty,
b. the severity of the offence, and whether a person acting on behalf of the enterprise has acted culpably,
c. whether the enterprise could have prevented the offence by use of guidelines, instruction, training, checks or other measures,
d. whether the offence has been committed in order to promote the interests of the enterprise,
e. whether the enterprise has had or could have obtained any advantage by the offence,
f. the financial capacity of the enterprise,
g. whether other sanctions arising from the offence are imposed on the enterprise or a person who has acted on its behalf, including whether a penalty is imposed on any individual person, and
h. whether agreements with foreign states prescribe the use of enterprise penalties.

Chapter 5. Overview of the criminal sanctions

Section 29. *The penalties*

The penalties are

a. imprisonment, see chapter 6,
b. preventive detention, see chapter 7,
c. community sentences, see chapter 8,
d. youth sentences, see chapter 8 a,
e. fines, see chapter 9, and
f. loss of rights, see chapter 10 or section 26 a of the Nationality Act.

When, in assessing penalties, multiple criminal sanctions may be imposed, see the first paragraph and section 30, the totality of sanctions shall be reasonably proportionate to the offence.

Section 30. *Other criminal sanctions*

Other criminal sanctions are
a. deferment of sentencing, see section 60,
b. waiver of sentencing, see section 61,
c. committal to psychiatric care, see section 62,
d. committal to care, see section 63,
e. confiscation, see chapter 13,
f. waiver of prosecution, see sections 69 and 70 of the Criminal Procedure Act,
g. transfer of the case to the National Mediation Service for mediation, supervision or youth supervision, see section 71 a, first and second paragraphs, of the Criminal Procedure Act, and
h. loss of the right to drive a motor vehicle, etc., see section 24 a second paragraph, section 33 no. 1 and 2, see also no. 6, and section 35, first paragraph, of the Road Traffic Act, and loss of the right to transport passengers for payment (professional licence), see section 37 f, second paragraph, of the Professional Transport Act.

Chapter 6. Sentences of imprisonment

Section 31. *Assessment of sentence of imprisonment*

A sentence of imprisonment may be imposed when the penal provision so provides.

The minimum penalty is 14 days unless otherwise provided in the act.

A sentence of imprisonment shall be for a fixed period of time. Sentences of imprisonment not exceeding 120 days shall be specified by the number of days. Sentences of imprisonment of more than four months shall be specified by the number of months and years.

Section 32. *Combination of sentences of imprisonment with other penalties*

A sentence of imprisonment may be imposed in combination with
a. a community sentence, subject to conditions as specified in section 51, a),
b. a fine, see section 54, first paragraph, a), see also second paragraph, or
c. the loss of rights, see section 59, a).

The power pursuant to the first paragraph to impose other penalties in combination with a sentence of imprisonment has no effect on provisions that give legal effect to the penalty limit.

Section 33. *Limited use of sentences of imprisonment for young offenders*

Any person who was under 18 years of age at the time of the act may only be given an immediate sentence of imprisonment when required in view of the circumstances. The sentence of imprisonment may not exceed 15 years even if the penal provision authorises imposition of a stricter penalty.

Section 34. *Suspension of execution (suspended imprisonment)*

When imposing a sentence of imprisonment, the court may decide that execution shall be suspended, in part or in full. If execution of part of the penalty is suspended (partly suspended, partly immediate imprisonment), the immediate part may not be set lower than 14 days.

The period of suspension shall ordinarily be two years. When the conditions for an increase of sentence in the case of a repeated offence are fulfilled, and in other special cases, a longer period of suspension may be set, but not one exceeding five years. The period of suspension shall run from the date on which final judgment is passed.

Suspension of execution is granted on the basic condition that the convicted person does not reoffend during the period of suspension. The court may also impose special conditions pursuant to sections 35 to 37. The person charged shall wherever possible be given an opportunity to comment on the special conditions before they are imposed.

Section 35. *Special conditions concerning compensation and redress*

As a special condition of suspension of execution, the court may order the convicted person to provide such compensation and redress as the aggrieved person or other injured person is entitled to and claims, and which the convicted person has the capacity to pay. If the loss has been made sufficiently clear, the court may on its own initiative also impose conditions regarding compensation.

Section 36. *Special conditions concerning a duty to report*

As a special condition of suspension of execution, the court may order the convicted person to report to the police at specific times. The period of the duty to report is one year unless the court decides otherwise. The duty to report runs from the day on which the judgment becomes legally enforceable. If the judgment concerns a criminal act to which the convicted person has confessed, the judgment may provide that the duty to report shall be implemented immediately.

Section 37. *Other special conditions*

As a special condition of suspension of execution, the court may order the convicted person to

a. comply with provisions concerning domicile, whereabouts, work or training,
b. avoid contact with specified persons,
c. submit to restrictions on control of income and assets, and meet financial obligations such as the payment of mandatory maintenance support,
d. abstain from using alcohol or other intoxicating or narcotic substances, and to submit to necessary drug testing,
e. undergo treatment to counteract abuse of alcohol or other intoxicating or narcotic substances, if necessary in an institution,
f. complete a drug-treatment programme under court control, see section 38, or an anti-intoxicated-driving programme for persons who have been convicted of violation of section 31 of the Road Traffic Act, see also section 22, first paragraph, and who have a problem with alcohol or another intoxicating or narcotic substance, provided that the convicted person has agreed to complete the programmes,
g. undergo psychiatric treatment, if necessary in an institution,
h. stay in a home or institution for up to one year,
i. participate in mediation by the National Mediation Service and comply with any agreements entered into during the mediation proceedings, or complete a period of supervision by the National Mediation Service of up to one year, provided that the case is suitable for this procedure and the aggrieved person, the convicted person and, if relevant, their guardians have consented,
j. complete a period of youth supervision by the National Mediation Service of up to one year,

provided that the convicted person was between 15 and 18 years of age at the time of the act, that the case is suitable for this procedure and that the convicted person and, if relevant, the guardians of the convicted person have consented, or

k. meet other special conditions the court deems appropriate.

Section 461 of the Criminal Procedure Act applies correspondingly to special conditions specified in f).

When pursuant to d) a convicted person who was under 18 years of age at the time of the act is to submit to drug testing, section 12, third paragraph, of the Health Personnel Act applies.

Section 38. *Regulations on special conditions, etc.*

The King may issue regulations on the implementation of special conditions for suspension of execution. The King may issue detailed provisions on drug-treatment programmes under court control, including to whom they shall apply, their content and their implementation. The correctional services are responsible for supervising offenders who complete a drug-treatment programme under court control, who complete an anti-intoxicated-driving programme, or who are under 18 years of age and subject to an abstention condition pursuant to section 37, d). Section 56 of the Execution of Sentences Act applies correspondingly in the case of a condition requiring completion of a drug-treatment programme under court control, a condition requiring completion of an anti-intoxicated-driving programme or an abstention condition as specified in the third sentence.

Section 39. *Breach of a condition for suspension of execution, etc.*

When the circumstances of the convicted person so warrant, the district court may by ruling during the period of suspension set aside or amend special conditions that have been imposed and impose new special conditions. If the court deems it necessary, it may also extend the period of suspension, but not to more than five years in total. If completion of a drug-treatment programme or an anti-intoxicated-driving programme has been imposed as a condition, the correctional services may apply for such a ruling from the court. The convicted person shall insofar as possible be given an opportunity to comment on special conditions and extension of the period of suspension.

If the convicted person seriously or repeatedly breaches imposed special conditions, the district court may by judgment decide that the sentence shall be executed in full or in part, or impose a further period of suspension and new special conditions. The prosecuting authority's application for such a judgment must be made to the court within three months of the end of the period of suspension. If completion of a drug-treatment programme or an anti-intoxicated-driving programme has been imposed as a condition, the correctional services may apply for such a judgment from the court. The first paragraph, fourth sentence, applies correspondingly. Section 31, second paragraph, does not apply in the event of partial execution of sentence. The rules on notification in section 243 of the Criminal Procedure Act apply correspondingly to court hearings concerning reversal. The correctional services shall be notified pursuant to the same rules that apply with regard to the prosecuting authority.

If the convicted person commits a criminal act during the period of suspension and an indictment is issued or an application is made for summary trial on a plea of guilty within six months of the end of the period of suspension, the court may pass an aggregate sentence for both acts or a separate sentence in respect of the new act. If a separate sentence is passed in respect of the new act, the court may in the sentence also amend the earlier suspended sentence as provided in the first paragraph.

Chapter 7. Preventive detention

Section 40. *Conditions for imposing preventive detention*

If a sentence of imprisonment is deemed insufficient to protect the life, health or freedom of other persons, preventive detention in an institution under the correctional services may be imposed when the offender is found guilty of having committed or attempted to commit a violent offence, sexual offence, unlawful imprisonment, arson or other offence that has infringed upon the life, health or freedom of another person or put these legal interests at risk and the conditions in the second or third paragraphs are met. If the person charged is under 18 years of age, preventive detention may not be imposed unless altogether extraordinary circumstances apply.

If the offence was serious in nature, there must be an obvious risk that the offender will again commit a serious offence as specified in the first paragraph.

If the offence was less serious in nature

a. the offender must previously have committed or attempted to commit a serious offence specified in the first paragraph,
b. it must be assumed that there is a close connection between the offence committed earlier and the offence now committed, and
c. the risk of commission of a further, serious offence specified in the first paragraph must be particularly obvious.

In assessing the risk of commission of a further offence pursuant to the second and third paragraph, emphasis shall be given to the committed offence by reference particularly to the offender's conduct and social and personal functional capacity. In cases specified in the second paragraph, particular emphasis shall be given to whether the offender has previously committed or attempted to commit a serious offence specified in the first paragraph.

Before a sentence of preventive detention is passed, a personal examination of the person charged shall be carried out. The court may decide that the person charged shall be subjected to a forensic psychiatric examination instead of or in addition to the personal examination.

Section 41. *Combination of preventive detention with other penalties*

Preventive detention may be combined with the imposition of a loss of rights, see section 59, d).

Section 42. *Lapse of imposed sentences of imprisonment and community sentences*

Previously imposed sentences of imprisonment and community sentences lapse when preventive detention is imposed.

Section 43. *Duration of preventive detention*

In a sentence of preventive detention, a time frame is set that normally should not exceed 15 years, and that may not exceed 21 years. For offences with a penalty limit of imprisonment for a term of up to 30 years, the court may set a time frame not exceeding 30 years. If the convicted

person was under 18 years of age at the time of the act, the time frame normally should not exceed 10 years, and may not exceed 15 years. On application of the prosecuting authority, the court may by judgment extend the set frame by up to five years at a time. An extension application must be filed with the district court no later than three months before the end of the period of preventive detention.

The court should also set a minimum term of preventive detention which may not exceed 10 years. In cases where the court sets a time frame exceeding 15 years, however, the court may set a minimum term not exceeding 14 years. In cases where the court sets a time frame exceeding 21 years, the court may set a minimum term not exceeding 20 years.

Section 44. *Release on parole*

The convicted person may be released on parole before the end of the period of preventive detention. If a minimum term has been set, the convicted person may not be released on parole before the end of the minimum term. The parole period shall be between one and five years in length.

If the convicted person or the correctional services apply for release on parole, the prosecuting authority brings the case before the district court, which decides it by judgment. When the prosecuting authority consents to release on parole, such release may be decided by the correctional services.

The hearing of a case concerning release on parole shall be expedited.

The convicted person may not apply for release on parole earlier than one year after the sentence imposing preventive detention or a judgment refusing release on parole becomes final.

Section 45. *Conditions in connection with release on parole*

The court may set the following conditions in connection with release on parole:

a. conditions as in the case of a suspended sentence, see sections 35-37,
b. a condition that the person released on parole shall be monitored by the correctional services, or
c. a condition that the person released on parole shall stay in an institution or municipal residential unit beyond the one-year time frame in section 37, h). Such a condition may only be imposed if special reasons indicate that it is necessary and the institution or municipality has consented. The court may decide that the person released on parole may be held at the institution or the municipal residential unit against his/her will and be returned there in the event of flight, if necessary by force and with the assistance of public authorities.

In connection with release on parole, the correctional services may impose conditions specified in the first paragraph, a) and b), except for conditions specified in section 37, j) (other special conditions the court deems appropriate).

When conditions imposed require the person released on parole to be monitored by the correctional services, measures pursuant to section 56 of the Execution of Sentences Act may be implemented.

The convicted person shall be given an opportunity to comment on the conditions. The same applies to the correctional services when the conditions are imposed by the court.

Section 39, first paragraph, applies correspondingly to amendment of imposed conditions and extension of the parole period.

The person released on parole may apply to the district court for a ruling that conditions specified in the first paragraph, c), shall be set aside or amended, see section 39, first paragraph. Such an application may not be made earlier than one year after the judgment granting release on parole, or the district court's latest ruling, becomes final.

If it is important to the aggrieved person in the criminal case, or such person's survivors, to be informed of the date of release on parole, the correctional services shall notify the aggrieved person or his/her survivors in advance. The notification shall also include conditions imposed pursuant to statute or regulations, when such conditions relate directly to the aggrieved person or his/her survivors.

Section 46. *Breach of conditions for preventive detention, etc.*

Upon request, the district court may by judgment decide that the person released on parole shall be returned to preventive detention, or impose a further parole period and new conditions if

a. the person released on parole seriously or repeatedly breaches imposed conditions during the parole period,
b. the person released on parole commits a further criminal act during the parole period, or
c. special reasons no longer warrant release on parole pursuant to section 45, first paragraph, c).

The prosecuting authority's application for such a judgment must be submitted to the court within three months of the end of the parole period. If the person released on parole is being monitored by the correctional services, the correctional services shall provide comment before judgment is passed. The convicted person shall insofar as possible be given an opportunity to comment.

In cases pursuant to the first paragraph, b), the court may pass an aggregate sentence for both acts or a separate sentence in respect of the new act.

If the institution or municipality withdraws its consent pursuant to section 45, first paragraph, c), the released person shall be returned to preventive detention.

Section 47. *Regulations on preventive detention and release on parole from preventive detention*

The King may issue regulations on the implementation of preventive detention and release on parole from preventive detention.

Chapter 8. Community sentence

Section 48. *Conditions for imposing a community sentence*

A community sentence may be imposed instead of a sentence of imprisonment if

a. the severest penalty that would otherwise have been imposed is imprisonment for a term of one year,
b. the purpose of the penalty would not be defeated by a non-custodial sanction, and
c. the offender consents and is domiciled in Norway, Denmark, Finland, Iceland or Sweden.

The first paragraph, a), may be departed from if all or part of the penalty that would otherwise have been imposed would have been suspended, if the offender is under 18 years of age, and otherwise if there are strong reasons for imposing a community sentence.

Section 49. *Number of hours, alternative sentence of imprisonment and execution period*

When imposing a community sentence, the court shall set
a. a community sentence of between 30 and 420 hours,
b. an alternative sentence of imprisonment, which shall correspond to the sentence of imprisonment that would have been imposed in the absence of a community sentence, and
c. an execution period, which shall normally correspond to the alternative sentence of imprisonment. If the alternative sentence of imprisonment is shorter than 120 days, the court may nevertheless set an execution period of up to 120 days.

Section 31, third paragraph, second and third sentences, apply correspondingly to the setting of the execution period and the alternative sentence of imprisonment.

Section 50. *Power to impose conditions*

When imposing a community sentence, the court may order that the convicted person shall, during the execution period,
a. comply with provisions made by the correctional services as to domicile, whereabouts, work, training or treatment, or
b. be prohibited from having contact with specific persons.

Section 51. *Combination of a community sentence with other penalties*

A community sentence may be combined with
a. an immediate sentence of imprisonment for a term not exceeding 60 days when warranted by special reasons, see section 32, first paragraph, a),
b. a fine, see section 54, first sentence, b), see also second sentence, or
c. loss of rights, see section 59, a).

Section 52. *Breach of conditions for a community sentence*

On application, the district court may by judgment decide that all or parts of the alternative sentence of imprisonment shall be executed when the convicted person
a. breaches provisions issued in or pursuant to section 54, first and second paragraphs, section 55 or section 58, first paragraph, a) to d) of the Execution of Sentences Act, or
b. commits a further criminal act before the end of the execution period.

In connection with such reversal, the court shall take into account how much of the community sentence has already been executed. If the alternative sentence of imprisonment is not to be executed in full, the court may extend the execution period by up to six months.

In the event of reversal pursuant to the first paragraph, b), the court may pass an aggregate sentence for both acts or a separate sentence in respect of the new act.

An application pursuant to the first paragraph, a), is made by the correctional services or the prosecuting authority. An application pursuant to the first paragraph, b), is made by the prosecuting authority. The application must be submitted to the court within three months of the end of the execution period.

The rules on notification in section 243 of the Criminal Procedure Act apply correspondingly to court hearings concerning reversal. The correctional services shall be notified pursuant to the same rules that apply with regard to the prosecuting authority.

Chapter 8 a. Youth sentences

Section 52 a. *Conditions for imposing a youth sentence*

A youth sentence including a youth victim-offender meeting and youth action plan pursuant to chapter IV of the National Mediation Service Act may be imposed instead of a sentence of imprisonment if

a. the offender was under 18 years of age at the time of the act,
b. the offender has committed repeated or serious criminal acts,
c. the offender consents and is domiciled in Norway, and
d. the purpose of the penalty would not be defeated by a non-custodial sanction.

Section 52 b. *Execution period and alternative sentence of imprisonment*

When imposing a youth sentence, the court shall set:

a. An execution period of between six months and two years. If the sentence of imprisonment that would have been imposed in the absence of a youth sentence clearly exceeds two years, an execution period of up to three years may be set.
b. An alternative sentence of imprisonment, which shall correspond to the sentence of imprisonment that would have been imposed in the absence of a youth sentence. Section 31 shall apply correspondingly to the setting of an alternative sentence of imprisonment.

When a judgment imposing a youth sentence is read out to or served on the convicted person, he/she shall be informed in detail about the content of the judgment, and about the consequences of breaching the provisions made in or pursuant to section 31 of the National Mediation Service Act and of committing a further criminal act prior to the end of the execution period.

Section 52 c. *Breach of conditions for a youth sentence*

On application, the district court may by judgment decide that all or parts of the alternative sentence of imprisonment shall be executed when the convicted person has

a. breached provisions issued in or pursuant to section 31 of the National Mediation Service Act, or
b. committed a further criminal act before the end of the execution period.

In connection with such reversal, the court shall take into account how much of the youth sentence has already been executed.

In the event of reversal pursuant to the first paragraph, b), the court may pass an aggregate sentence for both acts or a separate sentence in respect of the new act.

An application pursuant to the first paragraph, a), is made by the correctional services. An application pursuant to the first paragraph, b), is made by the prosecuting authority. The application must be submitted to the court within three months of the end of the execution period.

The rules on defence counsel and on arrest and remand in custody in section 96, third paragraph, and section 99, first paragraph, third sentence, and chapter 14 of the Criminal Procedure Act apply correspondingly. The rules on notification in section 243 of the Criminal Procedure Act apply correspondingly to court hearings concerning reversal. The correctional services shall be notified pursuant to the same rules that apply with regard to the prosecuting authority.

Chapter 9. Fines

Section 53. *Imposition of a fine*

A fine may be imposed as the sole penalty when this is provided for by the penal provision.

When assessing a fine weight shall be given, in addition to such factors that are generally given weight in assessing penalties, to the offender's income, assets, responsibility for dependents, debt burden, and other circumstances affecting financial capacity. Section 28 applies to the assessment of fines against an enterprise.

The fine accrues to the State unless otherwise provided.

If the offender was under 18 years of age at the time of the act, the court may decide that execution of the penalty may be suspended (suspended fine). The period of suspension shall normally be two years. Suspension of execution is granted on the basic condition that the convicted person does not reoffend in the period of suspension. In addition the court may set special conditions as specified in section 36 and section 37, a) to j). The person charged shall be permitted to comment on special conditions before they are set. Section 39 applies correspondingly insofar as applicable. For optional penalty writs the rules on suspended fines apply correspondingly insofar as applicable.

Section 54. *Combination of a fine with other penalties*

A fine may be imposed in addition to
a. imprisonment, see section 32, b),
b. a community sentence, see section 51, b), or
c. loss of rights, see section 59, c).
This applies even if a fine is not prescribed as a penalty for the offence.

Section 55. *Alternative sentence of imprisonment*

When a fine is imposed, an alternative sentence of imprisonment from one to 120 days is set. The alternative penalty may be executed when the conditions of section 456, second paragraph, first sentence of the Criminal Procedure Act have been fulfilled.

An alternative sentence of imprisonment lapses upon full payment of the fine. If part of the fine is paid, the sentence of imprisonment is proportionally reduced, calculated in whole days.

If a fine has been imposed on an enterprise pursuant to section 27 or an offender who was under 18 years of age at the time of the act, a sentence of imprisonment pursuant to the first paragraph shall not be set.

Chapter 10. Loss of rights

Section 56. *Loss of the right to occupy a position or engage in an enterprise or activity*

Any person who has committed a criminal act that shows that the said person is unfit for or may misuse a position, enterprise or activity, may, when in the public interest,

a. be deprived of the position, or
b. be deprived of the right in future to occupy a position or engage in an enterprise or activity.

Such a loss of rights may be limited to prohibiting the exercise of certain functions pertaining to the position or enterprise, or to ordering engagement in the enterprise or activity on specific conditions.

Any person who has been deprived of the right to engage in an enterprise is also prohibited from conducting such enterprise on behalf of other persons or allowing other persons to conduct such enterprise on his/her behalf.

The offender may be ordered to surrender any document or other object that has served as evidence of the lost right.

A loss of rights pursuant to this provision may be imposed as the only penalty if the minimum penalty prescribed for the act does not exceed one year of imprisonment.

Section 57. *Restraining orders*

A restraining order may be made against any person who has committed a criminal act when there is reason to believe that the person will otherwise

a. commit a criminal act against another person,
b. stalk another person, or
c. otherwise disturb another person's peace.

The restraining order may provide that the person subject to the order may not

a. be present in specific areas, or
b. stalk, visit or otherwise contact another person.

If there is an obvious risk of an act specified in the first paragraph, a), the offender may be banned from his/her own home.

The restraining order may be limited subject to specific conditions.

If deemed necessary to ensure compliance with the restraining order, the court may decide that the person subject to the restraining order shall have electronic monitoring imposed for all or part of the duration of the restraining order. Such monitoring may only entail registration of information that the convicted person is moving within areas covered by the restraining order, information that the convicted person is moving in the vicinity of the aggrieved person, and information on any loss of signal from the monitoring equipment. The convicted person has a duty to provide such

assistance and follow such police instructions as are necessary for implementation of the monitoring. The King may issue further rules on the implementation of electronic monitoring, including on the handling of personal data in connection with such monitoring.

A loss of rights pursuant to this provision may be imposed as the only penalty if the minimum penalty prescribed for the act does not exceed one year of imprisonment.

Section 58. *Duration of a loss of rights*

A loss of rights enters into force on the day the sentence or an optional penalty writ becomes final.

A loss of rights pursuant to section 56, first paragraph, b) or section 57 is imposed for a specific period of time not exceeding five years, or for an indefinite period when special reasons so warrant. However, electronic monitoring may not be imposed indefinitely. A person may only be deprived of an office as a municipal board member, county council member or member of Parliament for the electoral term. A ban from one's own home, see section 57, third paragraph, may only be imposed for a specific period not exceeding one year.

The district court may review a loss of rights specified in the second paragraph after three years. The district court may review an order imposing electronic monitoring after six months. The application is made to the prosecuting authority, which prepares the case for the court. Section 222 a, eighth paragraph, second and third sentences, of the Criminal Procedure Act applies correspondingly in connection with review of a restraining order or an order imposing electronic monitoring. The court's decision is made in the form of a ruling. If the loss of rights is upheld in full or in part, the case may not be reviewed again for a period of three years. If an order imposing electronic monitoring is upheld, the order may not be reviewed again for a period of six months.

The time stipulated for a loss of rights and for the opportunity to apply for a review pursuant to the third paragraph does not run during the period the offender is serving a custodial sentence or is evading the execution of such a penalty.

The district court in the judicial district where a restraining order applies may, on application of the prosecuting authority and in the interests of the person or persons the order is intended to protect, amend the content of the restraining order, see section 57, second paragraph. The third paragraph, third and fifth sentences, and section 222 a, eighth paragraph, second and third sentences, of the Criminal Procedure Act apply correspondingly.

Section 59. *Combination of a loss of rights with other penalties*

A loss of rights may be combined with
a. a sentence of imprisonment, see section 32, first paragraph, c),
b. a community sentence, see section 51, c),
c. a fine, see section 54, first sentence, c), see also second sentence, or
d. preventive detention, see section 41.

Chapter 11. Deferment of sentencing and waiver of sentencing

Section 60. *Deferment of sentencing*

Even if guilt is deemed proven, the court may defer sentencing for a probation period.

When an offender has committed several offences and a single sentence is to be imposed, see section 79, a), deferment of sentencing may be combined with

a. a period of immediate imprisonment, which may not be shorter than 14 days, or
b. a fine, even if a fine is not prescribed as the penalty for the offences.

The rules in section 34, second and third paragraphs, and sections 35 to 39 apply correspondingly insofar as applicable. However, section 39, second paragraph, fifth sentence, does not apply.

Section 61. *Waiver of sentencing*

Even if guilt is deemed proven, the court may, when exceptional reasons so warrant, waive sentencing.

In deciding whether exceptional circumstances apply, particular weight shall be given to whether imposing a sentence will have the effect of an unreasonable additional burden on the offender, provided that the purpose and effects of the penalty in general do not indicate that a sanction should be imposed.

Section 60, second paragraph, applies correspondingly.

Chapter 12. Committal to psychiatric care and committal to care

Section 62. *Conditions for committal to psychiatric care*

An offender who is unaccountable pursuant to section 20, second to fourth paragraphs, may be committed to psychiatric care by court order when he or she has committed or attempted to commit an offence that violates another person's life, health or freedom or that might endanger these legal interests, the special sanction is necessary to protect society, and the risk of another serious violation of someone's integrity seems likely.

An offender who is unaccountable pursuant to section 20, second to fourth paragraphs, may also be committed to psychiatric care by court order when he or she has committed repeated offences that are harmful to society or particularly bothersome, the special sanction is necessary to protect society against such offences, the risk of further offences of the same type seems particularly likely, and other measures have proven clearly unsuitable.

When assessing the risk of reoffending, emphasis shall be given to the offence committed in the context particularly of the offender's general conduct, illness history, current mental state and relationship with alcohol and drugs.

A person may also be committed to psychiatric care when the offender's state of unaccountability meant that he or she was in factual ignorance, see section 25, or the offender was otherwise in a state not compatible with having intent.

Section 63. *Conditions for committing to care severely mentally disabled persons, etc.*

Subject to the conditions specified in section 62, any person who is unaccountable pursuant to section 20 second to fourth paragraphs, may be committed to care by court order.

Care pursuant to this section shall be undergone in an expert unit of the specialist health service constituted for the purpose. When in the interests of the judicially committed person and not inadvisable for security reasons, the expert unit may pursuant to further regulations issued by the King enter into an agreement for the execution of care outside the expert unit.

The the judicially committed person may be held against his/her will and be returned in the event of flight, if necessary by force and with the assistance of public authorities. The expert unit has overall responsibility for the execution of compulsory care, including when the special sanction is executed outside the expert unit.

Section 64. *Detailed provisions on execution of care*

The following provisions of the Mental Health Care Act apply correspondingly to the execution of committal to care insofar as applicable:

a. Chapter 1, chapter 4 except for sections 4-5, second paragraph, 4-9 and 4-10, and chapter 6, with regulations, when the special sanction is executed in the expert unit. However, the provision in section 4-4, second paragraph, second sentence, only applies if so prescribed in regulations issued by the King.
b. Chapter 1 and chapter 6 when the special sanction is executed outside the expert unit.

The King may issue regulations providing that chapter 9 of the Health and Care Services Act shall apply correspondingly. The King may issue special provisions on applicable administrative proceedings.

The King will issue regulations containing detailed provisions on the execution of care pursuant to section 63, including provisions that identify which measures are subject to review pursuant to the rules in chapter 36 of the Dispute Act.

Section 65. *Cessation of sanctions*

Psychiatric care pursuant to section 62 and care pursuant to section 63 may be maintained only as long as the condition in section 62 regarding the risk of repetition is met.

The convicted person, his/her next-of-kin and the experts at the institution responsible for the treatment of the convicted person may apply for cessation of the sanction. Who qualifies as next-of-kin of the convicted person is determined pursuant to section 1-3, first paragraph, b), of the Patient and User Rights Act. The prosecuting authority brings the case before the district court, which makes a decision by judgment. The hearing of the case shall be expedited.

Cessation of the sanction may not be applied for until one year after the judgment ordering committal or a judgment refusing cessation becomes final. In the case of a special sanction imposed on the basis of an offence as specified in section 62 second paragraph, cessation may not be applied for until six months after the judgment ordering committal or a judgment refusing cessation becomes final.

The prosecuting authority may decide to effect cessation of the sanction at any time. No later than three years after the last legally enforceable judgment, the prosecuting authority shall either decide to effect cessation of the sanction or bring the case before the district court, which decides

by judgment whether the sanction is to be maintained. A special sanction imposed on the basis of an offence as specified in section 62, second paragraph, shall cease no later than three years after the judgment ordering committal.

If a person subject to a special sanction is expelled from or leaves the realm, the special sanction ceases temporarily. If the person in question returns to the realm, the prosecuting authority shall decide whether the sanction is to be maintained or to cease. If the prosecuting authority decides to maintain it and more than three years have passed since the last legally enforceable judgment, the prosecuting authority shall bring the case before the district court, see the fourth paragraph.

Chapter 13. Confiscation

Section 66. *Combination of confiscation with penalties and other criminal sanctions*

Confiscation pursuant to this chapter may be imposed alone or together with penalties or other criminal sanctions.

Section 67. *Confiscation of proceeds*

Any proceeds of a criminal act shall be confiscated. Instead of the proceeds, all or part of the value of the proceeds may be confiscated. Confiscation shall take place even though the offender was unaccountable, see section 20, or was not culpable. Liability pursuant to this provision may be reduced or waived if confiscation would clearly be unreasonable.

Any asset that represents proceeds, profit and other advantages of the proceeds shall be regarded as proceeds. Expenses incurred shall not be deducted. If the amount of the proceeds cannot be established, the amount shall be determined approximately.

The court – or the prosecuting authority in an optional penalty writ of confiscation – may determine that the amount to be confiscated shall be reduced by an amount which corresponds to compensation the offender or someone who is liable for the harm done has paid to the injured person, and which wholly or partially corresponds to the proceeds. The same applies when the offender has met an obligation which relates to the criminal prosecution.

In the event of confiscation of value, see the second sentence of the first paragraph, it may be stipulated that the asset shall serve as security for the amount to be confiscated.

Section 68. *Extended confiscation*

Extended confiscation may be effected when the offender is found guilty of a criminal act of such a nature that the proceeds thereof may be considerable, and the offender has committed

a. one or more criminal acts that collectively are punishable by imprisonment for a term of six years or more,
b. at least one criminal act which is punishable by imprisonment for a term of two years or more, and the offender during the five years immediately preceding the commission of the act has had a penalty imposed for an act of such a nature that the proceeds thereof may be considerable, or
c. an attempt at an act specified in a) or b).

There shall be no increase of the penalty pursuant to section 79 b) and c).

In the event of extended confiscation all assets belonging to the offender may be confiscated unless the offender proves on a balance of probabilities that the said assets have been lawfully acquired. Section 67, first paragraph, second sentence, and fourth paragraph, apply correspondingly.

In the event of extended confiscation from the offender the value of all assets belonging to the offender's present or previous spouse may also be confiscated unless

a. they were acquired before the marriage was entered into or after the marriage was dissolved,
b. they were acquired at least five years before the criminal act that provides a basis for extended confiscation, or
c. the offender proves on a balance of probabilities that the assets were acquired by means other than criminal acts the offender has committed personally.

When two persons are living together permanently in a marriage-like relationship, this is deemed equivalent to marriage.

Section 69. *Confiscation of the product, subject or tools of a criminal act*

Property which

a. is the product of,
b. has been the subject of, or
c. has been used or intended for use in

a criminal act, may be confiscated. Instead of the property, all or part of the value of the property may be confiscated. Section 67, first paragraph, third sentence, and fourth paragraph, apply correspondingly.

Rights, receivables and electronically stored information are also considered property.

In determining whether confiscation shall be effected, and the scope of the confiscation, particular weight shall be given to whether confiscation is necessary for the purposes of effective enforcement of the penal provision, and whether it is proportionate. In assessing proportionality, weight shall among other things be given to other sanctions that are imposed, and the consequences for the person against whom the confiscation is effected.

Section 70. *Preventive confiscation*

Property may be confiscated when, due to the nature of the property and other circumstances, there is an obvious risk that it will be used in a criminal act. If the property is suited for use in physical assault, it is sufficient that there is a risk of such use. Confiscation of an information carrier, see section 76, may only be effected when there is a risk of irreparable harm.

Instead of confiscating the object, measures may be imposed to prevent the use of the property in offences.

Section 69, second paragraph, applies correspondingly.

Confiscation pursuant to the first paragraph may be effected regardless of who is the owner.

Section 71. *Whom confiscation may be effected against*

Confiscation of proceeds pursuant to section 67 shall be effected against the person to whom the proceeds have directly accrued as a result of the act. It shall be assumed that the proceeds have accrued to the offender, unless the offender proves on a balance of probabilities that they have accrued to another person.

Extended confiscation pursuant to section 68 shall be effected against the offender.

Confiscation pursuant to section 69 shall be effected against the offender or the person the offender acted on behalf of. Confiscation as specified in section 69, first paragraph, c), or of an amount that wholly or partially corresponds to its value, may alternatively be effected against an owner who realized or ought to have realized that the property was to be used in a criminal act.

Confiscation pursuant to section 70 shall be effected against the person who is in possession of or owns the property.

Section 72. *The relationship to receivers*

If proceeds, see section 67, or property as specified in section 69 have been transferred after the time of the act from a person who may be subject to confiscation, confiscation of the transferred property or its value may be effected against the receiver if the transfer has occurred as a gift or the receiver realized or ought to have realized the connection between the criminal act and what has been transferred.

If extended confiscation may be effected pursuant to section 68, and the offender has transferred an asset to one of his/her next-of-kin, the asset or its value may be confiscated from the receiver if the prosecuting authority proves on a balance of probabilities that it has been acquired by the offender's commission of an offence. This shall nevertheless not apply to assets transferred more than five years before commission of the act that forms the basis for confiscation, or assets received by way of ordinary maintenance from a person who is obligated to provide such maintenance.

If, in the event of confiscation from the offender, the assets of any person specified in section 68, third paragraph, are wholly or partly taken into account and the person meets his or her liability pursuant to this section, the offender's liability shall be correspondingly reduced. It the offender has met his or her liability pursuant to section 68, second paragraph, any further confiscation from the offender shall lead to a corresponding reduction of the liability of the receiver.

The second paragraph applies correspondingly to transfer to an enterprise if the offender

a. alone or together with any person specified in the second paragraph owns a substantial part of the enterprise,
b. receives a considerable part of the income of the enterprise, or
c. by virtue of his or her management position has substantial influence over it.

The same shall apply to any right which after the time of the act is established in the property by any person against whom confiscation may be effected unless the right has been established by attachment lien, freezing order or statutory lien.

Section 73. *Relationship to rights holders*

A right that is legally secured on an asset which is confiscated may wholly or partially be determined to have lapsed in relation to a rights holder

a. who has personally committed the criminal act,
b. on whose behalf the offender has acted, or
c. who, when the right was legally secured by other means than by attachment lien, freezing

order or statutory lien, realized or ought to have realized that the property was to be used in a criminal act, or that it could be confiscated.

Section 67, first paragraph, third sentence, applies correspondingly.

Section 74. *General rules on confiscation of proceeds and property which do not belong to the offender*

When confiscation of seized proceeds, see sections 67 and 68, or property, see sections 69 and 70, which do not belong to the offender is claimed, the claim is directed at the owner or rights holder. The same applies when confiscation is claimed of the value of property which has been seized, or which has been exempted from seizure on provision of security.

When the owner or rights holder is unknown or his whereabouts in Norway are unknown, confiscation may be effected in proceedings against the offender or the person who was in possession at the time of seizure, provided this is deemed reasonable in view of the owner's circumstances. The same applies when confiscation is claimed of the value of property which has been seized, or which has been exempted from seizure on provision of security. The owner shall as far as possible be notified about the matter.

If the whereabouts in Norway of the offender and the possessor are unknown, the district court may order confiscation on the terms specified in the second paragraph, without any person being sued.

These rules apply correspondingly to confiscation of rights pursuant to section 72, fifth paragraph, and section 73.

Section 75. *Beneficiaries of confiscation*

Confiscation shall be effected in favour of the State unless otherwise provided.

In the judgment or in a subsequent order issued by the district court that decided the issue of confiscation, the court may determine that the proceeds of confiscation be applied to cover any claim for compensation made by the injured person.

The Ministry may decide that the proceeds of any confiscation shall be divided between the Norwegian State and one or more other states. In the decision, importance shall be attached to, inter alia, what expenses have been incurred in such states and in which countries harmful effects have occurred and proceeds have been acquired. Any division pursuant to this paragraph may not result in any reduction of the covering of the aggrieved person's claim for compensation pursuant to the second paragraph.

Section 76. *Special rules for confiscation of an information carrier*

In this provision, «information carrier» means printed text matter or anything else that conveys written, visual, auditory or electronically stored information.

When confiscating an information carrier, it must be stated which parts of the contents warrant the confiscation. The person who is subjected to the confiscation may, in return for covering the costs, demand a copy of the portion of the contents not covered by the confiscation.

If the offender does not hold the title to an information carrier on a computer system that is the subject of a claim for confiscation, the claim shall be directed at the provider of the data processing system. The provider may be required to block the offender's access to the information carrier and delete content belonging to the offender. If the offender holds the rights to the information carrier, the provider may be required to block access to the information carrier and delete the contents.

Chapter 14. General rules on determining sanctions

Section 77. *Aggravating circumstances*

In connection with sentencing, aggravating factors to be given particular consideration are that the offence:

a. was committed by means or methods which are particularly dangerous or carry a considerable potential for harm,
b. placed human life or health at risk or caused loss of welfare,
c. was intended to have a substantially more serious outcome or this could easily have been the consequence,
d. was committed in a particularly reckless manner,
e. formed part of a planned or organised enterprise,
f. was committed by multiple persons acting together,
g. was perpetrated by the offender exploiting or misguiding young persons, persons in a very difficult life situation, who are mentally disabled or in a dependent relationship with the offender,
h. affected persons who are defenceless or particularly vulnerable to criminal offences,
i. was motivated by a person's religion or life stance, skin colour, national or ethnic origin, homosexual orientation, disability or other circumstances relating to groups with a particular need for protection,
j. was committed in the course of public service or was perpetrated by violating a special trust,
k. was committed by a person who has previously been the subject of a criminal sanction for similar acts or other acts of relevance to the case,
l. was committed in the presence of a child under 15 years of age.

Section 78. *Mitigating circumstances*

In connection with sentencing, mitigating factors to be given particular consideration are that:

a. there exists a situation or condition as specified in section 80 b), c), d), e), i) or j),
b. the offender has prevented, reversed or limited the harm or loss of welfare caused by the offence, or sought to do so,
c. the offence was to a significant degree occasioned by the circumstances of the aggrieved party,
d. the offender had, at the time of the act, an impaired perception of reality because of a deviant state of mind, a mild mental disability, impaired consciousness or severe mental agitation,
e. the offence was committed a long time ago, or the proceedings have taken longer than is reasonable based on the nature of the offence, through no fault of the offender,
f. the offender has made an unreserved confession, or contributed significantly to solving other offences,
g. the offender himself/herself has been severely affected by the offence, or the criminal sanction will impose a heavy burden due to advanced age, illness or other circumstances,
h. the prospects for rehabilitation are good,
i. the offender was under 18 years of age at the time of the act.

Section 79. *Imposition of penalties exceeding the maximum penalty (multiple offences, repeated offences, organised crime)*

If one or more of the situations in a) to c) exist, the sentence of imprisonment may be increased up to double length, but under no circumstances by more than six years and never beyond 21 years, and for persons who were under 18 years of age at the time of the act, not beyond 15 years:

a. when an offender has by one or more acts committed multiple offences, and a single sentence is to be imposed. The increase in the sentence of imprisonment shall be calculated on the basis of the maximum penalty prescribed in the most severe penal provision. The sentence pursuant to the present lettered provision may never exceed the sum of the maximum penalties. Increase of the maximum penalty pursuant to the present lettered provision is only relevant in relation to statutory provisions which provide that the increased maximum penalty shall be given legal effect.
b. when a previously convicted person has again committed a criminal act of the same nature as one for which he/she has previously been convicted within the realm or abroad, unless the penal provision itself determines otherwise. Increase of the maximum penalty pursuant to the present lettered provision is only relevant in relation to statutory provisions which provide that the increased maximum penalty shall be given legal effect.

   The first part of the present lettered provision only applies when the convicted person was at least 18 years of age at the time of the previous criminal act, and has committed the new act after the penalty for the previous act has wholly or partially been executed. If the new criminal act carries a penalty limit of more than one year, the first part of the present lettered provision does not apply if the new act was committed more than six years after execution of the previous penalty was complete, unless otherwise provided. If the new criminal act carries a penalty limit of one year or less, no more than two years may have passed since the execution was complete.
c. when a criminal act was perpetrated as part of the activities of an organised criminal group.

   «Organised criminal group» means a collaboration between three or more persons for the primary purpose of committing an act that is punishable by a sentence of imprisonment for a term of at least three years, or which is based on activities consisting to a not insignificant degree of the commission of such acts.

   Increase of the maximum penalty pursuant to the present lettered provision is applicable in relation to statutory provisions which confer legal effect on the penalty limit, unless otherwise provided.

Section 80. *Imposition of a penalty below the minimum penalty or a less severe type of penalty*

The penalty may be set below the minimum penalty of the penal provision or to a less severe penalty type when the offender

a.
   1. without knowing he/she was under suspicion has to a significant degree prevented or reversed the harm caused by the offence, or
   2. has made an unreserved confession,

b. is being sentenced for attempt,
c.
   1. has acted on the basis of a dependent relationship to another participant, or
   2. has only participated to a minor degree,

d. has exceeded the limits of
   1. an act of necessity (see section 17),
   2. self-defence (see section 18), or

3. self-enforcement (see section 19),

e. has acted out of justifiable anger, under compulsion or under obvious danger,
f. at the time of the act had a significantly impaired perception of reality because of a severely deviant state of mind, mental disability or impaired consciousness, but is not unaccountable pursuant to section 20 second paragraph,
g. has acted in a self-induced state of intoxication or in a self-induced state of unaccountability pursuant to section 20 fourth paragraph, and there are particularly mitigating circumstances,
h. is under 18 years of age at the time of the act, or
i. has acted under negligent ignorance of the law when violating a penal provision which requires intent or gross negligence.

Section 81. *Circumstances which may lead to exemption from punishment*

The court may acquit any person who

a. without knowing he/she was under suspicion, has to a significant degree prevented or reversed the harm caused by an offence which is punishable by a fine, or
b. has exceeded the limits of
   1. an act of necessity (see section 17),
   2. self-defence (see section 18), or
   3. self-enforcement (see section 19),

and special reasons warrant acquittal.

Section 82. *Follow-up sentence*

In cases of conviction for offences committed prior to judgment in another case, an additional sentence is passed for these offences if sentence could have been passed for all the offences at the same time. Section 31, second paragraph and third paragraph, second and third sentence, do not apply.

When sentencing, section 79 applies correspondingly. Consideration should be given to what a suitable penalty would have been in the case of simultaneous sentencing, and the total penalty must not be more severe than if sentence had been passed for all the offences at the same time.

In cases of conviction for offences committed in part before and in part after judgment in another case, an aggregate sentence is generally passed for all the offences. The second paragraph, second sentence, applies correspondingly to the offences that were committed prior to the first judgment.

When there are grounds for doing so, an aggregate sentence may also be passed in other situations. The second paragraph applies correspondingly.

If an aggregate sentence is passed which includes a previous sentence which has been wholly or partly executed, a deduction shall be granted for portions served.

The judgment shall state whether it is an additional sentence or an aggregate sentence.

Section 83. *Deduction for time spent in custody on remand*

The time the person charged has been deprived of liberty in connection with the case shall be deducted from the penalty pursuant to the provisions of this section. This also applies to deprivation of liberty abroad or on account of aspects of the case for which the person charged is acquitted, or

which are dropped.

A deduction of one day shall be granted for each commenced day of deprivation of liberty after arrest that exceeds four hours. For deprivation of liberty in complete isolation exceeding four hours, a further deduction shall be granted equivalent to one day for each 48-hour period commenced while the convicted person was subjected to complete isolation. The deduction for time spent in custody on remand shall be set out in the judgment or in the optional penalty writ. Even if the deprivation of liberty was somewhat shorter than the imposed penalty, the penalty may be deemed to have been served in its entirety.

When partially suspended imprisonment is imposed, the deduction for time spent in custody on remand shall be made first from the immediate part of the penalty.

When imprisonment and fines are imposed, the deduction for time spent in custody on remand shall be made first from the sentence of imprisonment.

When preventive detention is imposed, the full deduction for time spent in custody on remand shall be made from both the minimum term and the time frame.

When a fine is imposed, the deduction for time spent in custody on remand shall be made from the alternative sentence of imprisonment, and the fine shall be reduced proportionately.

When a community sentence is imposed, the deduction for time spent in custody shall be made from the alternative sentence of imprisonment, and the number of hours of the community sentence and the execution period shall be reduced proportionately. If a community sentence is imposed together with immediate imprisonment, the deduction shall be made first from the sentence of imprisonment.

When a youth sentence is imposed, the deduction for time spent in custody on remand shall be made from the alternative sentence of imprisonment.

When sentencing is deferred, the judgment shall note whether the person charged has been deprived of liberty on account of the case and, if so, for how long.

Section 84. *Deduction for executed criminal sanctions imposed abroad*

An executed criminal sanction that was imposed abroad for an act for which sentence is also passed in Norway shall as far as possible be deducted from the Norwegian sentence.

Chapter 15. Limitation, etc.

Section 85. *Cessation of criminal liability upon expiry of limitation period*

An act is not punishable when the limitation period pursuant to sections 86 to 89 has expired.

Section 86. *The limitation period*

The limitation period for criminal liability is

a. two years when the maximum statutory penalty prescribed is a fine or imprisonment for a term not exceeding one year,
b. five years when the maximum statutory penalty prescribed is imprisonment for a term not

exceeding three years,
c. 10 years when the maximum statutory penalty prescribed is imprisonment for a term not exceeding 10 years,
d. 15 years when the maximum statutory penalty prescribed is imprisonment for a term not exceeding 15 years,
e. 25 years when the maximum statutory penalty prescribed is imprisonment for a term not exceeding 21 years.

When calculating the limitation period it is irrelevant that another penalty may be imposed in addition to fines or imprisonment.

If a person has by the same act committed several offences which would have different limitation periods pursuant to the first paragraph, the longest limitation period applies to all the offences.

Section 87. *The start of the limitation period*

The limitation period for criminal liability shall be calculated from the day the offence ceased. However, for violations of sections 253, 257, 282, 284, 299 and 302, the limitation period shall be calculated from the day the aggrieved party reaches 18 years of age.

When the punishability of the act depends on or is affected by an arisen effect, the limitation period shall be calculated starting no earlier than the day the effect materialised.

If the criminal act was perpetrated on a Norwegian vessel outside the realm, the limitation period shall be calculated from the day the vessel arrived at a Norwegian port. However, the start of the limitation period may not be shifted by more than one year pursuant to this paragraph.

Section 88. *Interruption of the limitation period*

The limitation period pursuant to section 86 is interrupted when the suspect acquires the status of a person charged, see section 82 of the Criminal Procedure Act. If the charge is made by a statement out of court or by issuance of an optional penalty writ, the limitation period is interrupted when the person charged is notified of the charge. For such notification section 146, second paragraph, of the Courts of Justice Act applies correspondingly.

The interruption loses its effect when the prosecution is discontinued without the decision to do so being reversed by the superior prosecuting authority within the time limit given in section 75, second paragraph, of the Criminal Procedure Act. The same applies when the prosecution is suspended indefinitely. When calculating whether the limitation period has expired, the period of prosecution shall be included. This does not apply if the prosecution is suspended because the person charged has evaded prosecution.

Section 89. *Limitation of criminal liability for enterprises*

The limitation period applicable to criminal liability for an enterprise shall be calculated on the basis of the penalty limit for individuals in the penal provision that has been violated.

If the limitation period is interrupted for a person who has acted on behalf of an enterprise, the interruption also applies to the enterprise.

Section 90. *Interruption of the limitation period during bankruptcy and debt-settlement negotiations*

The limitation period for violation of sections 392 to 394 and chapter 31 regarding creditor protection does not run during bankruptcy or debt-settlement negotiations pursuant to law. However, the limitation period may not be extended by more than five years pursuant to this section.

Section 91. *Criminal liability which is not subject to limitation*

Criminal liability for genocide, crimes against humanity, war crimes and terrorist acts is not subject to limitation if the acts are punishable by imprisonment for a term of 15 years or more. Criminal liability for acts carried out in violation of sections 275, 291, 299 and 302 are not subject to limitation. Nor is criminal liability for violations of section 355, first alternative act, subject to limitation if any person dies because of the offence.

Section 92. *The limitation period for liability to confiscation*

The limitation period given in section 86 applies to limitation of liability to confiscation, but the limitation period shall not be shorter than five years. For confiscation pursuant to sections 67 and 68 the limitation period shall not be shorter than 10 years.

Section 93. *The limitation period for imposed custodial sentences and community sentences*

Imposed sentences of imprisonment shall lapse upon expiry of the following limitation periods:

a. five years for imprisonment for a term not exceeding one year,
b. 10 years for imprisonment for a term of more than one year and not exceeding four years,
c. 15 years for imprisonment for a term of more than four years and not exceeding eight years,
d. 20 years for imprisonment for a term of more than eight years and not exceeding 20 years,
e. 30 years for imprisonment for a term of more than 20 years.

If execution of a sentence of imprisonment is partly suspended pursuant to section 34, first paragraph, first sentence, the limitation period shall be calculated separately for the suspended and immediate parts of the sentence.

The limitation period for an imposed sentence of preventive detention expires according to the rules of the first paragraph on the basis of the stipulated maximum term that the preventive detention may not exceed, see section 43, first paragraph, first and second sentences.

The limitation period for an imposed community sentence expires according to the rules of the first paragraph on the basis of the stipulated alternative sentence of imprisonment, see section 49, first paragraph, b).

In cases of release on parole from a custodial sentence the limitation period for the remaining penalty shall be calculated on the basis of the remainder of the sentence. The same applies when the execution is interrupted in any other way and to interruption of a community sentence.

Section 94. *The start of the limitation period pursuant to section 93*

The limitation period for an imposed custodial sentence shall be calculated from the day the judgment is final.

The limitation period does not run as long as execution cannot be commenced because the convicted person is deprived of liberty in another case pursuant to a judgment or community sentence.

In the event of a decision of re-imprisonment to serve the remaining penalty following release on parole, the limitation period for the remaining penalty shall be calculated from the day the re-imprisonment decision is final. If execution is interrupted other than by release on parole, the limitation period shall be calculated from the interruption.

The limitation period for a community sentence shall be calculated from the day the judgment is final. The second paragraph and third paragraph, second sentence, apply correspondingly. The same applies to section 97, third paragraph.

If execution of the sentence is suspended by a suspended sentence or pardon, no limitation period shall run in the period of suspension.

Section 95. *Interruption of the limitation period pursuant to section 93*

The limitation period pursuant to section 93 is interrupted on commencement of execution of the sentence, or on arrest of the convicted person to ensure execution.

Section 96. *Imposed penalties that are not subject to limitation*

Imposed penalties for genocide, crimes against humanity, war crimes and terrorist acts are not subject to limitation if the acts are punishable by imprisonment for a term of 15 years or more.

Section 97. *The limitation period for imposed fines*

Imposed fines shall lapse 10 years after the optional penalty writ or judgment became legally enforceable.

Expiry of the limitation period for a fine has no effect on attachment liens, attachment of earnings or other security established prior to the expiry of the limitation period.

A sentence of imprisonment imposed pursuant to section 55 shall lapse when execution of the sentence has not commenced within five years of the date the judgment is final. The limitation period does not run as long as execution cannot commence because the convicted person is deprived of liberty in another case pursuant to a judgment or community sentence.

Section 98. *Limitation period for special sanctions imposed on unaccountable persons*

Special sanctions imposed on unaccountable persons, see sections 62 and 63, shall lapse by limitation after 20 years. The rules of sections 94 and 95 apply correspondingly insofar as they are appropriate.

Section 99. *Limitation period for confiscation orders*

A confiscation order shall lapse five years after the optional penalty writ or judgment became legally enforceable. However, for confiscation of proceeds, including confiscation pursuant to section 68, the limitation period shall be 10 years.

Expiry of the limitation period for confiscation has no effect on attachment liens, attachment of earnings or other security established prior to the expiry of the limitation period.

Section 100. *Lapse of criminal liability and liability to confiscation, etc. upon the death of the guilty or liable person*

Criminal liability shall lapse upon the death of the guilty person.

Liability for confiscation shall lapse upon the death of the liable person. In cases of confiscation of proceeds, including confiscation pursuant to section 68 and section 72, second paragraph, proceedings may still be instituted, and a confiscation order may be executed if it is decided by a ruling of the court that adjudicated the case in the first instance, or by the district court that has jurisdiction over the matter pursuant to section 12 of the Criminal Procedure Act when confiscation is accepted by optional penalty writ. The court may impose confiscation of a sum instead of property.

Part II. Criminal acts

Chapter 16. Genocide, crimes against humanity and war crimes

Section 101. *Genocide*

Any person is liable to punishment for genocide who with the intention of wholly or partly destroying a national, ethnic, racial or religious group

a. kills one or more members of the group,
b. causes considerable harm to the body or health of one or more members of the group,
c. subjects one or more members of the group to living conditions that are intended to cause physical destruction of all or part of the group,
d. implements measures with respect to one or more members of the group that are intended to prevent births within the group, or
e. forcibly transfers one or more children from the group to another group.

Intent with respect to the main perpetrator's destructive purpose is sufficient to be penalised for contribution.

The penalty for genocide is imprisonment for a term not exceeding 30 years.

Section 102. *Crimes against humanity*

Any person is liable to punishment for crimes against humanity who as part of a broad or systematic attack on a civilian population

a. kills a person,
b. exterminates a population wholly or in part, including by inflicting living conditions on the population or parts thereof that are intended to exterminate the population wholly or in part,
c. enslaves a person,
d. deports or forcibly relocates a population contrary to international law,
e. imprisons or in some other serious manner deprives a person of liberty contrary to fundamental rules of international law,
f. tortures a person in his/her custody or control by causing serious mental or physical pain,
g. subjects a person to rape, sexual slavery or forced prostitution, forced pregnancy, forced sterilisation or other similarly aggravated forms of sexual violence,
h. subjects an identifiable group to persecution by depriving one or more members of the group of fundamental human rights on political, racial, national, ethnic, cultural, religious or gender-based grounds or other grounds contrary to international law,
i. contributes to the involuntary disappearance of a person on behalf of or with the consent, support or permission of a state or a political organisation, with the intention of depriving the person of legal protection for a prolonged period of time,
j. commits a crime of apartheid within the framework of an institutionalised regime based on one racial group's systematic suppression and dominance over one or more other racial groups by undertaking inhuman acts of the same or similar type as those falling within the present section, for the purpose of maintaining the regime, or
k. commits some other inhuman act of a similar type that causes great suffering or serious harm to someone's body or health.

The penalty for a crime against humanity is imprisonment for a term not exceeding 30 years.

Section 103. *War crimes against a person*

Any person is liable to punishment for a war crime who in connection with an armed conflict

a. kills a protected person,
b. inflicts great suffering or considerable harm to the body or health of a protected person, particularly through torture or other cruel or inhuman treatment,
c. enslaves a protected person,
d. subjects a protected person to rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilisation or other similarly aggravated forms of sexual violence,
e. takes a protected person hostage,
f. conscripts or recruits children under 18 years of age to armed forces or uses them actively as participants in hostilities,
g. subjects a protected person to a medical or scientific experiment that is not in the person's interest and that entails serious risk to the person's life or health,
h. contrary to international law deports or forcibly relocates a protected person from an area in which the person is lawfully present, or unlawfully confines a protected person,
i. imposes or implements a penalty against a protected person without the person first having received a fair trial in accordance with international law,
j. grossly violates a protected person's dignity through humiliating or degrading treatment, or
k. injures a combatant who has surrendered or is incapable of participating in combat.

Also subject to punishment in an international armed conflict is any party that

a. transfers part of its own civilian population to an occupied area,
b. forces a citizen of the opposing party to participate in acts of war against his/her own country,

or
c. forces a protected person to serve in the armed forces of a hostile power.

A protected person is a person who is not, or is no longer, actively participating in hostilities, or who is otherwise protected by international law.

The penalty for a war crime against a person is imprisonment for a term not exceeding 15 years, or up to 30 years in the cases specified in the first paragraph, a) to e), or otherwise if the crime is aggravated. In determining whether a crime is aggravated, weight shall be given to factors including the crime's potential for harm and harmful effects and whether it was committed as part of a plan or objective or as part of large-scale commission of such crimes.

Section 104. *War crimes against property and civil rights*

Any person is liable to punishment for a war crime who in connection with an armed conflict
a. pillages,
b. engages in extensive destruction, seizure or confiscation of property that is not strictly necessary for the purposes of warfare, or
c. declares the civil rights of the opposing party's citizens, or their opportunity to have these reviewed by the courts, to be annulled or temporarily set aside.

The penalty for war crimes against property or civil rights is imprisonment for a term not exceeding 10 years, or up to 30 years if the crime is aggravated, see section 103, fourth paragraph, second sentence.

Section 105. *War crimes against humanitarian missions or distinctive signs*

Any person is liable to punishment for a war crime who in connection with an armed conflict
a. directs an attack against personnel, facilities, materiel, units or vehicles involved in humanitarian aid work or peacekeeping operations in accordance with the UN Charter, provided that these are entitled to protection as civilian persons or property under international law,
b. directs an attack against personnel, buildings, materiel, medical units or means of transportation that under international law are entitled to use one of the specifically protected distinctive signs defined in the Geneva Conventions and Additional Protocols or other means of identification showing that they are protected by the Geneva Conventions, or
c. misuses a flag of truce or the flag, distinctive military sign or uniform of the enemy or the United Nations, or misuses the specifically protected distinctive signs specified in b), in a way that a person dies or suffers considerable harm.

The penalty for war crimes against humanitarian missions or distinctive signs is imprisonment for a term not exceeding 10 years, or up to 30 years in the cases specified in c), and otherwise if the crime is aggravated, see section 103, fourth paragraph, second sentence.

Section 106. *War crimes committed using prohibited methods of warfare*

Any person is liable to punishment for a war crime who in connection with an armed conflict
a. directs an attack against the civilian population in general or individual civilians who are not participating in the hostilities,
b. uses starvation of civilians as a method of warfare by taking, withholding or refusing access to food or objects essential for their survival, or hindering relief supplies in violation of

international law,
c. implements an attack in the knowledge that such an attack will cause loss of civilian life, injury to civilians, damage to civilian objects or damage to the natural environment that would be excessive relative to the specific and immediate overall military benefit that is anticipated,
d. uses the presence of a protected person to preclude certain locations, areas or armed forces from being subject to military operations,
e. directs an attack against cities, towns, locations, settlements or buildings that are undefended and do not constitute military targets, or against demilitarised zones,
f. directs an attack against buildings devoted to religion, education, art, science or charitable purposes, against historic monuments, cultural monuments, hospitals or gathering places for sick and wounded persons or against other civilian objects that are not military targets,
g. leads a person to believe that he/she is entitled to protection or has a duty to afford protection under international law and with the intention of betraying the resulting trust kills or wounds a person who is a citizen of the opposing party or a member of the opposing party's armed forces, or
h. declares or threatens that no quarter will be given.

The penalty for a war crime involving the use of prohibited methods of warfare is imprisonment for a term not exceeding 15 years, or up to 30 years if the crime involves the intentional killing of a civilian or other protected person, or otherwise if the crime is aggravated, see section 103, fourth paragraph, second sentence.

Section 107. *War crimes committed using prohibited means of warfare*

Any person is liable to punishment for a war crime who in connection with an armed conflict
a. uses poison or poisonous weapons,
b. uses biological or chemical weapons,
c. uses bullets that easily expand or flatten inside the human body, or
d. uses other means of warfare that are contrary to international law.

The penalty for a war crime committed using prohibited means of warfare is imprisonment for a term not exceeding 15 years, or up to 30 years if the crime involves the intentional killing of a civilian or other protected person, or otherwise if the crime is aggravated, see section 103, fourth paragraph, second sentence.

Section 108. *Conspiracy to commit and incitement to genocide, crimes against humanity and war crimes*

Any person who enters into a conspiracy with another person to commit an offence specified in sections 101 to 107 shall be subject to imprisonment for a term not exceeding 10 years. The same applies to any person who directly and publicly incites any person to commit such an offence.

Section 109. *Responsibility of superiors*

A military or civilian leader, or any person effectively acting as such, shall be subject to punishment for breach of superior responsibility if persons under his/her effective authority and control commit a crime specified in sections 101 to 107, provided that the crime is a result of the leader's failure to exercise due control over them, and the leader
a. knew or should have known that the subordinates had embarked on such a crime or that the crime was imminent, and

b. failed to implement necessary and reasonable measures in his/her power to prevent or stop the crime, or to report the offence to a competent authority for prosecution.

The penalty is imprisonment for a term not exceeding 10 years, or up to 30 years if the crime is aggravated. In determining whether the crime is aggravated, weight shall be given to the seriousness and scope of the crimes committed by the subordinates and to what extent the superior can be held to blame.

Section 110. *Minimum penalty*

A penalty assessed pursuant to the provisions of this chapter may not be set lower than the minimum penalty specified in the penal provision that in the absence of chapter 16 would have applied to the act of which the person is convicted.

Chapter 17. Protection of Norway's autonomy and other fundamental national interests

Section 111. *Violation of Norway's autonomy and peace*

A penalty of imprisonment for a term not exceeding 15 years shall be applied to any person who through use of force, threats or other illegal means creates a risk of Norway or a part of Norway

a. being incorporated into another state,
b. being brought under the rule of a foreign state,
c. or a state that is politically or militarily allied with Norway, suffering war or hostilities,
d. suffering material restrictions on its right of self-determination, or
e. becoming detached.

Section 112. *Aggravated violation of Norway's autonomy and peace*

The penalty for aggravated violation of Norway's autonomy and peace is imprisonment for a term not exceeding 21 years. In determining whether the violation is aggravated, particular weight shall be given to whether

a. it has had particularly serious consequences for Norway,
b. it has been committed by means of an organised armed operation, exploitation of fear of intervention by a foreign state, or threat of such,
c. the perpetrator is a member of the Government, the Parliament or the Supreme Court, or a member of the country's highest civilian or military leadership,
d. the act has entailed loss of human life or a risk thereof.

Section 113. *Violation of the Norwegian constitution*

Any person who by force, threats or other illegal means creates a risk that the Norwegian constitution may be altered, shall be subject to imprisonment for a term not exceeding 15 years.

Section 114. *Aggravated violation of the Norwegian constitution*

The penalty for aggravated violation of the Norwegian constitution is imprisonment for a term not exceeding 21 years. In determining whether the violation is aggravated, particular weight shall be given to the matters specified in section 112, a) to d).

Section 115. *Attack on the activities of the highest state bodies*

A penalty of imprisonment for a term not exceeding 10 years shall be applied to any person who by force, threats or other illegal means puts the King, the Regent, the Government, the Parliament, the Supreme Court or the Court of Impeachment, or a member of these institutions, at risk of being hindered or affected in their activities.

Section 116. *Aggravated attack on the activities of the highest state bodies*

The penalty for aggravated attack on the activities of the highest state bodies is imprisonment for a term not exceeding 21 years. In determining whether the attack is aggravated, particular weight shall be given to the matters specified in section 112, a) to d).

Section 117. *Interference with important institutions in society*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who by force, violence, threats or other unlawful and organised means interferes with the activities of important institutions in society such as a public authority, a political party or a media enterprise and thereby endangers important public interests.

Section 118. *Aggravated interference with important institutions in society*

The penalty for aggravated interference with important institutions in society is imprisonment for a term not exceeding 15 years. In determining whether the interference is aggravated, particular weight shall be given to the matters specified in section 112, a) to d).

Section 119. *Treason*

A penalty of imprisonment for a term not exceeding 10 years shall be applied to any person who in time of war, occupation or international armed conflict in Norwegian territory, or obvious risk thereof, assists the enemy or occupying power against Norway or harms Norway's defence capability.

The same penalty applies to any person who harms the defence capability of a state that is politically or militarily allied with Norway.

Section 120. *Aggravated treason*

The penalty for aggravated treason is imprisonment for a term not exceeding 21 years. In determining whether the treason is aggravated, particular weight shall be given to the matters specified in section 112, a), c) and d).

Section 120 a. *Attack on Norwegian and allied forces*

A penalty of imprisonment for a term not exceeding 10 years shall be applied to any person who illegally bears arms or participates in a military operation against Norwegian military forces. The same penalty applies to any person who undertakes such an act against military forces participating in an international operation alongside Norwegian forces.

Section 120 b. *Aggravated attack on Norwegian and allied forces*

The penalty for aggravated attack on Norwegian and allied forces is imprisonment for a term not exceeding 15 years. In determining whether the attack is aggravated, particular weight shall be given to whether the attack has had serious consequences for Norwegian or allied forces, whether it has been committed by means of an organised armed operation and whether it has entailed loss of human life or a risk thereof.

Section 121. *Intelligence-gathering activity targeting state secrets*

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who for the benefit of a foreign state or terrorist organisation, or without legitimate reason, collects or gains possession of secret information that, if it becomes known to the state or terrorist organisation, or is otherwise revealed, may harm fundamental national interests relating to

a. matters of defence, security and public safety,
b. the activities, security or freedom of action of the highest state bodies,
c. relations with other states,
d. security arrangements for the diplomatic missions of foreign states and in connection with major national and international events,
e. public infrastructure, such as for food supply, water supply, energy supply, transport and telecommunications, medical services or the banking and monetary system, or
f. Norway's natural resources.

Section 122. *Aggravated intelligence-gathering activity targeting state secrets*

The penalty for aggravated intelligence-gathering activity targeting state secrets is imprisonment for a term not exceeding 10 years. In determining whether the intelligence-gathering activity is aggravated, particular weight shall be given to whether

a. the perpetrator is a member of the Government, the Parliament or the Supreme Court, or a member of the country's highest civilian or military leadership,
b. the perpetrator intended to reveal the information to a foreign state or terrorist organisation,
c. disclosure would have resulted in considerable harm.

Section 123. *Disclosure of state secrets*

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who without legitimate reason makes public, hands over or otherwise discloses secret information that may harm fundamental national interests specified in section 121. Any person who discloses such information to a foreign state or terrorist organisation is deemed not to have a legitimate reason.

Section 124. *Aggravated disclosure of state secrets*

The penalty for aggravated disclosure of a state secret is imprisonment for a term not exceeding 15 years. In determining whether the disclosure is aggravated, particular weight shall be given to whether

a. the perpetrator is a member of the Government, the Parliament or the Supreme Court, or a member of the country's highest civilian or military leadership,
b. the secret was entrusted to the perpetrator in the course of service or work,
c. the secret has been disclosed to a foreign state or a terrorist organisation,
d. considerable harm has resulted.

Section 125. *Negligent disclosure of state secrets*

Any person who negligently discloses a state secret shall be subject to a fine or imprisonment for a term not exceeding two years.

Section 126. *Other unlawful intelligence-gathering*

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who in Norwegian territory and for the benefit for a foreign state or terrorist organisation

a. gathers information on personal circumstances, when communication thereof may threaten the life, health, freedom or property of another, or
b. gathers information that may harm the security interests of other states.

Section 127. *Conspiracy to violate Norway's autonomy and constitution, etc.*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who enters into a conspiracy with another to commit an offence specified in sections 111-120 a, section 123 or section 124.

Section 128. *Unlawful military activity*

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who forms a private organisation of a military nature in the realm or who participates in, recruits members into or provides financial or other material support for such an organisation. The same penalty applies to any person who recruits, in the realm, a person for military activity on behalf of a foreign state.

Section 129. *Penalty for participation, etc. in violent organisations with political goals*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who forms, participates in, recruits members into or provides financial or other material support for an organisation that has the goal of committing, through aggravated vandalism, sabotage, violence or force or threats, an act specified in sections 111-120 or otherwise disrupting social order or securing influence over public affairs, when the organisation has taken steps to achieve the goal by unlawful means.

Contribution shall not be penalised.

Chapter 18. Terrorist acts and terrorism-related acts

Section 131. *Terrorist acts*

A criminal act as specified in sections 138 to 141, section 142 first paragraph, sections 143-144, 192, 238, 239, 240, 255, 257, 274, 275 and 355 is deemed to constitute a terrorist act and is punishable by imprisonment for a term not exceeding 21 years if it has been committed with terrorist intent as specified in the second paragraph.

Terrorist intent exists if an act as specified in the first paragraph is committed with the intention of

a. seriously disrupting a function of vital importance to society, such as a legislative, executive or judicial authority, energy supply, reliable supply of food or water, the banking and monetary system or medical services and disease control,
b. causing serious fear in a population, or
c. wrongfully compelling public authorities or an intergovernmental organisation to perform, submit to or omit to do something of substantial importance to the country or the organisation, or to another country or intergovernmental organisation.

Any person who intends to carry out an offence as specified in the first paragraph or section 132, and who commits acts that facilitate and point towards carrying out the offence, shall be subject to punishment for attempt. An attempt is punishable by a milder penalty than is a completed violation. Section 16, second paragraph, applies correspondingly.

The penalty may not be set below the minimum penalty prescribed in the provisions specified in the first paragraph.

Section 132. *Aggravated terrorist acts*

The penalty for aggravated violation of section 131 is imprisonment for a term not exceeding 30 years. In determining whether the terrorist act is aggravated, particular weight shall be given to whether it

a. has caused the loss of several human lives or very extensive destruction of property or the environment, or an especially high risk thereof,
b. has been committed using particularly harmful means,
c. has been committed by a person who by virtue of his/her position enjoys special trust which may be exploited to commit a terrorist act.

Section 133. *Terrorist conspiracy*

A penalty of imprisonment for a term not exceeding 10 years shall be applied to any person who plans or prepares a terrorist act by entering into a conspiracy with another person to commit a criminal act specified in sections 131, 138, 139, 141, 141 a, 142, 143 or 144.

A penalty of imprisonment for a term not exceeding 3 years shall be applied to any person who enters into a conspiracy to commit a criminal act specified in sections 137 or 140.

Section 134. *Terrorist threats*

Any person who threatens to commit an act specified in section 131 or sections 137 to 144 shall be subject to a penalty of imprisonment for a term not exceeding 10 years.

If the threat results in an outcome specified in section 131, second paragraph, the penalty is imprisonment for a term not exceeding 21 years.

Section 135. *Terrorist financing*

A penalty of imprisonment for a term not exceeding 10 years shall be applied to any person who illegally provides, receives, sends, procures or raises money or other assets with the intent or knowledge that the resources will be wholly or partly used

a. to commit an act specified in section 131, section 134, 136 b or sections 137 to 144,
b. by a person or group whose purpose is the commission of acts specified in section 131, section 134, 136 b or sections 137 to 144, when the person or group has taken steps to achieve the purpose by unlawful means,
c. by an enterprise owned or controlled by someone specified in b), or
d. by an enterprise or a person acting on behalf or on the instructions of someone specified in b).

The same penalty applies to any person who makes banking or other financial services available to persons or enterprises specified in the first paragraph, b), c) or d).

Section 136. *Inciting terrorist acts; recruiting and training for terrorist acts*

A penalty of imprisonment for a term not exceeding 6 years shall be applied to any person who

a. publicly incites another person to commit a criminal act specified in sections 131, 134 or 135, or sections 137 to 144,
b. recruits another person to commit a criminal act specified in sections 131, 134 or 135, or sections 137 to 144,
c. provides training in methods or techniques that are particularly well suited for the commission or facilitation of a criminal act specified in sections 131, 134 or 135, or sections 137 to 144, with the intent that the skills shall be used for such purpose, or
d. receives training in methods or techniques that are particularly well suited for the commission or facilitation of a criminal act specified in sections 131, 134 or 135, or sections 137 to 144, with intent to use the skills for such purpose or with the intent that the training is provided with such use in mind.

Section 136 a. *Penalty for participation, etc. in a terrorist organisation*

A penalty of imprisonment for a term not exceeding 6 years shall be applied to any person who forms, participates in, recruits members into or provides financial or other material support for a terrorist organisation, when the organisation has taken steps to achieve the purpose by unlawful means.

Contribution is not penalised.

Section 136 b. *Travel for terrorist purposes*

A penalty of imprisonment for a term not exceeding 6 years shall be applied to any person who travels to another country with intent to commit, plan or prepare for an act as mentioned in sections 131, 134, 135, 136 or sections 137 to 144.

Section 137. *Contribution to evasion of a penalty for terrorist acts*

A penalty of imprisonment for a term not exceeding 6 years shall be applied to any person who transports, conceals or otherwise contributes to evasion of prosecution or an imposed penalty by a person who has committed a criminal act specified in sections 131, 134 or 135, or sections 138 to 144.

Any person who has provided assistance as specified in the first paragraph to his or her next-of-kin shall not be penalised.

Section 138. *Terrorist bombing*

A penalty of imprisonment for a term not exceeding 21 years shall be applied to any person who sends, places, fires or detonates an explosive charge or other potentially lethal device to, in or against a public place, a state or public facility, a public infrastructure facility or a public transport system with intent to cause loss of human life or considerable harm to body, property or the environment.

Section 139. *Hijacking of aircraft, ship, or similar*

Any person who by violence, threats, technology or other unlawful means forcibly takes control of an aircraft in operation or a ship or interferes with a flight or voyage shall be subject to a penalty of imprisonment for a term not exceeding 21 years. The same penalty applies to any person who by such means forcibly takes control of installations or facilities on the continental shelf.

Section 140. *Disruption of the safe operation of aircraft, ship, or similar*

A penalty of imprisonment for a term not exceeding 6 years shall be applied to any person who by violence, destruction on property, communication of incorrect information or other means disrupts the safe operation of an aircraft, airport or ship, or installations or facilities on the

continental shelf, and thereby creates a risk of loss of human life or considerable harm to body, property or the environment.

Section 141. *Use and release of hazardous substances involving aircraft, ship, or similar*

A penalty of imprisonment for a term not exceeding 15 years shall be applied to any person who creates a risk of loss of human life or considerable harm to body, property or the environment by

a. using an explosive or radioactive material or a biological or chemical weapon on or against an aircraft, a ship or installations or facilities on the continental shelf, or
b. releasing an explosive or radioactive material, a biological or chemical weapon, oil, liquid natural gas or other poisonous or hazardous substance from an aircraft, a ship or installations or facilities on the continental shelf.

Section 141 a. *Hazardous use of aircraft or ship*

A penalty of imprisonment for a term not exceeding 15 years shall be applied to any person who operates or uses an aircraft or a ship with the intention of thereby causing loss of human life or considerable harm to body, property or the environment.

Section 142. *Unlawful involvement with dangerous materials, etc.*

A penalty of imprisonment for a term not exceeding 21 years shall be applied to any person who with intent to create a risk of loss of human life or considerable harm to body, property or the environment unlawfully

a. uses an explosive or radioactive material, a biological or chemical weapon or a nuclear or radioactive device, or
b. uses or damages a nuclear facility or disrupts the operation of a nuclear facility in a way that radiation or the release of radioactive material may result.

The same penalty applies to any person who with intent to cause another person to be forced thereby to perform, submit to or omit to do something, unlawfully

a. uses an explosive or radioactive material, a biological or chemical weapon or a nuclear or radioactive device, or
b. uses or damages a nuclear facility or disrupts the operation of a nuclear facility in a way that radiation or the release of radioactive material may result.

A penalty of imprisonment for a term not exceeding 15 years shall be applied to any person who unlawfully receives, possesses, disseminates, transports or otherwise has unlawful involvement with

a. an explosive or radioactive material or a nuclear or radioactive device, if the material or device is to be used to force another person to perform, submit to or omit to do something or to be used for an act that creates a risk of loss of human life or considerable harm to body, property or the environment, or
b. a radioactive, biological or chemical weapon, or equipment or components constructed or prepared specifically for the making, use, production or delivery of nuclear material, if the equipment or components are to be used in unlawful nuclear activities.

A penalty of imprisonment for a term not exceeding 10 years shall be applied to any person who

a. by threats, violence, theft, misappropriation, fraud or other unlawful means seeks to gain

possession of radioactive material, a chemical or biological weapon, a nuclear or radioactive device, or a nuclear facility, or

b. unlawfully brings, sends or moves radioactive material into or out of a state.

Section 143. *Hostage-taking for terrorist purposes*

A penalty of imprisonment for a term not exceeding 12 years shall be applied to any person who deprives another person of his or her liberty and who threatens to kill or injure the hostage or to continue the deprivation of liberty with intent to force another person to perform, submit to or omit to do something.

Section 144. *Attack on an internationally protected person*

A penalty of imprisonment for a term not exceeding 21 years shall be applied to any person who kills a head of state, a head of government, a foreign minister or any other internationally protected person while such person is outside his or her home country.

A penalty of imprisonment for a term not exceeding 15 years shall be applied to any person who deprives such a person of his or her liberty or harms him or her bodily, or who perpetrates a violent attack on his or her place of service, residence or means of transport, if the attack creates a risk of death or considerable bodily harm.

Section 145. *Participation in military activity in an armed conflict abroad*

Any person who illegally participates in military activities in an armed conflict abroad shall be subject to a penalty of imprisonment for a term not exceeding 6 years, unless such person participates on behalf of a government force.

Any person who intends to carry out an offence specified in the first paragraph and who initiates a journey to the area or commits other acts that facilitate and point towards carrying out the offence shall be subject to punishment for attempt. The attempt is punishable by a milder penalty than is a completed violation. Section 16, second paragraph, applies correspondingly.

Section 146. *Recruitment for military activity*

Any person who recruits another person to participate in unlawful military activity, see section 145, shall be subject to a penalty of imprisonment for a term not exceeding 3 years.

Chapter 19. Protection of public authority and confidence in it

Section 151. *Purchase of votes and exercise of undue influence over voting*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who in connection with a public election

a. by threats or other unlawful means seeks to influence another person's voting,

b. by providing or agreeing to provide a benefit seeks to secure another person's commitment to vote in a particular way or to abstain from voting,
c. acts in a manner that leads another person unintentionally to abstain from voting or to vote differently than intended.

«Public election» means an election by popular vote, an election pursuant to the Act of 28 June 2002 No. 57 relating to parliamentary and local government elections or an election pursuant to chapter 2 of the Act of 12 June 1987 No. 56 relating to the Sami Parliament and other Sami legal matters.

Section 152. *Sale of votes*

Any person who on the basis of a received or agreed benefit promises to vote in a particular manner or abstain from voting in a public election shall be subject to a penalty of a fine or imprisonment for a term not exceeding six months.

Section 153. *Illicit participation in an election*

Any person who without being entitled to do so votes in a public election, votes in the name of another person or votes more than once shall be subject to a penalty of a fine or imprisonment for a term not exceeding one year.

Section 154. *Subsequent interference with an election result*

Any person who in a public election counts votes incorrectly, removes or alters cast votes, adds uncast votes or otherwise interferes with the outcome of the count shall be subject to a penalty of a fine or imprisonment for a term not exceeding three years.

Section 155. *Violence or threats against public officials*

Any person who by violence or threats induces a public official to perform or abstain from performing an official act, or seeks to achieve this, shall be subject to a penalty of a fine or imprisonment for a term not exceeding three years.

«Public official» means any person exercising public authority on behalf of central or local government, or who holds such authority by virtue of his/her position. «Public official» includes military guards and any person who in the course of duty or by request provides assistance to a public official, or security at a public official's place of work.

The first paragraph also applies to offences against officials of the International Criminal Court.

On condition of mutual applicability, the King may decide that the first paragraph shall also apply to offences against officials working for the public authorities of another country or for inter-governmental organisations of which Norway is or becomes a member.

Section 156. *Obstruction of a public official*

Any person who obstructs a public official in the performance of an official duty, for example by denying access to places where he/she is entitled to enter, shall be subject to a penalty of a fine or imprisonment for a term not exceeding six months.

Any person who through abusive language or other improper conduct insults a public official during or because of the performance of his/her duties shall be subject to a penalty of a fine.

Section 157. *Obstruction of justice*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who by violence, threats, vandalism or other illegal conduct with respect to a participant in the justice system or any of his/her next-of-kin

a. acts in a manner that is likely to influence the participant to perform or omit to perform an act, work or a service in connection with criminal proceedings or a civil case, or
b. retaliates for an act, work or a service the participant has performed in connection with criminal proceedings or a civil case.

«Participant in the justice system» means any person who

a. is the aggrieved party in criminal proceedings, has reported a criminal offence or has instituted proceedings in a civil case,
b. has given evidence to the police, the prosecuting authority, the court, the correctional services or the Norwegian Criminal Cases Review Commission,
c. works or performs a service for a body specified in b),
d. is a permanent or appointed defence counsel, counsel for an aggrieved party or litigation counsel, or
e. is considering performing such an act or accepting such work or such a service.

The first paragraph applies correspondingly to officials of the International Criminal Court.

Section 158. *Aggravated obstruction of justice*

Aggravated obstruction of justice is punishable by imprisonment for a term not exceeding 10 years. In determining whether the obstruction is aggravated, particular weight shall be given to whether the violation has put another person's life or health at risk or has been committed on multiple occasions, by multiple persons acting together or in a systematic or organised manner.

If the offence has been committed as part of the activities of an organised criminal group, or if the act has been performed with threats of or use of weapons, the penalty is imprisonment for a term of at least one year.

Section 159. *Grossly negligent obstruction of justice*

Grossly negligent obstruction of justice is punishable by a fine or imprisonment for a term not exceeding three years.

Section 160. *Tampering with evidence and evasion of prosecution, etc.*

Any person who obstructs an official investigation into an offence by participating in the obliteration, removal, destruction, alteration, planting or fabrication of objects that may constitute evidence, or in other ways obliterates the traces of the act, shall be subject to a penalty of a fine or imprisonment for a term not exceeding two years.

The same penalty applies to any person who contributes to another person's evasion of prosecution by flight, for example by concealing him/her or pretending that he/she is a different person.

A penalty pursuant to the first paragraph shall not be applied to any person who seeks to evade prosecution of himself/herself. A penalty pursuant to the second paragraph shall not be applied to any person who has enabled his/her next-of-kin to evade prosecution.

A penalty of a fine or imprisonment for a term not exceeding six months shall be applied to any person who unlawfully makes contact with a person who has been remanded in custody or unlawfully procures objects for him/her.

The first to fourth paragraphs apply correspondingly to prosecution in a case under the jurisdiction of the International Criminal Court.

Section 161. *Evasion of imposed penalty, etc.*

Any person who assists another person on whom a custodial sentence or special sanction has been imposed in evading execution of the sanction shall be subject to a penalty of a fine or imprisonment for a term not exceeding three years.

Any person who evades execution of an imposed custodial sentence shall be subject to a penalty of a fine or imprisonment for a term not exceeding six months. The same penalty applies to any person who unlawfully makes contact with a person who is imprisoned or unlawfully procures objects for him/her.

Section 162. *Breach of duty to state identity*

Any person who fails to state his/her name, date of birth, year of birth, position or address to a bailiff, a police officer or another public authority that requests such information in the performance of his/her duties shall be subject to a penalty of a fine. The same penalty applies to any person who provides incorrect information of this kind about himself/herself or others.

Section 163. *Breach of duty to report a death*

Any person who finds a corpse and fails to inform the deceased person's next-of-kin or the police immediately shall be subject to a penalty of a fine.

If there is reason to believe that the death is due to a criminal act, the police shall be informed immediately. Any person who fails to inform the police shall be subject to a penalty of a fine.

Section 164. *Unlawful exercise of public authority*

Any person who exercises public authority without being authorised to do so or who performs acts that may only be carried out by public officials shall be subject to a penalty of a fine or imprisonment for a term not exceeding one year.

Section 165. *Misuse of public uniform, distinctive sign or title, etc.*

A penalty of a fine or imprisonment for a term not exceeding six months shall be applied to any person who

a. through unauthorised use of a uniform or other means publicly pretends to have public authority in a manner that is likely to cause inconvenience for another person or weaken confidence in public authority,
b. makes unauthorised use of a Norwegian or foreign official coat of arms, mark or seal, or something that may easily be confused with such, or
c. makes unauthorised use of a Norwegian or foreign official title in public or for illegal purposes.

Section 166. *Misuse of international distinctive sign*

A penalty of a fine or imprisonment for a term not exceeding six months shall be applied to any person who without authority or illegally

a. makes public use of a designation recognised or commonly used domestically or abroad for an international organisation, or a mark or seal used by an international organisation of which Norway is a member or which Norway has, by international agreement, assumed an obligation to protect against such use,
b. uses a distinctive sign or designation that under an international agreement binding on Norway has been reserved for use in connection with the assistance of wounded and sick persons or the protection of cultural assets in war, or
c. makes unauthorised use of a designation, mark, seal or distinctive sign that may easily be confused with something specified in a) and b).

Section 167. *Unlawful exercise of a profession or operation of an enterprise*

Any person who exercises a profession or operates an enterprise without holding the necessary official permit or authorisation, or who falsely purports to hold such permit or authorisation shall be subject to a penalty of a fine or imprisonment for a term not exceeding six months.

Section 168. *Breach of exclusion order and restraining order or of a decision to freeze assets*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who

a. has been ordered on conviction to stay in or out of certain parts of the realm and who has illegally returned to a place prohibited to him/her, or who otherwise breaches a restraining order pursuant to section 57 of the Penal Code,
b. contravenes a ban pursuant to sections 222 a or 222 b of the Criminal Procedure Act,
c. with intent or gross negligence obstructs implementation of electronic monitoring pursuant to section 57 of the Penal Code, or obstructs ongoing monitoring, or
d. contravenes the duty to provide information pursuant to section 17 k first paragraph of the

Police Act or the ban pursuant to section 17 k second paragraph of the Police Act.

Section 169. *Obstruction of legal enforcement*

A penalty of a fine or imprisonment for a term not exceeding six months shall be applied to any person who

a. unlawfully eliminates, damages, conceals, carries off or disposes of goods that are subject to distraint, encumbrance, a freezing order or a seizure order,
b. breaks or damages a seal affixed by a public authority, or
c. obstructs execution of an eviction order relating to real property or a ship.

If the offence does not fall within the scope of a stricter penal provision, the same penalty shall be applied to any person who despite the order of a general or special execution and enforcement authority intentionally or negligently fails to

a. effect attachment in respect of claims as specified in section 2-8, first paragraph, a) to d) of the Satisfaction of Claims Act, or
b. pay sums deducted in respect of such claims as specified in the second paragraph, a), in accordance with the order.

Section 170. *Breach of court decision*

A penalty of a fine or imprisonment for a term not exceeding six months shall be applied to any person who

a. contravenes a prohibition established by a court,
b. exercises a right that he/she has been deprived of by final judgment, or
c. prints, offers for sale or hire or attempts to distribute generally the content of an information carrier specified in section 76 which has been seized or confiscated because it is contrary to section 185 or section 267, or which has otherwise been declared seized or confiscated less than 15 years ago.

Section 171. *Professional misconduct*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who exercises or assists with the exercise of public authority and grossly breaches his/her official duty.

Section 172. *Grossly negligent professional misconduct*

The penalty for grossly negligent breach of official duty is a fine or imprisonment for a term not exceeding one year.

Section 173. *Misuse of public authority*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who, when exercising public authority,

a. against his/her better judgment commits a gross breach of official duty,

b. commits a breach of official duty with the intent of making a gain personally or for other persons,
c. commits a breach of official duty that results in serious disadvantage, harm or wrongful deprivation of liberty, or
d. otherwise misuses public authority.

Section 174. *Torture*

A penalty of imprisonment for a term not exceeding 15 years shall be applied to any public official who causes another person injury or serious physical or mental pain
a. with intent to obtain information or a confession,
b. with intent to punish, threaten or compel another person, or
c. because of such person's religion or life stance, skin colour, national or ethnic origin, homosexual orientation, reduced functional capacity or gender.

For the purposes of this provision, «public official» means any person
a. in central or local government service, or
b. engaged by central or local government to perform a service or work.

Acts specified in the first paragraph are also deemed to constitute torture if committed by a person acting in response to incitement from or with the express or implied consent of a public official.

Section 175. *Aggravated torture*

The penalty for aggravated torture is imprisonment for a term not exceeding 21 years.

In determining whether the torture is aggravated, particular weight shall be given to whether it has entailed loss of life or a risk thereof.

Section 175 a. *Enforced disappearance*

A penalty of imprisonment for a term not exceeding 15 years shall be applied to any person who on behalf of a state or with the state's permission, support or consent, contributes to an enforced disappearance. «Enforced disappearance» shall mean arrest, detention, abduction or other deprivation of liberty, when it is denied that the deprivation of liberty has taken place, or it is kept secret what has happened to the person deprived of his or her liberty or where he or she can be found, so that he or she is deprived of legal protection.

The same penalty applies to a superior who
a. with intent or negligently ignores information that persons under the superior's effective authority and control are committing or preparing to commit a criminal enforced disappearance, and
b. fails to take necessary and reasonable measures to prevent or stop a criminal enforced disappearance or fails to report the matter to the competent authorities.

Section 175 b. *Aggravated enforced disappearance*

The penalty for aggravated enforced disappearance is a term of imprisonment not exceeding 21 years.

In determining whether an enforced disappearance is aggravated, particular weight shall be given to

a. whether the aggrieved person, on account of the disappearance, dies or sustains considerable harm to his or her body or health,
b. whether the aggrieved person was ill or injured, pregnant, was a minor, had a disability or was in some other way particularly vulnerable, or
c. whether the aggrieved person suffered a physical assault committed by several people acting together or was raped.

Section 176. *Entering a prohibited area*

A penalty of a fine shall be applied to any person who enters an area the authorities have prohibited access to.

Chapter 20. Protection of public peace, order and security

Section 181. *Disturbance of the peace*

A penalty of a fine or imprisonment for a term not exceeding six months shall be applied to any person who by fighting, noise or other improper conduct disrupts

a. public peace and order,
b. lawful traffic,
c. the nighttime peace and quiet of the neighbourhood, or
d. the neighbourhood of a place where he/she unlawfully remains present despite an order to leave.

The same penalty applies to any person who in a state of self-induced intoxication annoys or presents a threat to other persons.

Section 182. *Rioting*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who participates in extensive disturbance of the peace with intent to use violence against persons or inflict damage to property, or to threaten therewith, and who fails to comply with an order of a public authority to leave an area.

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who has provoked or led extensive disturbance of the peace with intent to use violence against persons or inflict damage to property, or to threaten therewith. Any person who during such riots commits a criminal act falling within the scope of the intent, or a criminal act against a public authority, shall instead be subject to the maximum penalty in that penal provision if it carries a stricter penalty than a fine or imprisonment for a term not exceeding three years.

Section 183. *Incitement to a criminal act*

Any person who publicly incites another person to commit a criminal act shall be subject to a penalty of a fine or imprisonment for a term not exceeding three years.

Section 184. *Public order offence against a foreign state*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who within the realm violates a foreign state by

a. committing violence against or behaving threateningly or offensively towards any representative of that state, or
b. intruding into, damaging or soiling any area, building or room used by such representative.

Section 185. *Hate speech*

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who with intent or gross negligence publicly makes a discriminatory or hateful statement. «Statement» includes the use of symbols. Any person who in the presence of others, with intent or gross negligence, makes such a statement to a person affected by it, see the second paragraph, is liable to a penalty of a fine or imprisonment for a term not exceeding one year.

«Discriminatory or hateful statement» means threatening or insulting a person or promoting hate of, persecution of or contempt for another person based on his or her

a. skin colour or national or ethnic origin,
b. religion or life stance,
c. homosexual orientation, or
d. reduced functional capacity.

Section 186. *Discrimination*

A penalty of a fine or imprisonment for a term not exceeding six months shall be applied to any person who in a commercial or similar activity refuses a person goods or services based on the person's

a. skin colour or national or ethnic origin,
b. religion or life stance,
c. homosexual orientation, or
d. reduced functional capacity, provided that the refusal is not due to a lack of physical accommodation.

The same penalty applies to any person who for such a reason refuses a person access to a public performance, display or other gathering on the terms that apply to other persons.

Section 187. *False alarm*

A penalty of a fine or imprisonment for a term not exceeding six months shall be applied to any person who by a false report, groundless cry for help, misuse of a distress signal or similar act, with intent or gross negligence causes

a. a deployment of the police, the fire service, an ambulance, a medical doctor or the armed forces,
b. a deployment at the request of a rescue coordination centre or local rescue centre,
c. a gathering of, or fear among, a large number of people.

The same penalty applies to any person who provides false information that is likely to cause fear for a person's life or health or disrupt general peace and order.

Section 188. *Careless handling of firearms or explosives*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who makes, produces, uses, handles or stores firearms, ammunition, explosives or other explosive material in a careless manner that is likely to cause a risk to the life and health of another person.

Section 189. *Unlawful carrying of a weapon in a public place*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who in a public place, with intent or gross negligence, carries

a. a firearm,
b. an air- or spring-powered firearm,
c. a replica firearm that may easily be confused with a firearm, or
d. a firearm that has been rendered permanently unusable pursuant to section 1, second paragraph, of the Firearms Act of 9 June 1961 No. 1.

The same penalty applies to any person who in a public place carries a knife or similar sharp instrument that is capable of being used to commit a physical assault on another person.

The prohibition in the first and second paragraphs does not apply to firearms, knives or other instruments used for or carried or transported in connection with work, outdoor life or other legitimate purpose.

Section 189 a. *Aggravated unlawful carrying of a firearm in a public place*

The penalty for aggravated unlawful carrying of a firearm in a public place is a fine or imprisonment for a term not exceeding three years.

In determining whether such carrying is aggravated, particular weight shall be given to

a. the type of firearm involved in the violation,
b. whether the firearm was loaded or could easily have been loaded, and
c. whether such carrying was particularly dangerous or harmful to society for other reasons.

Section 190. *Unlawful involvement with firearms, firearm components, explosives and explosives precursors*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who with intent or gross negligence, repeatedly or seriously violates the provisions on unlawful importation, exportation, disposing, acquisition or possession of firearms, firearm components or ammunition made in or pursuant to the Firearms Act or a corresponding order issued pursuant to the Firearms Act.

The same penalty applies to any person who with intent or gross negligence, repeatedly or seriously violates the provisions in sections 5, 19, 20 or 20 a of the Act relating to the prevention of fire, explosion and accidents involving hazardous substances and the fire service, or provisions issued pursuant thereto.

Section 191. *Aggravated unlawful involvement with firearms, firearm components, explosives or explosives precursors*

The penalty for aggravated unlawful involvement with firearms, firearm components, ammunition, explosives or explosives precursors is a fine or imprisonment for a term not exceeding six years.

In determining whether such involvement is aggravated, particular weight shall be given to
a. the nature and scale of the violation, and
b. whether it was particularly dangerous or harmful to society for other reasons.

Section 191 a. *Involvement with firearms or explosives with intent to commit a criminal act*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who with intent to commit a criminal act acquires, makes or stores
a. firearms, firearm parts, ammunition or explosives, or
b. components, equipment or other objects that, separately or collectively, are of material importance for the making or use of objects specified in a.

Section 191 b. *Involvement with firearms etc. with intent to commit an aggravated criminal act*

The penalty for aggravated violation of section 191 a is imprisonment for a term not exceeding 10 years.

In determining whether the violation is aggravated, particular weight shall be given to whether the criminal act referred to in section 191 a that the involvement was intended to facilitate
a. would have created a risk of considerable harm to body, property or the environment, and
b. would have been particularly dangerous or harmful to society.

When the criminal act referred to in section 191 a is subject to a penalty of imprisonment for a term of 10 years or more, the violation shall always be deemed to be aggravated.

Section 192. *Attack on infrastructure*

A penalty of imprisonment for a term not exceeding 10 years shall be applied to any person who causes extensive disruption to public administration or society at large by destroying, damaging or disabling
a. a collection of information, or
b. an energy supply, broadcasting, electronic communication or transportation facility.

Section 193. *Conspiracy to attack infrastructure*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who enters into a conspiracy with another person to commit a criminal act pursuant to section 192.

Section 194. *Disruption of safe operation of railway or bus service*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who by violence, act of material destruction, communication of incorrect information or other means disrupts the safe operation of a railway or bus service, and thereby creates a risk of loss of life or considerable harm to body, property or the environment.

Section 195. *Desecration of a corpse*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who

a. desecrates a corpse,
b. without authorisation removes a corpse from the custody of someone else, or
c. without authority exhumes or removes a buried corpse.

Any person who removes a corpse or an object from a corpse, a grave or a grave monument with the intent of gain shall be penalised pursuant to chapter 27 regardless of whether the corpse or object is the property of another person.

Section 196. *Duty to avert a criminal offence*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who fails to report or seek to avert by other means a criminal act or the consequences thereof at a time when this is still possible and it appears certain or most likely that the act has been or will be committed. The duty to avert applies regardless of any duty of confidentiality and applies to criminal acts specified in

a. sections 111, 113, 115, 117, 119, 121, 123, 128, 129, 138, 139, 140, 141, 142, 143, 144, 192, 193, 194, 223, 238, 239, 255, 256, 259, 274, 275, 279, 282, 283, 288, 291, 295, 299, 312, 314, 327, 329, 355 and 357,
b. sections 50, 52 or 96 of the Military Penal Code, or
c. section 7-5 of the Security Act, see also section 11-4.

In the case of violation of sections 312 or 314, the duty to avert only applies if the aggrieved person is under 16 years of age.

Breach of the duty to avert is not penalised when

a. the act to be averted has not reached the point of being a punishable attempt, see section 16, or
b. the duty could not be carried out without exposing the person with the duty, his or her next-of-kin or an innocent person to a charge or indictment or risk to life, health or welfare.

Section 197. *Failure to report discovery of a lost child, etc.*

A penalty of a fine or imprisonment for a term not exceeding six months shall be applied to any person who, upon finding a lost or abandoned child or taking charge of a lost child, fails to notify the child's guardians or the police as soon as possible.

Section 198. *Conspiracy to commit serious organised crime*

Any person who enters into a conspiracy with someone to commit an act that is punishable by imprisonment for a term not exceeding three years, and that is to be committed as part of the activities of an organised criminal group, shall be subject to a penalty of imprisonment for a term not exceeding three years, unless the offence is subject to a stricter penal provision. An increased maximum penalty due to a repeated offence or concurrent offences is not taken into account.

«Organised criminal group» means a collaboration between three or more persons for the primary purpose of committing an act that is punishable by a sentence of imprisonment for a term of at least three years, or which to a not insignificant degree is founded on the commission of such acts.

Chapter 21. Protection of information and exchange of information

Section 201. *Illicit handling of authentication details, computer programs, etc.*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who with intent to commit a criminal act illicitly produces, procures, possesses or makes available to another person

a. a password or other information that may provide access to computerised information or a computer system, or
b. a computer program or something else that is particularly suitable as a means to commit criminal acts targeting computerised information or computer systems. The same penalty applies to any person who without intent to commit a criminal act possesses a self-replicating computer program and such possession is due to illicit production or procurement of the computer program.

Section 202. *Violation of identity*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who illicitly gains possession of another person's proof of identity or uses another person's identity or an identity that is easily mistakable for the identity of another person, with intent to

a. make an illicit gain for himself/herself or for another person, or
b. cause another person loss or inconvenience.

Section 203. *Illicit access to television signals, etc.*

Any person who with intent to cause loss to the authorised party or to make a gain for himself/herself or for another person makes, imports, distributes, sells, markets, rents out or otherwise disseminates, possesses, installs, uses, maintains or replaces a decoding device and

thereby obtains unauthorised access to a protected communication service for himself/herself or for another person shall be subject to a penalty of a fine or imprisonment for a term not exceeding one year.

Aggravated violation of the first paragraph is punishable by a fine or imprisonment for a term not exceeding three years. In determining whether the violation is aggravated, particular weight shall be given to the harm caused to the authorised party, the gain made by the violator and the overall scope of the violation.

«Decoding device» means technical equipment or a computer program designed or adapted to provide access, by itself or in combination with other means, to a protected communication service.

«Protected communication service» means

a. television and radio signals and services telecommunicated electronically at the request of individual service recipients, when access is dependent on permission from the service provider and is provided in return for payment, or
b. the actual access controls for services specified in a), when such controls must be regarded as an independent service.

Anyone who provides access controls shall also be regarded as an aggrieved party when provision of such controls must be regarded as an independent service.

Section 204. *Intrusion into a computer system*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who by breach of a protective measure or other illicit means obtains access to a computer system or a part thereof.

Section 205. *Violation of the right to private communication*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who illicitly

a. and using technical means secretly monitors or makes secret recordings of a telephone conversation or other communication between other persons, or of negotiations at a closed meeting he/she is not attending personally, or to which he/she has illicitly gained access,
b. breaches a protective measure or otherwise illicitly gains access to information that is transmitted using electronic or other technical means,
c. opens a letter or other sealed written message addressed to another person, or otherwise illicitly gains access to the content thereof, or
d. obstructs or delays receipt by the addressee of a communication by concealing, modifying, distorting, destroying or withholding the message.

Section 206. *Risk of operational disruption*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who by transferring, damaging, deleting, degrading, modifying, adding or removing information illicitly creates a risk of interruption or significant disruption of the operation of a computer system.

Section 207. *Repealed*

Section 208. *Repealed*

Section 209. *Breach of a duty of confidentiality*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who reveals information in respect of which he/she has a duty of confidentiality pursuant to statute or regulations, or exploits such information with intent to obtain an illicit gain for himself/herself or for other persons.

The first paragraph applies correspondingly to breach of a duty of confidentiality pursuant to applicable instructions for service or work for a central or local government body.

In the case of a person working or performing a service for a central or local government body, the first and second paragraphs also apply to breach of the duty of confidentiality after conclusion of such service or work.

The same penalty applies for a grossly negligent violation.

Contribution is not penalised.

Section 210. *Aggravated breach of a duty of confidentiality*

The penalty for aggravated breach of a duty of confidentiality is imprisonment for a term not exceeding three years.

In determining whether the breach of confidentiality is aggravated, particular weight shall be given to whether the perpetrator has intended to make an illicit gain and whether the act has resulted in loss or a risk of loss to any person.

Section 211. *Breach of a duty of confidentiality for certain professions*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any clergy of the Church of Norway, priests or leaders in registered faith communities, lawyers, defence counsel in criminal proceedings, mediators in marital cases and their assistants who illicitly reveal secrets confided to them or their superiors in connection with their position or assignment.

Chapter 22. False statement and accusation

Section 221. *False statement*

A penalty of a fine or imprisonment for a term not exceeding 2 years shall be applied to any person who in writing or orally provides false information to

a. the courts,
b. a notary public, see Act of 26 April 2002 no. 12,
c. a public authority under a duty to testify,
d. a public authority when the statement is intended to serve as evidence,
e. the EFTA court, or
f. the International Criminal Court.

The penalties pursuant to the first paragraph do not apply to a suspect who provides a false statement about the matter he or she is suspected of. The same applies to any person who could not tell the truth without exposing himself or herself or any of his or her next-of-kin to prosecution or a risk of significant loss of social standing or other significant loss of welfare, unless the person in question was under a duty to testify.

Section 222. *False accusation*

A penalty of a fine or imprisonment for a term not exceeding 3 years shall be applied to any person who by providing false information to the courts, police or another public authority, by fabricating evidence or by other conduct creates false grounds for criminal liability, and thus causes a person to be charged or convicted.

Section 223. *Aggravated false accusation*

An aggravated false accusation is punishable by imprisonment for a term not exceeding 10 years. In determining whether the accusation is aggravated, weight shall be given to
a. the consequences or potential consequences of the accusation,
b. the nature and content of the accusation, and
c. the other circumstances of the violation.

Section 224. *Unfounded accusation*

A penalty of a fine or imprisonment for a term not exceeding 1 year shall be applied to any person who by providing false information to the courts, the prosecuting authority or another public authority accuses a person of a criminal act without reasonable cause for suspicion.

Section 225. *Accusation of a fictitious criminal act*

A penalty of a fine or imprisonment for a term not exceeding 1 year shall be applied to any person who
a. reports a criminal act which has not been committed to the courts, the prosecuting authority or another public authority, or
b. raises suspicion that a criminal act has been committed, when it has not.

Section 226. *Duty to provide information about a wrongful indictment or conviction*

A penalty of a fine or imprisonment for a term not exceeding 1 year shall be applied to any person who fails to provide information about circumstances substantiating the innocence of a person indicted or convicted of a criminal act punishable by imprisonment for a term of more than 1 year. The duty to provide information applies regardless of any duty of confidentiality.

The penalties pursuant to the first paragraph do not apply to any person who could not tell the truth without exposing himself or herself or any of his or her next-of-kin or an innocent person to prosecution, risk of significant loss of social standing or other significant loss of welfare.

Chapter 23. Protection of public health and the external environment

Section 231. *Narcotic drugs offence*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who unlawfully produces, imports, exports, acquires, stores, sends or supplies a substance that is deemed a narcotic drug under rules issued pursuant to section 22 of the Drugs Act.

The penalty for a negligent narcotic drugs offence is a fine or imprisonment for a term not exceeding one year.

Section 232. *Aggravated narcotic drugs offence*

The penalty for an aggravated narcotic drugs offence is imprisonment for a term not exceeding 10 years. In determining whether the offence is aggravated, particular weight shall be given to

a. the type of substance it involves,
b. the quantity, and
c. the nature of the offence.

The penalty for offences involving a very substantial quantity is imprisonment for a term of between three and 15 years. When especially aggravated circumstances apply, a penalty of imprisonment for a term not exceeding 21 years may be imposed.

The penalty for a negligent aggravated narcotic drugs offence is imprisonment for a term not exceeding six years.

Section 233. *Aggravated violation of the Alcohol Act*

A penalty of imprisonment for a term not exceeding six years shall be applied for violation of sections 2-1, 3-1, 3-1b, 8-1, 8-2 and 8-3 of the Alcohol Act that involves a very substantial amount.

The penalty for negligent aggravated violation of the Alcohol Act is a fine or imprisonment for a term not exceeding three years.

Section 234. *Doping offence*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who unlawfully produces, imports, exports, stores, sends or supplies a substance that is deemed a performance-enhancing substance pursuant to rules laid down by the King.

The same penalty applies to contribution to the use of a performance-enhancing substance specified in the first paragraph.

The penalty for a negligent doping offence is a fine or imprisonment for a term not exceeding one year.

Section 235. *Aggravated doping offence*

The penalty for an aggravated doping offence is imprisonment for a term not exceeding six years. In determining whether the offence is aggravated, particular weight shall be given to

a. the type of substance it involves,
b. the quantity, and
c. the nature of the violation.

The penalty for a negligent aggravated doping offence is a fine or imprisonment for a term not exceeding three years.

Section 236. *Unlawful distribution, etc. of depictions of gross violence*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who with intent or gross negligence publishes or offers for sale or rental or otherwise seeks to distribute a film, videogram, etc. in which depictions of gross violence are used as entertainment in an improper manner.

The same penalty applies to any person who makes use of depictions of gross violence in a public screening, including in a television broadcast or in the transmission of such a broadcast in the realm. However, criminal liability does not extend to any person who has simply participated in the technical activities associated with the broadcast or transmission.

The provision does not apply to films and videograms that the Norwegian Media Authority has by prior review approved for screening or commercial sale. Nor does the section apply to the screening of films or videograms to persons over 18 years of age

a. by a non-commercial film club, or
b. when such screening occurs in a non-commercial context and with the permission of the local police.

Section 237. *Transmission of a communicable disease*

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who transmits a communicable disease which causes considerable damage to another person's body or health. Anyone who exposes another person to such risk of infection, shall be punished in the same way.

The first paragraph does not apply to a sexually transmitted disease when the person who has been infected or exposed to a risk of infection has consented in advance.

The first paragraph also does not apply when prudent infection control measures have been observed.

The penalty for a grossly negligent offence is a fine or imprisonment for a term not exceeding one year.

Section 237 a. *Aggravated transmission of a communicable disease*

The penalty for aggravated transmission of a communicable disease is imprisonment for a term not exceeding six years. In determining whether the transmission of a communicable disease is aggravated, particular emphasis shall be given to whether the infection

a. has led to loss of life
b. has been transmitted to two or more people
c. has been transmitted by particularly ruthless conduct.

Section 238. *Dissemination of infectious matter hazardous to public health*

A penalty of imprisonment for a term not exceeding 15 years shall be applied to any person who disseminates infectious matter or products containing infectious matter through the air, water, food, drink or other items intended for public use or sale, and thereby causes a public hazard to life or health.

The penalty for a negligent violation shall be imprisonment for a term not exceeding six years.

Section 239. *Poisoning hazardous to public health*

A penalty of imprisonment for a term not exceeding 15 years shall be applied to any person who adds a poison or substances with a similar effect to foodstuffs or other objects intended for public use or sale, or who creates a general risk to life or health through the sale or other distribution of such objects. The same penalty applies to any person who otherwise causes poisoning that entails such a risk.

The penalty for negligent violation is imprisonment for a term not exceeding six years.

Section 240. *Serious environmental crime*

A penalty of imprisonment for a term not exceeding 15 years shall be applied to any person who with intent or gross negligence

a. pollutes the air, water or ground in such a way that the living environment in an area becomes significantly harmed or is threatened by such harm, or
b. stores, abandons or empties waste or other substances presenting an obvious risk of consequences specified in a).

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who with intent or gross negligence

a. reduces a natural population of protected organisms that are threatened by extinction nationally or internationally, or
b. causes significant harm to an area that is protected by an administrative decision adopted pursuant to chapter V of the Nature Diversity Act or an older protective administrative

decision specified in section 77 of the Nature Diversity Act, chapter III of the Svalbard Environmental Protection Act, section 2 of the Act relating to Jan Mayen or section 2 of the Act relating to the Bouvet Island, Peter I's Island and Queen Maud Land, etc.

Section 241. *Conspiracy to engage in dissemination of infectious matter or poisoning hazardous to public health or serious environmental crime*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who enters into a conspiracy to commit a criminal act as specified in section 238, first paragraph, section 239 first paragraph, or section 240 first paragraph.

Section 242. *Cultural heritage crime*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who with intent or gross negligence causes significant harm to cultural heritage sites or cultural environments of particular national or international significance.

A penalty of imprisonment for a term not exceeding two years shall be applied to any person who in an armed conflict with intent or gross negligence uses a cultural heritage site or cultural environment of particular national or international significance to support military action and thereby creates a risk of harm to the cultural heritage site or cultural environment. However, no penalty applies if taking such action was of imperative military necessity.

Chapter 24. Protection of personal freedom and peace

Section 251. *Coercion*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who by criminal or other wrongful conduct or by threatening with such conduct forces a person to perform, submit to or omit to do an act.

Any person who by threatening to make an accusation or to make a report to the police about a criminal act or to put forward harmful information or a defamatory allegation illegally forces a person to perform, submit to or omit to do an act, shall be subject to a penalty of a fine or imprisonment for a term not exceeding one year.

Section 252. *Aggravated coercion*

Aggravated coercion is punishable by imprisonment for a term not exceeding six years. In determining whether the coercion is aggravated, particular weight shall be given to whether it was committed against a defenceless person, whether it was perpetrated by multiple persons acting together, and whether it has the characteristics of abuse.

Section 253. *Forced marriage*

Any person who by violence, deprivation of liberty, other criminal or wrongful conduct or improper pressure forces a person to enter into marriage shall be subject to imprisonment for a term not exceeding six years.

The same penalty shall be applied to any person who by deceit or other means contributes to another person travelling to a country other than that person's country of residence with the intent that the person will there be subjected to an act as specified in the first paragraph.

Section 254. *Deprivation of liberty*

Any person who by confinement, abduction or other means unlawfully deprives a person of his or her liberty shall be subject to a fine or imprisonment for a term not exceeding three years.

Section 255. *Aggravated deprivation of liberty*

Aggravated deprivation of liberty is punishable by imprisonment for a term not exceeding 10 years. In determining whether the deprivation of liberty is aggravated, particular weight shall be given to its duration, whether it has caused extraordinary suffering or death, or whether it has resulted in considerable harm to someone's body or health.

Section 256. *Conspiracy to commit aggravated deprivation of liberty*

Any person who enters into a conspiracy with another person to commit an act covered by section 255 shall be subject to a penalty of imprisonment for a term not exceeding six years.

Section 257. *Human trafficking*

Any person who by violence, threats, taking advantage of a vulnerable situation or other improper conduct forces, exploits or deceives another person into/for

a. prostitution or other sexual services,
b. labour or services, including begging,
c. active military service in a foreign country, or
d. consenting to the removal of one of the person's internal organs,

shall be punished for human trafficking with imprisonment for a term not exceeding six years.

The same penalty shall be applied to any person who

a. facilitates such force, exploitation or deception as specified in the first paragraph by procuring, transporting or receiving the person,
b. otherwise contributes to the force, exploitation or deception, or
c. provides payment or any other advantage to obtain consent for such a course of action from a person who has authority over the aggrieved person, or who receives such payment or advantage.

Any person who commits an act as specified in the first or second paragraph against a person who is under 18 years of age shall be subject to punishment regardless of whether the act involved violence, threats, taking advantage of a vulnerable situation or other improper conduct. Any person who was ignorant of the fact that the aggrieved person was under 18 years of age shall be subject to a penalty if he/she may be held to blame in any way for such ignorance.

Section 258. *Aggravated human trafficking*

Aggravated human trafficking is punishable by imprisonment for a term not exceeding 10 years. In determining whether the violation is aggravated, particular weight shall be given to whether the person subjected to the act was under 18 years of age, whether severe violence or force was used and whether the act generated significant proceeds. Any person who was ignorant of the fact that the aggrieved person was under 18 years of age shall be punished if he/she may be held to blame in any way for such ignorance.

Section 259. *Slavery*

Any person who enslaves another person shall be subject to imprisonment for a term not exceeding 21 years. The same penalty shall apply to any person who engages in slave trading or the transport of slaves or persons destined for slave trading.

Section 260. *Conspiracy to engage in slavery*

Any person who enters into a conspiracy with another person to commit an act specified in section 259 shall be subject to a penalty of imprisonment for a term not exceeding 10 years.

Section 261. *Removal from care*

Any person who seriously or repeatedly removes or withholds a minor from someone with whom, pursuant to statute, agreement or court decision, the minor lives on a permanent basis, or who wrongfully removes the minor from someone who has responsibility of care pursuant to the Child Welfare Act, shall be subject to a penalty of a fine or imprisonment for a term not exceeding two years. The same penalty shall be applied to any person who takes a minor out of the country or keeps a minor abroad and thereby illegally withholds the minor from someone who pursuant to statute, agreement or court decision has parental responsibility. The same applies where a care order, relocation ban or order for placement in an institution has been issued pursuant to sections 4-8, 4-12, 4-24 or 4-29, first and second paragraph, of the Child Welfare Act, or where an application for such measures has been made to the county social welfare board pursuant to section 7-11 of the Child Welfare Act, or where an interim order has been issued in an emergency pursuant to sections 4-6, second paragraph, 4-9, first paragraph, 4-25, second paragraph, second sentence, or 4-29, fourth paragraph, of the Child Welfare Act.

Aggravated removal from care is punishable by imprisonment for a term not exceeding six years. In determining whether the removal from care is aggravated, particular weight shall be given to the strain it placed on the child.

Section 262. *Violation of the Marriage Act*

Any person who enters into marriage despite already being married shall be subject to a penalty of a fine or imprisonment for a term not exceeding one year.

Any person who enters into marriage with a person who is under 16 years of age shall be subject to a penalty of imprisonment for a term not exceeding three years. Any person who was ignorant of the fact that the aggrieved person was under 16 years of age may nonetheless be punished if he/she may be held to blame in any way for such ignorance. The penalty may be waived if the spouses are approximately equal in age and development.

Section 263. *Threats*

Any person who by words or conduct threatens to engage in criminal conduct under such circumstances that the threat is likely to cause serious fear shall be subject to a fine or imprisonment for a term not exceeding one year.

Section 264. *Aggravated threats*

Aggravated threats are punishable by imprisonment for a term not exceeding three years. In determining whether the threat is aggravated, particular weight shall be given to whether it was directed at a defenceless person, whether it was made without provocation or by multiple persons acting together, and whether it was motivated by the aggrieved person's skin colour, national or ethnic origin, religion, life stance, homosexual orientation or impaired functional ability.

Section 265. *Special protection for certain occupational groups*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who by use of threats seeks to influence the occupational activities of a member of a particularly exposed occupational group.

«Particularly exposed occupational group» means
a. health personnel providing health assistance for medical reasons,
b. persons who operate publicly available passenger transport, such as a railway, metro, tram, bus, airplane, taxi or ferry, and
c. persons who are responsible for education in primary, lower secondary or upper secondary school.

Any person who obstructs the work of a person as specified in the second paragraph shall be subject to a penalty of a fine or imprisonment for a term not exceeding six months.

A penalty of a fine shall be applied to any person who by abusive language or other grossly offensive language or conduct insults a person specified in the second paragraph during the performance of this person's work.

Section 266. *Harassing conduct*

Any person who by frightening or bothersome behaviour or other harassing conduct stalks a person or otherwise violates another person's peace shall be subject to a fine or imprisonment for a term not exceeding two years.

Section 266 a. *Serious stalking*

Any person who repeatedly threatens, follows, watches, contacts or by other comparable acts stalks another person in a manner which is likely to cause fear or anxiety shall be subject to imprisonment for a term not exceeding four years.

Section 267. *Violation of privacy*

Any person who by public communication violates the privacy of another person shall be subject to a fine or imprisonment for a term not exceeding one year.

The penalty pursuant to the first paragraph does not apply to a person who has participated only through technical assistance or distribution of a magazine or periodical produced within the realm. The same applies to broadcasts.

The penalty pursuant to the first paragraph may be waived if the communication was provoked by the aggrieved person himself/herself through improper conduct, or if the communication has been met with retaliation through a violation of privacy or a physical assault.

Section 268. *Unauthorised entry or presence*

Any person who without authorisation enters another person's home or any other location which is not freely accessible, or who remains in such a location without authorisation, shall be subject to a fine or imprisonment for a term not exceeding two years.

Any person who stays on another's property without authorisation and despite being requested to leave the location shall be subject to a fine.

Section 269. *Repealed*

Section 270. *Repealed*

Chapter 25. Violent offences, etc.

Section 271. *Physical assault*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who commits an act of violence against another person or otherwise physically assaults him/her.

A physical assault may be exempted from punishment if

a. it has been met with retaliation in the form of a physical assault or bodily harm, or
b. it is committed in retaliation for a preceding physical assault, bodily harm or especially provocative statement.

Section 272. *Aggravated physical assault*

The penalty for aggravated physical assault is imprisonment for a term not exceeding six years. In determining whether the physical assault is aggravated, particular weight shall be given to whether it resulted in severe pain, injury or death, and otherwise whether it

a. occurred without cause and had the characteristics of an attack,
b. was committed against a defenceless person,
c. had the characteristics of abuse,
d. was committed by multiple persons acting together,
e. was motivated by the aggrieved person's skin colour, nationality or ethnic origin, religion, life stance, homosexual orientation or impaired functional ability, or
f. was carried out using a knife or other particularly dangerous implement.

Section 271, second paragraph, applies correspondingly.

Section 273. *Bodily harm*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who harms the body or health of another person, renders another person physically helpless or causes unconsciousness or a similar condition in another person.

Section 274. *Aggravated bodily harm*

The penalty for aggravated bodily harm is imprisonment for a term not exceeding 10 years. In determining whether the bodily harm is aggravated, particular weight shall be given to whether it resulted in an incurable defect or injury, illness or work incapacity of some duration or severe pain, considerable harm or death, and otherwise whether it

a. occurred without cause and had the characteristics of an attack,
b. was committed against a defenceless person,
c. had the characteristics of abuse,
d. was committed by multiple persons acting together,
e. was motivated by the aggrieved person's skin colour, nationality or ethnic origin, religion, life stance, homosexual orientation or impaired functional ability, or
f. was carried out using a knife or other particularly dangerous implement.

A penalty of imprisonment for a term not exceeding 15 years shall be applied to any person who causes considerable harm to the body or health of another person.

Section 275. *Homicide*

A penalty of imprisonment for a term of between eight and 21 years shall be applied to any person who kills another person.

Section 276. *Consent of the aggrieved person*

The penalties pursuant to sections 271, 272, 273 and 274, first paragraph, do not apply when the person at whom the act was directed consented.

If a person has been killed or subjected to considerable harm to his/her body or health with his/her consent, the penalty for the perpetrator may be set lower than the minimum penalty or to a milder penalty type than the penalty specified in sections 275 or 274, second paragraph.

Section 277. *Contribution to suicide and to considerable self-inflicted harm to someone's body or health*

Any person who contributes to another person's self-infliction of considerable harm to his/her body or health shall be subject to a penalty of imprisonment for a term not exceeding 15 years; see section 274, second paragraph.

Any person who contributes to the suicide of another person shall be subject to a penalty of imprisonment for a term of between eight and 21 years; see section 275.

When special reasons apply, however, the penalty pursuant to the first and second paragraphs may be set lower than the minimum penalty or to a milder penalty type than specified in section 274, second paragraph, and section 275.

No penalty applies as long as death or considerable harm to the person's body or health has not occurred.

Section 278. *Mercy killing*

If any person on compassionate grounds kills a person who is terminally ill or otherwise close to death, the penalty may be set lower than the minimum penalty or to a milder penalty type than follows from section 275.

Section 279. *Conspiracy to commit homicide or inflict considerable harm to someone's body or health*

A penalty of imprisonment for a term not exceeding 10 years shall be applied to any person who enters into a conspiracy with another person to commit an offence specified in section 274, second paragraph, or section 275.

Section 280. *Negligent infliction of considerable harm to someone's body or health*

A penalty of imprisonment for a term not exceeding three years shall be applied to any person who negligently inflicts considerable harm to the body or health of another person.

Section 281. *Negligent causing of death*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who negligently causes the death of another person.

Section 282. *Abuse in close relationships*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who by threats, force, deprivation of liberty, violence or other degrading treatment seriously or repeatedly abuses

a. a present or former spouse or cohabitant,
b. a relative in direct line of descent, or a present or former spouse's or cohabitant's relative in direct line of descent,
c. a relative in direct line of ascent,
d. a member of the person's household, or
e. anyone in the person's care.

When someone is found guilty of a criminal act pursuant to section 282 first paragraph b), the court shall consider whether a restraining order pursuant to section 57 should be imposed.

Section 283. *Aggravated abuse in close relationships*

The penalty for aggravated abuse in close relationships is imprisonment for a term not exceeding 15 years. In determining whether the abuse is aggravated, particular weight shall be given to whether it resulted in considerable bodily harm or death, as well as

a. its duration,
b. whether it was inflicted in a particularly painful manner or resulted in considerable pain, or
c. whether it was committed against a defenceless person.

Section 284. *Genital mutilation*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who performs a procedure on the genitalia of a woman that damages the genitalia or permanently modifies them. Reestablishment of genital mutilation is subject to the same penalty.

Consent does not exempt from a penalty.

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to workers and employees in day-care centres, the child welfare service, the social service, the health and care service, schools, the before- and after-school care service and belief communities who fail to seek to avert a genital mutilation by making a report to the police or otherwise. The same applies to elders and religious leaders of belief communities. The duty to avert applies irrespective of any duty of confidentiality. Such failure is not subject to a penalty if the genital mutilation is not carried out and no punishable attempt to do so is made.

Section 285. *Aggravated genital mutilation*

The penalty for aggravated genital mutilation is imprisonment for a term not exceeding 15 years.

In determining whether the genital mutilation is aggravated, particular weight shall be given to whether the procedure resulted in

a. illness or work incapacity of some duration; see section 274,
b. an incurable defect, flaw or injury, or

c. death or considerable harm to someone's body or health.

Section 286. *Violence against particularly exposed occupational groups*

Any person who by use of violence seeks to influence the work activities of a member of a particularly exposed occupational group shall be subject to a penalty of a fine or imprisonment for a term not exceeding three years.

«Particularly exposed occupational group» means
a. health personnel providing health assistance for medical reasons,
b. persons who operate publicly available passenger transport, such as a railway, metro, tram, bus, airplane, taxi or ferry, and
c. persons who are responsible for education in primary, lower secondary or upper secondary school.

Section 287. *Neglect of duty to assist*

A penalty of a fine or imprisonment for a term not exceeding six months shall be applied to any person who fails to
a. provide assistance to the best of his/her ability to a person at obvious risk of losing his/her life or suffering considerable harm to his/her body or health, or
b. seek to avert to the best of his/her ability, by making a report to the police or by other means, a fire, flood, explosion or similar accident that entails a threat to human life or a risk of considerable harm to someone's body or health.

Breach of the duty to assist pursuant to the first paragraph is not penalised if the duty could not be fulfilled without exposing oneself or other persons to particular risk or sacrifice.

Section 288. *Abandonment in helpless state, etc.*

A penalty of imprisonment for a term not exceeding three years shall be applied to any person who abandons another person in a helpless state dangerous to life, body or health. The same penalty applies to any person who fails to assist a person in a helpless state for whom he/she has a duty of care.

Chapter 26. Sexual offences

Section 291. *Sexual assault*

A penalty of imprisonment for a term not exceeding 10 years shall be applied to any person who
a. obtains sexual activity through violence or threatening conduct,
b. engages in sexual activity with a person who is unconscious or for other reasons incapable of resisting the act, or
c. through violence or threatening conduct makes a person engage in sexual activity with another person, or perform acts corresponding to sexual activity on himself/herself.

Section 292. *Minimum penalty for sexual assault involving intercourse, etc.*

The penalty shall be imprisonment for a term of between three and 15 years if the sexual assault as specified in section 291 included:

a. insertion of the penis into the vagina or anus,
b. insertion of the penis into the aggrieved person's mouth,
c. insertion of an object into the vagina or anus, or
d. if the offender brought about a state as specified in section 291 b) in order to obtain sexual activity.

Section 293. *Aggravated sexual assault*

Aggravated sexual assault is punishable by imprisonment for a term not exceeding 21 years. The same applies if the offender has previously been convicted of acts specified in sections 291, 294 or 299.

In determining whether the sexual assault is aggravated, particular weight shall be given to whether

a. it was committed by multiple persons acting together,
b. it was committed in a particularly painful or offensive manner, or
c. the aggrieved person died or suffered considerable harm to his/her body or health as a result of the act. A sexually transmitted disease is always considered considerable harm to someone's body or health pursuant to this section.

Section 294. *Grossly negligent sexual assault*

Grossly negligent sexual assault is punishable by imprisonment for a term not exceeding six years. If circumstances as specified in section 293 exist, the penalty shall be imprisonment for a term not exceeding 10 years.

Section 295. *Abuse of unequal power relationship, etc.*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who obtains sexual activity for himself/herself or another person, or makes a person perform acts corresponding to sexual activity on himself/herself by

a. abusing a position, dependent relationship or relationship of trust, or
b. exploiting a person's mental illness or mental disability provided the conduct does not fall within the scope of section 291, or
c. exploiting a person under 18 years of age in a particularly vulnerable life situation.

The same penalty shall be applied to any person who through circumstances specified in the first paragraph, a) to c) makes two or more persons engage in sexual activity with each other.

Section 296. *Sexual activity with inmates, etc. of an institution*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who

a. engages in sexual activity with a person who is an inmate of or has been placed in an establishment or institution under the control of the correctional services or the police or in an institution under the control of the child welfare service, and who in that establishment or institution is subject to that person's authority or supervision,
b. makes a person or persons with whom he/she has a relationship as specified in a) perform acts corresponding to sexual activity on themselves or engage in sexual activity with each other, or
c. obtains for another person sexual activity with a person with whom he/she has a relationship as specified in a).

Section 297. *Sexual act performed without consent*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who performs a sexual act with a person who has not consented thereto.

Section 298. *Sexually offensive conduct in public or without consent*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who by words or conduct exhibits sexually offensive or other indecent conduct
a. in a public place, or
b. in the presence of or directed at any person who has not consented thereto.

Section 299. *Sexual assault on a child under 14 years of age*

A penalty of imprisonment for a term not exceeding 10 years shall be applied to any person who
a. engages in sexual activity with a child under 14 years of age,
b. makes a child under 14 years of age perform acts corresponding to sexual activity on himself/herself, or
c. performs an aggravated sexual act with a child under 14 years of age.

Section 300. *Minimum penalty for sexual assault involving intercourse on a child under 14 years of age*

The penalty is imprisonment for a term of between three and 15 years if the sexual assault as specified in section 299 involved:
a. insertion of the penis into the vagina or anus,
b. insertion of the penis into the aggrieved person's mouth,
c. insertion of objects into the vagina or anus, or
d. insertion of the penis into and between the labia majora and labia minora.

Section 301. *Aggravated sexual assault on a child under 14 years of age*

Aggravated sexual assault on a child under 14 years of age is punishable by imprisonment for a term not exceeding 21 years. The same applies if the offender has previously been convicted of acts specified in sections 291, 294 or 299.

In determining whether the sexual assault is aggravated, particular weight shall be given to

a. whether it was committed by multiple persons acting together,
b. whether it was committed in a particularly painful or offensive manner,
c. the age of the aggrieved person at the time of the act,
d. whether repeated abuse occurred, or
e. whether the aggrieved person died or suffered considerable harm to his/her body or health as a result of the act. A sexually transmitted disease is always considered considerable harm to someone's body or health pursuant to this section.

Section 302. *Sexual activity with a child between 14 and 16 years of age*

Any person who engages in sexual activity with a child between 14 and 16 years of age shall be subject to imprisonment for a term not exceeding six years, unless the conduct also falls within the scope of other provisions. The same penalty shall be applied to any person who makes a child between 14 and 16 years of age perform acts corresponding to sexual activity on himself/herself.

Section 303. *Aggravated sexual activity, etc. with a child between 14 and 16 years of age*

Aggravated violation of section 302 is punishable by imprisonment for a term not exceeding 15 years. The same applies if the offender has previously been convicted of acts specified in sections 291, 299 or 302.

In determining whether a violation of section 302 is aggravated, particular weight shall be given to whether

a. the act was committed by multiple persons acting together,
b. the act was committed in a particularly painful or offensive manner, or
c. the aggrieved person died or suffered considerable harm to his/her body or health as a result of the act. A sexually transmitted disease is always considered considerable harm to someone's body or health pursuant to this section.

Section 304. *Sexual act with a child under 16 years of age*

Any person who performs a sexual act with a child under 16 years of age shall be subject to imprisonment for a term not exceeding three years, unless the conduct falls within the scope of section 299.

Section 305. *Sexually offensive conduct, etc. directed at a child under 16 years of age*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who

a. by words or conduct exhibits sexually offensive or other indecent conduct in the presence of or directed at a child under 16 years of age.
b. forces or induces a child under 16 years of age to exhibit sexually offensive or other indecent conduct, unless the situation falls within the scope of stricter provisions.

Section 306. *Arranging a meeting to commit sexual abuse*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who has arranged a meeting with a child under 16 years of age, and who with intent to commit an act with the child as specified in sections 299-304, section 305 b) or section 311 first paragraph a) has arrived at the meeting place or a place where the meeting place may be observed.

Section 307. *Due care requirement with regard to the age of the child*

For the provisions of sections 299-306, ignorance of the correct age of the child does not lead to exemption from punishment if the indicted person may be held to blame for his or her ignorance in any way. For the provisions of section 295 c) and sections 309 and 310, ignorance of the correct age of the child does not lead to an exemption from penalty if the indicted person may be held to blame for his or her ignorance.

Section 308. *Waiver of penalty*

The penalty pursuant to the provisions of sections 299-304, section 305 b) second alternative and section 306 may be waived or set below the minimum penalty of section 300 if the persons involved are approximately equal in age and development.

Section 309. *Purchase of sexual services from minors*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who

a. obtains for himself/herself or another person sexual activity or a sexual act with a person under 18 years of age by providing or agreeing on payment,
b. obtains sexual activity or a sexual act with a person under 18 years of age on the basis of such payment being agreed on or provided by another person, or
c. in the manner described in a) or b) makes a person under 18 years of age perform acts corresponding to sexual activity on himself/herself.

If the sexual activity or act was conducted in a particularly offensive manner, and the conduct does not fall within the scope of stricter provisions, the penalty is imprisonment for a term not exceeding three years.

Section 310. *Showing of sexual abuse of a child or shows which sexualise children*

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who attends a show of sexual abuse of a child or a show which sexualises children. «Child» means a person under 18 years of age.

Section 311. *Depiction of sexual abuse of children or depiction which*

sexualises children

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who

a. produces a depiction of sexual abuse of children or a depiction which sexualises children,
b. publishes, offers, sells, supplies to another person, makes available or otherwise seeks to disseminate depictions as specified in a),
c. acquires, imports or possesses depictions as specified in a), or intentionally acquires access to such material,
d. gives a public presentation or arranges a public performance or exhibition of depictions as specified in a), or
e. induces a person under 18 years of age to allow himself/herself to be depicted as part of commercial production of moving or still pictures with sexual content.

In this section «children» means persons who are or appear to be under 18 years of age.

A person who negligently commits an act specified in the first paragraph shall be subject to a fine or imprisonment for a term not exceeding six months. The same penalty shall apply to any proprietor or superior who intentionally or negligently fails to prevent the commission of an act as specified in the first paragraph within an enterprise.

The penalty may be waived for a person who takes and possesses a picture of a person between 16 and 18 years of age if this person consented and the two are approximately equal in age and development.

This provision does not apply to depictions that must be regarded as justifiable for artistic, scientific, informational or similar purposes. Nor does this provision apply to any film or videogram that the Norwegian Media Authority has by prior review approved for commercial screening or sale.

Section 312. *Incest*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who engages in sexual activity with a relative in the descending line or makes that person perform acts corresponding to sexual activity on himself/herself. Biological and adopted descendants are considered relatives in the descending line.

Section 313. *Sibling incest*

A penalty of imprisonment for a term not exceeding one year shall be applied to any person who engages in sexual activity with a brother or sister or makes such person perform acts corresponding to sexual activity on himself/herself.

Section 314. *Sexual activity between other closely connected persons*

A penalty of imprisonment for a term not exceeding six years shall be applied to any person who

a. engages in sexual activity with a foster child or step child, or a person under 18 years of age who is in his care or under his authority or supervision, or
b. makes a person specified in a) perform acts corresponding to sexual activity on

himself/herself.

Section 315. *Controlling and facilitating prostitution*

A penalty of a fine or imprisonment for a term not exceeding six years shall be applied to any person who

a. promotes the prostitution of others, or
b. rents out premises and is aware that the premises will be used for prostitution, or is grossly negligent in that respect.

Any person who in a public notice unequivocally offers, arranges or seeks prostitution shall be subject to a fine or imprisonment for a term not exceeding six months.

In this section «prostitution» means a person receiving payment for engaging in sexual activity or a sexual act with another person, or for performing acts corresponding to sexual activity on himself/herself.

Section 316. *Purchase of sexual services from adults*

A penalty of a fine or imprisonment for a term not exceeding six months or both shall be applied to any person who

a. obtains for himself/herself or another person sexual activity or a sexual act by providing or agreeing on payment,
b. obtains sexual activity or a sexual act on the basis of such payment being agreed on or provided by another person, or
c. in the manner described in a) or b) makes a person perform acts corresponding to sexual activity on himself/herself.

If the sexual activity or act occurred in a particularly offensive manner, and the conduct does not fall within the scope of stricter provisions, the penalty is imprisonment for a term not exceeding one year.

Section 317. *Pornography*

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who

a. publishes, sells or in any other way attempts to disseminate pornography,
b. imports pornography with the aim of dissemination,
c. supplies pornography to persons under 18 years of age, or
d. gives a public presentation or arranges a public performance or exhibition with pornographic content.

In this section «pornography» means sexual depictions that have an offensive effect or are in any other way likely to have a humanly degrading or brutalising effect, including sexual depictions involving the use of corpses, animals, violence and duress. Sexual depictions that must be regarded as justifiable for artistic, scientific, informational or similar purposes are not considered pornography.

Any person who negligently commits an act specified in the first paragraph shall be subject to a fine or imprisonment for a term not exceeding six months. The same penalty shall apply to any proprietor or superior who intentionally or negligently fails to prevent the commission of an act as

specified in the first paragraph within an enterprise.

This section does not apply to any film or videogram that the Norwegian Media Authority has by prior review approved for commercial screening or sale.

Section 318. *Prohibition of exhibition*

A penalty of a fine or imprisonment for a term not exceeding six months shall be applied to any person who for commercial purposes exhibits images of an explicitly sexual nature, including images of genitalia, in an easily visible manner in

a. a public place,
b. a place which may easily be viewed from a public place, or
c. a retail outlet.

Application of c) does not extend to specialist shops.

Any person who negligently commits an act specified in the first paragraph shall be subject to a fine.

Criminal liability does not apply to shop assistants, clerks or other similar subordinates when the violation was primarily occasioned by this person's dependent position in relation to the business owner.

Section 319. *Obligation to consider loss of rights and a restraining order*

When a person is found guilty of a criminal act pursuant to sections 299, 302, 304 or 305, the court shall consider whether loss of rights pursuant to section 56 and a restraining order pursuant to section 57 shall be imposed.

Section 320. *Regarding liability for damages for defamation*

A person who accuses another person of violating provisions of this chapter may not be held legally liable for the accusation pursuant to section 3-6 a of the Damages Act if the accusation was presented

a. in a police report, or
b. by a person claiming to be aggrieved in a confidential conversation with a person in whom it is natural to confide, to process the consequences of the act.

However, the reporting person or the person claiming to be aggrieved may be held legally liable if it was grossly negligent to assume that the information was true.

Chapter 27. Crimes of acquisition and similar offences against property rights

Section 321. *Theft*

The penalty for theft shall be applied to any person who takes someone else's property, with intent to obtain for himself/herself or others an illicit gain by selling, consuming or otherwise appropriating it.

The penalty for theft is a fine or imprisonment for a term not exceeding two years.

Section 322. *Aggravated theft*

Aggravated theft is punishable by a fine or imprisonment for a term not exceeding six years. In determining whether the theft is aggravated, particular weight shall be given to whether

a. it concerned property of considerable value,
b. the perpetrator entered a dwelling or holiday home,
c. it appeared professional in nature, or
d. it was for other reasons particularly dangerous or harmful to society in nature.

Section 323. *Minor theft*

A penalty of a fine shall be applied to any person who is guilty of theft when culpability is low because the value of the property concerned is negligible and circumstances in general suggest it.

Acquisition of natural products, such as rocks, twigs, plants, etc. of little or no financial value during the exercise of lawful public access is not subject to punishment.

Section 324. *Misappropriation*

The penalty for misappropriation shall be applied to any person who with intent to obtain an illicit gain for himself/herself or others illegally

a. sells, consumes or otherwise appropriates an item of moveable property or monetary claim which is in his/her possession, but which belongs to another person, or
b. takes steps in relation to money he/she has collected for someone else, or which is otherwise entrusted to him/her.

An act which falls within the scope of sections 385 or 386 is not subject to punishment pursuant to this section.

The penalty for misappropriation is a fine or imprisonment for a term not exceeding two years.

Section 325. *Aggravated misappropriation*

Aggravated misappropriation is punishable by imprisonment for a term not exceeding six years. In determining whether the misappropriation is aggravated, particular weight shall be given to whether

a. the value of the misappropriated assets is considerable,
b. the misappropriation has gone on for an extended period of time,
c. it was committed by violating a special trust attached to a position, an office or an assignment, or
d. false accounts or accounting documentation have been kept or prepared.

Section 326. *Minor misappropriation*

A penalty of a fine shall be applied to any person who is guilty of misappropriation when culpability is low because the value of the property concerned was negligible and circumstances in general suggest it.

Section 327. *Robbery*

The penalty for robbery shall be applied to any person who with intent to obtain an illicit gain for himself/herself or others uses violence against a person, renders him/her defenceless, or by way of threats causes serious fear of violence against a person, and thereby

a. seizes possession of someone else's property, or
b. compels a person to act in a manner which leads to loss or risk of loss for him/her or a person he/she acts for.

The penalty for robbery is imprisonment for a term not exceeding six years.

Section 328. *Aggravated robbery*

Aggravated robbery is punishable by imprisonment for a term not exceeding 15 years. In determining whether the robbery is aggravated, particular weight shall be given to whether

a. aggravated violence was used,
b. threats were made with a firearm or other particularly dangerous implement,
c. the robbery was carefully planned, perpetrated against a defenceless person, or
d. the value of the property concerned was considerable.

The penalty for aggravated robbery is imprisonment for a term not exceeding 21 years if the robbery resulted in death or considerable harm to someone's body or health, and the offender was negligent with regard to the consequence or could have realized the potential for it.

Section 329. *Conspiracy to commit robbery*

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who enters into a conspiracy with another person to commit robbery.

Section 330. *Extortion*

The penalty for extortion shall be applied to any person who with intent to obtain an illicit gain for himself/herself or others compels a person to act in a manner which leads to loss or risk of loss for him/her or a person he/she acts for, by

a. other unlawful conduct than that which falls within the scope of section 327, first paragraph, or
b. improperly threatening to make an accusation or a report to the police of a crime, or to present harmful information.

The penalty for extortion is a fine or imprisonment for a term not exceeding three years.

Section 331. *Aggravated extortion*

Aggravated extortion is punishable by imprisonment for a term not exceeding six years. In determining whether the extortion is aggravated, particular weight shall be given to whether it

a. concerned property of significant value,
b. was carefully planned,
c. was perpetrated against a defenceless person,
d. resulted in particularly great stress,
e. went on for an extended period of time, or
f. is for other reasons particularly dangerous or harmful to society in nature.

Section 332. *Receiving proceeds from crime*

The penalty for receiving proceeds from crime shall be applied to any person who receives or obtains for himself/herself or others part of the proceeds of a criminal act. Objects, claims or services also represent proceeds. Receiving proceeds from crime is punishable even if no one is liable to punishment for the act from which the proceeds originate due to unaccountability, see section 20.

The first paragraph shall not apply to any person who receives the proceeds for ordinary maintenance of himself/herself or others from a person who is obligated to provide such maintenance, or any person who receives the proceeds as normal payment for normal consumer goods, utility articles or services.

The penalty for receiving proceeds from crime is a fine or imprisonment for a term not exceeding two years.

Section 333. *Aggravated receiving of proceeds from crime*

Aggravated receiving of proceeds from crime is punishable by imprisonment for a term not exceeding six years. In determining whether the receiving of proceeds from crime is aggravated, particular weight shall be given to the sort of act the proceeds originate from, whether the advantage gained by the perpetrator is considerable, and whether the offender has received proceeds from crime on a regular basis. If the proceeds received originate from a narcotic drugs offence, weight shall also be given to the nature and quantity of the substance with which the proceeds are connected.

If the proceeds originate from aggravated robbery, aggravated human trafficking or an especially aggravated narcotic drugs offence, the penalty is imprisonment for a term not exceeding 15 years.

Section 334. *Minor receiving of proceeds from crime*

A penalty of a fine shall be applied to any person who is guilty of receiving proceeds from crime when culpability is low because the act from which the proceeds originate, the scale of the proceeds or circumstances in general suggest it.

Section 335. *Negligent receiving of proceeds from crime*

Negligent receiving of proceeds from crime as specified in sections 332 and 333 is punishable by a fine or imprisonment for a term not exceeding two years.

Section 336. *Conspiracy to receive proceeds from crime*

Any person who enters into a conspiracy with another person to receive proceeds from crime as specified in section 332 shall be subject to a fine or imprisonment for a term not exceeding two years.

Section 337. *Money laundering*

The penalty for money laundering shall be applied to any person who

a. provides assistance in safeguarding the proceeds of a criminal act for another person by, for example, collecting, storing, concealing, transporting, sending, transferring, converting, disposing of, pawning or investing them, or
b. by converting or transferring assets or by other means conceals or obscures where the proceeds of a criminal act he/she has personally committed are located or originate from, who controls them, their movements or rights associated with them.

Objects, claims or services also represent proceeds.

Money laundering is punishable even if no one is liable to punishment for the act from which the proceeds originate due to unaccountability, see section 20.

The penalty for money laundering is a fine or imprisonment for a term not exceeding two years.

Section 338. *Aggravated money laundering*

Aggravated money laundering is punishable by imprisonment for a term not exceeding six years. In determining whether the money laundering is aggravated, particular weight shall be given to the sort of act the proceeds originate from, whether the proceeds the money launderer has dealt with are of considerable value, and whether the offender has laundered money on a regular basis. In the case of proceeds originating from a narcotic drugs offence, weight shall also be given to the nature and quantity of the substance with which the proceeds are connected.

If the proceeds originate from aggravated robbery, aggravated human trafficking or an especially aggravated narcotic drugs offence, the penalty is imprisonment for a term not exceeding 15 years.

Section 339. *Minor money laundering*

A penalty of a fine shall be applied to any person who is guilty of money laundering when culpability is low because the act from which the proceeds originate, the value of the proceeds the money launderer has dealt with and circumstances in general suggest it.

Section 340. *Negligent money laundering*

Negligent money laundering as specified in sections 337 and 338 is punishable by a fine or imprisonment for a term not exceeding two years.

Section 341. *Conspiracy to commit money laundering*

Any person who enters into a conspiracy with another person to commit money laundering as specified in section 337 or section 338 shall be subject to a fine or imprisonment for a term not exceeding two years.

Section 342. *Unauthorised use of a motor vehicle, etc.*

Any person who takes a motor vehicle without authorisation and uses or exercises control over it is liable to punishment for unauthorised use of a motor vehicle. However, any person who belongs to the household of or is in the service of the person who holds the rights to the vehicle shall not be punished for such unauthorised use.

«Motor vehicle» means any vehicle which is propelled by a motor.

The penalty for unauthorised use of a motor vehicle is a fine or imprisonment for a term not exceeding two years.

The same penalty applies to unauthorised use of a vessel propelled by a motor, and of an aircraft.

Section 343. *Unauthorised use of movable property, etc.*

A penalty of a fine shall be applied to any person who without authorisation uses or exercises control over an item of movable property belonging to someone else, in such a way that the entitled party suffers loss or inconvenience.

Section 344. *Aggravated unauthorised use of movable property*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who without authorisation uses or exercises control over an item of movable property belonging to someone else, and thereby obtains for himself/herself or others a significant gain or inflicts significant loss on the entitled party.

Section 345. *Possession violation*

Any person who wrongfully gains possession for himself/herself or others of an item of movable property shall be subject to a fine.

Section 346. *Unauthorised use, etc. of real property*

A penalty of a fine shall be applied to any person who uses or exercises control over real property contrary to the rights of the owner or another person who rightfully controls the real property, in such a way that the entitled person suffers loss or inconvenience, or in violation of an

express prohibition issued by this person.

However, the penalty pursuant to the first paragraph shall not apply to any person who is party to an agreement with the entitled person regarding the use or control of the real property.

Chapter 28. Vandalism and causing danger to the public

Section 351. *Vandalism*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who damages, destroys, renders useless or spoils an object which wholly or partially belongs to someone else.

The penalty for vandalism also applies to any person who without authorisation modifies, adds to, destroys, deletes or conceals data belonging to someone else.

Section 352. *Aggravated vandalism*

Aggravated vandalism is punishable by a fine or imprisonment for a term not exceeding six years. In determining whether the vandalism is aggravated, particular weight shall be given to

a. the nature and target of the vandalism, for example whether it targeted objects for common use or decoration, or of historical, national or religious value,
b. whether the damage is extensive,
c. whether it was motivated by the aggrieved person's skin colour, national or ethnic background, religion, life stance, homosexual orientation or impaired functional capacity, and
d. whether it was committed on multiple occasions, by multiple persons acting together, or had a systematic or organised character.

Vandalism involving the destruction of an object of significant historical, national or religious value, or which involves very extensive destruction of property, is considered especially aggravated vandalism. The same applies to vandalism which leads to such destruction, loss of life or considerable harm to someone's body or health, or an obvious risk of such consequences. Especially aggravated vandalism is punishable by imprisonment for a term not exceeding 15 years.

Vandalism as specified in the first paragraph and which was perpetrated by gross negligence is punishable by a fine or imprisonment for a term not exceeding one year. Grossly negligent vandalism as specified in the second paragraph is punishable by a fine or imprisonment for a term not exceeding three years.

Section 353. *Minor vandalism*

Minor vandalism is punishable by a fine. In determining whether the vandalism is minor, particular weight shall be given to its nature and target, the extent of the damage, and the consequences it had or the offender ought to have realized it could have.

The penalty for minor vandalism also applies to any person who soils an object which belongs to someone else.

Section 354. *Causing financial loss by deception*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who by causing or strengthening a mistaken belief deceives a person into doing or omitting to do something, thereby resulting in a financial loss for someone.

Section 355. *Causing danger to the public*

A penalty of imprisonment for a term of between two years and 21 years shall be applied to any person who causes a fire, flood, explosion, collapse, maritime damage, railway accident, aircraft accident or similar accident which may easily lead to loss of life.

Section 356. *Negligently causing danger to the public*

Negligently causing danger to the public is punishable by a fine or imprisonment for a term not exceeding three years.

Section 357. *Conspiracy to cause danger to the public*

Any person who enters into a conspiracy to commit an act specified in section 355 shall be subject to imprisonment for a term not exceeding six years.

Section 358. *Penalty for hindering the prevention of an accident endangering public safety or its consequences*

Any person who by damaging or removing tools or by other means seeks to hinder any person from preventing or averting an accident such as those specified in section 355 or its consequences shall be subject to imprisonment for a term not exceeding six years.

Chapter 29. Protection of confidence in currency and certain documents

Section 361. *Document forgery*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who

a. forges or falsifies a document, or acquires a forged or falsified document with intent to use it or let it appear genuine and unfalsified,
b. illegally makes use of a document as specified in a) and lets it appear genuine and unfalsified, or
c. issues a document and falsely attributes to himself/herself a position that is of significant importance for the evidential value of the document, and lets the document appear correct.

A «document» in this chapter means an information carrier relating to a legal matter or which is suitable as evidence for a legal matter.

Section 362. *Minor document forgery*

When the punishability of the act is minor, document forgery is subject to a penalty of a fine. In making this determination, particular weight shall be given to

a. the value involved,
b. whether it led to harm or inconvenience for any person,
c. to what extent it was the result of planning.

Section 363. *Destruction of a document, etc.*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who illicitly destroys or suppresses a document or part of it.

Section 364. *Removal of a border marker, etc.*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who illicitly

a. removes, moves or destroys a border marker or a boundary marker of real property or land rights, or
b. sets up a false marker of such type.

Section 365. *False statement intended for use as evidence*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who

a. in a document issued as part of public administration activities, in the administration of justice or in a health certificate provides a false statement intended for use as evidence,
b. uses such a statement as if it were correct, or
c. intentionally or through gross negligence issues a false document which may serve as evidence to obtain advantages related to taxation or duties.

The right to institute criminal proceedings or make a conviction pursuant to the first paragraph c) shall lapse after 10 years.

Section 366. *Abuse of proof of identity*

A penalty of a fine or imprisonment for a term not exceeding six months shall be applied to any person who supplies another person with a certificate, passport or similar proof of identity issued to him, even though he/she knows or ought to realize that it will be used unlawfully.

Section 367. *Currency counterfeiting*

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who falsifies or forges currency or imports, acquires or receives such currency with intent to circulate it.

The same penalty applies to any person who circulates falsified or forged currency as genuine or unfalsified. Any person who negligently contributes to such circulation, shall be subject to a fine or imprisonment for a term not exceeding one year.

Section 368. *Aggravated currency counterfeiting*

Aggravated currency counterfeiting is punishable by a fine or imprisonment for a term not exceeding 10 years. In determining whether the currency counterfeiting is aggravated, particular weight shall be given to whether it involved a considerable sum, and whether it was systematically executed.

Section 369. *Preparation for currency counterfeiting*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who in preparation for currency counterfeiting produces or acquires equipment and other things intended for the falsification of currency.

Section 370. *Preparation for document forgery*

Any person who in preparation for document forgery makes, acquires, imports, exports, supplies, possesses or stores a false seal, stamp or mark or other objects which appear to be destined for use in forgery or falsification, or for such a purpose appropriates a genuine seal, stamp or mark, shall be subject to a fine or imprisonment for a term not exceeding three years.

Chapter 30. Fraud, tax fraud and similar financial crime

Section 371. *Fraud*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who with intent to obtain an illicit gain for himself/herself or others

a. causes, strengthens or exploits a mistaken belief and thereby deceives someone into doing or omitting to do something by which someone suffers a loss or risks a loss, or
b. makes use of false or incomplete information, modifies data or a computer system, uses a credit or debit card which belongs to another person, or otherwise illicitly affects the result of automated data processing, thereby causing someone a loss or risk of loss.

Section 372. *Aggravated fraud*

Aggravated fraud is punishable by imprisonment for a term not exceeding six years. In determining whether the fraud is aggravated, particular weight shall be given to whether

a. it resulted in considerable financial damage,
b. it resulted in a loss of welfare or risk to life or health,
c. it was committed on multiple occasions or over an extended period of time,
d. it was committed by multiple persons acting together or shows signs of being systematic or organised,
e. the offender purported to hold or abused a position, office or assignment,

f. false accounts or accounting documentation have been kept or prepared, or
g. the offender misled the public or a wider circle of persons.

Section 373. *Minor fraud*

Fraud is punishable by a fine when culpability is low because the value concerned was negligible and other circumstances suggest it.

Section 374. *Grossly negligent fraud*

Grossly negligent fraud is punishable by a fine or imprisonment for a term not exceeding one year. If the grossly negligent fraud is deemed to be aggravated, see section 372, second sentence, imprisonment for a term not exceeding two years may be applied.

Section 375. *Insurance fraud*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who

a. when entering into an insurance agreement withholds information or provides false information about circumstances of significance to the insurer, or is grossly negligent with regard to their significance, or
b. with the aim of obtaining an insurance payout for himself/herself or others, damages or destroys an insured object or by other means causes an insurance event.

The same penalty shall apply to any person who with intent to obtain an insurance payout for himself/herself or others

a. falsely claims that or makes it appear as if an insurance event has occurred,
b. makes a report of damage that is palpably disproportionate to the damage incurred, or otherwise provides false or incomplete information, or
c. claims compensation for an object which is not insured, does not exist or is not damaged.

Section 376. *Aggravated insurance fraud*

Aggravated insurance fraud is punishable by imprisonment for a term not exceeding six years. In determining whether the insurance fraud is aggravated, particular weight shall be given to whether it

a. resulted in considerable financial damage
b. caused risk to life or health,
c. was committed on multiple occasions or over an extended period of time,
d. was committed by multiple persons acting together or shows signs of planning or organisation.

Section 377. *Acts akin to fraud*

A penalty of a fine shall be applied to any person who without providing a name and address leaves an overnight accommodation, restaurant, bar or other place where a service is received without paying on the premises as the situation requires. The penalty pursuant to this section shall not apply if the conduct falls within the scope of section 373.

Section 378. *Tax fraud*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who provides incorrect or incomplete information to a public authority, or fails to provide obligatory information, when he/she realizes or ought to realize that it may lead to tax advantages.

Section 379. *Aggravated tax fraud*

Aggravated tax fraud is punishable by a fine or imprisonment for a term not exceeding six years. In determining whether the tax fraud is aggravated, particular weight shall be given to whether it

a. led to or may have led to the evasion of a considerable sum,
b. was perpetrated in a manner which has to a significant degree made it difficult to discover,
c. was committed on multiple occasions or over an extended period of time,
d. was committed by multiple persons acting together or shows signs of planning or organisation,
e. was perpetrated by abusing a position or relationship of trust, or
f. was contributed to in the conduct of a business.

In determining whether the tax fraud is aggravated, multiple violations may be taken as a whole.

This section also applies even if there has been ignorance with regard to the factors which make the act aggravated, provided that the ignorance was grossly negligent.

Section 380. *Grossly negligent tax fraud*

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who through gross negligence provides false or incomplete information to a public authority, or fails to provide obligatory information, when he/she realizes or ought to realize that it may lead to tax advantages. If the grossly negligent tax fraud is deemed to be aggravated, see section 379, first paragraph, imprisonment for a term not exceeding six years may be applied.

Section 381. *Limitation period for tax evasion*

The period of limitation for criminal liability pursuant to sections 378 to 380 is 10 years.

Section 382. *Misleading and false company information*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who in an invitation to participate in the founding or expansion of a private limited liability company, public limited liability company or another for-profit company, or in connection with an

invitation to take over a loan to such a company, provides false or misleading information of significance to the evaluation of the company.

The penalty pursuant to the first paragraph shall also apply to any officer or employee of such a company, provided he/she makes public false or misleading information of significance to the evaluation of the company, or gives such information to a company member or creditor, to any of its organs, or to a public authority. Other persons who by virtue of assignments for the company are acquainted with its affairs are subject to the same rules as officers and employees pursuant to the first sentence.

Section 383. *Aggravated misleading and false company information*

Aggravated violations of section 382 are punishable by imprisonment for a term not exceeding six years. In determining whether the offence is aggravated, particular weight shall be given to

a. the scale of the offence,
b. the consequences of the offence,
c. whether the offence/the act targeted the public or a wider circle of persons,
d. whether the offence was committed on multiple occasions or over an extended period of time,
e. whether the offence was committed by multiple persons acting together or shows signs of being systematic,
f. whether the offender purported to hold or abused a position, office or assignment, or
g. whether false accounts or accounting documentation were kept or prepared.

Section 384. *Grossly negligent misleading or false company information*

Grossly negligent misleading or false company information is punishable by a fine or imprisonment for a term not exceeding one year. If the grossly negligent offence is aggravated, see section 383, second sentence, imprisonment for a term not exceeding two years may be applied.

Section 385. *Fraudulent double sale, etc.*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who inflicts a loss upon the entitled person or exposes him/her to a loss by taking steps in relation to

a. an asset to which another person has received or been promised in exchange for wholly or partially paid compensation, rights of ownership or use, or
b. a debt instrument which is wholly or partially redeemed.

Section 386. *Violation of security interest*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who takes unauthorised steps in relation to an asset he/she owns or possesses, and which someone else has a security interest in, and thereby inflicts a loss on the secured party or exposes the secured party to such loss.

Section 387. *Corruption*

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who

a. for himself/herself or others demands, receives or accepts an offer of an improper advantage in connection with the conduct of a position, an office or performance of an assignment, or
b. gives or offers any person an improper advantage in connection with the conduct of a position, an office or performance of an assignment.

«Position», «office» or «assignment» in the first paragraph also means a position, office or assignment abroad.

Section 388. *Aggravated corruption*

Aggravated corruption is punishable by imprisonment for a term not exceeding 10 years. In determining whether the corruption is aggravated, particular weight shall be given to whether the act

a. was carried out by or toward a public official or any other person by violating the special trust attached to his position, office or assignment,
b. whether it resulted or could have resulted in a considerable financial advantage,
c. whether there was a risk of considerable harm of a financial or other nature, and
d. whether false accounting information was recorded or false accounting documentation or false annual accounts were prepared.

Section 389. *Trading in influence*

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who

a. for him/herself or others demands, receives or accepts an offer of an improper advantage in return for influencing the conduct of another person's position, office or performance of an assignment, or
b. gives or offers any person an improper advantage in return for influencing the conduct of another person's position, office or performance of an assignment.

«Position», «office» or «assignment» in the first paragraph also means position, office or assignment abroad.

Section 390. *Breach of financial trust*

Any person who acts against another person's interests which he/she manages or supervises, with intent to obtain an illicit gain for him/herself or others or to cause harm, shall be subject to a fine or imprisonment for a term not exceeding two years.

The penalty for breach of trust shall not apply to acts which fall within the scope of section 324, see also section 325, or section 387, see also section 388.

Section 391. *Aggravated breach of financial trust*

Aggravated breach of financial trust is punishable by imprisonment for a term not exceeding six years.

In determining whether the breach of financial trust is aggravated, particular weight shall be given to the factors specified in section 388, second sentence.

Section 392. *Accounting violation*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to any person who violates provisions about book-keeping and documentation of accounting information, annual accounts, annual reports or storing accounts set out in statute or regulations pursuant to statute.

Section 393. *Aggravated accounting violation*

Aggravated accounting violations are punishable by imprisonment for a term not exceeding six years. In determining whether an accounting violation is aggravated, particular weight shall be given to whether

a. false or misleading information or an incorrect document has been used,
b. it was committed over an extended period of time,
c. it was committed by a person who violated the special trust attached to his position or function,
d. it led to a considerable financial advantage,
e. there was a risk of significant harm of a financial or other nature, or
f. it made it difficult to inspect the enterprise.

Section 394. *Negligent accounting violation*

Negligent accounting violations are punishable by a fine or imprisonment for a term not exceeding one year.

Chapter 31. Protection of creditors

Section 401. *Inappropriate financial operations*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to a debtor who intentionally or through gross negligence inflicts significant loss on his or her creditors through

a. gambling or other risky activity,
b. other irresponsible conduct,
c. excessive consumption, or
d. grossly improper business conduct.

Section 402. *Preferential treatment of a creditor*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to a debtor who intentionally or through gross negligence provides a creditor with settlement or security when the debtor is, or becomes, or is at tangible risk of becoming insolvent and thus significantly impairs the creditors' prospects of obtaining payment.

Section 403. *Obstructing recovery by a creditor in separate debt recovery proceedings*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to a debtor who, while subject to enforcement proceedings or a temporary injunction to secure a claim intentionally or through gross negligence commits an act that is likely to prevent an asset from providing settlement to one or more creditors.

Section 404. *Depletion of assets when at risk of insolvency*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to a debtor who commits an inappropriate act which

a. is likely to prevent an asset serving as payment for one or more creditors, and
b. causes the debtor to be, become, or be at tangible risk of becoming insolvent.

A situation in which insolvency cannot be established pursuant to the first paragraph, b), does not result in exemption from punishment if the cause is an intentional or grossly negligent violation of accounting provisions by the debtor pursuant to statute or regulations.

Section 405. *Aggravated depletion of assets*

Aggravated depletion of assets is punishable by a fine or imprisonment for a term not exceeding six years. In determining whether the depletion of assets is aggravated, particular weight shall be given to whether it involved considerable impairment of the creditors' prospects of obtaining payment, whether it was planned and whether it involved a considerable sum.

Section 406. *Grossly negligent depletion of assets in cases of insolvency, etc.*

Grossly negligent depletion of assets is punishable by a fine or imprisonment for a term not exceeding two years.

Section 407. *Failure to petition for debt settlement proceedings or bankruptcy*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to an insolvent debtor who intentionally or through gross negligence fails to petition for the institution of debt settlement proceedings pursuant to the Bankruptcy Act or for bankruptcy, if

a. such omission means an operation or attachment cannot be annulled, and this considerably impairs the creditors' prospects of obtaining payment, or
b. the debtor's business is clearly loss-making, and the debtor must realise that he/she will not be able to provide the creditors with settlement in a reasonable time.

However, failure to petition for debt settlement proceedings or bankruptcy is not punishable if the debtor acted in agreement with creditors who represent a substantial share of the total debt as regards both amount and number.

Section 408. *Depletion of an estate during joint debt recovery*

A penalty of a fine or imprisonment for a term not exceeding two years shall be applied to a debtor who while subject to bankruptcy or debt settlement proceedings pursuant to statute

a. acts in a way that is likely to prevent an asset from serving as payment or benefit to the creditors, or
b. falsely states or acknowledges any liabilities.

Section 409. *Aggravated depletion of an estate during joint debt recovery*

Aggravated depletion of an estate is punishable by a fine or imprisonment for a term not exceeding six years. In determining whether depletion of an estate is aggravated, particular weight shall be given to whether it considerably impaired the creditors' prospects of obtaining payment.

Grossly negligent depletion of an estate is punishable by a fine or imprisonment for a term not exceeding two years.

Section 410. *Criminal liability for persons other than the debtor. Contributing*

Any person who for the benefit of or on behalf of the debtor commits any act specified in sections 401 to 409 shall be subject to the penalties set out therein.

A creditor who has contributed to violation of a provision in this chapter by receiving or demanding satisfaction from the debtor is subject to punishment only if the creditor has made use of improper means to achieve this.

Part III. Final provisions

Section 411. *Entry into force*

This Act enters into force on 1 October 2015. The Penal Code of 22 May 1902 No. 10 is repealed as of the same date. Regulations issued pursuant to the Penal Code 1902 shall continue to apply after the present act enters into force.

Chapter 16 may enter into force as of the date decided by the King.[1] As of the date that chapter 16 enters into force, the first part of the Penal Code 2005 shall apply to the provisions in chapter 16. The general part of the Penal Code 1902 shall not apply to chapter 16. As of the date that chapter 16 enters into force, the following changes occur to other acts: – – –

1 From 7 March 2008.

Section 412. *(Repealed)*