



## **Penal Code of the Republic of Kazakhstan**

### *Unofficial translation*

The Code of the Republic of Kazakhstan dated 3 July 2014 No. 226-V of the Law of the Republic of Kazakhstan

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#### **GENERAL PART**

#### **SECTION 1. CRIMINAL LAW**

#### **Article 1. Criminal legislation of the Republic of Kazakhstan**

1. Criminal legislation of the Republic of Kazakhstan consists of this Penal Code of the Republic of Kazakhstan. Other Laws, providing criminal responsibility shall subject to application only after their inclusion in this Code.

2. This Code shall be based on the Constitution of the Republic of Kazakhstan and generally recognized principles and regulations of international right. Constitution of the Republic of Kazakhstan has supreme legal force and direct effect on the entire territory of the Republic. In the case of contraventions between regulations of this Code and Constitution of the Republic of Kazakhstan, the provisions of the Constitution act. The regulations of this Code, recognized as unconstitutional, as well as derogating from the rights and liberties of an individual and a citizen, vested by Constitution of the Republic of Kazakhstan shall lose legal force and not subject to application. Regulatory resolutions of the Constitutional Council and the Supreme Court of the Republic of Kazakhstan shall be a component part of criminal legislation of the Republic of Kazakhstan.

3. International treaties, ratified by the Republic of Kazakhstan, shall have priorities before this Code and applied immediately, except the cases unless the international treaty that its application requires the issuance of law.

#### **Article 2. Objectives of the Penal Code**

1. Objectives of this Code shall be:

protection of rights, freedoms and legal interests of the person and of the citizen, property, rights and legal interests of organizations, public order and security, environment, constitutional order and territorial integrity of the Republic of Kazakhstan, protected by the Law of societal interests and state from socially-dangerous infringement, protection of peace and human security, as well as prevention of criminal infractions.

2. To attain these objectives this Code shall establish grounds of criminal responsibility, determine which of the actions, dangerous for the individual, society and the state shall be criminal offences, in other words criminal actions or criminal offences, provide for punishment and other measures of criminal and legal effect for their commission.

#### **Article 3. Explanation of some concepts, contained in this Code**

The concepts, contained in this Code, shall have the following meanings, if there are no special instructions in the Law:

1) exploitation of a person – use the forced labour by guilty person, in other words any work and service, required from a person by application of force or threat of its application, for execution of which this person is not voluntary proposed their services, except for the cases, provided by the Laws of the Republic of Kazakhstan;

use by guilty person of prostituting engaged by other person or other services rendered by him (her) in order of appropriation of earned incomes and equally forcing a

person to provide sexual services without prosecution this goal by guilty person;

forcing a person to engage in begging, in other words to commission of antisocial actions, related with begging money from other persons and (or) other property;

other actions, related with exercising of powers of possessor by a guilty person in relation of person who due to reasons, not depending on it cannot refuse to perform the work, and (or) services to the guilty person and (or) other person;

2) significant damage and good sized - in Articles: 198 and 199 - extent of damage or cost of rights to use intellectual property or cost of copies of copyright objects and (or) related rights or goods, containing inventions, utility models, industrial designs, selection achievements or topography of integral circuits, hundredfold exceeding the monthly calculation index; 202 - a damage in the amount, hundredfold exceeding the monthly calculation index; 214- quantity of goods, the cost of which exceeds one thousand monthly calculation indices; 218 - money and (or) other property, obtained by illegal means, in the amount, exceeding two thousand monthly calculation indices; 233 - damage caused in the amount, five hundred times exceeding monthly calculation index; 325, 326, 328, 335, 337 and 342 - value terms of expenses, necessary for rehabilitation of the environment and consumer properties of natural resources, in the amount, exceeding one hundred monthly calculation indices; in other Articles - extent of damage in the amount, hundredfold exceeding the monthly calculation index; 366 and 367 - amount of money, cost of securities, other property or benefit of property nature from fifty to three thousand monthly calculation indices;

3) especially heavy damage and especially largest size - in Articles: 188, 189, 190, 191, 192, 194, 197, 202 and 204 - value of the property or extent of damage, in two thousand times exceeding the monthly calculation index; 214 - income, the amount of which exceeds twenty thousand monthly calculation indices; 215 and 216 - a damage, caused to the citizen in the amount, in five thousand times exceeding the monthly calculation index, or damage, caused to the organization or the state in the amount, exceeding fifty thousand monthly calculation indices; 217 - income, the amount of which exceeds five thousand monthly calculation indices; 229, 230 - a damage in the amount, in twenty thousand times exceeding the monthly calculation index; 234 - the cost of transferred goods, exceeding ten thousand monthly calculation indices; 245 - the amount of payments, not received in a budget, exceeding fifty thousand monthly calculation indices; 253 - amount of money, cost of securities, other property or benefit of property nature, exceeding two thousand monthly calculation indices; 307 - income, the amount of which exceeds five thousand monthly calculation indices; 324, 325, 326, 328, 329, 330, 332, 333, 334, 337 and 343 - value terms of expenses, necessary for rehabilitation of the environment and consumer properties of natural resources, in the amount, exceeding one hundred monthly calculation indices; 365 - a damage, caused to the citizen in the amount, in one thousand times exceeding the monthly calculation index, or damage, caused to the organization or the state in the amount, in ten thousand times exceeding the monthly calculation index; 366 и 367 - amount of money, cost of securities, other property or benefit of property nature over ten thousand monthly calculation indices; in other Articles - extent of damage in the amount, in two thousand times exceeding the monthly calculation index;

4) grave consequences - the following consequences in the cases where they are not specified as a sign of a component element of criminal infraction, provided by this Code:

death of a person; the death of two or more persons; suicide of injured person (injured person) or his (her) close (close); infliction of grievous harm to health, infliction of grievous harm to health to two or more persons; mass disease, infection, exposure or poisoning people; aggravation of population and environment; beginning of

unintended pregnancy; beginning technogenetics or ecological disaster, environmental emergency; infliction of heavy or specially heavy damage; failure of execution of tasks, set by high command; endangering of the state, disaster or accident; long-run decline of the combat readiness level and combat capability of military units and elements; failure of performance of combat task; bringing out of operation of military equipment; other consequences, testifying the gravity of the damage caused;

5) administrative-and-household functions - the right to manage and disposition of property, being on the books of organization, granted in the manner established by the Law of the Republic of Kazakhstan;

6) military and criminal infraction - an action, provided by Chapter 18 of this Code, directed against the established procedure of military service duty, committed by military servants, doing military service on call or under the contract in the Armed Forces of the Republic of Kazakhstan, other military services and military formations of the Republic of Kazakhstan, as well as citizens staying in reserve, during training meetings passing by them;

7) a gang - organized group, pursuing the objective of attack against citizen or organization with making use or threat of use of weapons or materials, used as weapons;

8) other motor vehicles - tractors, motorcycles, self-propelled vehicles (excavators, crane trucks, road scrapers, rollers);

9) representatives of authority - a person, being in the state service, vested with regulatory power in the manner established by the Law of the Republic of Kazakhstan in relation of persons, not being in subordination from it, as well as an employee of law enforcement or special state body, the body of military police, military servant, participating in ensuring of public order;

10) insignificant size - in Article 187 - cost of property, belonging to the organization, not exceeding ten monthly calculation indices, or property, belonging to the individual, not exceeding the two monthly calculation indices;

11) grievous harm to health - harm to human health, danger to his (her) life or other harm to health that results in: loss of vision, speech, hearing or any organ; loss by organ of its function; lasting disfigurement of face, impairment of health, related with significant stable loss of general capacity for work of not less than one-third; total loss of occupational capacity; termination of pregnancy; mental disease; drug addiction or drug abuse;

12) average-gravity harm to health - harm to human health, no danger to his (her) life, caused a long-term impairment of health (for the term of more than twenty-one days) or significant stable loss of general capacity for work (less than one-third);

13) light harm to health - a harm to human health, resulted a short term impairment of health (for the term of not more than twenty-one days) or significant stable loss of general capacity for work (less than one-tenth);

14) substantial harm - the following consequence's in the cases where they are not specified as a sign of a component element of a criminal infraction, provided by this Code:

infringement of constitutional rights and freedoms of person and citizen, rights and legal interests of organizations, legally protected societal interests and the state; infliction of significant harm; occurrence of difficult real-life situation of injured person; derangement of organizations or the state bodies; disruption of important military activities or short-term decline of the combat readiness level and combat capability of military units and elements; untimely detection or holding off an attack of armed groups or separate armed persons, land, air and sea military equipment, admission of unhampered illegal transborder infiltration of the Republic of Kazakhstan of persons and means of transport, transfer of smuggled goods, connivance to the

actions, infliction of damage to the border facilities, technical equipment of border control; other consequences, testifying the essentiality of caused harm;

15) contractor - a person, specially recruited for participation in the armed conflict, military actions or other violent acts, directed to the toppling or subversion of constitutional order or violation of territorial integrity of the state, acting in order to obtain material compensation or other personal benefit, which is not a citizen of a party, being in conflict, or the state, against of which the specified actions are directed, not included in the military personnel of a party, being in conflict, not sent by another state for performance of official duties as a person, included in the armed forces posture;

16) a person, holding an important public position, - a person, holding a position which is established by the Constitution of the Republic of Kazakhstan, constitutional and other Laws of the Republic of Kazakhstan for direct execution of functions of the state and powers of the state bodies, as well as a deputy of Parliament, a judge, and equally a person, holding political public position or administrative public position of "A" block according to the legislation of the Republic of Kazakhstan on the state service;

17) stealing - illegal uncompensated seizure and (or) conversion of other people's property for the benefit of guilty person or other persons, committed with a mercenary motive, caused a damage to the possessor or other owner of this property;

18) illegal paramilitary unit - formation (association, detached unit, brigade or other group, consisting of three or more people), not provided by the legislation of the Republic of Kazakhstan, having organizational structure of paramilitary type, having a unity of command, combat capability, strict discipline;

19) a person, exercising managerial functions in a commercial or other organization - a person, permanently, temporary or by special authority performing organizational/management or administrative type duties in organization, that is not a state body, local government body or organization, a state share of which is more than fifty percent;

20) transport - railway, automobile, sea, inland water transport, as well as sea and river small size vessel, air, urban electric, as well as underground, as well as major pipeline transport, being in the territory of the Republic of Kazakhstan;

21) leader of public association - a head of public association, as well as other participant of public association, capable through his (her) influence and authority singly provide control action on activity of this public association;

22) coordination of criminal actions - coordination between organized groups (criminal organizations) in order of jointly commission of crimes (creating sustainable relationships between the heads and other participants of organized groups (criminal organizations), development of plans, conditions for commission of crimes, as well as division of criminal scopes of influence, incomes from criminal activity);

**Note of RCLII!**

**Subparagraph 23) is provided to be in the wording of the Law of the Republic of Kazakhstan dated 07.11.2014 No. 248-V (shall be enforced from 01.01.2015).**

23) criminal society - an association of two or more criminal organizations, colluded for joint commission of one or more criminal infractions, and equally creating conditions for independent commission of one or more criminal infractions of any of these criminal organizations;

24) criminal group - organized group, criminal organization, criminal society, transnational organized group, transnational criminal organization, transnational criminal society, terrorist group, extremist group, gang, illegal paramilitary unit;

25) criminal organization – an organized group, participants of which are distributed on organizationally, functionally and (or) territorially detached groups (structural subdivisions);

26) civil servant – a person, permanently, temporary or by special authority exercising functions of representative of authority or performing organizational/management or administrative-and-household functions in the state bodies, local government bodies, as well as in Armed Forces of the Republic of Kazakhstan, other military forces and military formations of the Republic of Kazakhstan;

27) a person, authorized to perform public functions, – a state servant in accordance with the legislation of the Republic of Kazakhstan on the state service, a deputy of maslikhat;

28) a person, equated with persons, authorized to perform public functions, – a person, elected to the local government bodies; a citizen, registered in the manner established by the Law of the Republic of Kazakhstan as a candidate for the President of the Republic of Kazakhstan, deputies of the Parliament of the Republic of Kazakhstan or maslikhats, as well as members of elective local government body; servant, permanently, temporary working in a local government body, payment for labour of which is effected from the means of the state budget of the Republic of Kazakhstan; a person, exercising managerial functions in the state organization or organization, in a charter capital of which a state share is more than fifty percent, as well as in a national managing holding, national holding, national company, national institute of development, a shareholder of which is the state, their branch organization, more than fifty percent of the voting shares (share of participation) of which belong to them, as well as legal entity, more than fifty percent of the voting shares (share of participation) of which belong to the specified branch organization; servants of National Bank of the Republic of Kazakhstan and its departments;

29) corruption crime – actions, provided by Articles 189 (paragraph 2) of the third part), 190 (paragraph 2) of the third part), 215 (paragraph 3) of the second part), 216 (paragraph 4) of the third part), 217 (paragraph 3) of the third part), 218 (paragraph 1) of the third part), 234 (paragraph 1) of the third part), 249 (paragraph 2) of the third part), 307 (paragraph 3) of the third part), 361, 362(paragraph 3) of the fourth part), 364, 365, 366, 367, 368, 369, 370, 450, 451 (paragraph 2) of the second part) and 452 of this Code;

30) crimes of terrorism – actions, provided by Articles 170, 171, 173, 177, 178, 184, 255, 256, 257, 258, 259, 260, 261, 269 and 270 of this Code;

31) terrorist group – an organized group, pursuing the objective of commission of one or several terrorist crimes;

32) a person, holding a leading position, – a person, vested with authority by heads of organized groups (criminal organizations) on coordination of criminal actions, or person for whom the group members recognize the right to take the most important decisions, affected their interests and determining direction and nature of their criminal activity;

33) transnational criminal society – an association of two or more of transnational criminal organizations;

34) transnational criminal organization – criminal organization, pursuing the objective of commission of one or several criminal infractions in the territory of two or more states or one state, upon organization of commission of action or upon management of its execution from territory of other state, and upon participation of citizen of other state;

35) transnational organized group – an organized group, pursuing the objective of commission of one or several criminal infractions in the territory of two or more states

or one state, upon organization of commission of action or upon management of its execution from territory of other state, and upon participation of citizen of other state;

36) an organized group - sustained group of two or more persons, previously combined in order to commission of one or several criminal infractions;

37) organizational/management functions - a right to issue the orders and decrees, provided in the manner established by the Law of the Republic of Kazakhstan, compulsory for execution by career subordinated persons, as well as use incentives and disciplinary sanctions in relation of subordinated;

38) heavy damage and largest amount - in Articles: 185, 186 and 458 - a damage in the amount, in five hundred times exceeding the monthly calculation index; 188, 189, 190, 191, 192, 194, 195, 196, 197, 200, 202 and 204 - cost of property or extent of damage, in five hundred times exceeding the monthly calculation index; 198 and 199 - extent of damage or cost of rights to the use of items of intellectual property or the cost of copies of copyright objects and (or) related rights or goods, containing inventions, utility models, industrial designs, selection achievements or topology of integral circuits, in five hundred times exceeding the monthly calculation index; 214 - an income, the amount of which exceeds ten thousand monthly calculation indices; 214, 221, 237, 238, 239, 240, 242 и 243 - a damage, caused to the citizen in the amount, in one thousand times exceeding the monthly calculation index, or damage, caused to the organization or the state in the amount, in ten thousand times exceeding the monthly calculation index; or damage, caused to the organization or the state in the amount, in ten thousand times exceeding monthly calculation index; 215 и 216 - a damage, caused to the citizen in the amount, in one thousand times exceeding the monthly calculation index, or damage, caused to the organization or the state in the amount, exceeding twenty thousand monthly calculation indices; 217 - an income, the amount of which exceeds one thousand monthly calculation indices; 218 - money and (or) other property, obtained by illegal means, in the amount, exceeding twenty thousand monthly calculation indices; 219, 222, 223, 224, 225, 226, 227, 228 and 241 - a damage, caused to the citizen in the amount, hundredfold exceeding the monthly calculation index, or damage, caused to the organization or the state in the amount, in one thousand times exceeding the monthly calculation index; 220, 229, 230 - a damage in the amount, in ten thousand times exceeding the monthly calculation index; 221 - an income, the amount of which exceeds twenty thousand monthly calculation indices; 231 - cost of banknotes, coins, securities, foreign currency, in relation of which a forgery is committed, in five hundred times exceeding the monthly calculation index, 234 - the cost of transferred goods, exceeding five thousand monthly calculation indices; 235 - the amount of unreturned means in a national or foreign currency, exceeding fifteen thousand monthly calculation indices; 236 - the cost of unpaid customs payments, exceeding five thousand monthly calculation indices; 244 - the amount of payments, not received in a budget, exceeding two thousand monthly calculation indices; 245 - the amount of payments, not received in a budget, exceeding twenty thousand monthly calculation indices; 247 - the amount or the cost of rendering services, received by person, exceeding three hundred monthly calculation indices; 253 - amount of money, cost of securities, other property or benefit of property nature, exceeding five hundred monthly calculation indices; 258 - amount of money, cost of property, benefits of property nature, services rendered, exceeding one thousand monthly calculation indices; 274 - a damage, caused to the citizen in the amount, in one thousand times exceeding the monthly calculation index, or a damage, caused to organization or the state in the amount, in ten thousand times exceeding the monthly calculation index; 292 - a damage, caused to the individual in the amount, in five hundred times exceeding the monthly calculation index, or damage, caused

to organization or the state in the amount, in one thousand times exceeding the monthly calculation index; 307 - income, the amount of which exceeds one thousand monthly calculation indices; 323 - the cost of medicinal products, medical products or products of medical equipment, in relation of which falsification is committed, exceeding one thousand monthly calculation indices; 324, 325, 326, 328, 329, 330, 332, 333, 334, 335, 337, 338, 340, 341 and 343 - value terms of expenses, necessary for rehabilitation of the environment and consumer properties of natural resources, in the amount, exceeding one thousand monthly calculation indices; 344 - extent of damage, exceeding two thousand monthly calculation indices; 350, 354, 355 and 356 - a damage, caused to the citizen, hundredfold exceeding the monthly calculation index, or damage, caused to organization or the state in the amount, in five hundred times exceeding the monthly calculation index; 365 - a damage, caused to the citizen, hundredfold exceeding the monthly calculation index, or damage, caused to organization or the state in the amount, in one thousand times exceeding the monthly calculation index; 366 and 367 - amount of money, cost of securities, other property or benefit of property nature over three thousand to ten thousand monthly calculation indices; 399 - the cost of special technical devices, exceeding five thousand monthly calculation indices; in other Articles - extent of damage in the amount, in five hundred times exceeding the monthly calculation index;

39) extremist crimes - actions, provided by Articles 174, 179, 180, 181, 182, 184, 258, 259, 260, 267, 404 (of the second and third part) and 405 of this Code;

40) extremist group - an organized group, pursuing the objective of commission of one or several extremist crimes;

41) electronic media - tangible medium, used for recording, storage and replay of information, processed by means of computer technology.

#### **Article 4. Grounds of criminal responsibility**

The only ground of criminal responsibility is commission of criminal infraction, in other words the action that contains all the signs of component element of the crimes or criminal offence, provided by this Code. No one may be subject twice to criminal responsibility for the same criminal infraction. The application of criminal Law is not permitted by analogy.

#### **Article 5. An effect of criminal Law in time**

Criminality and penalty of action shall be determined by the Law, effected during commission of this action. Time of commission of a criminal infraction shall be the time of implementation of socially dangerous action (omission) independent from the time of the consequences.

#### **Article 6. Retroactive effect of the criminal Law**

1. The Law, eliminating the crime or penalty of action, mitigating responsibility or punishment or otherwise improving the situation of person, committed a criminal infraction shall have a retroactive effect, in other words shall be applied to the persons, committed an appropriate action before introduction this Law into effect, as well as to the persons, serving the sentence or served sentence, but have a conviction.

2. If a new criminal law mitigates the penalty of action, for which the person is serving a sentence, the imposed sentence shall be subject to reduction within the sanctions of newly issued criminal law.

3. The Law, establishing the crime or penalty of action, strengthening the responsibility or punishment, or otherwise aggravating the situation of person, committed this action, shall not have a retroactive effect.

**Article 7. Effect of criminal Law in relation of persons, committed a criminal infraction in the territory of the Republic of Kazakhstan**

1. A person, committed a criminal infraction in the territory of the Republic of Kazakhstan shall subject to responsibility under this Code.

2. A criminal infraction, committed in the territory of the Republic of Kazakhstan shall be recognized an action which was initiated or continued or was completed in the territory of the Republic of Kazakhstan. An effect of this Code shall be also applied to criminal infractions, committed on the continental shelf and in the exclusive economic zone of the Republic of Kazakhstan.

3. A person, committed a criminal infraction on vessel, assigned to the port of the Republic of Kazakhstan and located in open water or air space outside of the Republic of Kazakhstan shall be subject to the criminal responsibility under this Code, unless otherwise provided by international treaty of the Republic of Kazakhstan. Under this Code, a person committed a criminal infraction on warship or military aircraft of the Republic of Kazakhstan, independent from its location shall also bear a criminal responsibility.

4. The issue of criminal responsibility of diplomatic representatives of foreign states and other citizens who enjoy immunity, in the case of commission of criminal infraction by these persons in the territory of the Republic of Kazakhstan shall be resolved in accordance with regulations of international law.

**Article 8. An effect of criminal Law in relation of persons, committed a criminal infraction outside the Republic of Kazakhstan**

1. Citizens of the Republic of Kazakhstan, committed a criminal infraction outside the Republic of Kazakhstan shall subject to criminal responsibility under this Code, if an action, committed by them is recognized as criminally liable in the state, in the territory of which it was committed, and if these persons are not convicted in another state. Upon conviction of specified persons, a penalty may not exceed the maximum sanction, provided by the Law of the state in whose territory the criminal infraction was committed. On the same basis the foreigners and stateless persons being in the territory of the Republic of Kazakhstan shall bear responsibility, in the cases where they cannot be extradited to a foreign state for criminal prosecution or service of sentence in accordance with international treaty of the Republic of Kazakhstan.

Provision of this Code shall be applied independent from the place of commission of a crime in relation of citizens of the Republic of Kazakhstan, stateless persons, permanently residing in the territory of the Republic of Kazakhstan, in the cases of commission of terroristic or extremist crime or crimes against peace and human security, unless otherwise established by international treaty of the Republic of Kazakhstan.

2. Conviction and other penal consequence of commission of criminally punishable action by person, in the territory of other state shall not have a criminal legal meaning for resolution of the issue on criminal responsibility of this person for criminal infraction, committed in the territory of the Republic of Kazakhstan, unless otherwise provided by international treaty of the Republic of Kazakhstan or if criminally punishable action, committed in the territory of other state is not affected the national interests of the Republic of Kazakhstan.

3. Military servants of military units of the Republic of Kazakhstan, deployed outside shall bear a criminal responsibility under this Code for criminal infractions, committed in the territory of foreign state, unless otherwise provided by international treaty of the Republic of Kazakhstan.

4. Foreigners, as well as stateless persons, not permanently residing in the territory of the Republic of Kazakhstan, committed a crime outside of the Republic of Kazakhstan shall subject to the criminal responsibility under this Code in the cases, if this action is directed against the interests of the Republic of Kazakhstan, and in the

cases, provided by international treaty of the Republic of Kazakhstan, if they are not convicted in other state and arraign on a criminal responsibility in the territory of the Republic of Kazakhstan.

#### **Article 9. Extradition of persons, committed a criminal infraction**

1. Citizens of the Republic of Kazakhstan, committed a criminal infraction in the territory of other state shall not subject to extradition, unless otherwise established by international treaty of the Republic of Kazakhstan.

2. Foreigners and stateless persons committed a crime outside the Republic of Kazakhstan and residing in the territory of the Republic of Kazakhstan may be extradited to a foreign state for criminal prosecution or service of sentence in accordance with international treaty of the Republic of Kazakhstan.

3. No one shall be extradited to a foreign State where there are serious grounds for believing that in this state he would be in danger of torture, violence or other cruel or degrading treatment or punishment, as well as in the case of a threat of the death penalty, unless otherwise provided by international treaties of the Republic

### **SECTION 2. CRIMINAL INFRACTIONS**

#### **Article 10. The concept of crime and criminal offence**

1. A criminal infractions shall be divided into crimes and criminal offences depending on the level of social danger and penalty.

2. A crime shall be recognized as committed guilty socially dangerous action (action or omission), prohibited by this Code under threatening punishment in the form of a fine, correctional labour, restrictions of freedom, imprisonment or the death penalty.

3. Criminal offence shall be recognized as committed guilty action (action or omission), not presenting a great social danger, infliction insignificant damage or threatens to cause harm to the person, organization, society or the state, for commission of which is provided a penalty in the form of a fine, correctional labour community service, arrest.

4. Action or omission shall not be a criminal infraction, although formally containing the signs of any action, provided by the Special Part of this Code, but by virtue of insignificance not representing social danger.

#### **Article 11. Categories of crimes**

1. The crimes shall be divided into crimes of little gravity, crimes of average gravity, grievous crime and especially grave crimes depending on the nature and level of social danger.

2. Crimes of little gravity shall be recognized as intentional actions, for commission of which the maximum punishment, provided by this Code, not exceeds two years of imprisonment, as well as reckless actions, for commission of which this Code provides the maximum punishment, not exceeding five years of imprisonment.

3. Crimes of average gravity shall be recognized as intentional actions, for commission of which the maximum punishment, provided by this Code, not exceeds two years of imprisonment, as well as reckless actions, for commission of which is provided a punishment in the form of imprisonment for the term of over five years.

4. Grievous crimes shall be recognized as intentional actions, for commission of which this Code provides the maximum punishment, not exceeding twelve years of imprisonment.

5. Especially grave crimes shall be recognized as intentional actions, for commission of which this Code provides a punishment in the form of imprisonment for the term of over twelve years, life imprisonment or death penalty.

#### **Article 12. Repeated criminal infractions**

1. Repeated criminal infractions shall be recognized as commission of two or more actions, provided by the same Article or part of Article of Special part of this Code. A crime and criminal offence shall not form between them repeatedly.

2. Criminal infraction shall not be recognized as committed repeatedly, if for previously committed criminal infraction a person has been convicted or released from criminal responsibility on the grounds established by the Law.

3. Continued criminal offense shall not be recognized as repeated, in other words a criminal infraction, consisting of the number of similar unlawful actions that are covered by common intent and purpose and form a whole one criminal infraction.

4. In the cases, when repeatedly of crimes is provided by this Code as circumstance, entailing extended sentence, the crimes committed by person shall be qualified on the relevant part of Article of Special part of this Code, providing a punishment for repeated crimes.

5. In the cases, when repeatedly of criminal offences is provided by this Code as circumstance, entailing extended punishment, the criminal offences committed by person shall be qualified on the relevant part of Article of Special part of this Code, providing a punishment for repeated criminal offences.

#### **Article 13. A set of criminal infractions.**

1. A set of criminal infractions shall be recognized as commission of two or more actions, provided by various Articles or parts of Article of this Code, for neither of which a person was not convicted or released from criminal responsibility on the grounds, established by the Law. Upon combination of criminal infractions a person shall bear a criminal responsibility for each committed action on the relevant Article or part of Article of this Code, if the signs of these actions are not covered by regulation of one Article of part of Article of this Code, providing an extended sentence.

2. A set of criminal infractions shall be recognized as one action (omission), containing the signs of criminal infractions, provided by two or more Articles of this Code. Upon such combination a person shall bear a criminal responsibility for each committed action on the relevant Articles of this Code, if the signs of one action are not covered by the regulation of Article of this Code, providing an extended sentence for another action.

3. If the same action falls within the signs of general and special regulations of relevant Articles of this Code, a set of criminal infractions is absent and criminal responsibility arises under the Article of Special Part of this Code containing the special regulation.

#### **Article 14. Repetition of crimes, dangerous repetition of crimes**

1. Repetition of crimes shall be recognized as commission of grievous crime by person, if previously this person is convicted to imprisonment for commission of grievous crime.

2. Dangerous repetition of crimes shall be recognized as commission by person:

1) grievous crime, if previously this person is convicted twice to imprisonment for commission of grievous crime or was convicted for especially grave crime;

2) especially grave crime, if previously he (she) was convicted to imprisonment for grievous or especially grave crime.

3. Convictions for the crimes, committed by person aged up to eighteen years, as well as the convictions, released or canceled in the manner, established by this Code shall not be considered upon recognition a repetition of crimes and dangerous repetition of crimes.

4. Repetition of crimes and dangerous repetition of crimes shall involve an extended sentence on the grounds and within provided by this Code.

### **Article 15. Persons subject to criminal responsibility**

1. Sane individual, reached the age of sixteen at the time of the commission of a criminal infraction shall subject to the criminal responsibility.

2. Persons, reached the age of fourteen at the time of the commission of a crime shall subject to a criminal responsibility for murder (Article 99), intended infliction of grievous harm to health (Article 106), intended infliction of medium-gravity harm to health under aggravating circumstances (second part of Article 107), sexual assault (Article 120), sexual battery (Article 121), kidnapping (Article 125), attack against persons or organization, enjoying international protection (Article 173), inciting social, national, ethnic, racial, class or religious discord (Article 174), infringement on life of First President of the Republic of Kazakhstan - Leader of the Nation (Article 177), infringement on life of the President of the Republic of Kazakhstan (Article 178), diversion (Article 184), theft (second, third and fourth part of Article 188), robbery (second, third and fourth part of Article 191), robbery with violence (статья 192), blackmailing offenses (second, third and fourth part of Article 194), misappropriation of car or other means of transport with no intent of stealing under aggravating circumstances (second, third and fourth part of статьи 200), intentional destruction or damaging another's property under aggravating circumstances (second and third part of Article 202), an act of terrorism (Article 255), promotion of terrorism or public call for commission of an act of terrorism (Article 256), creation, managing a terroristic group and participation in its activity (first and second part of статьи 257), financing of terrorist or extremist activity and other aiding to terrorism or extremism (Article 258), hostage taking (статья 261), attack against building, construction, means of transportation and communication or their seizure (Article 269), knowingly false message on act of terrorism (Article 273), theft or extortion of weapons, ammunition, explosive substances and explosive devices (Article 291), hooliganism under aggravating circumstances (second and third part of Article 293), vandalism (статья 294), stealing or extortion narcotic drugs, psychotropic substance, their analogues (Article 298), desecration of the dead bodies and burial places under aggravating circumstances (second part of Article 314) and intentional disablement of means of transport or ways of communication (Article 350).

3. If the minor has attained the age provided by first or second part of this Article, but in consequence of gap of mental development, not related with mental disease, during commission of criminal infraction could not be fully aware of the actual nature and social danger of his (her) actions (omission) or control them, he (she) shall subject to criminally responsibility.

4. Persons committed the criminal infractions are equal before the Law independent from origin, social, official and property position, sex, race, nationality, language, religion, beliefs, membership of public associations, place of residence or any other circumstances.

### **Article 16. Insanity**

1. A person who at the time of commission a socially dangerous action provided by this Code has been in a state of insanity, in other words could not be aware of the actual nature and social danger of his actions (omission) or control them due to chronic mental disorder, temporary mental disease, dementia or other mental condition shall subject to a criminal responsibility.

2. Compulsory measures of a medical nature, provided by this Code may be applied to the person, recognized by court as insane.

### **Article 17. Criminal responsibility of persons with mental disease not excluding sanity**

1. Sane person who during commission of a criminal infraction by virtue of mental disease could not be fully aware of the actual nature and social danger of his (her) actions (omission) or control them shall subject to a criminal responsibility.

2. Mental disease, not excluding sanity shall be considered by court upon assignment of punishment as mitigating circumstance and may serve as a basis for the appointment of enforcement measures of medical nature, provided by this Code.

**Article 18. Criminal responsibility of persons, committed a criminal infraction in a state of intoxication**

A person, committed a criminal infraction in a state of intoxication, caused by the use of alcohol, narcotic drugs, psychotropic or other intoxicated substances shall not be released from criminal responsibility.

**Article 19. Fault**

1. A person shall subject to a criminal responsibility only for those socially dangerous actions (actions or omission) and socially dangerous consequences in relation of which his fault is established.

2. Objective imputation, in other words a criminal responsibility for innocent infliction of harm shall not be allowed.

3. A guilty person in a criminal infraction shall be recognized a person, committed an action intentionally or by negligence.

4. An action, committed by negligence shall be recognized as a criminal infraction only when it is specially provided by the relevant Article of Special part of this Code.

**Article 20. A criminal infraction, committed intentionally**

1. A criminal infraction, committed intentionally shall be recognized as an action, committed with direct or indirect intent.

2. A criminal infraction shall be recognized as committed with direct intent, if a person realized the social danger of his (her) actions (omission), foresaw the possibility or the inevitability of socially dangerous consequences and wished their ensuing.

3. A criminal infraction shall be recognized as committed with indirect intent, if a person realized the social danger of his (her) actions (omission), foresaw the possibility of ensuing of socially dangerous consequences, did not wish, but consciously allowed ensuing of these consequences or treated them indifferently.

**Article 21. A criminal infraction, committed by negligence**

1. A criminal infraction, committed by negligence shall be recognized as an action, committed on self-reliance or by negligence.

2. A criminal infraction shall be recognized as committed on self-reliance, if a person foresaw the possibility of ensuing of socially dangerous consequences of his (her) actions (omission), but without sufficient grounds lightly counted on to prevent these consequences.

3. A criminal infraction shall be recognized as committed by negligence, if a person did not foresaw the possibility of ensuing of socially dangerous consequences of his (her) actions (omission), but with proper care and forethought should have and could have foreseen these consequences.

**Article 22. Responsibility for criminal infractions, committed with two forms of guilt**

If as a result of an intentional criminal infraction grave consequences, which by law entail an extended sentence and which are not covered by intent of the person, are inflicted, a criminal responsibility for such consequences occur only in cases where the person foresaw the possibility of their ensuing, but without sufficient grounds confidently counted on their prevention, or if the person did not foresee, but he (she)

should and could have foreseen the possibility of the ensuing of these consequences. In general, such a criminal infraction shall be recognized as committed intentionally.

#### **Article 23. Innocent infliction of harm**

1. An action shall be recognized as committed innocently, if the action (omission) and socially dangerous consequences are not covered by intent of the person who committed it, and a criminal responsibility for commission of such action and infliction of socially dangerous consequences by negligence by this Code are not provided.

2. An action shall be recognized as committed innocently, if the person who committed it was not aware and on circumstances of the case could not be aware of the social danger of his (her) actions (omission) or did not foresee the possibility of socially dangerous consequences and on circumstances of the case should not have been or could have foreseen them. An action shall be also recognized as committed innocently, if the person, foresaw ensuing of socially dangerous consequences upon its commission, counted on their prevention with reasonable grounds or could not prevent these consequences by virtue of non-compliance of their psychophysiological qualities with the requirements of extreme conditions or neuropsychic overloads.

#### **Article 24. Preparation for crime and attempt to commit crime**

1. Preparation for crime shall be recognized as committed with direct intent of finding, production or adaptation of means or crime instruments, finding of companions in crime, conspiracy on commission of a crime or other intentional creating conditions for commission of a crime, if upon that a crime was not carried out for circumstances beyond the reasonable control of person.

2. A criminal responsibility occurs for preparation of grievous or especially grave crime, as well as for preparation of a terrorist infraction.

3. An attempt to commit crime shall be recognized as an action (omission), committed with direct intent, immediately directed to commission a crime, if upon that a crime was not carried out for circumstances beyond the control of person.

4. A criminal responsibility occurs for attempt to commit crime of average gravity, grievous or especially grave crime, as well as for attempt to the crime of terrorism.

5. A criminal responsibility for preparation for crime and attempt to commit crime occurs under the same Article of this Code that for completed crime, with reference to the relevant part of this Article.

#### **Article 25. Completed criminal infraction**

A criminal infraction shall be recognized as completed, if the action, committed by person contains all the signs of component element of infraction, provided by the Special part of this Code.

#### **Article 26. Voluntary refusal from criminal infraction**

1. A voluntary refusal from criminal infraction shall be recognized as termination of actions of preparation or termination of the action (omission) by person, immediately directed to commission of this action, if the person were realizing the possibility of bringing it to the end. A person shall not subject to a criminal responsibility for criminal infraction, if he (she) voluntary and finally refused from bringing this action to the end.

2. A person who voluntarily refused to bring a criminal offense until the end shall subject to criminal responsibility only if the action committed by him actually contains the component element of a criminal infraction.

3. Organizer and instigator of a criminal infraction shall not subject to criminal responsibility, if these persons prevented bringing of this infraction to the end by perpetrator by notifying state bodies or by other taken measures. An accomplice shall not subject to criminal responsibility, if before the termination of a criminal

infraction by perpetrator refuses him (her) in previously promised contribution or eliminate the results already provided assistance.

4. If the action of organizer or instigator, specified in a third part of this Article did not lead to the prevention of criminal infraction, the measures taken by them may be recognized by the court as mitigating circumstance upon assignment of punishment.

#### **Article 27. The concept of complicity in criminal infraction**

A complicity in criminal infraction shall be recognized an intentional joint participation of two or more persons in commission of intentional criminal infraction.

#### **Article 28. Types of accomplices of a criminal infraction**

1. Accomplices of criminal infraction along with the perpetrator shall be recognized as organizer, instigator and accomplice.

2. Perpetrator shall be recognized as a person, immediately committed a criminal infraction or immediately participated in its commission jointly with other persons (joint participants), as well as the person, committed a criminal infraction by use of other persons, not subject to the criminal responsibility by virtue of age, insanity or other circumstances, provided by this Code, and equally by use of persons, committed an action by negligence.

3. Organizer shall be recognized as a person, organized commission of a criminal infraction or managed its execution, and equally the person, created the criminal group or managed it.

4. Instigator shall be recognized as a person, assisted in the commission of a criminal infraction with advices, instructions, provision of information, tools or means of commission of this action or removal of obstacles to its commission, as well as a person, previously promised to conceal the executor, tools or other means of commission of criminal infraction, traces of this action or items obtained by illegal way, an equally a person, previously promised to acquire or sell such items.

#### **Article 29. Responsibility of accomplices of a criminal responsibility**

1. A criminal responsibility of accomplices shall be determined by the nature and extent of participation of each of them in commission of criminal infraction.

2. Joint participants are responsible for the same article of this Code for the joint commission of a criminal infraction by them without reference to Article 28 of this Code.

3. Responsibility of organizer, instigator and accomplice occurs according to Article, providing a punishment for committed action, with reference to Article 28 of this Code, except for the cases, when they simultaneously were joint participants.

4. In the case of not bringing of a crime to the end by executor due to circumstances beyond the control of him (her), other participants shall bear responsibility for complicity in preparation for crime or in attempt to commit crime. Also a person who, for circumstances beyond his (her) control failed to manage others to commit this action shall bear a criminal responsibility for preparation for crime

5. A person, not being a subject of criminal infraction, specially specified in relevant Article of Special part of this Code, participated in commission of action, provided by this Article shall bear a criminal responsibility for this criminal infraction as his (her) organizer, instigator or accomplice.

#### **Article 30. Excess of accomplice of a criminal infraction**

Excess of accomplice shall be recognized as commission of a criminal infraction by person, not covered by intent of other accomplices. Other participants of criminal responsibility shall not subject for the excess.

**Article 31. A criminal responsibility for criminal infraction, committed by group**

1. A criminal infraction shall be recognized as committed by group of persons, if in its commission jointly participated two or more perpetrators without previous concert.

2. A criminal infraction shall be recognized as committed by group of persons on previous concert, if the persons, previously came to agreement on joint commission of criminal infraction, are participated in it.

3. A crime shall be recognized as committed by criminal group, if it was committed by organized group, criminal organization, criminal society, transnational organized group, transnational criminal organization, transnational criminal society, terroristic group, extremist group, gang or illegal paramilitary unit.

4. A person, created a criminal group or managed it shall subject to the criminal responsibility for organization of criminal group and its management in the cases, provided by the relevant Articles of Special part of this Code, as well as for all crimes committed by criminal group, if they were covered by his (her) intent.

5. Other participants of criminal group shall bear a criminal responsibility for participation in it in the cases, provided by the relevant Articles of Special part of this Code, as well as for the crimes, in participation or commission of which they were participated.

**Article 32. Necessary defence**

1. Necessary defence shall be recognized as lawful protection of personality and rights of defender and other persons, as well as the interests of society and the state protected by the Law, from socially assault, as well as by infliction of harm to an attacker.

All the persons shall have a right to the necessary defence in equal measure independent from their professional or special training and official position. This right shall subject to the person independent from possibility to avoid socially-dangerous infringement or request assistance of other persons or the state bodies.

2. Infliction of harm to the attacker in self-defense, in other words upon protection of identity, dwelling, property, land plot and other rights of defender or other persons, the interests of society or the state, protected by the Law from socially-dangerous infringement by infliction of harm to the attacker, if by this the use of excessive force in self-defense was not allowed shall not be a criminal infraction.

3. Use of excessive force in self-defense shall be recognized as obvious inconsistency of protection to the nature and extent of social danger of infringement, in a result of which obviously excessive harm, not occurred by circumstance is caused to the attacker. Such excess shall involve a criminal responsibility only in the cases of intentional infliction of harm. Infliction of harm to person, encroaching on human life, or upon repulse of other infringement, linked with armed attack or violence, dangerous for the life of the defenders or other persons or direct threat of such violence, or with forcible entry to the dwelling place, premise, as well as if the defender due to the suddenness of infringement could not objectively assess the extent and nature of the danger of attack shall not be the use of excessive force in self-defense.

**Article 33. Infliction of harm upon detention of a person, committed infringement**

1. Infliction of harm to the person, committed a criminally punishable action, upon his (her) detention for delivering to the state bodies and suppression of possibility of commission by them the new infringements, if to detain such person was not possible by other means and upon that the excess of measures, necessary for that was

not allowed shall not be a criminal infraction.

2. Excess of measures, necessary for detention of persons, committed infringement shall be recognized as their obvious inconsistency to the nature and extent of social danger of infringement committed by detained person and circumstances of detention, when the obviously excessive harm, not caused by the circumstance, is caused to the person without necessity. Such excess shall involve a criminal responsibility only in the cases of intentional infliction of harm.

3. Injured persons and other citizens as well as the persons specially authorized for detention of a person committed infringement shall possess the right for that.

#### **Article 34. Extreme necessity**

1. Infliction of harm to the interests, protected by this Code in a state of extreme necessity, in other words for elimination of danger, immediately threatening to the life, health, rights and legal interests of this person or other persons, the interests of social or the state, if this danger could not be eliminated by other means and upon that exceed the limits of extreme necessity was not allowed shall be a criminal infraction.

2. Exceed of limits of extreme necessity shall be recognized as infliction of harm, obviously inconsistent to the nature and extent of threatened to the danger and circumstance, in which the danger was eliminated, when the harm was caused to the legally protected interests, equal or greater than prevented. Such exceed shall involve responsibility only in the cases of intentionally infliction of harm.

#### **Article 35. Carrying out of investigative measures or private investigative actions**

1. An action, caused the harm to the interests, protected by this Code, committed upon execution of investigative measures or private investigative actions in accordance with the Law of the Republic of Kazakhstan by the employee of the authorized state body or by order of such body by other person, cooperating with this body, if this action is committed in order of prevention of detection, disclosure or investigation of criminal infractions, committed by group of persons, group of persons by previous concert, criminal group, as well as if the caused harm to the law enforcement interests is less significant than the harm caused by the specified criminal infractions, and if their prevention, detection or investigation, and equally exposure of persons, guilty in commission of criminal infractions may not be carried out by other way shall be a criminal infraction.

2. The provisions of first part of this Article shall not be applied to the persons, committed an action, and linked with a danger to life and human health, environmental disaster, public disaster or other grave consequences.

#### **Article 36. Substantiated risk**

1. Infliction of harm to the interests, protected by this Code upon substantiated risk for achievement of the socially useful objective shall not be a criminal infraction.

2. The risk shall be recognized as substantiate, if the specified objective could not be achieved by the actions (omission), not related with the risk and person, committed the risk has taken sufficient measures for prevention of harm to the interests, protected by this Code.

3. The risk shall not be recognized as substantiate, if it certainly was linked with a danger to life or human health, environmental disaster, public disaster or other grave consequences.

#### **Article 37. Physical or mental coercion**

1. Infliction of harm to the interests, protected by this Code as a result of physical or mental coercion, if in consequence of such coercion a person could not

manage his (her) actions (omission) shall not be a criminal infraction.

2. An issue on criminal responsibility for infliction of harm to the interests, protected by this Code as a result of physical or mental coercion, in consequence of which a person has remained possibility to manage his (her) actions shall be decided in recognition of provisions of Article 34 of this Code.

#### **Article 38. Execution of an order or instructions**

1. Infliction of harm to the interests, protected by this Code by person, acted in pursuance of order of instruction, compulsory for him (her) shall not be a criminal infraction. A person who gave the illegal order or instruction shall bear a criminal responsibility for infliction of such harm.

2. A person committed an intentional criminal infraction in pursuance of certainly illegal order or instruction shall bear a criminal responsibility on a common basis. Non execution of certainly illegal order or instruction shall exclude a criminal responsibility.

### **SECTION 3. PUNISHMENT**

#### **Article 39. Concept and purposes of punishment**

1. The punishment is a measure of the state enforcement, appointed by court verdict. The punishment shall be applied to the person, recognized as a guilty in commission of criminal infraction and shall be concluded in deprivation or restriction of rights and freedoms of such person.

2. The punishment shall be applied in order of rectification of social justice, as well as correction of convicted person and prevention of commission of new criminal infractions both to the convicted persons, and to other persons. Punishment is not intended to cause physical suffering or abasement of human dignity.

#### **Article 40. Types of punishments**

1. The following basic punishments may be applied to the person, recognized as a guilty in commission of criminal offence:

- 1) fine;
- 2) corrective labors;
- 3) community service;
- 4) arrest.

2. The following basic punishments may be applied to the person, recognized as a guilty in commission of a crime:

- 1) fine;
- 2) corrective labors;
- 3) restriction of liberty;
- 4) imprisonment;
- 5) death penalty.

3. The following additional punishments along with the basic punishment may be applied to the person, recognized as guilty in commission of criminal infraction:

- 1) confiscation of property;
- 2) deprivation of special, military or honorary rank, grade rank, diplomatic rank, qualified class and state awards;
- 3) deprivation of right to hold specific position or engage in certain activity;
- 4) deportation a foreigner or stateless person from the Republic of Kazakhstan.

#### **Article 41. Fine**

1. Fine is a monetary penalty, inflicted within provided by this Code, in the amount, relevant to the definite quantity of monthly calculation indices, established by the legislation of the Republic of Kazakhstan and acted at the moment of commission of criminal infraction, or in the amount of multiple sum or cost of bribe.

2. A fine shall be established for the criminal offence to the extent from twenty-

five to five hundred monthly calculation indices, for crimes - to the extent from five hundred to ten thousand monthly calculation indices, and for the crime, provided by Articles 366, 367 and 368 of this Code, - to the extent established in the sanction of relevant Article of Special part of this Code. An amount of fine shall be determined by the court in recognition of infraction and property position of convicted person.

3. In the case of delinquency in payment of fine, inflicted for commission of criminal offence, it is commuted by community services at the rate of one hour of community service for one monthly calculation index or arrest at the rate of twenty - four hours of arrest for four monthly calculation index in recognition of provisions of Articles 43 and 45 of this Code.

In the case of delinquency in payment of fine, inflicted for commission of a crime, it is commuted by imprisonment at the rate of one day of imprisonment for four monthly calculation indices in recognition of provisions of Article 46 of this Code. Upon that the fine is commuted by imprisonment within the sanction of relevant Article of Special part of this Code for commission of crimes, provided by Articles 366, 367 and 368 of this Code.

#### **Article 42. Corrective labors**

1. Corrective labors are concluded in bringing of convicted person to the labor on principal place of business with deduction from his (her) earnings to the income of the state money sanction in the amount, relevant to the definite quantity of monthly calculation indices, established by the legislation of the Republic of Kazakhstan and acted at the moment of commission of criminal infraction and executed by monthly transfer from twenty to forty percent of earnings (monetary pay) convicted person to the income of the state. Corrective labors shall be established to the extent from twenty-five to five hundred monthly calculation indices, for the crime - to the extent from five hundred to ten thousand monthly calculation indices for criminal offences.

2. Corrective labors may not be assigned to the persons, recognized as disabled, not permanently employed or training in educational institutions being discontinued.

3. In the cases of occurrence of circumstances, preventing to the execution of corrective labors, unexecuted part of punishment, imposed for the criminal offence is commuted by community service at the rate of one hour of public works for one monthly calculation index or by arrest at the rate of twenty-four hours of arrest for four monthly calculation indices in recognition of provisions of Articles 43 and 45 of this Code, and unexecuted part of punishment, imposed for the crime, - by imprisonment at the rate of one day of imprisonment for four monthly calculation indices in recognition of provisions of Article 46 of this Code.

#### **Article 43. Community services**

1. Public works mean execution by convicted persons of free community services, not requiring of specific qualification, organized by the local executive bodies in the public places.

2. Public works shall be established for the term from sixty to three hundred hours and shall be served not over than four hours a day with the release of the convicted person while their serving from performance of employment duties on the principal place of work or in a time free from study, and if the convicted person shall not have a permanent place of work and not busy on their studies - up to eight hours a day, but not more than forty hours per week. In the case of avoidance from the public works they are commuted by the arrest at the rate of twenty-four hours of public works in recognition of provisions of Article 45 of this Code.

3. Community services shall not be imposed to the pregnant women, women with young children up to three years, men alone raising young children under the age of three

years, women aged fifty-eight years old and over, men aged sixty-three years old and over, the disabled persons of first or second group, the military servants.

#### **Article 44. Restriction of liberty**

1. Restriction of liberty is the establishment of probationary control of convicted person for the term from one year up to seven years. Restriction of liberty shall be served according to place of residence of convicted person without isolation from society. Convicted persons to the restriction of liberty, not having a permanent place of work and not engaged in the study shall subject to bringing in forced labor in the places, determined by the local executive bodies, but no more than two hundred and forty hours per year. The minors, pregnant women, women with young children up to three years, men alone raising young children under the age of three years, women aged fifty-eight years old and over, men aged sixty-three years old and over, the disabled persons of first or second group, convicted to the restriction of liberty shall not be brought to the forced labor. In the case of substitution of other punishment by restriction of liberty, it may be imposed for the term of less than one year, upon that the convicted person shall not be brought to the forced labor. Bringing in forced labor shall be served up to eight hours a day but not more than forty hours per week.

2. Probationary control shall be carried out by the authorized state body and shall include discharging of duties by convicted person under the court decision: not to change the permanent place of residence, work, study without notification of the authorized state body, carrying out control of behavior of convicted person; not visit the certain places; take a course of treatment for alcoholism, drug addiction, drug abuse, sexually transmitted diseases; provide material support to the family; other obligations, which that contribute to the rehabilitation and prevention of commission by them the new criminal infractions.

3. In the case of malicious avoidance of service of sentence by person, convicted to restriction of liberty, unexpired term of restriction of liberty shall be commuted by the punishment in the form of imprisonment for the same term. Upon that the time of serving of restriction of liberty shall be included in the term of imprisonment at the rate of one day of restriction of liberty in recognition of provisions of Article 46 of this Code.

Note of RCLII!

Article 45 shall be enforced from 01.01.2017.

#### **Article 45. Arrest**

1. Arrest is the detention of convicted person under the conditions of lockdown from society for the entire duration of the imposed punishment.

2. Arrest shall be established for the term of thirty to ninety days. The period of detention is included in the term of arrest.

3. Arrest shall not be imposed to the minors, pregnant women, women with young children, men alone raising young children, women aged fifty-eight years old and over, men aged sixty-three years old and over, the disabled persons of first or second group.

4. Arrest shall be served by military servants in the detention room.

#### **Article 46. Imprisonment**

1. Imprisonment is isolation of the convicted person from society by direction him (her) to the penal colony settlement or receiving into penal colony of general, strict, special regime or in prison.

2. Persons, convicted to imprisonment that did not attain eighteen years at the date of sentencing, placed in juvenile correctional facility of general or medium security.

3. Imprisonment for commission of crimes, provided by this Code shall be established for the term of six months to fifteen years, and for especially grave crimes

- up to twenty years or for term of life. Term of deprivation for the crime by negligence may not exceed ten years. In the case of commutation of a fine, correctional work or restriction of liberty by imprisonment, it may be imposed for the term of less than six months. In the case of partial or complete addition of terms of imprisonment upon imposition of punishment on set of crimes and in the cases, provided by of Article 47, of Article 71 and fifth part of Article 77 of this Code, maximum term of imprisonment may not be more than twenty-five years and on set of verdicts - over thirty years.

4. Life imprisonment may be established for commission of especially grave crimes, as well as an alternative to the death penalty. Life imprisonment shall not be imposed to the persons, committed a crime under the age of eighteen years, women, men at the age of sixty-three years old and over. Life imprisonment may be commuted by imprisonment according to the procedure of pardon for the specified period.

5. Service of imprisonment shall be imposed to:

1) persons, convicted for the crime, committed by negligence, to imprisonment, as well as first convicted for commission of intentional crime, for which a punishment to imprisonment for the term up to one year, - in the penal colony settlements is imposed;

2) persons, first convicted to imprisonment for the term more than one year for commission of intentional crimes of little or average gravity and grievous crimes, and persons, to whom a fine, corrective labor, restriction of liberty are commuted by imprisonment, - correctional colonies of general regime;

3) persons, first convicted to imprisonment for commission of especially grave crimes, as well as upon repetition of crime, if the convicted person previously served imprisonment, and women upon dangerous repetition of crimes -in correctional colonies of strict regime;

4) upon dangerous repetition of crimes, as well as to the persons, convicted to life imprisonment, - in correctional colonies of special regime.

6. Service of part of the term of punishment, but not more than five years in a prison may be imposed to the persons, convicted to imprisonment for the term more than five years for commission of especially grave crimes, as well as upon dangerous repetition of crimes.

7. Changing the type of correctional institution imposed by the verdict shall be carried out by the court in accordance with the penal legislation of the Republic of Kazakhstan.

#### **Article 47. Death penalty**

1. Death penalty - shooting as an exceptional measure of punishment shall be established for crime of terrorism, linked with loss of life, as well as for especially grave crimes, committed in wartime, with granting a right to the sentenced person to intercede for mercy.

2. Death penalty shall be imposed to the persons, committed a crime at the age of eighteen years, women, men at the age of sixty-three years old and over.

3. Upon imposition of moratorium by the President of the Republic of Kazakhstan on execution of death penalty, execution of verdict on death penalty shall be suspended for the duration of the moratorium.

4. Verdict on death penalty shall be enforced not earlier than upon expiration of one year from the date of its entry into force, and not earlier than upon expiration of one year after the cancellation of the moratorium on execution of the death penalty.

5. Death penalty according to the procedure of pardon may be commuted by life imprisonment or imprisonment for the specified period with service of sentence in the correctional colonies of special regime. In the case of cancellation of moratorium on execution of death penalty, the persons under sentence of death shall have a right to

intercede for mercy irrespective of whether they have interceded about this before the moratorium or not.

**Note of RCLII!**

**Article 48 shall be enforced from 01.01.2018.**

#### **Article 48. Confiscation of property**

1. Confiscation of property is a forced uncompensated seizure and conversion of property, possessed as property of convicted person, illegally obtained or purchased with funds, illegally obtained, as well as property, being the tool or means of commission of a criminal infraction into the ownership of the state.

2. Money and other property liable to confiscation:

1) obtained as a result of commission of criminal infraction, and other incomes from this property, except for the property and incomes from it, subject to return to the legal possessor;

2) in which a property, obtained as a result of commission of criminal infraction, and incomes from this property were partially or completely transformed or converted;

3) used or intended for financing or other ensuring of extremist or terroristic activity or criminal group;

4) being a tool or means of commission of criminal infraction.

3. If confiscation of defined subject, included in the property, specified in the first and second part of this Article, at the date of making decision by court on confiscation of this subject is impossible due to its use, sale or by other reason, an amount of money, which corresponds to the cost of this subject shall liable to confiscation by court decision.

4. In the cases, provided by the section 15 of Criminal procedure Code of the Republic of Kazakhstan, confiscation of property may be applied by court decision as the measure of criminal - legal effect.

#### **Article 49. Deprivation of special, military or honorary title, class rank, diplomatic rank, qualified class and the state awards**

1. Upon conviction for commission of intentional criminal infraction in recognition of identity of guilty person, a court may deprive him (her) of special, military or honorary or other title, class rank, diplomatic rank, qualified class.

2. Upon conviction of person, having the state awards of the Republic of Kazakhstan, and equally the special, military, honorary or other title, class rank, diplomatic rank or qualified class, awarded by the President of the Republic of Kazakhstan for commission of intentional criminal infraction, upon sentencing a court may make, and on corruption crimes makes submission to the President of the Republic of Kazakhstan on deprivation the convicted person of these awards, titles, class rank, diplomatic rank or qualified class.

#### **Article 50. Deprivation of right to hold specific position or engage in defined activity**

1. Deprivation of right to hold specific position or engage in certain activity is prohibition to hold specific positions on the state service, local government bodies or engage in defined professional or other activity.

2. Deprivation of right to hold specific position or engage in defined activity shall be established for the term from one year up to ten years.

For commission of crimes, provided by paragraph 5) of third and fourth part of Article 120, paragraph 5) of third and fourth part of Article 121, second and third part of Article 122, second and third part of Article 124, second, third, fourth and fifth part of Article 132, second and third part of Article 133, paragraph 2) of fourth part of Article 134 and paragraphs 1) and 2) of third part of Article 312, deprivation of

right to hold specific position or engage in defined activity shall be imposed in a compulsory basis and means life prohibition to hold pedagogical positions and positions, related to the work with minors.

For commission of corruption crimes, deprivation of right to hold specific position or engage in defined activity shall be imposed in a compulsory basis and means a life prohibition to hold positions in the state service, judge, in the local government bodies, National Bank of the Republic of Kazakhstan and its departments, state organizations and organizations, in a charter capital of which the state share of more than fifty percent, as well as national management holdings, national holdings, national companies, national institute of development, shareholder of which is the state, their branch organizations, more than fifty percent of voting shares (share of participation) of which are subject to them, as well as in the legal entities, more than fifty percent of voting shares (share of participation) of which are subject to the specified branch organizations.

3. Deprivation of right to hold specific position or engage in defined activity may be imposed in the cases when it is not provided by relevant Article of Special part of this Code as additional punishment for the relevant criminal infraction, if in recognition of nature and extent of social danger of committed action and identity of guilty person, a court shall recognize as impossible to maintain his (her) right to hold specific positions or engage in defined activity.

4. Upon imposition of this punishment as additional to imprisonment, arrest, it shall be extended to all the time of serving of basic punishment, but upon that its period is calculated from the date of service of imprisonment, arrest. In the case of imposition of deprivation of right to hold specific positions or engage in defined activity as additional type of punishment to other basic types of punishment, as well as upon deferral of service of sentence or conditional sentence, its term is calculated from the date of entry of verdict into legal force.

#### **Article 51. Deportation outside of the Republic of Kazakhstan of the foreigner or stateless person**

1. Deportation outside of the Republic of Kazakhstan of the foreigner or stateless person shall be executed by departure of convicted foreigner or stateless person outside of the Republic of Kazakhstan with establishment of exclusion of this person to the territory of the Republic of Kazakhstan for the term of five years.

2. Deportation outside of the Republic of Kazakhstan of the foreigner or stateless person as additional type of punishment may be imposed only in the cases, provided by the relevant Articles of Special part of this Code, and shall be executed after service of basic type of sentence.

#### **SECTION 4. IMPOSITION OF PUNISHMENT**

##### **Article 52. General principles of imposition of punishment**

1. Just' punishment within established by the relevant Article of Special part of this Code and in recognition of provisions of General part of this Code shall be imposed to the person, recognized as a guilty in commission of criminal infraction.

2. A punishment, necessary and sufficient to correct and prevent the new criminal infractions shall be imposed to the person, committed a criminal infraction. More severe type of punishment from the number of provided for committed criminal infraction shall be imposed only in the case, if its less severe type could not ensure achievement of objectives of punishment. More severe punishment than provided by the relevant Articles of Special part of this Code for committed action may be imposed on set of criminal infractions or on set of verdicts in accordance with Articles 58 and 60 of this Code. Basis for imposition of less severe punishment than provided by the relevant Articles of Special part of this Code for committed action shall be determined by Article 55 of this

Code.

3. The nature and extent of social danger of criminal infraction, personality of guilty person, as well as his (her) behavior before and after commission of infraction, consequence, mitigating and aggravating responsibility and punishment, as well as effect of imposed punishment to the correction of convicted person and living conditions of his (her) family or persons, being in his (her) dependents shall be considered upon imposition of punishment.

**Article 53. Consequences, mitigating criminal responsibility and punishment**

1. Consequences, mitigating criminal responsibility and punishment shall be recognized as:

- 1) commission of first criminal offence or first crime of little or average gravity due to coincidence;
- 2) minority of guilty person;
- 3) pregnancy;
- 4) existence of young children of guilty person;
- 5) rendering of medical or other assistance to the injured person, immediately after commission of criminal infraction independent from consequences of rendering of such assistance;
- 6) voluntary compensation of property damage, caused as a result of criminal infraction, expiation of moral or other harm, caused by criminal infraction;
- 7) commission of criminal infraction due to the severe personal, family or other set of circumstances or on compassion grounds;
- 8) commission of criminal infraction as a result of physical or mental compulsion or by virtue of material, service or other dependence;
- 9) commission of criminal infraction upon violation of conditions of legality of necessary defence, extreme necessity, detention of a person, committed infraction, substantiated risk, execution of an order or instruction, upon execution of investigative measures or private investigative actions;
- 10) illegality or immorality of behavior of injured person, being a reason for the criminal infraction;
- 11) sincere repentance, acknowledgement of guilt, active contribution to the detection of criminal infraction, exposure of other accomplices of criminal infraction and search for property, obtained as a result of criminal infraction.

2. Consequences, not providing by first part of this Article may be considered as mitigating upon imposition of punishment.

3. If mitigating circumstance is provided by the relevant Article of Special part of this Code as a sign of criminal infraction, it may not be re-considered in itself upon imposition of punishment.

**Article 54. Consequences, aggravating criminal responsibility and punishment**

1. Consequences, aggravating criminal responsibility and punishment shall be recognized as:

- 1) repeated criminal infractions, repetition of crimes, dangerous repetition of crimes;
- 2) infliction of grave consequences by criminal infraction;
- 3) commission of criminal infraction within a group of persons, groups of persons on previous concert, criminal group;
- 4) particularly active role in commission of criminal infraction;
- 5) bringing of persons, who certainly for guilty person suffer from severe mental disease, or persons, not attained the age, from which a criminal responsibility occur,

to commission of criminal infractions;

6) commission of criminal infraction on national, racial or religious hatred or enmity grounds, out of revenge for lawful actions of other persons, as well as in order to conceal another criminal infraction or facilitate its commission;

7) commission of criminal infraction in relation of woman, certainly for guilty person, being in the state of pregnancy, as well as in relation of minor, other defenseless or helpless person or person, being depending on the guilty person;

8) commission of criminal infraction in relation of person or his (her) relatives in connection with execution of the service, professional or social duty by this person;

9) commission of criminal infraction with particular cruelty, sadism, abuse and torment for the injured person;

10) commission of criminal infraction with the use of weapons, ammunition, explosive substances and explosive or simulation devices, specially produced technical equipment, highly flammable and flammable liquids, poisonous and radioactive substance, medicinal and other chemical and pharmacological preparations, as well as with application of physical and mental coercion or dangerous method;

11) commission of criminal infraction in the conditions of emergency situation, emergency situation, as well as in the course of mass disorders;

12) commission of criminal infraction in the in a state of alcoholic, drug or toxic intoxication. A court shall have a right not to recognize this consequence as aggravating depending on the nature of criminal infraction;

13) commission of criminal infraction by person, violated by that an oath, taken by them or professional oath;

14) commission of criminal infraction with the use of confidence, vested to the guilty person by virtue of its official position or contract;

15) commission of criminal infraction with the use of uniform or the documents of representative of authority;

16) commission of criminal infraction by the employee of law enforcement or special state body, judge with the use of his (her) official position.

If the consequence, specified in a first part of this Article is provided by the relevant Article of Special part of this Code as the sign of criminal infraction, it cannot be re-considered as the circumstance, aggravating responsibility and punishment.

3. Upon imposition of punishment a court may not recognize the circumstances, not specified in a first part of this Article as aggravating.

### **Article 55. Imposition of lenient punishment than provided for this criminal infraction**

1. If an Article or part of Article of Special part of this Code, according to which a person is recognized as guilty shall provide less severe, than imprisonment, basic type of punishment, an imprisonment shall not be imposed upon conviction of person for commission of crime:

1) little or average gravity in the case, when the person is voluntary compensated a property damage, effected the moral or other harm, caused by the crime;

2) in the scope of economic activity, except for provided by Article 218, 248 and 249 of this Code, in the case, when a person is voluntary compensated a property damage, caused by the crime.

2. Upon existence of mitigating circumstance, not provided as a sign of committed crime, and absence of aggravating consequences, the term or extent of punishment may not exceed upon commission of:

1) crime of little or average gravity - half;

2) grievous crime - two-thirds;

3) especially grave crime - three-quarters of the maximum term or the extent of

the most severe type of punishment, provided by the relevant Article of Special part of this Code.

3. In the matter of accelerated pre-trial investigation, as well as the cases, on which all the conditions of procedural agreement are executed, the term or extent of punishment for committed criminal infraction may not exceed a half of the maximum term or the extent of most severe type of punishment, provided by the relevant Article of Special part of this Code.

4. Upon existence of exceptional circumstances, related with the purposes and motives for action, the role of guilty person, his (her) behavior during or after commission of criminal infraction, and other consequences, essentially reducing the extent of social danger of the action, and equally upon active assistance of participant of group criminal infraction to detection of actions, committed by group, a punishment may be imposed below the lower limit, provided by the relevant Article of Special part of this Code, or the court may impose more lenient type of punishment than provided by this Article, or shall not apply an additional type of punishment, provided as compulsory.

5. Both separate mitigating consequences, and set of such consequences may be imposed as exceptional.

6. Upon existence of consequences, specified in the second or third part of this Article, a punishment may be imposed below the lower limit provided by the relevant Article of Special part of this Code.

#### **Article 56. Imposition of punishment for uncompleted crime**

1. Consequences by virtue of which a crime was not brought to the end shall be considered upon imposition of punishment for uncompleted crime.

2. The term or extent of punishment for preparation for crime may not exceed a half of maximum term or extent of the most severe type of punishment, provided by the relevant Article of Special part of this Code for completed crime.

3. The term or extent of punishment for attempt to commit crime may not exceed three-quarter of maximum term or extent of the most severe type of punishment, provided by the relevant Article of Special part of this code for completed crime.

#### **Article 57. Imposition of punishment for the criminal infraction, committed in complicity**

1. Upon imposition of punishment for the criminal infraction, committed in complicity shall be considered the nature and extent of actual participation of person in its commission, the value of this participation for achievement of an objective of criminal infraction, its impact on the nature and extent of caused or possible harm.

2. Consequences, mitigating or aggravating the responsibility and punishment, relating to the personality of one of accomplices shall be considered upon imposition of punishment only to this accomplice.

#### **Article 58. Imposition of punishment on a set of criminal infractions**

1. On a set of criminal infractions, a court imposed a punishment (basic and additional) for each infraction separately shall determine final punishment by absorption of less severe punishment by more severe or by complete or partial addition of imposed punishments.

2. If a set of criminal infractions involves only the criminal offences, the final punishment shall be imposed by absorption of less severe punishment by more severe or by partial or complete addition of imposed punishments. Upon that the final extent of punishment in the form of fine may not exceed one thousand monthly calculation indices, and final term of punishment in the form of community service or arrest - six hundred hours or ninety days, correspondingly.

If a set of criminal infractions involves only the criminal offences, crimes of little gravity and average gravity, the final punishment shall be imposed by absorption of less severe punishment by more severe.

3. If a set of criminal infractions involves grievous or especially grave crimes, the final punishment shall be imposed by absorption of less severe punishment by more severe or by partial or complete addition of punishments. Upon that the final punishment in the form of imprisonment may not exceed twenty years.

4. If a set of criminal infractions involves at least one of especially grave crime, for commission of which a punishment in the form of imprisonment for the term up to twenty years is provided by this Code, the final punishment shall be imposed by partial or complete addition of punishments. Upon that the final punishment in the form of imprisonment may not exceed twenty five years.

If a set of criminal infractions involves at least one of especially grave crime, for commission of which a punishment in the form of imprisonment for the term up to twenty years is provided by this Code, as well as a criminal offence, for commission of which a fine is imposed, the final punishment is imposed by absorption of less severe punishment by more severe.

If for the crime, including in a set shall be imposed a life imprisonment or death penalty, the final punishment shall be imposed in the form of life imprisonment or correspondingly in the form of death penalty.

5. Additional punishments, imposed for infractions, constituting the set may be attached to the basic punishment, imposed on a set of criminal infractions. Upon partial or complete addition the final additional punishment may not exceed the maximum term or extent, established for this punishment of General part of this Code.

6. A punishment shall be imposed by the rules of this Article, if after sentencing by court of the case it is established that the convicted person is guilty also in other criminal infraction committed by him (her) before the sentencing in the first case. In this case a punishment, served under the first court verdict shall be counted in the final term.

#### **Article 59. Imposition of punishment upon repetition of crimes, dangerous repetition of crimes**

Upon imposition of punishment at repetition of crimes, dangerous repetition of crimes shall be considered the number, nature and extent of social danger of previously committed crimes, consequence, by virtue of which the correctional treatment of the previous punishment was insufficient, as well as the nature and extent of social danger of subsequent infractions.

#### **Article 60. Imposition of punishment on a set of sentences**

1. If the convicted person after sentencing, but before complete serving punishment is committed a new criminal infraction, the court shall partially or completely attach an unserved part of punishment on previous court verdict to the punishment, imposed on the last court verdict.

2. The final punishment on a set of sentences in the case, if it does not related with imprisonment may not exceed the maximum term or extent, provided by General part of this Code for this type of punishment.

3. The final punishment on a set of sentences in the form of imprisonment may not exceed twenty five years. If a set of sentences involves a sentence, which a person is recognized as guilty in commission at least one especially grave crime, for the commission of which a punishment in the form of imprisonment is provided by this Code for the term up to twenty years, the final punishment on a set of sentences in the form of imprisonment may not exceed thirty years. If a life imprisonment or death penalty is imposed for the crime, including in a set, the final punishment shall be imposed in the

form of life imprisonment or correspondingly death penalty.

4. The final punishment on a set of sentences shall be more like the punishments, imposed for newly committed criminal infraction, and unserved part of punishment on previous court verdict.

5. Attachment of additional types of punishments upon imposition of punishments on a set of sentences shall be carried out by the rules of imposition of punishment on a set of criminal infractions.

#### **Article 61. Procedure of determination of terms of punishment upon their addition**

1. Upon partial or complete addition of punishments on a set of criminal infractions and set of sentences to one day of imprisonment corresponds:

- 1) one day of arrest;
- 2) one day of restriction of liberty;
- 3) four hours of community service.

2. Deprivation of special, military or honorary title, class rank, diplomatic rank, qualified class and the state awards, deprivation of right to hold specific position or engage in defined activity, deportation a foreigner or stateless person from the Republic of Kazakhstan, confiscation of property, as well as enforcement measures of medical nature upon addition them with bringing to public works, restriction of liberty, arrest, imprisonment shall be executed independently.

#### **Article 62. Calculation of periods for punishment and offset of punishment**

1. The term of deprivation of the right to occupy determined posts or to engage in a determined activity, restriction of liberty, imprisonment shall be calculated in months and years, arrest - in days, community service - in hours.

2. Upon commutation of punishment or addition of punishments, specified in a first part of this Article, as well as upon offset of punishment, the terms may be calculated in days.

3. The time of detention in custody before entry of sentence into legal force shall be included in the term of punishment in the form of imprisonment, arrest, restriction of liberty at the rate of one day for one day, in the form of community service - at the rate of one day of detention in custody four hours of public works.

4. The time of detention under house arrest before entry of sentence into legal force shall be included in the term of punishment in the form of imprisonment, arrest, restriction of liberty at the rate of two days for one day, in the form of community service - at the rate of one day of detention under house arrest four hours of public works.

5. The time of detention of person in custody before entry of court verdict into legal force and the time of service of imprisonment, imposed by court verdict for the crime, committed out of bounds of the Republic of Kazakhstan, in the case of extradition of person on the basis of Article 9 of this Code shall be included at the rate of one day for one day.

6. Upon imposition of basic punishment in the form of a fine, to the convicted person, accused in custody before proceeding, a court considering the term of detention in custody shall mitigate an imposed punishment or completely released him (her) from service of this punishment.

7. The time, during of which the compulsory measures of a medical nature are applied to the person, suffered from mental disease after commission of a crime shall be included in the term of punishment.

#### **Article 63. Conditional sentence**

1. If a punishment was imposed in the form of imprisonment, a court comes to the conclusion on possibility of correction of convicted person without service of sentence; it decides to consider an imposed punishment as conditional.

2. Upon application of conditional sentence a court shall consider the nature and extent of social danger of committed crime, personality of guilty person, as well as consequences, mitigating and aggravating responsibility and punishment.

3. Upon imposition of conditional sentence a court shall establish probationary control at all of the imposed term of imprisonment, and to the minors for the term of six months to one year by rules of second part of Article 44 of this Code.

Application of conditional sentence by the minors is possible upon repeated commission of a crime of little and average gravity in the period of probationary control upon conditional sentence.

4. Additional types of restrictions and punishments, except for the confiscation of property may be imposed upon conditional sentence.

5. Enforcement measures of educational impact may be imposed to the minors upon conditional sentence.

6. Conditional sentence shall not be applied to the person upon repetition of crimes, dangerous repetition of crimes, upon conviction of person for especially grave crime, corruption crime, crime of terrorism, extremist crime, a crime, committed in composition of crime group, crime against sexual immunity of minors.

#### **Article 64. Cancellation of conditional sentence**

1. If before the expiry of the term of probationary control the probationer is proved his (her) correction by his (her) behavior, a court on presentation of body, carrying out a probationary control may decree on cancellation of conditional sentence and on cancellation of conviction from convicted person. Upon that conditional sentence may be cancelled upon expiration of at least half of established period.

2. A court on presentation of the body, carrying out probationary control may extend the term of probationary control, but not more than one year, in the cases, when probationer has committed:

1) administrative infraction, encroaching on the public order and morality, rights of minors, to the personality and in the scope of family relations, for which an administrative penalty was imposed to him (her);

2) intentional damage (deterioration) of electronic follower arrangement or did not come for registration without acceptable reason or changed the place residence without notifying the body carrying out the probationary control;

3) criminal offence.

3. In the case of non-execution by probationer of obligations, assigned to him (her) by court or repeated commission by probationer of violations, specified in a second part of this Article, a court on presentation of body, specified in a first part of this Article shall regulate on cancellation of conditional sentence and execution of imposed punishment by court verdict, and in relation of convicted minor may repeatedly extend the term of probationary control, but not more than one year.

4. In the cases of commission by probationer of a crime by negligence during the term of probationary control or intentional crime of little gravity, and by the juvenile probationers - the crimes of little of average gravity, an issue on cancellation or on preservation of conditional sentence shall be decided by the court upon imposition of punishment for the new crime.

5. In the cases of commission by probationer of intentional crime of average gravity, grievous or especially grave crime during the term of probationary control, and by the minors - grievous or especially grave crime, a court may cancel a conditional

sentence and impose him (her) a punishment by the rules of imposition of punishment on a set of sentences.

#### **SECTION 5.**

### **RELEASE FROM CRIMINAL RESPONSIBILITY AND PUNISHMENT**

#### **Article 65. Release from criminal responsibility in connection of active repentance**

1. A person, committed a criminal offence or first committed a crime may be released from criminal responsibility in recognition of identity of guilty person, his (her) acknowledgement of guilt, assistance in the uncovering by him (her), investigation of criminal infraction, expiation of a harm, caused by criminal infraction by him (her).

2. Provisions of first part of this Article shall not be applied to the persons, committed a crime of terrorism, extremist crime, a crime, committed in a composition of crime group, crime against sexual immunity of minors, grievous or especially grave crime against personality, except for the cases, specially provided by the relevant Article of Special part of this Code.

#### **Article 66. Release from criminal responsibility upon use of excessive force in self-defense**

A person, used of excessive force in self-defense due to the fear, fright or confusion, caused by socially-dangerous infringement may be released from criminal responsibility in recognition of consequence of the case.

#### **Article 67. Release from criminal responsibility upon fulfilment of conditions of procedural agreement**

A person fulfilled all the conditions of procedural agreement may be released from criminal responsibility.

#### **Article 68. Release from criminal responsibility in connection with conciliation**

1. A person committed a criminal offence or a crime of little or average gravity, not related with cause death shall subject to release from criminal responsibility, if he (she) is reconciled with injured person, applicant, as well as according to the procedure of mediation, and expiated a caused harm.

2. The minors, pregnant women, women with young children, men alone raising young children, women aged fifty-eight years old and over, men aged sixty-three years old and over, first committed a grievous crime, not related with cause death or grievous harm to human health may be released from criminal responsibility, if they are reconciled with injured person, applicant, as well as according to the procedure of mediation, and expiated a caused harm. Enforcement measures of educational impact may be applied to the minor upon release from criminal responsibility.

3. In the cases when a harm is caused by criminal infraction to the interests of society and the state, protected by the Law, a person specified in a first or second part of this Article may be released from criminal responsibility, if he (she) sincerely repentance and expiated a harm, caused to the interests of society and the state, protected by the Law.

4. Provisions of this Article shall not be applied to the persons, committed a crime by negligence and caused the death of person or the death of two and more persons, corruption crime, crime of terrorism, extremist crime, the crime committed in a composition of crime group, crime against sexual immunity of minors.

#### **Article 69. Release from criminal responsibility with establishment of a guarantee**

1. A person, first committed a criminal offence or the crime of little or average gravity, not related with causing of death or grievous harm to human health, for

commission of which a fine is provided in the number of other types of basic punishments by the relevant Article or part of Article of Special part of this Code may be released from criminal responsibility by court with establishment of a guarantee.

2. Establishment of a guarantee is a bailment by individual, standing security, in the amount equal to twice, and by legal entity - to the tenfold maximum amount of a fine provided for commission of a criminal infraction.

3. The term of a guarantee shall be established:

- 1) upon commission of criminal offence - from six months to one year;
- 2) upon commission of a crime of little gravity - from one year to two years;
- 3) upon commission of a crime of average gravity - from two to five years.

4. If a person, released from criminal responsibility did not commit a new criminal infraction during a guarantee, a pledge shall be returned to the guarantor upon expiration of a guarantee.

5. If during a guarantee a person commits a new criminal infraction, a court shall override a decision on release from criminal responsibility and impose to him (her) a punishment by the rules of imposition of punishment on a set of sentences. Upon that a pledge shall be referred to the state income.

6. Provision of this Article shall not be applied to the persons, committed a corruption crime, crime of terrorism, extremist crime, the crime committed in a composition of criminal group, crimes against sexual immunity of minors.

#### **Article 70. Release from criminal responsibility in connection with the change of conditions**

1. A person, committed a criminal infraction shall subject to release by court from criminal responsibility, if he (she) is recognized that during investigation of the case in a court due to change of conditions, an action, committed by him (her) ceased to be socially dangerous.

2. A person first committed a criminal offence of little or average gravity shall subject to release by court from criminal responsibility, if it is established that by virtue of subsequent irreproachable conduct this person during investigation of the case in a court may not be considered as socially dangerous.

#### **Article 71. Release from criminal responsibility in connection with expiry of the period of limitation**

1. A person shall be released from criminal responsibility, if from the date of commission of criminal infraction the following terms have expired:

- 1) one year after commission of criminal offence;
- 2) two years after commission of a crime of little gravity;
- 3) five years after commission of a crime of average gravity;
- 4) fifteen years after commission of grievous crime;
- 5) twenty years after commission of especially grave crime.

2. Period of limitations shall be calculated from the date of commission of criminal infraction and up to the moment of entry of sentence into legal force.

3. Validity of period of limitations on criminal offences independent from commission of a new criminal infraction shall not be suspended and terminated.

4. Validity of period of limitations shall be suspended, if a person, committed a crime evades from investigation and court. In this case validity of period of limitations recommences from the date of detention of a person or acknowledgement of guilt. Upon that a person may not be brought to the criminal responsibility, if from the date of commission of a crime validity was not revived and the following terms have expired:

- 1) ten years after commission of a crime of little gravity;
- 2) fifteen years after commission of a crime of average gravity;

- 3) twenty years after commission of grievous crime;
- 4) twenty five years after commission of especially grave crime.

The period of limitation shall be revived, if before expiration of the terms, specified in a first part of this Article, a person committed a grievous or especially grave crime, commits a new intentional crime. In these cases calculation of periods of limitations begins anew from the date of commission of a new crime. In other cases, if before expiration of the period of limitations a person newly commits a crime, the period of limitations on each crime expires independently.

5. An issue on application of the period of limitations to the person, committed a crime, for which the death penalty or life imprisonment is imposed under this Code shall be solved by court. If a court deems it possible to release a person from a criminal responsibility in connection with expiration of the period of limitations, the death penalty is commuted by life imprisonment, and the life imprisonment is commuted by imprisonment for the term of twenty-five years.

6. Period of limitations shall not be applied to the persons, committed a crimes against peace and human security, corruption crimes, crimes of terrorism, extremist crime, torment, crimes against sexual immunity of minors, as well as especially grave crimes against personality, foundations of the constitutional system and state security, against public security and public order, in the scope of economic activity.

#### **Article 72. Conditionally early release from service of sentence**

1. A person, serving restriction of liberty or imprisonment, after actual service of terms, specified in the third, fourth and fifth part of this Article may be released on probation - on parole by court, if it is recognized by court that he (she) does not need a full serving of sentence for his (her) correction.

A person, serving restriction of liberty or imprisonment, after actual service of terms, specified in the third, fourth and fifth part of this Article shall subject to release on probation - on parole in the case of full compensation by them of damage, caused by crime and absence of gross violations of established procedure of service of sentence.

A person, serving of imprisonment, imposed for terroristic or extremist crime, but resulting loss of life and linked with commission of especially grave crime, after actual service of terms, specified in the third, fourth and fifth part of this Article may be released on probation - on parole by court, if he (she) actively assists in prevention, detection or investigation of terroristic or extremist crimes, exposure of participants of terroristic or extremist group.

Upon that a person may be completely or partially released from service of additional type of sentence.

2. Probationary control shall be established in respect of person, released on probation - on parole by court from service of sentence in the form of imprisonment, during remaining unserved part of punishment, by the rules of second part of Article 44 of this Code. Obligations, provided by Penal Execution Code of the Republic of Kazakhstan shall be also entrusted to the person upon application of conditionally early release.

3. Conditionally early release may be applied only after actual service by the convicted person:

- 1) not less than one third of punishment, imposed for the crime of little or average gravity;
- 2) not less than half of the term of punishment for grievous crime;
- 3) not less than two-thirds of the term of punishment, imposed for especially grave punishment, as well as if previously applied conditionally early release was

cancelled on the grounds, provided by paragraphs 1) and 2) of seventh part of this Article;

4) not less than three-quarter of the term of punishment, imposed for the crime, provided by paragraphs 3) and 5) of third part of Article 120 and paragraphs 3) and 5) of third part of Article 121 of this code, as well as if previously applied conditionally early release was cancelled on the grounds, provided by paragraph 3) of seventh part of this Article;

5) not less than one-third of the term of punishment, imposed for the grievous crime, or not less than a half of the term of punishment, imposed for especially grave crime, in the case of fulfillment of all conditions of procedural agreement by the convicted person.

4. Conditionally early release from service of sentence may be applied to the pregnant women, women with young children, men alone raising young children, women aged fifty-eight years old and over, men aged sixty-three years old and over, the disabled persons of first or second group after actual service:

1) not less than one-fourth of the term of punishment, imposed by the court for the crime of little or average gravity;

2) not less than one-third of the term of punishment, imposed by the court for the grievous crime;

3) not less than a half of the term of punishment, imposed by the court for especially grave crime, not linked with infringement on human life, as well as if previously applied conditionally early release was cancelled on the grounds, provided by paragraphs 1) and 2) of seventh part of this Article;

4) not less than two-thirds of the term of punishment, imposed by the court for especially grave crime, linked with infringement on human life, or the crimes provided by paragraph 3) and 5) of third part of Article 120 and paragraphs 3) and 5) of third part of Article 121 of this Code, as well as if previously applied conditionally early release was cancelled on the grounds, provided by paragraph 3) of seventh part of this Article;

5) not less than one-fourth of the term of a punishment, imposed for the grievous crime, or not less than one-third of the term of punishment, imposed for especially grave crime, in the case of fulfillment of all conditions of procedural agreement by convicted person.

5. The term of imprisonment, actually served by convicted person may not be less than six months.

6. A person, serving a life imprisonment, imposed by the court may be released on probation - on parole, if a court recognizes that he (she) does not need further serving of sentence and actually served not less than twenty five years of imprisonment.

In the case if a person, serving a life imprisonment, imposed by the court, fulfilled all the conditions of procedural agreement, he (she) may be released on probation - on parole after actual service not less than fifteen years of imprisonment.

7. If during remaining unserved part of punishment a person, to whom conditionally early release is applied, committed:

1) two or more administrative infractions, for which administrative sanctions were imposed to him (her), or evaded without acceptable reason from performance of obligations, entrusted to him (her) upon application of conditionally early release more than two times, or did not come for registration without acceptable reason on chosen place of residence during five business days after release from the places of detention, a court on presentation of the authorized state body may decree on cancellation of conditionally early release and execution of remaining unserved part of punishment;

2) a crime by negligence, and equally in the cases of commission of criminal

offence, intentional crime of little gravity by pregnant woman with young children, man alone raising young children, woman aged fifty-eight years old and over, a man aged sixty-three years old and over, the disabled person of first or second group, an issue on cancellation or on preservation of conditionally early release shall be solved by the court upon imposition of punishment for the new crime. If a court cancels conditionally early release, a punishment shall be imposed by the rules of imposition of punishment on a set of sentences;

3) intentional crime, except for the cases, specified in paragraph 2) of this Article, a court shall impose to him (her) a punishment by the rules of imposition of punishment on a set of sentences.

8. Conditionally early release shall not be applied to the person, to whom a punishment in the form of death penalty is commuted by imprisonment according to the procedure of pardon, to the person, convicted for terrorist or extremist crime, resulting loss of life and linked with commission of especially grave crime, to the person, convicted for the crime against sexual immunity of minors.

### **Article 73. Commutation of unserved part of punishment by the more lenient type of punishment or reduction of term of imposed punishment**

1. A person, serving imprisonment for the crime of little, average gravity or grievous crime, in the case of full compensation by them of damage, caused by crime and absence of gross violations of established procedure of service of sentence, remaining unserved part of punishment may be commuted by more lenient type of punishment. Upon that a person may be completely or partially released from service of additional type of punishment, except for the punishments, imposed for life.

2. Unserved part of punishment may be commuted by more lenient part of punishment after actual service by the convicted person not less than one-fourth term of punishment for the commission of a crime of little or average gravity, one-third of the term of punishment for grievous crimes or previously released on probation - on parole from service of sentence in the form of imprisonment and committed the new crimes in the period of remaining unserved part of punishment.

Commutation of unserved part of punishment by more lenient type of punishment shall not be applied in relation of persons, convicted for the terrorist or extremist crime, resulting loss of life or linked with commission of especially grave crime, as well as a crime, committed in a composition of criminal group, crime against sexual immunity of minors.

3. Upon commutation of unserved part of punishment, a court may choose a fine at the rate of one monthly calculation index for four days of imprisonment or restriction of liberty at the rate of one day of restriction of liberty for one day of imprisonment. Full compensation of damage, caused by the crime shall be condition of commutation to the fine.

4. A person, serving imprisonment for the crime of little, average gravity, grievous or especially grace crimes, in the case if he (she) during service of sentence is assisted to detection and investigation of crimes, committed by criminal group, or executed all the conditions of procedural agreement, remaining unserved part of punishment may be reduced by the court not more than for half.

### **Article 74. Reprieve of service of sentence to the pregnant women and women with young children, men alone raising young children**

1. A court may reprieve a service of sentence to convicted pregnant women of up to one year. A court may reprieve execution of punishment of up to five years, but not more than until the child reaches the age of fourteen, to the convicted women with young

children, men alone raising young children. Reprieve of service if sentence shall not be presented to the pregnant women and women with young children, men alone raising young children, convicted to imprisonment for the term more than five years for grievous or especially grave crimes against personality, crimes of terrorism, extremist crimes, crimes, committed in a composition of criminal group, crimes against sexual immunity of minors.

2. In the cases, if convicted person, specified in a first part of this Article is abandoned child or continues to evade from child-rearing or violate public order after twofold written warning, rendered by the body, carrying out control for convicted person, in relation of which service of sentence is reprieved, a court on presentation of this body may cancel reprieve of service of sentence and direct convicted person for service of sentence to the place, appointed in accordance with court verdict.

3. Upon expiration of the term of reprieve of execution of punishment in the cases of death of a child or termination of pregnancy, a court may release him (her) from service of sentence or commute an imposed punishment by more lenient type of punishment or make decision on direction of convicted person to the relevant institution for service of sentence.

4. If convicted person commits a new crime in the period of reprieve of service of sentence, a court shall impose him (her) a punishment by the rules of imposition of punishment on a set of sentences.

#### **Article 75. Release of punishment in connection with disease**

1. A person who after commission of criminal infraction suffered from mental disease, denying the opportunity to realize actual nature and social danger of his (her) actions (omission) or control them shall be released from punishment by court, and person, serving a sentence shall be released from his (her) further service by court. Compulsory measures of a medical nature, provided by this Code may impose to such persons.

2. A person, suffering from a serious illness, preventing to service of sentence, except for life imprisonment shall be released by court from service of sentence or a punishment may be commuted by more lenient type of punishment in recognition of nature of disease, gravity of committed criminal infraction, identity of convicted person and other consequences.

3. Persons, specified in the first and second part of this Article, in the case of their recovery shall subject to a criminal responsibility and punishment, if the periods of limitations of bringing to a criminal responsibility or guilty verdict are not expired.

#### **Article 76. Release from punishment and reprieve of service of sentence due to set of grave circumstances**

1. A person, convicted for a criminal offence or crime of little and average gravity may be released from punishment by court, if the consequences, resulting especially grave consequences for his (her) family due to fire or natural disaster, serious illness or death of the only employable member of the family or other emergency circumstances are occurred.

2. Upon existence of grounds, specified in a first part of this Article, a court may reprieve service of sentence for the term up to three months to the person, convicted to imprisonment for grievous or especially grave crime, except for the persons, convicted for terrorist or extremist crime, or the crime, convicted in a composition of criminal group or against sexual immunity of minors.

#### **Article 77. Release from service of sentence in connection with expiration of the period of limitations of guilty verdict**

1. A person, convicted for the criminal infraction shall be released from service of sentence, if guilty verdict was not executed in the following terms, considering from the date of entry its entry into force:

- 1) one year upon conviction for a criminal offence;
- 2) three years upon conviction for a crime of little gravity;
- 3) six years upon conviction for the crime of average gravity;
- 4) ten years upon conviction for the grievous crime;
- 5) fifteen years upon conviction for especially grave crime.

2. Validity period of limitations on criminal offences independent from commission of a new criminal infraction shall not be suspended and terminated.

3. Validity period of limitations on the crimes shall be suspended, if convicted person evades from service of sentence. In this case validity of period of limitations recommences from the date of detention of a person or acknowledgement of guilt. Periods of limitations, expired at the time of evasion of convicted person from service of sentence shall subject to offset. Upon that a guilty verdict may not execute, if since its rendering has been twenty five years and limitation was not terminated by commission of a new crime. In the case of reprieve of service of sentence validity period of limitations shall be suspended before expiration of the term of reprieve.

4. Validity period of limitations on the crimes shall be terminated, if before expiration of the terms, specified in a first period of this Article a person commits a new intentional crime. In these cases calculation of period of limitations begins anew from the date of commission of a new crime.

5. An issue on application of period of limitations to the person, convicted to death penalty or life imprisonment shall be decided by court. If a court does not find it possible to apply period of limitations, the death penalty shall be commuted by life imprisonment, and the life imprisonment is commuted by imprisonment for the term of twenty-five years. Periods of limitations shall not be applied to the persons, convicted for commission of crimes against peace and human security, corruption crime, crime of terrorism, extremist crime, torment, crimes against sexual immunity of minors, as well as especially grave crimes against personality, foundations of the constitutional system and state security, in the scope of economic activity.

#### **Article 78. Release from criminal responsibility and punishment on the basis of an act of amnesty or pardon**

1. An act of amnesty shall be issued by the Parliament of the Republic of Kazakhstan in relation of individually undetermined set of people.

2. On the basis of an act of amnesty, the persons, convicted a criminal offence or crime of little or average gravity may be released from criminal responsibility. Persons, convicted for commission of criminal offence or crime of little or average gravity may be released from punishment or his (her) imposed punishment may be reduced or commuted by more lenient type of punishment, or such person may be released from additional type of punishment. The term of imposed punishment may be reduced to the persons, convicted for commission of grievous or especially grave crime. A conviction may be released by an act of amnesty from the persons, served a sentence or convicted from its further service.

An act of amnesty shall not be applied to the persons, committed the crimes of terrorism, extremist crimes, torment, crimes against sexual immunity of minors, as well as a punishment to whom is imposed upon repetition of crimes or dangerous repetition of crimes.

3. An act of pardon of individually defined person, in relation of whom a guilty verdict is entered into legal force, and equally the persons, serving or served a sentence in the territory of the Republic of Kazakhstan, as well as imposed by court

verdict of foreign state shall be issued by the President of the Republic of Kazakhstan.

4. Upon pardon a person, convicted for the crime may be released from further service of sentence or his (her) imposed punishment may be commuted by more lenient type of punishment, or such person may be released from additional type of punishment. A conviction may be released by act of pardon from the person, served a sentence or convicted from its further service.

#### **Article 79. Conviction**

1. A person, convicted for commission of a crime shall be considered to be judged from the date of entry of guilty verdict into legal force until the moment of cancellation or release. Conviction shall be considered upon determination of repetition of crimes, dangerous repetition of crimes and upon imposition of crime in accordance with this Code.

2. A person, convicted from punishment, as well as convicted from commission of a criminal offence shall be recognized as not having conviction.

3. Conviction shall be cancelled:

1) in relation of persons, conditionally convicted, - upon expiration of the term of probationary control;

2) in relation of persons, convicted to more lenient types of punishments, than imprisonment,- on the actual service of sentence;

3) in relation of persons, convicted to imprisonment for the crime of little or average gravity, - upon expiration of three years after service of sentence;

4) in relation of persons, convicted to imprisonment for grievous, - upon expiration of six years after service of sentence;

5) in relation of persons, convicted to imprisonment for especially grave crimes, - upon expiration of eight years of service of sentence.

4. If convicted person was early released from service of sentence in the manner established by the Law of the Republic of Kazakhstan or unserved part of punishment is commuted by more lenient type of punishment, the term of cancellation of conviction shall be calculated on the basis of actually served term of sentence from the date of release from service of basic and additional types of punishments.

5. If an additional punishment is imposed to the person on a court verdict together with basic punishment, the term of cancellation of conviction shall be calculated from the date of service of basic and additional types of punishments.

In the cases of imposition of additional punishment in the form of deprivation of the right to occupy determined posts or to engage in a determined activity for the life term, the term of cancellation of conviction shall be calculated from the date of service of the basic type of punishments.

6. Upon conviction of person on a set of criminal infractions or on a set of sentences for the crime, relating to the different extent of gravity, convictions shall be cancelled for each crime independently, upon that the terms of cancellation shall be calculated from the date of service of sentence on a set of criminal infractions or set of sentences.

7. If convicted person after service of sentence behaved impeccably, on his (her) application a court may release conviction from him (her) before expiration of the term of cancellation of conviction.

This regulation shall not be applied to the persons, convicted to imprisonment for grievous or especially grave crimes, as well as a punishment to whom is imposed upon repetition of crimes or dangerous repetition of crimes.

8. Validity period, cancelling conviction shall be suspended if the convicted person again committed a crime before expiration of the term of cancellation of conviction. The term of cancellation of conviction on a first crime shall be calculated

anew after actual service of basic and additional types of punishments for the last crime. In these cases a person shall be considered to be convicted for both crimes before expiration of the term of cancellation of conviction for more grievous of them.

3. Cancellation or release of convictions shall cancel all legal consequences, related with conviction, except for restrictions, established by the additional type of punishment, imposed for the life term.

## **SECTION 6. CRIMINAL RESPONSIBILITY OF MINORS**

### **Article 80. Criminal responsibility of minors**

1. The minors to whom an action of this section is applied shall be recognized as persons that reached the age of fourteen, but did not reach the age of eighteen at the moment of commission of criminal infraction.

2. A punishment may be imposed to the minors, committed a criminal infraction or the compulsory measures of educational impact may be applied to them.

### **Article 81. Types of punishments, imposed to the minors**

1. Types of punishments, imposed to the minors shall be:

- 1) deprivation of the right to engage in certain activity;
- 2) a fine;
- 3) correctional labour;
- 4) community service;
- 5) restriction of liberty;
- 6) imprisonment.

2. Deprivation of the right to engage in certain activity shall be imposed to the minors for the term of one year up to two years.

3. A fine shall be inflicted only if the convicted minor has independent earnings or property, to which may be levied execution. A fine may be inflicted at the amount of ten to two hundred and fifty monthly calculation indices.

4. Correctional works shall be imposed to the minors, having independent earnings or other permanent income in the amount of ten to two hundred and fifty monthly calculation indices.

5. Community service shall be imposed for the term of forty to one hundred and fifty hours, it is execution of work, equal to the minor, and executed by him (her) in a free time from study or main work. Duration of execution of this type of punishment by the persons at the age up to sixteen years may not exceed two hours in a day and by persons at the age from sixteen up to eighteen years - three hours in a day.

6. Restriction of liberty shall be imposed to the minors for the term up to two years, and in the case of commutation of unserved part of punishment in the form of imprisonment by restriction of liberty - for the whole period of remaining unserved part of punishment.

7. An imprisonment may be imposed to the minors for the term not exceeding ten years, and for murder upon aggravating circumstances or an act of terrorism or on a set of criminal infractions, one of which is murder upon aggravating circumstances or an act of terrorism, - twelve years. An imprisonment shall not be imposed to the minors, committed a crime of little gravity or a crime of average gravity, not related with cause death.

8. An imprisonment shall be served by the convicted minors:

- 1) the minors male, first convicted to imprisonment, as well as the minors female - in the juvenile correctional facilities of general regime;
- 2) the minors male, previously served imprisonment, - in the juvenile correctional facilities of medium security.

9. Service of imprisonment may be imposed by court with specification of motives of decided decision, to the convicted minors male in the juvenile correctional

facilities of general regime depending on the nature and extent of social danger of action, identity of guilty person and other circumstances of the case.

10. A court may give instructions to the body, executing a punishment, on a record upon treatment of convicted minor of certain features of his (her) personality.

#### **Article 82. Imposition of punishment to the minor**

1. Upon imposition of punishment to the minor, except for the circumstances, provided by Article 52 of this Code shall be considered conditions of his (her) life and education, level of mental development, other features of personality, as well as influence on him of older persons.

2. The minor age shall be considered as mitigating circumstance in a set with mitigating and aggravating circumstances.

#### **Article 83. Release of minors from criminal responsibility and punishment**

1. A minor, convicted a criminal offence or crime of little gravity or first committed a crime of average gravity may be released by court from a criminal responsibility, if it is established that his (her) correction is possible without bringing to criminal responsibility. Upon that the compulsory measures of educational impact may be applied to him (her).

2. A minor, first convicted for commission of criminal offence or crime of little or average gravity may be released by court from a punishment, if it is recognized that his (her) correction may be reached by application of compulsory measures of educational impact.

3. A minor, first committed a grievous crime, not related with cause death may be released by court from a criminal responsibility in the cases, provided by second part of Article 68 of this Code.

#### **Article 84. The compulsory measures of educational impact**

1. The following compulsory measures of educational impact may be imposed to the minor:

- 1) warning;
- 2) transfer under supervision of parents or persons, substituting them or specialized state body;
- 3) assignment of obligations to effect a caused harm;
- 4) restriction of leisure and establishment of special requirements to behavior of the minor;
- 5) placement to the educational organization with special regime of detention;
- 6) assignment of obligations to make apologies to suffered person;
- 7) establishment of probationary control.

2. Simultaneously several compulsory measures of educational impact may be imposed to the minor.

#### **Article 85. Detention and terms of application of compulsory measures of educational impact**

1. Warning is explanation of harm, caused by his (her) action to the minors, and consequences of repeated commission of crimes, provided by this Code.

2. Transfer under supervision is assignment of obligations on educational impact to the minor and control of his (her) behavior to the parents or persons, substituting them or specialized state body.

3. An obligation to effect the caused harm shall be imposed in recognition of property position of minors and existence of their relevant work skills.

4. Restriction of leisure and establishment of special requirements to behavior of the minor may provide prohibition of visit definite places, use of certain forms of leisure, as well as related with drive motor vehicles, restriction of presence outside

after a certain time of day, travel to other localities without the of specialized state body. Requirement to return to the educational institution, continue or finish education or obtain employment with the help of specialized state body may be also specified to the minor. This list is not exhaustive.

5. Premises in the educational organization with special regime of detention for the term up of six months to two years may be imposed by court to the minor, convicted an intentional crime of average gravity or grievous crime. Stay in these organizations may be terminated earlier in connection with attaining by person majority, as well as if on the basis of conclusion of the specialized state body, providing correction, a court finds that the minor for his correction in the future does not need to apply such measures.

6. Extension of the stay in educational organization with special regime of detention after expiration of the term, provided by the fifth part of this Article shall be allowed only in the case of necessity to finish general education or professional training of the minor, but no more than before attaining by him(her) majority.

7. Procedure and condition of stay of the minors in the educational organizations with special regime of detention shall be determined by the Republic of Kazakhstan.

8. A minor gives individual apologies to the injured person for caused harm.

9. Probationary control shall be established for the term of one year by the rules of second part of Article 44 of this Code.

10. The term of application of compulsory measures of educational impact, provided by paragraphs 2) and 4) of first part of Article 84 of this Code shall be established by duration up to six months upon commission of a criminal offence, from six months to one year upon commission of a crime of little gravity, from one year to two years upon commission of a crime of average gravity and from two years to three years upon commission of grievous crime.

11. In the case of intentional non-execution of enforcement measure of educational impact two and more times during a year by the minor, this measure on presentation of the specialized state body shall be cancelled by court and materials are directed for bringing of the minor to a criminal responsibility, if the period of limitations of bringing to a criminal responsibility did nor expired.

#### **Article 86. Conditionally early release of the minors from service of sentence**

1. Persons, convicted to imprisonment, restriction of liberty or correctional works for commission of a crime as c minor, in the case of absence of gross violations of the established procedure of service or execution of sentence shall subject to conditionally early release after actual service or execution:

1) not less than one-fourth of the term or extent of punishment, imposed by the court for a crime of little or average gravity;

2) not less than one-third of the term or extent of punishment, imposed by the court for grievous crime;

3) not less than a half of the term of punishment, imposed by court for especially grave crime, not linked with infringement to human life;

4) not less than two-third of the term of punishment, imposed by court for especially grave crime, linked with infringement to human life.

2. In the cases of commission of a crime by negligence, intentional criminal offence or intentional crime of little gravity by conditionally early convicted person during the term of probationary control, an issue on cancellation or on preservation of conditionally early release shall be decided by court upon imposition of punishment for the new crime. If a court cancels conditionally early release, a punishment shall be imposed by the rules of imposition of punishment on a set of sentences.

3. In the cases of commission of intentional crime of average gravity, grievous or especially grave crime by conditionally early convicted person during the term of probationary control, a court shall cancel conditionally early release and impose punishment by the rules of imposition of punishment on a set of sentences.

**Article 87. Commutation of unserved part of punishment by the minor**

1. Persons, serving imprisonment for commission of a crime as a minor, in the absence of gross violations of the established procedure of service of sentence, their remaining unserved part of punishment shall be commuted by court by restriction of liberty after actual service:

- 1) not less than one-fifth of the term of punishment, imposed by the court for the crime of little or average gravity;
- 2) one-fourth of the term of punishment, imposed by the court for grievous crime;
- 3) one-third of the term of punishment, imposed by the court for especially grave crime, not linked with infringement on human life;
- 4) a half of the term of punishment, imposed by court for especially grave crime, linked with infringement on human life.

2. Commutation of unserved part of punishment may be applied to the persons, convicted for commission of a crime as a minor in the composition of criminal group.

**Article 88. Period of limitations**

Period of limitations of bringing to a criminal responsibility or guilty verdict upon release of minors from criminal responsibility or service of sentence shall be reduced by half.

**Article 89. Terms of cancellation of conviction**

For the persons, convicted the crime before reaching the age of eighteen, the terms of cancellation of conviction, provided by Article 79 of this Code shall be reduced and respectively equal to:

- 1) four months after service of more lenient type of punishment, than imprisonment;
- 2) one year after service of imprisonment for the crime of little or average gravity;
- 3) two years after service of imprisonment for grievous crime;
- 4) three years after service of imprisonment for especially grave crime.

**Article 90. Application of provisions of this section to the persons between the ages of eighteen and twenty-one years**

In the exceptional cases in recognition of nature of committed crime and identity, a court may apply provisions of this section to the person, committed a crime between the ages of eighteen and twenty-one years, except for the placement them in the educational organizations with a special regime of detention.

**SECTION 7. COMPULSORY MEASURES OF MEDICAL NATURE**

**Article 91. Grounds of application of compulsory measures of medical nature**

1. Compulsory measures of medical nature may be applied by court to the persons:
  - 1) committed the actions, provided by Articles of Special part of this Code, in a condition of irresponsibility;
  - 2) who suffered from mental disease after commission of criminal infraction, making it impossible of imposition or execution of punishment;
  - 3) committed a criminal infraction and suffering with mental disease, not excluding mental capacity;
  - 4) committed a crime infraction and recognized as needy in treatment for alcoholism, drug addiction, drug abuse.

2. Compulsory measures of medical nature shall be imposed to the persons, specified in a first part of this Article only in the cases, when a mental disease related with possibility of infliction of other substantial harm by these persons or with a danger to themselves or other persons.

3. Procedure of execution of compulsory measures of medical nature shall be determined by Penal Execution Code and the legislation of the Republic of Kazakhstan in the field of health care service.

4. In relation of persons, specified in a first part of this Article and not constituting a danger on his (her) mental disease, a court may transfer necessary materials to the health authorities for resolution of the issue on treatment of these persons or direction them to the psychoneurology organizations in the manner provided by the legislation of the Republic of Kazakhstan in the field of health care service.

#### **Article 92. Purposes of application of compulsory measures of medical nature**

Purposes of application of compulsory measures of medical nature shall be treatment of persons, specified in a first part of Article 91 of this Code, or improvement of their medical state, as well as prevention of commission by them the new actions, provided by Articles of Special part of this Code.

#### **Article 93. Types of compulsory measures of medical nature**

1. A court may apply the following types of compulsory measures of medical nature:

- 1) compulsory out-patient observance and treatment on the by a psychiatrist;
- 2) compulsory treatment in a mental hospital of general type;
- 3) compulsory treatment in a mental hospital of specialized type;
- 4) compulsory treatment in a mental hospital of specialized type with intensive care.

2. A court together with a punishment may impose compulsory measures of medical nature in the form of compulsory out-patient observance and treatment on the by a psychiatrist to the persons, convicted for the criminal infractions, committed in a condition of responsibility, but being in need of treatment for alcoholism, drug addiction, drug abuse or treatment of mental disease, not excluding a mental capacity.

#### **Article 94. Compulsory out-patient observance and treatment on the by a psychiatrist**

Compulsory out-patient observance and treatment on the by a psychiatrist may be imposed upon existence of grounds, provided by Article 91 of this Code, if a person on his (her) mental state does not need in placement in a psychiatric hospital.

#### **Article 95. Compulsory treatment in a mental hospital**

1. Compulsory treatment in a mental hospital may be imposed upon existence of grounds, provided by Article 91 of this Code, if a nature of mental disease of person requires such conditions of treatment, care, maintenance and observance, which may be carried out only in the mental hospital.

2. Compulsory treatment in a mental hospital of general type may be imposed to the person, which on his (her) state and nature of committed socially-dangerous action is need in hospital treatment and observance, but not requires of intensive observance.

3. Compulsory treatment in a mental hospital of specialized type may be imposed to the person, which on his (her) mental state and nature of committed socially-dangerous action requires of permanent observation.

4. Compulsory treatment in a mental hospital of specialized type with intentional observation may be imposed to the person, which on his (her) mental state and nature of committed socially-dangerous action presents special danger to himself (herself) or other persons and requires permanent and intensive observation.

**Article 96. Extension, change and cancellation of compulsory measures of medical nature**

1. Extension, change and cancellation of compulsory measures of medical nature shall be carried out by court on presentation of administration of the institution, carrying out a compulsory treatment, on the ground of findings by commission of psychiatrists.

2. A person, to whom a compulsory measure of medical nature is imposed shall subject to certification by commission of psychiatrists at least once every six months for resolution of the issue on existence of grounds for making representations in a court on termination or change of such measure. Upon absence of grounds for termination of application or change of compulsory measure of medical nature, an administration of the institution, carrying out a compulsory treatment shall represent a conclusion in a court for extension of compulsory treatment. First extension of compulsory treatment may be executed upon expiration of six months from the date of initiation of treatment, in the subsequent extension of compulsory treatment shall be executed annually.

3. Change or termination of compulsory measure of medical nature shall be carried out by court in the case of such change of mental state of person, upon that there is no need to apply any previously assigned measure or there is a need to appoint the compulsory medical measures.

4. In the case of termination of application of compulsory treatment in a mental hospital, a court may transfer necessary materials in relation of person, being in a compulsory treatment, to the health authorities for resolution of the issue on his (her) treatment or direction in a psychoneurology organization in the manner, provided by the legislation of the Republic of Kazakhstan in the field of health care service.

**Article 97. Imposition of punishment after application of compulsory measures of medical nature**

1. A punishment may be applied by court to the person, who after commission of a criminal infraction or during service of sentence became ill with mental disease, denying him (her) the opportunity to be conscious of his (her) actions or control them, after his (her) recovery, if periods of limitations are not expired or there are no grounds for release him (her) from a criminal responsibility and punishment.

2. In the case of treatment of person, who suffered from mental disease after commission of a crime, upon imposition of punishment or resuming its execution time, during of which a compulsory treatment in a mental hospital is applied to the person shall be included in a term of punishment at the rate of one day of stay in a mental hospital for one day of imprisonment or one day of arrest.

**Article 98. Compulsory measures of medical nature, connected with execution of punishment**

1. In the case, provided by paragraph 3) of first part of Article 91 of this Code, compulsory measures of medical nature shall be executed on the place of service of imprisonment, and in relation of convicted persons to other types of punishments - in the health care organizations, rendering outpatient mental health service.

2. In the case, provided by paragraph 4) of first part of Article 91 of this Code, compulsory measures of medical nature shall be executed on the place of service of imprisonment, and in relation of convicted persons to other types of punishments - in the health care organizations.

3. Upon change of mental state of convicted person, requiring hospital treatment, placement of convicted person in a mental hospital or other medical institution shall be executed in the manner and grounds provided by the legislation of the Republic of Kazakhstan in the field of health care service.

4. Residence time in the specified institutions shall be included in the term of

service of sentence. When it is unnecessary to further treatment of convicted person in the specified institutions, release shall be executed in the manner provided by the legislation of the Republic of Kazakhstan in the field of health care service.

5. Termination of application of compulsory measure of medical nature, connected with execution of punishment shall be executed by court on presentation of body, executing a punishment on the basis of conclusion of commission of psychiatrists.

## **SPECIAL PART**

### **Chapter 1. CRIMINAL INFRACTIONS AGAINST PERSONS**

#### **Article 99. Murder**

1. Murder, in other words illegal intended cause death to other person,  
- shall be punished by imprisonment for the term of eight to fifteen years.

2. Murder of:

1) two or more persons;

2) persons or his (her) close relatives in connection with carrying out of employment activity by this person or performance of professional or public duty;

3) persons, certainly for guilty person being in helpless state, as well as linked with kidnapping or hostage taking;

4) women, certainly for guilty person being in the state of pregnancy;

5) committed with special cruelty;

6) committed in a manner dangerous for life of other persons;

**Note of RCLII!**

Subparagraph 7) is provided in the wording of the Law of the Republic of Kazakhstan dated 07.11.2014 No. 248-V (shall be enforced from 01.01.2015).

7) committed by group of persons, group of persons on previous concert, criminal group;

8) for selfish motives, as well as by hire or linked with robbery with violence or extortion;

9) for hooligan motives;

10) commission in order to conceal other crime or facilitate its commission, as well as linked with rape or sexual battery;

11) on social, national, racial or religious hatred or enmity grounds or blood revenge;

12) commission in order of the use of organs or tissues of injured person;

13) committed repeatedly;

14) certainly a minor person;

**Note of RCLII!**

Subparagraph 15) is provided in the wording of the Law of the Republic of Kazakhstan dated 07.11.2014 No. 248-V (shall be enforced from 01.01.2015).

15) commission in the conditions of emergency situations or in the course of mass disorders, -

shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment with confiscation of property or without it.

#### **Article 100. The killing by a mother of her newborn child**

The killing by a mother of her newborn child both during childbirth, and in the subsequent period, committed in the commission of psycho-traumatic situation or in a state of mental disease, not excluding mental capacity shall be punished by restriction of punishment for the term of up to four years or imprisonment for the same term.

#### **Article 101. Murder, committed in the affective state**

1. Murder, committed in the state of sudden heat of passion (affect), caused by violence, abuse or great insult or other unlawful or immoral actions (omission) of injured person, as well as long psycho-traumatic situation, occurred in connection with

systematic illegal or immoral behavior of injured person shall be punished by restriction of liberty for the term of three years or imprisonment for the same term.

2. Murder of two or more persons, committed in the circumstances, specified in a first part of this Article shall be punished by imprisonment for the term up to five years.

**Article 102. Murder, committed upon use of excessive force in self-defense**

Murder, committed upon use of excessive force in self-defense shall be punished by restriction of liberty for the term up to two years or imprisonment for the same term.

**Article 103. Murder, committed upon excess of measures, necessary for detention of a person, committed a crime**

Murder, committed upon excess of measures, necessary for detention of person, committed a crime shall be punished by restriction of liberty for the term up to three years or imprisonment for the same term.

**Article 104. Cause death by negligence**

1. Cause death by negligence shall be punished by restriction of liberty for the term up to three years or imprisonment for the same term.

2. Cause death by negligence to two or more persons shall be punished by restriction of liberty for the term of five years or imprisonment for the same term.

**Article 105. Incitement to suicide**

1. Incitement of person to suicide or to attempted suicide by threat, abusive treatment or systematic abasement of human dignity of injured person shall be punished by restriction of liberty for the term up to three years of imprisonment for the same term.

2. The same action, committed in relation of person, being in a material or other dependence from guilty person shall be punished by restriction of liberty for the term up to five years or imprisonment for the same term.

3. An action, provided by first or second part of this Article, committed in relation of a minor shall be punished by imprisonment for the term of three years up to seven years.

**Article 106. Intentional infliction of grievous harm to health**

1. Intentional infliction of grievous harm to health shall be punished by restriction of liberty for the term of three years to seven years or imprisonment for the same term.

2. The same action, committed:

- 1) in relation of two or more persons;
- 2) in relation of person or his (her) relatives in connection with carrying out of employment activity by this person or performance of professional or public duty;
- 3) in relation of persons, certainly for guilty person being in helpless state, as well as linked with kidnapping or hostage taking;
- 4) with special cruelty;
- 5) by group of persons, group of persons on previous concert;
- 6) for selfish motives, as well as by hire
- 7) for hooligan motives;
- 8) on social, national, racial or religious hatred grounds or enmity;
- 9) commission in order of the use of organs or tissues of injured person;
- 10) repeatedly;
- 11) in relation of certainly minor person;
- 12) in conditions of emergency situations or in the course of mass disorders, - shall be punished by imprisonment for the term of five up to ten years.

3. The actions, provided by first or second part of this Article, causing death

of injured person by negligence or committed by criminal group, -  
shall be punished by imprisonment for the term of eight to twelve years.

**Article 107. Intentional infliction of average-gravity harm to health**

1. Intentional infliction of average-gravity harm to health -  
shall be punished by the fine in the amount of one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term up to two years, or imprisonment for the same term.

2. The same action, committed:

- 1) in relation of two or more persons;
- 2) in relation of person or his (her) relatives in connection with carrying out of employment activity by this person or performance of professional or public duty;
- 3) with special cruelty, as well as in relation of person, certainly for guilty person being in helpless state;
- 4) by group of persons on previous concert, criminal group;
- 5) for hooligan motives;
- 6) on social, national, racial or religious hatred grounds or enmity;
- 7) repeatedly;
- 8) in relation of certainly minor person, - shall be punished by the fine in the amount up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term up to three years, or imprisonment for the same term.

**Article 108. Intentional infliction of non-grave harm to health**

Intentional infliction of non-grave harm to health -  
shall be punished by the fine in the amount up to two hundred monthly calculation indices or correctional works in the same amount, or community service for the term up to one hundred and eighty hours, or arrest for the term up to sixty days.

**Article 109. Blows**

Bodily blows or commission of other violent acts, caused physical pain, but not entailed infliction of non-grave harm to health, -  
shall be punished by the fine in the amount up to one hundred monthly calculation indices or correctional works in the same amount, or community service for the term up to one hundred hours, or arrest for the term up to forty five days.

**Article 110. Torment**

1. Infliction of physical or mental suffering by systematic bodily blows or by other violent acts, if this action did not result in infliction of grievous or average gravity harm to health, -

shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, committed:

- 1) in relation of certainly minor or person, certainly for guilty person being in helpless state or in material or other dependence from guilty person, as well as a person, kidnapped or taken as hostage;
- 2) in relation of two or more persons;
- 3) in relation of women, certainly for guilty person being in the state of pregnancy;
- 4) with use of torture;
- 5) by hire;
- 6) on social, national, racial or religious hatred or enmity, -

shall be punished by restriction of liberty for the term of three to seven years, or imprisonment for the same term.

**Article 111. Infliction of harm to the health in affective state**

Intentional infliction of grievous harm to health, committed in the state of sudden heat of passion (affect), caused by violence, abuse or great insult on the part of injured person or other unlawful or immoral actions (omission) of injured person, as well as long psycho-traumatic situation, occurred in connection with systematic illegal or immoral behavior of injured person shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community service for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days.

**Article 112. Infliction of grievous harm to health upon use of excessive force in self-defense**

1. Intentional infliction of grievous harm to health, committed upon use of excessive force in self-defense shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of labor for the term of up to one year, or imprisonment for the same term.

2. The same action, entailed the death of injured person by negligence shall be punished by restriction of liberty for the term of up to two years or imprisonment for the same term.

**Article 113. Infliction of grievous harm to health upon detention of a person, committed a crime**

Intentional infliction of grievous harm to health, committed upon excess of measures, necessary for detention of person, committed a crime shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to one year, or imprisonment for the same term.

**Article 114. Negligent infliction of harm to health**

1. Infliction of average gravity of harm to health by negligence shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community service for the term of up to one hundred twenty hours, or arrest for the term of up to forty five days.

2. Infliction of average gravity of harm to health by negligence to two or more persons shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount or community service for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days.

3. Infliction of grievous harm to health by negligence shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to one year, or imprisonment for the same term.

4. Infliction of grievous harm to health by negligence to two or more persons shall be punished by the fine in the amount of two thousand monthly calculation indices or correctional works in the same amount, or restriction labors for the term of up to two years, or imprisonment for the same term.

**Article 115. Threat**

Threat of murder or infliction of grievous harm to health, and equally other grievous violence against a person or destruction of property by arson, explosion or other dangerous way upon existence of sufficient grounds to fear of execution of this threat shall be punished by the fine in the amount of up to two hundred monthly

calculation indices or correctional works in the same amount, or community service for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days.

**Article 116. Forcible removal or illegal removal of organs and tissues of person**

1. Forcible removal or illegal removal of organs and tissues of living person for transplantation or other use, as well as commission of illegal transactions in relation of organs and tissues of living person shall be punished by imprisonment for the term of up to five years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

2. The same actions, committed:

- 1) in relation of person, certainly for guilty person, being in helpless state;
- 2) in relation of certainly minor;
- 3) in relation of two or more persons;
- 4) group of persons, group of persons on previous concert;
- 5) repeatedly;
- 6) with the use of weapon or objects used as weapon;
- 7) in relation of woman, certainly for guilty person being in the state of pregnancy;

8) by false pretenses or abuse of trust;

9) by person with the use of his (her) official position;

10) with the use of material or other dependence of injured person shall be punished by imprisonment for the term of five to ten years with confiscation of property or without it, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to five years or without it.

3. The actions, provided by first of second part of this Article, causing the death of injured person by negligence or other grievous consequences or committed by criminal group shall be punished by imprisonment for the term of eight to twelve years with confiscation of property or without it, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to ten years or without it.

**Article 117. Infection with venereal disease**

1. Infection of other person with venereal disease by person, who knew that he (she) has such disease shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred twenty hours, or arrest for the term of up to forty five days.

2. The same action, entailed serious consequences, as well as infection of two and more persons or certainly minor shall be punished by the fine in the amount of up to two monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

**Article 118. Infection of human immunodeficiency virus (HIV/AIDS)**

1. Knowing endangering of other person of infection of HIV/AIDS shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days.

2. Infection of other person with HIV / AIDS by person who knew that he has this disease shall be punished by imprisonment for the term of up to five years.

3. An action, provided by second part of this Article, committed in relation of two or more persons in relation of certainly minor shall be punished by imprisonment for

the term of four to eight years.

Note. A person, committed the actions, provided by first or second part of this Article shall be released from criminal responsibility in the case, if other person, endangering of infection or infected by HIV / AIDS, was prevented in a timely manner of the presence of disease of first person and voluntarily agreed to perform actions that created the risk of infection.

#### **Article 119. Leaving in danger**

1. Knowingly leaving without the aid of a person, being in danger state to life or health and deprived of the opportunity to take measures for self-preservation on the early childhood, old age, illness or due to other helpless state, in the cases, if the guilty person had the opportunity to render assistance to that person or was obliged to take care about that person or endanger him (her) by himself (herself) in a danger state for life and health shall be punished by the fine of up to one hundred monthly calculation indices or correctional works in the same amount or community service for the term of up to one hundred twenty hours, or arrest for the term of up to forty five days.

2. The same action, entailed infliction of grievous or average gravity harm by negligence to the health of person, left without assistance shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

3. An action, provided by first part of this Article, entailed the death of person, left without assistance by negligence shall be punished by restriction of liberty for the term of up to three years or imprisonment for the same term.

4. An action, provided by first part of this Article, entailed the death of two or more persons be negligence shall be punished by restriction of liberty for the term of up to five years or imprisonment for the same term.

#### **Article 120. Rape**

1. Rape, in other words sexual relationship with application of action of force and with threat of its application to injured person or other persons or with the use of helpless state of injured person shall be punished by imprisonment for the term of three to five years.

2. Rape:

- 1) committed by group of persons, group of persons on previous concert;
- 2) connected with threat of murder, as well as committed with special cruelty in relation to the injured person or other persons;
- 3) entailed infection with venereal disease of injured person;
- 4) committed repeatedly shall be punished by imprisonment for the term of five to ten years.

3. The actions, provided by first and second parts of this Article, if they:

- 1) resulted the death of injured person by negligence;
- 2) resulted infliction of grievous harm to health of injured person by negligence, infection her with HIV/AIDS or other grave consequences;
- 3) committed in relation of certainly minor person;
- 4) committed in the conditions of emergency situation or in the course of mass disorders;
- 5) committed in relation of minor by parent, teacher or other person, to whom the responsibilities of his (her) upbringing are imposed by the Law of the Republic of Kazakhstan;

6) committed by criminal group shall be punished by imprisonment for the term of ten to fifteen years with deprivation of the right to occupy determined positions or to

engage in a determined activity for the term of ten years or without it, and in the cases, provided by paragraph 5), with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

4. The actions, provided by first, second or third parts of this Article, if they are committed in relation of certainly minor shall be punished by imprisonment for the term of fifteen to twenty years with deprivation of the right to occupy determined positions or to engage in a determined activity for life or life imprisonment.

#### **Article 121. Violent acts of sexual nature**

1. Pederasty, lesbian act or other actions of sexual nature with application of action of force and with threat of its application to injured person or other persons or with the use of helpless state of injured person-

shall be punished by imprisonment for the term of three to five years.

2. The same action:

- 1) committed by group of persons, group of persons on previous concert;
- 2) connected with threat of murder, as well as committed with special cruelty in relation to the injured person or other persons;
- 3) entailed infection with venereal disease of injured person;
- 4) committed repeatedly shall be punished by imprisonment for the term of five to ten years.

3. The actions, provided by first or second parts of this Article, if they:

- 1) resulted the death of injured person by negligence;
- 2) resulted infliction of grievous harm to health of injured person by negligence, infection him (her) with HIV/AIDS or other grave consequences;
- 3) committed in relation of certainly minor person;
- 4) committed in the conditions of emergency situation or in the course of mass disorders;
- 5) committed in relation of minor by parent, teacher or other person, to whom the responsibilities of his (her) upbringing are imposed by the Law of the Republic of Kazakhstan;

6) committed by criminal group shall be punished by imprisonment for the term of ten to fifteen years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of ten years or without it, and in the cases, provided by paragraph 5), with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

4. The actions, provided by first, second or third parts of this Article, if they are committed in relation of certainly minor shall be punished by imprisonment for the term of fifteen to twenty years with deprivation of the right to occupy determined positions or to engage in a determined activity for life or life imprisonment.

#### **Article 122. Sexual relationship or other actions of sexual nature with person, not reached the age of sixteen**

1. Sexual relationship, pederasty, lesbian act or other actions of sexual nature with person, certainly not reached the age of sixteen shall be punished by restriction of liberty for the term of up to five years or imprisonment for the same term.

2. The same actions, committed in relation of person, not reached the age of eighteen, by parent, teacher or other person, to whom the responsibilities of his (her) upbringing are imposed by the Law of the republic of Kazakhstan shall be punished by imprisonment for the term of seven to ten years with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

3. The actions, provided by first or second parts of this Article, committed repeatedly shall be punished by imprisonment for the term of ten to fifteen years with

deprivation of the right to occupy determined positions or to engage in a determined activity for life.

**Article 123. Coercion to sexual relationship, pederasty, lesbian act or other actions of sexual nature**

Coercion of person to sexual relationship, pederasty, lesbian act or other actions of sexual nature by blackmail, threat of destruction, damaging or seizure of property or with the use of material or other dependence of injured person shall be punished by the fine in the amount of one thousand monthly calculation indices or correctional works in the same amount or restriction of liberty for the term of one year or imprisonment for the same term.

**Article 124. Corruption of minors**

1. Commission of sexual abuses without use of force in relation of certainly minor shall be punished by imprisonment for the term of five to ten years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of seven to ten years.

2. The same action, committed in relation of minor by parent, teacher or other person, to whom the responsibilities on his (her) upbringing are imposed by the Law of the Republic of Kazakhstan shall be punished by imprisonment for the term of seven to twelve years with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

3. The actions, provided by first or second part of this Article, committed repeatedly shall be punished by imprisonment for the term of ten to fifteen years with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

**Article 125. Kidnapping**

1. Kidnapping shall be punished by imprisonment for the term of four to seven years.

2. The same action, committed:

1) group of persons on previous concert;

2) repeatedly;

3) with use of force, dangerous to life or health;

4) with use of weapons or objects used as weapons;

5) in relation of certainly minor;

6) in relation of woman, certainly for guilty person being in the state of pregnancy;

7) in relation of two or more persons;

8) for selfish motives shall be punished by imprisonment for the term of seven to twelve years with confiscation of property or without it.

3. The actions, provided by first or second parts of this Article, if they:

1) committed by criminal group;

2) committed in order of operation of abducted;

3) resulted the death of injured person by negligence or other grievous consequences shall be punished by imprisonment for the term of ten to fifteen years with confiscation of property or without it.

Note. A person who voluntary releases the abducted shall be released from criminal responsibility, if his (her) actions do not contain the components of another crime.

**Article 126. Illegal imprisonment**

1. Illegal imprisonment, not related with his (her) kidnapping shall be punished by restriction of liberty for the term of up to three years or imprisonment for the same term.

2. The same action, committed:

- 1) group of persons on previous concert;
- 2) repeatedly;
- 3) with use of force, dangerous to life and health;
- 4) with use of weapons or objects used as weapons;
- 5) in relation of certainly minor;
- 6) in relation of woman, certainly for guilty person being in the state of pregnancy;
- 7) in relation of two or more persons;
- 8) for selfish motives;
- 9) with the use of material or other dependence of injured person, - shall be punished by imprisonment for the term of up to five years with confiscation of property or without it.

3. The actions, provided by first or second parts of this Article, if they:

- 1) committed by criminal group;
- 2) committed in order of illegal operation of deprived of liberty;
- 3) resulted the death of injured person by negligence or other grievous consequences, - shall be punished by imprisonment for the term of five to ten years with confiscation of property or without it.

#### **Article 127. Illegal placement in a mental hospital**

1. Illegal placement in a mental hospital or illegal detention in it shall be punished by the fine of up to three thousands monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

2. The same action, if it:

- 1) committed for selfish motives or other personal interest;
- 2) committed by person with the use of his (her) official position;
- 3) committed in relation of certainly minor;
- 4) resulted the death of injured person by negligence or other grievous consequences shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

#### **Article 128. Human trafficking**

1. Buy and sale or commission of other transactions in relation of person, as well as his (her) operation or enlistment, transportation, transfer, concealment, receipt, as well as commission of other actions in order of operation shall be punished by imprisonment for the term of three to five years with confiscation of property.

2. The same action, committed:

- 1) by group of persons on previous concert;
- 2) repeatedly;
- 3) with use of force, dangerous to life and health, or threat of its use;
- 4) with use of weapons or objects used as weapons;
- 5) in relation of woman, certainly for guilty person being in the state of pregnancy;
- 6) in relation of two and more persons;
- 7) in order of removal of organs or tissues of injured person for transplantation or other use;
- 8) by false pretenses or abuse of trust;
- 9) by person with the use of his (her) official position;
- 10) with the use of material or other dependence of injured person;
- 11) in relation of person, certainly for guilty person suffered from mental

disease or being in the helpless state;

12) with suppression, non-disclosure or destruction of documents, certifying identity of injured person shall be punished by imprisonment for the term of five to seven years with confiscation of property.

3. The actions, provided by first and second parts of this Article, committed in order of export outside of the Republic of Kazakhstan, import in the Republic of Kazakhstan or transportation of person through the territory of the Republic of Kazakhstan from one foreign state to another, as well as export outside of the Republic of Kazakhstan, import in the Republic of Kazakhstan or transportation of person through the territory of the Republic of Kazakhstan from one foreign state to another state in order of commission of such actions-

shall be punished by imprisonment for the term of seven to ten years with confiscation of property.

4. The actions, provided by first, second or third part of this Article, if they:

1) committed by criminal group;

2) resulted the death of injured person by negligence or other grievous consequences shall be punished by imprisonment for the term of ten to fifteen years with confiscation of property.

#### **Article 129. Human cloning**

1. Human cloning or use of human embryo in commercial, military or industrial purposes, as well as removal of germ cells or of human embryos from the Republic of Kazakhstan for the same purposes shall be punished by imprisonment for the term of up to three years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to two years or without it.

2. The same actions, committed:

1) by group of persons, group of persons on previous concert;

2) repeatedly, -

shall be punished by imprisonment for the term of four to seven years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first or second parts of this Article, committed by criminal group shall be punished by imprisonment for the term of seven to ten years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to five years.

#### **Article 130. Slander**

1. Slander, in other words dissemination of knowingly false details, discrediting the honor and dignity of another person or damaging his (her) reputation shall be punished by the fine in the amount of one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to one year, or imprisonment for the same term.

2. The same action, committed publicly or with the use of mass media or information and communication networks shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

3. The actions, provided by first and second parts of this Article, connected with accusation of person in commission of corruption, grievous or especially grave crime, as well as resulted the grave consequences shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

### **Article 131. Insult**

1. Insult, in other words humiliation of honor and dignity of other person, expressed in an unseemly manner shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred twenty years.

2. The same action, committed publicly or with the use of mass media or information and communication networks shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours.

### **Chapter 2. CRIMINAL INFRACTION AGAINST THE FAMILY AND MINORS**

#### **Article 132. Involvement of a minor in the commission of criminal infractions**

1. Involvement of a minor in the commission of criminal infractions by person, reached the age of eighteen shall be punished by imprisonment for the term of two to six years.

2. The same action, committed by parent, teacher or other person, to whom the responsibilities on upbringing of a minor are imposed by the Law of the Republic of Kazakhstan shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

3. The actions, provided by first or second parts of this Article, committed with use of force or threat of its use shall be punished by imprisonment for the term of four to eight years with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

4. The actions, provided by first, second or third parts of this Article, linked with involvement of minor in the commission of grievous or especially grave crime shall be punished by imprisonment for the term of five to ten years with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

5. The actions, provided by first, second, third or fourth parts of this Article, linked with involvement of minor in the criminal activity of criminal group shall be punished by imprisonment for the term of ten to fifteen years with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

#### **Article 133. Involvement of a minor in commission of antisocial actions**

1. Involvement of a minor in consumption of doping substances or drug abuse, or in repeated use of alcoholic drinks, or vagrancy or beggary shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

2. The same action, committed by parent, teacher or other person, to whom the responsibilities on upbringing of a minor are imposed by the Law of the Republic of Kazakhstan shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

3. The actions, provided by first or second parts of this Article, committed repeatedly or with use of force or threat of its use shall be punished by imprisonment for the term of three to six years with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

#### **Article 134. Involvement of a minor in prostitution**

1. Involvement of a minor in prostitution shall be punished by imprisonment for the term of three to five years with confiscation of property.

2. Involvement of a minor in prostitution by use of force or threat of its use, use of dependent position, blackmail, destruction or damaging of property or by false pretenses shall be punished by imprisonment for the term of five to seven years with confiscation of property.

3. The actions, provided by first and second part of this Article, committed:

1) by group of persons on previous concert;

2) repeatedly;

shall be punished by imprisonment for the term of six to ten years with confiscation of property.

4. The actions, provided by first, second or third parts of this Article, committed by:

1) criminal group;

2) parent, teacher or other person, to whom the responsibilities on upbringing of a minor are imposed by the Law of the Republic of Kazakhstan, -

shall be punished by imprisonment for the term of seven to twelve years with confiscation of property, and in the cases, provided by paragraph 2), with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

#### **Article 135. Trafficking in minors**

1. Buy and sale or commission of other transactions in relation of minor, as well as his (her) operation or enlistment, transportation, transfer, concealment, receipt, as well as commission of other actions in order of operation-

shall be punished by imprisonment for the term of five to seven years with confiscation of property.

2. The same actions, committed:

1) group of persons on previous concert;

2) repeatedly;

3) with use of force, dangerous to life and health, or threat of its use;

4) with use of weapons or objects used as weapons;

5) in relation of two and more persons;

6) in order of removal of organs or tissues of injured person for transplantation or other use;

7) by false pretenses or abuse of trust;

8) by person with the use of his (her) official position;

9) in order of involvement of a minor in commission of crimes or other antisocial actions;

10) with the use of material or other dependence of injured person;

11) in relation of minor, certainly for guilty person being in the state of pregnancy;

12) in relation of a minor, certainly for guilty person suffered from mental disease or being in the helpless state;

13) with suppression, non-disclosure or destruction of documents, certifying identity of injured person,-

shall be punished by imprisonment for the term of seven to ten years with confiscation of property.

3. The actions, provided by first and second parts of this Article, committed in order of export outside of the Republic of Kazakhstan, import in the Republic of Kazakhstan or transportation of a minor through the territory of the Republic of Kazakhstan from one foreign state to another, as well as export outside of the Republic

of Kazakhstan, import in the Republic of Kazakhstan or transportation of minor through the territory of the Republic of Kazakhstan from one foreign state to another state in order of commission of such actions-

shall be punished by imprisonment for the term of ten to twelve years with confiscation of property.

4. The actions, provided by first, second or third parts of this Article, if they:

1) committed by criminal group;

2) resulted the death of injured person by negligence or other grievous consequences, -

shall be punished by imprisonment for the term of twelve to fifteen years with confiscation of property.

#### **Article 136. Substitution of child**

1. Intentional substitution of child -

shall be punished by the fine of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, committed for selfish or other bad motives, -

shall be punished by imprisonment for the term of three to seven years.

#### **Article 137. Illegal activity on adoption**

1. Illegal actions on adoption of child, transfer him (her) under trusteeship (guardianship), foster parents-

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

2. The same actions, committed for selfish motives or by civil servant with the use of his (her) official position, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

#### **Article 138. Disclosure of secret of adoption**

Disclosure of secret of adoption against will of adoptive person, committed by person, obliged to keep the fact of adoption as an official or professional secret, or other person for selfish or other bad motives, -

shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

#### **Article 139. Non-performance of obligations on payment of child maintenance, evasion of funds for maintenance of disabled parents, disabled husband (wife)**

Non-performance of obligations more than three months by parent on payment of funds by decision of a court on the maintenance of minor children, as well as disabled children, reached the age of eighteen years, or evasion more than three months of adult employable person from payment of funds by decision of a court for maintenance of his (her) disabled parent, or evasion more than six months of employable person from payment of funds by decision of a court for maintenance of disabled and being in need of

material assistance of husband (wife) -

shall be punished by restriction of liberty for the term of up to two years or imprisonment for the same term.

**Article 140. Non-performance of obligations on upbringing of a minor**

1. Non-performance or improper performance of obligations without good reasons on upbringing of a minor by parent or other person, to whom these obligations are imposed, as well as by teacher or other employee of educational, fostering, medical or other institution, obliged to supervise the minor, the minor has entailed to use of alcoholic drinks, narcotic drugs, psychotropic substances, their analogues or vagrancy or beggary or commission by them the actions that contain the elements of crime, intentional criminal offense or intentional administrative infraction, -

shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days.

2. Non-performance or improper performance of obligations without good reasons on upbringing of a minor by parent or other person, to whom these obligations are imposed, as well as by teacher or other employee of educational, fostering, medical or other institution, obliged to supervise the minor, connected with abusive treatment with a minor, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

**Article 141. Improper performance of obligations on ensuring the safety of life and health of children**

1. Improper performance of obligations on ensuring the safety of life and health of minor by person, to whom such obligations are imposed on service, or person, performing these obligations on special order or voluntary accepted such obligations, if it caused infliction of grievous or average gravity harm to health of minor by negligence, -

shall be punished by the fine in the amount of two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

2. The same action, entailed the death of minor by negligence, -

shall be punished by restriction of liberty for the term of up to five years or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

**Article 142. Abuse of rights of trustee or guardian**

Use of trusteeship or guardianship for selfish or other ignoble purposes to the detriment of a ward or intentional leaving the ward without supervision or necessary assistance, entailed substantial impairment of rights and legal interests of ward, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

**Article 143. Illegal export of minor person outside of the Republic of Kazakhstan**

1. Illegal export of a minor person outside of the Republic of Kazakhstan - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, committed for selfish or other bad motives, or by group of persons on previous concert, - shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with confiscation of property or without it.

3. The actions, provided by first or second parts of this Article, committed by criminal group, - shall be punished by imprisonment for the term of three to seven years with confiscation of property or without it.

**Article 144. Involvement of minors in production of articles with erotic content**

Involvement of a minor in production of articles with erotic content, as well as distribution, advertisement and sale of products with erotic content -

shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred twenty hours, or arrest for the term of up to forty five days.

**Chapter 3. CRIMINAL INFRACTION AGAINST CONSTITUTIONAL AND OTHER RIGHTS AND FREEDOMS OF PERSON AND CITIZEN**

**Article 145. Violation of the equality of person and citizen**

1. Direct or indirect restriction of rights and freedoms of person (citizen) on grounds of origin, social, official or property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence, membership of public associations, or any other circumstances -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices of correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

2. The same action, committed by person with the use of his (her) official position or the leader of the public association, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

**Article 146. Torment**

1. Intentional infliction of physical and (or) mental suffering, committed by crime investigator, person, conducting an investigation, or other civil servant or other person with their incitement or with their consent or acquiescence, in order to obtain details or recognition from tortured or other person or punish him (her) for the actions, which he (she) or another person is committed or in commission of which they are suspected, as well as intimidate or coerce him (her) or third person or by any reason, based on discrimination of any nature, -

shall be punished by the fine in the amount of up to five thousand monthly

calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years.

2. The same action, committed:

1) by group of person or group of person on previous concert;

2) repeatedly;

3) with infliction of average gravity harm to health;

4) in relation of woman, certainly for guilty person being in the state of pregnancy, or the minor, -

shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years.

3. The same action, entailed infliction of grievous harm to health or the death of injured person by negligence, -

shall be punished by imprisonment for the term of five to twelve years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years.

Note. Physical and mental suffering, caused in the result of legal actions of civil servants shall not be recognized as torture.

#### **Article 147. Violation of integrity of private life and the legislation of the Republic of Kazakhstan on personal data and their protection**

1. Illegal collection of details on private life of person, constituting his (her) private or family secret, without his (her) consent or infliction of substantial harm to the rights and legal interests of person in the result of illegal collection and processing of other personal data, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. Non-observance of measures on protection of personal data by person, to whom an obligation of adoption such measures is imposed, if this action is caused substantial harm to the rights and legal interests of persons, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first or second parts of this Article, committed by persons with the use of his (her) official position or special technical means, intend for private obtaining of information, or by illegal access to electronic information resources, information system or illegal information capturing, transferred by information and communication network, or in order of deriving profits and advantages for himself (herself) or for other persons or organizations, as well as dissemination of details, specified in the first part of this Article, in public speaking, publicly performed work, in mass media or with the use of information and communication networks, -

shall be punished by imprisonment for the term of up to five years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of two to five years of without it.

**Article 148. Illegal violation of privacy of letters, telephone conversations, postal, telegraphic or other messages**

1. Illegal violation of privacy of letters, telephone conversations, postal, telegraphic or other messages of individuals -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, committed by person with the use of his (her) official position or special technical means, intended for private obtaining of information, or by illegal access to electronic information resources, information system or illegal information capturing, transferred by information and communication network, -

shall be punished by imprisonment for the term of up to five years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of two to five years.

**Article 149. violation of inviolability of housing**

1. Illegal entry into a dwelling against the will of the person living in it -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

2. The same action, committed with use of force or with threat of its use or group of persons, or at night time or accompanied by illegal search, as well as illegal eviction from dwelling -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

3. The actions, provided by first or second parts of this Article, committed by person with the use of his (her) official position, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to five years.

**Article 150. Interfering with implementation of election rights or the work of election commissions**

1. Interfering with free implantation by citizen of his (her) election rights or a right to participate in referendum, as well as illegal interference in the work of election commissions or commissions on conducting of referendum and interfering with the voting, performance of obligations, linked with registration of candidate, party lists, result of the voting and determine the results of voting at an election or referendum -

shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred twenty hours.

2. The same actions:

1) connected with bribery, false pretence, use of force or threat of its use;

2) committed by person with the use of his (her) official or service position;

3) committed by group of persons on previous concert or criminal group;

4) committed by violation of established procedure of functioning of electronic election system, -

shall be punished by the fine in the amount of up to four thousand monthly

calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term.

**Article 151. Falsification of election documents, documents of referendum or incorrect counting of votes**

1. Falsification of election documents or documents of referendum, making blank records in the ballot papers or signature lists, certainly incorrect counting of votes or certainly incorrect establishment of election results or results of referendum, or violation of secret voting, if these actions are committed by agent of a candidate for the President of the Republic of Kazakhstan or agent of a candidate for deputy, as well as member of the election commission or the commission on conducting of referendum, - shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

2. The same actions, committed by violation of established procedure of functioning of electronic election system, - shall be punished by imprisonment for the term of up to seven years.

**Article 152. Violation of the labor legislation of the Republic of Kazakhstan**

1. Illegal termination of labor agreement with employee or non-performance of decision of court on reinstatement in work, as well as other violation of the labor legislation of the Republic of Kazakhstan, entailed infliction of substantial harm to the rights and legal interests of the citizen, -

shall be punished by community services for the term of up to two hundred forty hours or arrest for the term of up to seventy five days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to one years or without it.

2. Unwarranted refusal in conclusion of labor agreement with woman or unwarranted termination with her a labor agreement on grounds of her pregnancy, or unwarranted refusal in conclusion of labor agreement, or unwarranted termination of labor agreement with woman with children up to three years, on these grounds, as well as unwarranted refusal in conclusion of labor agreement or unwarranted termination of labor agreement with disabled person on the grounds of disability or the minor on grounds of his (her) minority -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to one years or without it.

3. Repeated delay of payment of salary in full volume and in the established terms in connection with use of money for other purposes by person, exercising management functions -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

**Article 153. Violation of labor legislation of the Republic of Kazakhstan in relation of minor**

1. Violation of labor legislation of the republic of Kazakhstan by employee or civil servant in terms of involvement of the minors to works, on which application of labor of employees, not reached the age of eighteen is prohibited, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years.

2. The same action, committed:

1) by group of persons on previous concert;

2) repeatedly;

3) in relation of two or more persons;

4) by false pretenses or abuse of trust;

5) in relation of a minor, certainly for guilty person suffered from mental disease or being in the helpless state, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices of correctional works in the same amount, or restriction of liberty for the term of two to five years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years.

#### **Article 154. Interfering with legal activity of employee representatives**

Interfering with legal activity of employee representatives by civil servant with the use of his (her) official position, as well as interfering with their legal activity, committed by civil servant with the use of his (her) official position, entailed substantial violation of their rights and legal interests, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years.

#### **Article 155. Interfering with organization, holding of meeting, political meeting, demonstration, procession, picketing or participation in them**

1. Illegal interfering with organization, holding of meeting, political meeting, demonstration, procession, picketing, other legal public event or participation in them or coercion to participation in them -

shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days.

2. The same action, committed by civil servant with the use of his (her) official position or with use of force or the threat of its use, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

#### **Article 156. Violation of labour protection rules**

1. Violation of rules of safety regulations, industrial sanitary or other rules of labor protection, committed by person, to whom the obligations on organization or

enforcement of these rules, entailed infliction of average gravity harm to health by negligence are lied, -

shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days.

2. The same action, entailed infliction of grievous harm to health by negligence,

-  
shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years.

3. The actions, provided by first part of this Article, entailed the death of person by negligence, -

shall be punished by restriction of liberty for the term of up to five years or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

4. The actions, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by restriction of liberty for the term of up to seven years or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

#### **Article 157. Coercion to participation in a strike or refuse of participation in a strike**

1. Coercion to participation in a strike or to refuse to participate in a legal strike -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

2. The same action, committed by person with the use of his (her) official position or by use of force or threat of use of force,-

shall be punished by the fine in the amount of up to six thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to six years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years.

#### **Article 158. Interfering with legal professional activity of journalist**

1. Interfering with legal professional activity of journalist by coercion him (her) to dissemination or refuse to dissemination of information, as well as by creating conditions, preventing to execution by the journalist of the legal professional activity or deprives him (her) of such opportunity, -

shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred twenty hours, or arrest for the term of up to forty five days.

2. The same action, committed by person with the use of his (her) official position, as well as with use of force or threat of its use in relation of journalist or

his (her) relatives or with damaging or destruction of their property, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

**Article 159. Illegal restriction of a right to access to information resources**

Illegal restriction of a right to access to information resources -

shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and twenty hours.

**Chapter 4. CRIMES AGAINST PEACE AND HUMAN SECURITY**

**Article 160. Planning, preparation, unleashing or conduct of aggressive war**

1. Planning or preparation of aggressive war -

shall be punished by imprisonment for the term of ten to fifteen years.

2. Unleashing or conduct of aggressive war-

shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment, or death penalty.

**Article 161. Propaganda or public call for unleashing of aggressive war**

1. Propaganda or public call for unleashing of aggressive war -

shall be punished by imprisonment for the term of up to five years.

2. The same action, committed with the use of mass media or information and communication networks or by civil servant, holding responsible state position,-

shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years.

**Article 162. Production, acquisition or sale of weapons of mass destruction**

Production, acquisition or sale of prohibited chemical, biological, nuclear, as well as other type of weapon of mass destruction, prohibited by international treaty of the Republic of Kazakhstan -

shall be punished by imprisonment for the term of five to ten years.

**Article 163. Application of prohibited means and methods of conduct of war**

1. Abusive treatment of war prisoners or civil population, deportation of civil population, destruction or plunder of national property in the occupied territory, application of means and methods, prohibited by international treaty of the Republic of Kazakhstan in the armed conflict, -

shall be punished by imprisonment for the term of ten to fifteen years.

2. Application of weapons of mass destruction, prohibited by international treaty of the Republic of Kazakhstan, -

shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment, or death penalty.

**Article 164. Violation of Laws or customs of war**

1. Coercion of persons, laid down arms or not having means of protection, wounded, afflicted persons, shipwrecked, medical workers, sanitary and religious personnel, war prisoners, civil population in the occupied territory or in the area of

military operations, other persons, using international protection during military actions, to the service in the armed forces of enemy, or to resettlement or deprivation of their right to independent and unbiased court, or restriction of a right of these persons to protection in a criminal proceedings -

shall be punished by imprisonment for the term of three to seven years.

2. Murder of persons, listed in the first part of this Article, -

shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment, or death penalty.

#### **Article 165. Criminal violations of standards of international humanitarian law during armed conflicts**

Violation of standards of international humanitarian law during armed conflicts, consisting in change of non-defended locality and demilitarized zones in the object of attack or violation of armistice agreements, suspension of military actions or local agreements, concluded in order of export, exchange or transportation of wounded and dead, left on the battlefield or commission of attack against civil population or civilian objects, or moving the part of its own civilian population to the occupied territory, or unreasonable delay of repatriation of war prisoners and civilians, - shall be punished by imprisonment for the term of ten to fifteen years.

#### **Article 166. Omission or giving of criminal order during armed conflict**

1. Intentional non-adoption of possible measures for prevention of prepared or restraint of criminal infractions and customs of war or standards of international humanitarian law, committed by subordinate, by chief or civil servant within his (her) powers during armed conflict -shall be punished by imprisonment for the term of seven to fifteen years.

2. Giving an order to subordinate by chief or civil servant during armed conflict to leave nobody alive or other certainly criminal orders or instructions, directed to commission of criminal infractions and customs of war or standards of international humanitarian law, -shall be punished by imprisonment for the term of ten to twenty years.

#### **Article 167. Illegal use of signs, protected by international treaties**

Intentional use of emblems of the Red Cross, Red Crescent, Red Crystal or security signs for cultural values ??or other signs protected by international law or the use of the state flag or state differences of enemy, neutral state, the flag or sign of international organization against international treaties during military actions shall be punished by imprisonment for the term of up to five years.

#### **Article 168. Genocide**

1. Genocide, in other words intentional actions, directed to complete or partial destruction of national, ethnic, racial or religious group by killing of members of this group, infliction of grievous harm to their health, forcible prevention of childbearing, forcible transfer of children, forced resettlement or creation of other living conditions, rated to physical destruction of members of this group, -

shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment.

2. The same actions, committed in wartime, - shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment, or death penalty.

#### **Article 169. Ecocide**

Mass destruction of vegetable or animal world, poisoning of the atmosphere, land and water resources, as well as commission of other actions, caused or could cause

ecological disaster or environmental emergency, - shall be punished by imprisonment for the term of ten to fifteen years.

#### **Article 170. Mercenary activities**

1. Enlistment, training, financing or other material support of mercenary, as well as its use in the armed conflict, military actions or other violent acts, directed to overthrow or subversion of constitutional order or violation of territorial integrity of the state, -

shall be punished by imprisonment for the term of five to ten years with confiscation of property or without it.

2. The same actions, committed by person with the use of his (her) official position or in relation of a minor, -

shall be punished by imprisonment for the term of seven to fifteen years with confiscation of property or without it.

3. Participation of mercenary in the armed conflict, military actions or other violent acts, directed to overthrow or subversion of constitutional order or violation of territorial integrity of the state, -

shall be punished by imprisonment for the term of seven to ten years.

4. An action, provided by third part of this Article, entailed the death of people or other grave consequences, -

shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment, or death penalty, with confiscation of property or without it.

#### **Article 171. Developing the bases (camps) of training of mercenaries**

Developing a base (camp) certainly for training of mercenaries or provision of premises or land plot certainly for the same purposes -

shall be punished by imprisonment for the term of five to ten years with confiscation of property.

#### **Article 172. Participation in the foreign armed conflicts**

Intentional illegal participation of the citizen of the Republic of Kazakhstan in the armed conflict or military actions in the territory of foreign state upon absence of signs of mercenary activities -

shall be punished by imprisonment for the term of three to seven years.

#### **Article 173. Attack against persons or organization, using international protection**

1. Attack against representative of the foreign state or servant of international organization, using international protection, or members of his (her) family living jointly with him (her), as well as official or residential premises or means of transport of persons, using international protection, as well as kidnaping or forcible imprisonment of these persons, as well as a threat of commission of specified actions -

shall be punished by imprisonment for the term of three to eight years.

2. The same actions, committed repeatedly or with the use of weapon or objects used as weapon, or group of persons on previous concert or linked with infliction of grievous harm to health, as well as committed in order of provocation of war or complications of international relations-

shall be punished by imprisonment for the term of ten to fifteen years with confiscation of property or without it.

3. The actions, provided by first or second parts of this Article, entailed the death of person by negligence of committed by criminal group, -

shall be punished by imprisonment for the term of fifteen to twenty years with confiscation of property or without it.

**Article 174. Institution of social, national, generic, racial, class or religious discord**

1. Intentional actions, directed to institution of social, national, generic, racial, class or religious hatred, insult of the national honour and dignity or religious feelings of citizens, as well as propaganda of exclusivity, superiority or inferiority of citizens on grounds of their relation to religion, class, national, generic or racial assignment, if these actions are committed publicly or with the use of mass media or information and communication networks, as well as by production or distribution of literature or other information media, promoting social, national, generic, racial, class or religious discord, -

shall be punished by restriction of liberty for the term of two to seven years or imprisonment for the same term.

2. The same actions, committed by group of persons, group of persons on previous concert or repeatedly or connected with violence or threat of its use, as well as committed by person with the use of his (her) official position or leader of a public association, -

shall be punished by imprisonment for the term of five to ten years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first or second parts of this Article, committed by criminal group or entailed the grave consequences, -

shall be punished by imprisonment for the term of twelve to twenty years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

**Chapter 5. CRIMINAL INFRACTIONS AGAINST FOUNDATIONS OF CONSTITUTIONAL ORDER AND SECURITY OF THE STATE Article 175. Treason**

1. Treason, in other words intentional actions of the citizen of the Republic of Kazakhstan, consisting in adhering to the enemy during armed conflict, as well as in spying, betraying the state secret to the foreign state, international or foreign organization or their representatives, as well as in other assistance, rendering to them in carrying out of activity, directed against national interests of the Republic of Kazakhstan, -

shall be punished by imprisonment for the term of ten to fifteen years.

2. The same actions, committed in battle situation, -

shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment.

3. The actions, provided by first part, committed in wartime, -

shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment, or death penalty.

Note. A person, committed the crimes, provided by this Article, as well as Articles 176 and 179 of this Code shall be released from criminal responsibility, if he (she) is assisted to prevention of occurrence of damage to the interests of the Republic of Kazakhstan by voluntary and timely message to the state bodies or otherways and if his (her) actions do not contain the components of another crime.

**Article 176. Spying**

Transfer, as well as collection, stealing or storage of details, constituting the state secrets, in order to transfer to the foreign state, international or foreign organization or their representatives, as well as transfer or collection of other details by order of foreign intelligence for use them against the national interests of the Republic of Kazakhstan, if these actions are committed by foreign citizen or person

without citizenship, -

shall be punished by imprisonment for the term of ten to fifteen years.

**Article 177. Infringement on life of the First President of the Republic of Kazakhstan - Leader of the Nation**

Infringement on life of the First President of the Republic of Kazakhstan - Leader of the Nation, committed in order to interfering with his (her) legal activity or out of revenge for such activity, -

shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment, or the death penalty.

**Article 178. Infringement on life of the President of the Republic of Kazakhstan**

Infringement on life of the President of the Republic of Kazakhstan, committed in order of termination of his (her) state activity or out of revenge for such activity, -

shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment, or the death penalty.

**Article 179. Propaganda or public calls for seizure or retention of power, as well as seizure or retention of power or forcible change of constitutional order of the Republic of Kazakhstan**

1. Propaganda or public calls for forcible seizure of power or forcible retention of power in violation of Constitution of the Republic of Kazakhstan, subversion of security of the state or forcible change of the constitutional order of the Republic of Kazakhstan, as well as production, storage in order to distribution or distribution of materials of such content -

shall be punished by the fine in the amount of one thousand to five thousand monthly calculation indices or restriction of liberty for the term of up to seven years, or imprisonment for the same term.

2. The same actions, committed by person with the use of his (her) official position or leader of public association, or with use of mass media or information and communication networks, or group of persons on previous concert, -

shall be punished by imprisonment for the term of five to ten years.

3. The actions, directed to forcible seizure of power or forcible retention of power in violation of the Constitution of the Republic of Kazakhstan or forcible change of constitutional order of the Republic of Kazakhstan, -

shall be punished by imprisonment for the term of ten to fifteen years.

4. Exercise of powers, being within the competence of the authorized bodies and civil servants of the Republic of Kazakhstan by the representatives of foreign state, international or foreign organization, -

shall be punished by the fine in the amount of three to seven thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to seven years, or imprisonment for the same term.

**Article 180. Separatist activities**

1. Propaganda or public calls for violation of unitarity and integrity of the Republic of Kazakhstan, inviolability and inalienability of its territory or disintegration of the state, as well as production, storage in order to distribution or distribution of materials of such content -

shall be punished by the fine in the amount of one thousand to five thousand monthly calculation indices or restriction of liberty for the term of up to seven years, or imprisonment for the same term.

2. The same actions, committed by person with the use of his (her) official position or leader of public association, or with use of mass media or information and

communication networks, or group of persons or group of persons on previous concert, - shall be punished by imprisonment for the term of five to ten years.

3. The actions, committed in order of violation of unitarity and integrity of the Republic of Kazakhstan, inviolability and inalienability of its territory or disintegration of the state, -

shall be punished by imprisonment for the term of ten to fifteen years.

#### **Article 181. Armed rebellion**

1. Organization of armed rebellion in order to overthrow or change of constitutional order or violation of unitarity and integrity of the Republic of Kazakhstan, inviolability and inalienability of its territory, as well as seizure or retention of power -

shall be punished by imprisonment for the term of twelve to twenty years.

2. Participation in the armed rebellion -

shall be punished by imprisonment for the term of ten to fifteen years.

#### **Article 182. Creation, management of extremist group or participation in its activity**

1. Creation of extremist group, as well as its management -

shall be punished by imprisonment for the term of eight to fifteen years with confiscation of property.

2. Participation in activity of extremist group or crimes, committed by it -

shall be punished by imprisonment for the term of six to twelve years with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed by person with the use of his (her) official position or leader of public association, -

shall be punished by imprisonment for the term of ten to fifteen years with confiscation of property, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to five years.

Note. A person that terminated participation in activity of extremist group on a voluntary basis shall be released from a criminal responsibility, if his (her) actions do not contain the components of another crime.

#### **Article 183. Giving permission for publication the extremist materials in the mass media**

Giving permission for publication of details and materials, directed to fomentation of national, generic, racial, social and religious enmity, promoting class exclusivity, war, containing the calls for forcible seizure of power, forcible retention of power, subversion of the security of the state or forcible change of the constitutional order, as well as violation of the territorial integrity of the Republic of Kazakhstan, in print and other mass media, -

shall be punished by the fine of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to two years or without it.

#### **Article 184. Sabotage**

Commission of explosion, arson or other actions, directed to mass destruction of people, infliction of harm to their health, destruction or damaging of enterprises, constructions, ways and means of communication, means of communication, objects of life support of people in order to subversion of security and defense capacity of the Republic of Kazakhstan, as well as commission of mass poisoning or advance of epidemics and epizootics -

shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment, or death penalty, with confiscation of property or without it.

**Article 185. Illegal collection, dissemination, disclosure of the state secrets**

1. Illegal collection of details, constituting the state secrets, as well as dissemination of illegally obtained details, constituting the state secrets, in the absence of the signs of the state treason or spying -

shall be punished by restriction of liberty for the term of up to five years or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

2. Disclosure of details, constituting the state secrets, by person, to whom they were entrusted or became known in the service, at work, or by other grounds, provided by the Law of the Republic of Kazakhstan, in the absence of signs of the state treason -

shall be punished by restriction of liberty for the term of up to five years or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first or second parts of this Article, if they are entailed infliction of heavy damage or occurrence of other grave consequences, -

shall be punished by imprisonment for the term of five to eight years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years.

**Article 186. Loss of the carriers of details, containing the state secrets**

1. Loss of the carriers of details, containing the state secrets by negligence, by person, to whom they were entrusted in the service, at work or by other grounds, provided by the Law of the Republic of Kazakhstan, if the loss was the result of violation of established rules of dealing with carriers of details, constituting the state secrets, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

2. The same action, entailed infliction of heavy damage or occurrence of other grave consequences, -

shall be punished by the fine in the amount of up to four thousand monthly calculation indices, or restriction of liberty for the term of up to four years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years.

**Chapter 6. CRIMINAL INFRACTION AGAINST PROPERTY**

**Article 187. Petty stealing**

1. Petty stealing, in other words theft, fraud, misappropriation or embezzlement of other property, committed in the insignificant amount -

shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred twenty hours, or arrest for the term of up to forty five days.

2. Petty stealing, committed repeatedly, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days.

## **Article 188. Theft**

1. Theft, in other words covert theft of other property, - shall be punished by the fine in the amount of one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with confiscation of property or without it.

2. Theft, committed:

1) by group of persons on previous concert;

2) repeatedly;

3) with illegal entering in the dwelling, official or industrial premise, storage building or means of transport;

4) by illegal access to the information system or change of information, transferred through information and communication networks -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with confiscation of property.

3. Theft, committed on a large scale, -

shall be punished by imprisonment for the term of three to seven years with confiscation of property.

4. Theft, committed:

1) criminal group;

2) from oil and gas pipeline;

3) on a special large scale, -

shall be punished by imprisonment for the term of five to ten years with confiscation of property.

## **Article 189. Appropriation or embezzlement of entrusted another's property**

1. Appropriation or embezzlement, in other words theft of another's property, entrusted to guilty person, -

shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with confiscation of property or without it.

2. The same action, committed:

1) by group persons on previous concert;

2) repeatedly;

3) by person with the use of his (her) official position, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, with imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first or second parts of this Article, if they are committed:

1) on a large scale;

2) by person, authorized to perform other state functions, or person equated to him (her), or civil servant, or person, holding responsible state position, if they are linked with the use of his (her) official position by them, -

shall be punished by imprisonment for the term of five to ten years with confiscation of property, and in the cases, provided by paragraph 2), with deprivation

of the right to occupy determined positions or to engage in a determined activity for life.

4. The actions, provided by first, second or third parts of this Article, if they are committed:

1) by criminal group;

2) on a special large scale, -

shall be punished by imprisonment for the term of seven to twelve years with confiscation of property, with deprivation of the right to occupy determined positions or to engage in a determined activity for life or without it.

#### **Article 190. Fraud**

1. Fraud, in other words theft of another's property or acquisition of right to another's property by false pretenses or abuse of trust, -

shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with confiscation of property.

2. Fraud, committed:

1) by group of persons on previous concert;

2) repeatedly;

3) by person with the use of his (her) official position;

4) by false pretenses or abuse of trust, of the user of information system;

5) in the scope of the state purchases, -

shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

3. Fraud, committed:

1) on a large scale;

2) by person, authorized to perform the state functions, or person equated to him (her), or civil servant, or person, holding responsible state position, if they are linked with the use of his (her) official position by them;

3) in relation of two or more persons, -

shall be punished by imprisonment for the term of three to seven years with confiscation of property, and in the cases, provided by paragraph 2), with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

4. The actions, provided by first, second or third parts of this Article, if they are committed:

1) by criminal group;

2) on a special large scale, -

shall be punished by imprisonment for the term of five to ten years with confiscation of property, with deprivation of the right to occupy determined positions or to engage in a determined activity for life or without it.

#### **Article 191. Robbery**

1. Robbery, in other words theft of another's property, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term, with confiscation of property or without it.

2. Robbery, committed:

1) with use of force, not dangerous to life or health of injured person, or with the threat of use of such force;

2) repeatedly;

3) by group of persons on previous concert;

4) with illegal entering in the dwelling, official, industrial premise or storage building, -

shall be punished by restriction of liberty for the term of three to seven years or imprisonment for the same term, with confiscation of property.

3. Robbery, committed on a large scale, -

shall be punished by imprisonment for the term of five to ten years with confiscation of property.

4. The actions, provided by first, second or third parts of this Article, if they committed:

1) by criminal group;

2) on a special large scale, -

shall be punished by imprisonment for the term of seven to twelve years with confiscation of property.

#### **Article 192. Robbery with violence**

1. Robbery with violence, in other words an attack in order to theft of another's property, connected with violence, dangerous to life or health of person, came under attack, or with the threat of direct use of such force, -

shall be punished by imprisonment for the term of three to seven years with confiscation of property.

2. Robbery with violence, committed:

1) by group of persons on previous concert;

2) repeatedly;

3) with illegal entering in the dwelling, official, industrial premise or storage building;

4) with use of weapons or objects used as weapons;

5) with infliction of grievous harm to health, -

shall be punished by imprisonment for the term of five to ten years with confiscation of property.

3. Robbery with violence, committed:

1) with infliction of grievous harm to health, entailed the death of injured person by negligence;

2) in order of theft of property on a large scale, -

shall be punished by imprisonment for the term of seven to twelve years with confiscation of property.

4. The actions, provided by first, second or third parts of this Article, if they are committed:

1) by criminal group;

2) on a specially large scale, -

shall be punished by imprisonment for the term of ten to fifteen years with confiscation of property.

#### **Article 193. Theft of items, having special value**

1. Theft of items or documents, having special historical, scientific, artistic or cultural value, independent from the method of theft -

shall be punished by imprisonment for the term of three to six years with confiscation of property or without it.

2. The same action, committed:

1) by group of persons on previous concert;

2) repeatedly, -  
shall be punished by imprisonment for the term of seven to ten years with confiscation of property.

3. The same actions, provided by first or second parts of this Article, if they:  
1) committed by criminal group;

2) entailed destruction or damage of items or documents, specified in a first part of this Article, -

shall be punished by imprisonment for the term of ten to twelve years with confiscation of property.

#### **Article 194. Extortion**

1. Extortion, in other words requirement of transfer of another's property or right to property or commission of other actions of property nature under the threat of use of force or destruction or damage of another's property, as well as under the threat of dissemination of details, dishonoring the injured person or his (her) relatives, or other details, disclosure of which may inflict substantial harm to the interests of injured person or his (her) relatives, -

shall be punished by the fine in the amount

of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term, with confiscation of property or without it.

2. Extortion, committed:

1) with use of force;

2) by group of persons on previous concert;

3) repeatedly, -

shall be punished by restriction of liberty for the term of three to seven years or imprisonment for the same term, with confiscation of property.

3. Extortion, committed:

1) with infliction of grievous harm to health of injured person;

2) in order of acquisition of property on a large scale, -

shall be punished by imprisonment for the term of five to ten years with confiscation of property.

4. The actions, provided by first, second or third parts of this Article, if they are committed:

1) by criminal group;

2) on a special large scale, -

shall be punished by imprisonment for the term of seven to fifteen years with confiscation of property.

#### **Article 195. Infliction of property damage by false pretenses or abuse of trust**

1. Infliction of property damage to the possessor or other owner of property by false pretenses or abuse of trust in the absence of signs of theft-

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

2. The same action, committed repeatedly, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days.

3. The actions, provided by first or second parts of this Article, committed:

1) by group of persons on previous concert;

2) by person with the use of his (her) official position;

3) by illegal access to the information system or change of information, transferred through information and communication networks -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

4. The actions, provided by first, second or third parts of this Article, if they:

1) committed by criminal group;

2) inflicted heavy damage,-

shall be punished by imprisonment for the term of up to five years with confiscation of property or without it, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

#### **Article 196. Acquisition or sale of property, certainly obtained by illegal means**

1. Previously not promised acquisition or sale of property, certainly obtained by illegal means, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community service for the term of up to two hundred forty hours, or arrest for the term of up to seventy five hours.

2. The same actions, committed repeatedly, -

shall be punished by the fine in the amount of up to fifty hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days.

3. The actions, provided by first or second parts of this Article, committed:

1) in relation of vehicle, oil and oil products or other property on a large scale;

2) by group of persons on previous concert;

3) in relation of monuments of

history, culture, as well as items, documents, having special historical, scientific, artistic or cultural value, -

shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term, with confiscation of property or without it.

4. The actions, provided by first, second or third parts of this Article, committed by criminal group or person with the use of his (her) official position, -

shall be punished by imprisonment for the term of up to five years with confiscation of property or without it, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

#### **Article 197. Transportation, acquisition, realization, storage of oil and oil products, as well as oil refining without documents, confirming legality of their origin**

1. Transportation, acquisition, realization, storage of oil and oil products, as well as oil refining without documents, confirming legality of their origin, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for

the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

2. The same actions, committed repeatedly, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days.

3. The actions, provided by first or second parts of this Article, committed on a large scale, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with confiscation of property or without it.

4. The actions, provided by first, second or third parts of this Article, committed:

1) by criminal group;

2) on a special large scale, -

shall be punished by imprisonment for the term of three to six years with confiscation of property or without it.

#### **Article 198. Infringement of copyright and (or) related rights**

1. Illegal use of objects of copyright and (or) related rights, as well as acquisition, storage, transfer or production of pirated copies of objects of copyright and (or) related rights in order of sale or appropriation of authorship or compulsion to co-authorship -

shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correction works in the same amount, or community services for the term of up to one hundred twenty hours.

2. The same actions, if they are committed by a significant amount or inflicted significant damage or substantial harm to the rights or legal interests of author or other possessor of right, or committed repeatedly, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

3. The actions, provided by second part of this Article, committed:

1) by group of persons on previous concert;

2) on a large scale or inflicted heavy damage;

3) by person with the use of his (her) official position, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

4. The actions, provided by second or third parts of this Article, committed by criminal group, -

shall be punished by imprisonment for the term of three to six years.

#### **Article 199. Infringement of rights to invention, utility models, industrial designs, selection achievements or topologies of integrated microcircuits**

1. Disclosure of details before official publication without the consent of author or applicant of nature of invention, utility model, industrial design, selection achievement or topology of integrated microcircuit, as well as appropriation of

authorship or compulsion to co-authorship or illegal use of invention, utility model, industrial design, selection achievement or topology of integrated microcircuit - shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred twenty hours.

2. The same actions, if they are committed by a significant amount or inflicted significant damage or substantial harm to the rights or legal interests of author or other possessor of right, or committed repeatedly, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

3. The actions, provided by second part of this Article, committed:

1) by group of persons on previous concert;

2) on a large scale or inflicted heavy damage;

3) by person with the use of his (her) official position, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

4. The actions, provided by second or third parts of this Article, committed by criminal group, -

shall be punished by imprisonment for the term of three to seven years.

#### **Article 200. Illegal occupation of automobile or other means of transport without intent of theft**

1. Illegal occupation of automobile or other means of transport without intent of theft -

shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, committed:

1) by group of persons on previous concert;

2) repeatedly;

3) with use of force, not dangerous to life or health, or the threat of use of such force, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

3. The actions, provided by first or second parts of this Article, committed by criminal group or inflicted heavy damage, -

shall be punished by imprisonment for the term of five to eight years.

4. The actions, provided by first, second or third parts of this Article, committed with use of force, dangerous to life or health, or with the threat of use of such force, -

shall be punished by imprisonment for the term of six to ten years.

#### **Article 201. Violation of proprietary rights to land**

1. Illegal entering into another's land plot, entailed infliction of substantial harm to the rights or interests of citizens or organizations, protected by the Law or interests of society or the state, protected by the Law, committed with use of force or

the threat of its use or by group of persons or accompanied by illegal search, as well as illegal seizure of another's land plot -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The actions, provided by first part of this Article, committed by person with the use of his (her) official position, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years.

### **Article 202. Intentional destruction or damaging of another's property**

1. Intentional destruction or damaging of another's property, inflicted significant damage, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action:

1) committed by arson, explosion or other dangerous way;

2) entailed infliction of grievous or average gravity harm to health by negligence;

3) committed due to execution of official or social duty by injured person or in relation of his (her) close relatives for the same reasons;

4) committed on grounds of social, national, racial or religious enmity;

5) inflicted heavy damage, -

shall be punished by the fine in the amount of three thousand to seven thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of three to seven years, or imprisonment for the same term.

3. The actions, provided by first or second parts of this Article, entailed:

1) the death of person by negligence;

2) infliction especially heavy damage, -

shall be punished by imprisonment for the term of five to ten years.

### **Article 203. Intentional destruction or damaging of items, having special value**

1. Intentional destruction or damaging of monuments of history, culture, natural complexes or objects, taken under protection of the state, as well as items or documents, having special historical, scientific, artistic or cultural value, -

shall be punished by imprisonment for the term of three to seven years.

2. The same action:

1) committed by arson, explosion or other dangerous way;

2) entailed infliction of grievous or average gravity harm to health by negligence;

3) committed on grounds of social, national, racial or religious enmity, -

shall be punished by imprisonment for the term of five to ten years.

3. The actions, provided by first or second parts of this Article, entailed the death of person by negligence, -

shall be punished by imprisonment for the term of seven to twelve years.

### **Article 204. Negligent destruction or damaging of another's property**

1. Destruction or damaging of another's property, committed by negligence, inflicted heavy damage, -

shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred twenty hours, or arrest for the term of up to forty five days.

2. The same action, committed by careless handling of fire or other sources of increased danger or entailed grave consequences or inflicted especially heavy damage, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

#### **Chapter 7. CRIMINAL INFRACTION IN THE SCOPE OF INFORMATIZATION AND COMMUNICATION**

##### **Article 205. Illegal access to information in the information system or information and communication network**

1. Intentional illegal access of information, protected by the Law, contained in the electronic media, to the information system or information and communication network, entailed substantial infringement of rights and legal interests of citizens or organizations or interests of society or the state, protected by the Law, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to two years or without it.

2. The same action, committed in relation of national electronic information resources or national information system, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to two years or without it.

3. The actions, provided by first or second parts of this Article, entailed grave consequences by negligence, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

##### **Article 206. Illegal destruction or modification of information**

1. Intentional illegal destruction or modification of information, protected by the Law, stored on electronic media, contained in the information system or transferred through information and communication network, as well as entry into information system of misleading information, if it is entailed substantial infringement of rights and legal interests of citizens or organizations or interests of society or state, protected by the Law, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to two years or without it.

2. The same actions, committed:

1) in relation of national electronic information resources or national information system;

2) by group of persons on previous concert,-

shall be punished by the fine in the amount of up to two thousand monthly calculation indices of correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first or second parts of this Article:

1) committed by criminal group;

2) entailed grievous consequences, -

shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

### **Article 207. Disfunction of work of information system or information and communication network**

1. Intentional action (omission), directed to disfunction of work of information system or information and communication network, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to two years or without it.

2. The same actions, committed:

1) in relation of national electronic information resources or national information system;

2) by group of persons on previous concert,-

shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first or second parts of this Article:

1) committed by criminal group;

2) entailed grave consequences,-

shall be punished by imprisonment for the term of five to ten years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to five years or without it.

### **Article 208. Misappropriation of information**

1. Intentional illegal copying or other misappropriation of information, protected by the Law, stored in the electronic media, contained in the information system or transferred through information and communication network, if it is entailed substantial infringement of rights and legal interests of citizens or organizations or interests of society or state, protected by the Law, -

shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to two years or without it.

2. The same action, committed:

1) in relation of national electronic information resources or national

information system;

2) by group of persons on previous concert,-

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first or second parts of this Article:

1) committed by criminal group;

2) entailed grave consequences,-

shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

#### **Article 209. Coercion to transmission of information**

1. Coercion to transmission of information, protected by the Law, stored in the electronic media, contained in the information system or transferred through information and communication network, under the threat of use of force or destruction or damaging of property, as well as under the threat of dissemination of details, dishonoring the injured person or his (her) relatives, or other details, disclosure of which may inflict substantial harm to the interests of injured person or his (her) relatives, -

shall be punished by the fine in the amount

of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to two years or without it.

2. The same action:

1) linked with use of physical abuse against the person or his (her) relatives;

2) committed by group of persons on previous concert;

3) committed in order of acquisition of information from national electronic information resources or national information system, -

shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first or second parts of this Article:

1) committed by criminal group;

2) entailed grave consequences,-

shall be punished by imprisonment for the term of five to ten years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to five years or without it.

#### **Article 210. Creation, use or distribution of malicious computer programs and program products**

1. Creation of computer game, program product or introduction of modifications in the existing program or program product in order or illegal destruction, blocking, modification, copying, use of information, stored in the electronic media, contained in the information system or transferred through information and communication network, disfunction of work of computer, subscriber device, computer game, information system or information and communication network, as well as intentional use and (or) distribution of such program or program product - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in

a determined activity for the term of up to three years or without it.

2. The same actions, committed:

1) by group of persons on previous concert;

2) by person with use of his (her) official position;

3) in relation of national electronic information resources or national information system, -

shall be punished by restriction of liberty for the term of three to seven years or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first or second parts of this Article:

1) committed by criminal group;

2) entailed grave consequences, -

shall be punished by imprisonment for the term of five to ten years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to five years or without it.

#### **Article 211. Illegal distribution of electronic information resources of restricted access**

1. Illegal distribution of electronic information resources, containing personal data of citizens or other details, an access of which is restricted by the Laws of the Republic of Kazakhstan or other possessor or owner, -

shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

2. The same action, committed:

1) by group of persons on previous concert;

2) for selfish motives;

3) by person with use of his (her) official position, -

shall be punished by restriction of liberty for the term of up to five years or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first or second parts of this Article:

1) committed by criminal group;

2) entailed grave consequences, -

shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to five years or without it.

#### **Article 212. Provision of services for allocation of internet resources, pursuing illegal purposes**

1. Certainly illegal rendering of services on provision of hardware and software complexes, operating in open information and communication network, for allocation of internet resources, pursuing illegal purposes, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to two years.

2. The same action, committed by group of persons on previous concert or criminal

group, -

shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years.

**Article 213. Illegal change of identification code of subscriber device of cell communication, subscriber identification device, as well as creation, use, distribution of programs for change of identification code of subscriber device**

1. Change of identification code of subscriber device of cell communication, creation of duplicate card of subscriber identification of cell communication, if these actions are committed without the consent of producer or legal owner, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

2. Illegal creation, use, distribution of programs, allowing to change identification code of subscriber device of cell communication or create duplicate card of subscriber identification of cell communication, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

3. The actions, provided by first or second parts of this Article, committed by criminal group, - shall be punished by imprisonment for the term of up to five years.

**Chapter 8. CRIMINAL INFRACTION IN THE SCOPE OF ECONOMIC ACTIVITY**

**Article 214. Illegal enterprise, illegal banking activity**

1. Carrying out entrepreneurial or banking activity (banking operations) without registration, as well as without compulsory license for that activity or with violation of legislation on permissions and notifications, as well as engagement prohibited types of entrepreneurial activity, if these actions are inflicted heavy damage to the citizen, organization or the state or linked with deriving of income on a large scale or production, storage, transfer or sale of sub-excise goods in significant amounts, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term with confiscation of property or without it.

2. The same action:

- 1) committed by criminal group;
- 2) linked with deriving of income on a special large scale;
- 3) committed repeatedly, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term with confiscation of property.

**Article 215. Pseudo-entrepreneurship**

1. Pseudo-entrepreneurship, in other words creation of subject of private entrepreneurship or acquisition of shares (share of participation, stocks) of other legal entities, granting the right to determine their decision, without the intention to carry out entrepreneurial activity, in order of illegal obtaining of credits or exemption from taxes or concealment of prohibited activity, or deriving of other

property profit, or in order to assistance to commission of such actions, as well as manage them, if these actions are inflicted heavy damage to the citizen, organization or the state, -

shall be punished in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same actions, committed:

1) repeatedly;

2) by group of persons on previous concert;

3) by person, authorized to perform the state functions, or person, civil servant or person, holding responsible state position, equated with him (her), if they are linked with use of his (her) official position by them;

4) with use of documents of other individual (legal entity) without his (her) consent or forged documents, -

shall be punished by the fine in the amount of three to seven thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of three to seven years, or imprisonment for the same term, with confiscation of property, and in the cases, provided by paragraph 3) with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

3. The actions, provided by first or second parts of this Article, committed by criminal group or inflicted a special heavy damage, -

shall be punished by imprisonment for the term of seven to ten years with confiscation of property, with deprivation of the right to occupy determined positions or to engage in a determined activity for life or without it.

#### **Article 216. Commission of actions on invoicing without actual performance of works, rendering of services, shipment of goods**

1. Commission of actions on invoicing without actual performance of works, rendering of services, shipment of goods by subject of private entrepreneurship in order to deriving of property profit, inflicted heavy damage to the citizen, organization or the state, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

2. An action, provided by first part of this Article, committed:

1) repeatedly;

2) by group of persons on previous concert;

3) in the amount of over than ten thousand monthly calculation indices;

4) by person, authorized to perform the state functions, or person, civil servant or person, holding responsible state position, equated with him (her), if they are linked with use of his (her) official position by them;

5) by use of pseudo-enterprise, -

shall be punished by the fine in the amount of three to seven thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of three to seven years, or imprisonment for the same term, with confiscation of property, and in the cases, provided by paragraph 4) with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

3. The actions, provided by first or second parts of this Article, committed by criminal group or inflicted a special heavy damage, -

shall be punished by imprisonment for the term of seven to ten years with confiscation of property, with deprivation of the right to occupy determined positions or to engage in a determined activity for life or without it.

**Article 217. Creation and management of financial (investment) pyramid**

1. Creation of financial (investment) pyramid, in other words organization of activity on deriving of income (property profit) from attraction of money or other property or right to it of individuals and (or) legal entities without use of attracted funds to entrepreneurial activity, ensuring accepted obligations, by redistribution of these shares and enrichment of some participants at the expense of contributions of others, as well as management of financial (investment) pyramid or its structural subdivision -

shall be punished by the fine in the amount of one thousand to three thousand monthly calculation indices or restriction of liberty for the term of up to three years, or imprisonment for the same term, with confiscation of property.

2. The same actions, committed:

1) by group of persons on previous concert;

2) repeatedly;

3) by person with use of his (her) official position;

4) with attraction of money or other property on a large scale, -

shall be punished by restriction of liberty for the term of three to seven years or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years.

3. The actions, provided by first or second parts of this Article, committed:

1) by criminal group;

2) with attraction of money or other property on a special large scale;

3) be person, authorized to perform the state functions, or person, civil servant or person, holding responsible state position, equated with him (her), if they are linked with use of his (her) official position by them, -

shall be punished by imprisonment for the term of five to twelve years with confiscation of property, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to seven years, and in the cases, provided by paragraph 3), with confiscation of property, with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

Note. A person, except for organizer of financial (investment) pyramid, voluntary declared on aiding the creation of financial (investment) pyramid or its management or management of its structural subdivision, as well as actively contributed to disclosure or suppression of its activity shall be released from criminal responsibility, if his (her) actions do not contain the components of another crime.

**Article 218. Legalization (laundering) of money and (or) other property, received by criminal way**

1. Involvement of money and (or) other property, received by criminal way, to the legal cycle, by settlement of transactions in the form of conversion or transfer of property, representing the incomes from criminal and (or) administrative infractions, concealment or suppression of its true nature, source, location, disposition, movement, rights to property or its ownership, if it is known that such property represents incomes from criminal and (or) administrative infractions, as well as possession and use of this property or mediation in legalization of money and (or) other property, received by criminal way, if these actions are committed in significant amount, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with confiscation of property.

2. The same actions, committed:

1) by group of persons on previous concert;

2) repeatedly;

3) by person with the use of his (her) official position, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed:

1) by person, authorized to perform the state functions, or person, civil servant or person, holding responsible state position, equated with him (her), if they are linked with use of his (her) official position by them;

2) by criminal group;

3) on the large scales, -

shall be punished by imprisonment for the term of three to seven years with confiscation of property, and in the cases, provided by paragraph 1), with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

Note. A person, voluntary declared on prepared or committed legalization of money and (or) property, received by criminal way shall be released from criminal responsibility, if his (her) actions do not contain the components of crimes, provided by second or third parts of this Article or other crime.

#### **Article 219. Illegal obtaining of credit or unauthorized use of budget credit**

1. Obtaining of credit, donations or credit conditions of exemption by individual entrepreneur or manager of an organization by presentation to the bank of knowingly false details on economic situation, financial situation or pledged property of an individual entrepreneur or organization, or on other consequences, having substantial significance for obtaining of credit, donations, credit conditions of exemption, as well as non-disclosure of information to the bank or other creditor on occurrence of consequences that may entail termination of crediting, allocating investment support, repeal of benefits or restriction of amount of granted credit or donations, if these actions are inflicted a heavy damage, - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. Use of budget credit not for the purposive appointment, if these actions are inflicted heavy damage to the citizen, organization or the state, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

#### **Article 220. Unauthorized use of money, received from placement of bonds**

Making decisions, entailed violation of conditions and order of use of money, received from placement of bonds, established by prospectus of issue of bonds of this issuer, by the bodies of the issuer (civil servants of the issuer), not being financial organization, - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to five years or without it.

### **Article 221. Monopolistic activity**

1. Establishment and (or) support of monopoly high (low) or agreed prices by market entities, establishment of restrictions on resale of acquired goods (works, services) from market entity, occupying a dominant or monopolistic position, on territorial basis, group of buyers, purchase conditions, quality or price, division of goods markets on territorial basis, assortment of goods (works, services), volume of its sale or acquirement, on group of sellers or buyers, as well as other actions, directed to restriction of competition, if they are inflicted heavy damage to the citizen, organization or the state or linked with deriving of income on a large amount by the market entity, - shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to one year, or imprisonment for the same term.

2. The same actions, committed repeatedly by group of persons on previous concert, or person with the use of his (her) official position, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with confiscation of property or without it, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first and second parts of this Article, committed:

1) be criminal group;

2) with the use of force or threat of its use, as well as with destruction or damaging of another's property or with the threat of its destruction or damaging in the absence of signs of extortion, -

shall be punished by imprisonment for the term of three to six years with confiscation of property or without it.

### **Article 222. Illegal use of trademark**

1. Illegal use of another's trademark, service mark, firm name, name of the place of origin of good or notations similar with them, for similar goods or services, if this action is committed repeatedly or inflicted heavy damage, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

2. Illegal use of warning marking in relation of trademark or name of the place of origin of good, not registered in the Republic of Kazakhstan, if this action is committed repeatedly or inflicted a heavy damage, -

shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days.

### **Article 223. Illegal acquisition and disclosure of details, constituting commercial or banking secrecy**

1. Collection of details, constituting commercial or banking secrecy, by stealing documents, bribery or threat in relation of persons, having commercial or banking secrecy, or their relatives, interception in the means of communication, illegal penetration into a computer system or network, use of special technical means, as well as by other illegal methods in order to disclosure or illegal use of these details - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. Illegal disclosure or use of details, constituting commercial or banking secrecy, without the consent of their owner by person, to whom they were entrusted on service or work, committed for selfish or other private interest and inflicted heavy damage, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

3. Illegal disclosure or other illegal use of details and information by civil servants of the state bodies, on transactions with money and (or) other property, received from the subject of financial monitoring, if it is entailed substantial infringement of rights and legal interests of citizens or organizations or interests of society or the state, protected by the Law, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years.

#### **Article 224. Violation of procedure of issuance of equity securities**

Adding knowingly false details in the prospectus of issuance of equity securities, as well as preparation of knowingly false report on results of placement of equity securities, if these actions are inflicted a heavy damage, -

shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

#### **Article 225. Non-provision of information or presentation of knowingly false details by civil servant of issuer of securities**

Non-provision of information or presentation of knowingly false details to the state bodies and security holders by the civil servants of the issuer of securities in order to deriving of property profit, inflicted a heavy damage to the security holders or the issuer, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

#### **Article 226. Adding of knowingly false details in the register of security holders**

1. Adding knowingly false details in the register of security holders entailed the transfer of rights to these securities to other person, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years.

2. The same action, inflicted a heavy damage, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years.

**Article 227. Presentation of knowingly false details by professional participants of market securities**

Presentation of knowingly false details on quantity and types of securities, being in the personal accounts of security holders, and on securities transactions in order to deriving the property profit, inflicted a heavy damage, by professional participants of securities market to the state bodies and securities holders, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

**Article 228. Violation of rules of conducting of securities transactions**

1. Violation of rules of conducting of securities transactions, inflicted a heavy damage, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

2. The same action, committed repeatedly or by group of persons on previous concert,- shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first or second parts of this Article, committed by criminal group, - shall be punished by imprisonment for the term of up to five years.

**Article 229. Manipulation on the securities market**

1. Manipulation on the securities market, in other words the actions of the market entities of securities, directed to establishment and (or) support of securities prices higher or lower than those that were established as a result of objective correlations of supply and demand or to creation the appearance of securities trading, if these actions are inflicted a heavy damage to the citizen, organization or the state, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

2. The same action:

1) committed repeatedly;

2) inflicted a special heavy damage;

3) committed by group of persons on previous concert, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with confiscation of property or without it, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first or second parts of this Article, committed by

criminal group, - shall be punished by imprisonment for the term of up to five years with confiscation of property.

#### **Article 230. Illegal actions in relation of insider information**

1. Intentional use of insider information upon settlement of transaction (transactions) with securities (derivative financial instruments) or intentional illegal transfer of insider information to the third parties or intentional illegal provision of access to insider information to the third parts, as well as intentional provision of recommendations on settlement of transaction (transactions) with securities (derivative financial instruments), based on the insider information, to the third persons, if these actions are inflicted a heavy damage to the citizen, organization or the state, - shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

2. The same actions:

1) committed by group of persons on previous concert;

2) inflicted a special heavy damage;

3) committed by person with the use of his (her) official position, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with confiscation of property or without it, with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first or second parts of this Article, committed by criminal group, - shall be punished by imprisonment for the term of up to five years with confiscation of property.

#### **Article 231. Production, storage, transportation, or sale of counterfeit money or securities**

1. Production or storage in order to sale, sale of counterfeit bank notes and coins of National Bank of the Republic of Kazakhstan, state securities or other securities in currency of the Republic of Kazakhstan or foreign currency- shall be punished by imprisonment for the term of up to five years with confiscation of property or without it.

2. The same actions, committed:

1) by group of persons on previous concert;

2) repeatedly;

3) on a large scale;

4) with transfer through the State boundary of the Republic of Kazakhstan, - shall be punished by imprisonment for the term of five to ten years with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed by criminal group, -

shall be punished by imprisonment for the term of eight to twelve years with confiscation of property.

#### **Article 232. Production or sale of counterfeit charge cards and other payment or calculation documents**

1. Production in order to sale or sale of counterfeit charge cards, as well as other payment or calculation documents, not being securities, -

shall be punished by imprisonment for the term of up to three years with confiscation of property.

2. The same acts, committed repeatedly or criminal group, - shall be punished by imprisonment for the term of four to seven years with confiscation of property.

**Article 233. Violation of procedure and rules of marking of sub-excise goods by excise marks and (or) accounting and control marks, counterfeit and use of excise mark and (or) accounting and control marks**

1. Violation of procedure and rules of marking of sub-excise goods by excise marks and (or) accounting and control marks, entailed infliction of significant damage, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with confiscation of property or without it, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

2. Production or acquisition in order of sale, as well as use or sale of certainly counterfeit excise mark and (or) accounting and control marks -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with confiscation of property or without it, with

deprivation of the right to occupy determined positions or to engage in a determined activity for the term of up to three years or without it.

**Article 234. Economic smuggling**

1. Transfer of goods or other items across the customs border of Custom union on a large scale, as well as goods, things and values, prohibited or restricted to movement across the customs border, in relation of which the special rules of movement across the customs border are established, except for the specified in Article 286 of this Code, committed besides or with concealment from customs control or fraudulent use of documents or means of customs identification, or linked with undeclared or unreliable declaration, - shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with confiscation of property.

2. The same acts, committed:

- 1) repeatedly;
- 2) by person with use of his (her) official position;
- 3) with use of force to the person, carrying out border or customs control;
- 4) on a special large scale;
- 5) by group on previous concert, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed:

1) by person, authorized to perform the state functions, or person, civil servant or person, holding responsible state position, equated with him (her), if they are linked with use of his (her) official position by them;

2) by criminal group, - shall be punished by imprisonment for the term of three to eight years with confiscation of property, and in the cases, provided by paragraph 1),

with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

**Article 235. Non-return of means from abroad in the national and foreign currency**

Non-return of means on a large scale in national and foreign currency from abroad by head of an organization or individual entrepreneur, subject to compulsory transfer to the accounts in the authorized bank of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan, -

shall be punished by the fine in the amount of three to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of three to five years, or imprisonment for the same term.

**Article 236. Evasion from payment of customs payments and charges**

1. Evasion of payment of customs duties, taxes, customs charges on a large scale

- shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days.

2. The same act, committed by civil servant with the use of his (her) official position, - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

3. The actions, provided by first or second parts of this Article, committed by criminal group, - shall be punished by imprisonment for the term of two to five years.

Note. A person, voluntarily paid the amount of the arrears, assessed penalties, the amount of fines, established by the legislation of the Republic of Kazakhstan shall be released from criminal responsibility for the first part of this Article, if his (her) actions do not contain the components of another crime.

**Article 37. Illegal action upon rehabilitation and bankruptcy**

1. Concealment of property or property obligations, details on property, its extent, location or other information on property, transfer of property in other possession, assignment or destruction of property, as well as non-disclosure, destruction, falsification of accounting and (or) records documentation or other documents, if these actions are committed by incorporator (participant), civil servant, bodies of legal entity, individual entrepreneur, as well as person, invested with powers on administration of property and cases of debtor upon rehabilitation or bankruptcy or in anticipation of bankruptcy, and inflicted a heavy damage, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

2. Illegal satisfaction of property requirements of separate creditors by incorporator (participant), civil servant, bodies of legal entity, individual entrepreneur, who knew on his (her) failing circumstances (bankruptcy), as well as by person, invested with powers on administration of property and cases of bankrupt debtor upon bankruptcy proceedings or rehabilitation procedure, certainly to the damage of other creditors, if this action is inflicted a heavy damage, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation

of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

#### **Article 238. Premeditated bankruptcy**

Premeditated bankruptcy, in other words intentional creation or increase in insolvency, committed in result of actions (omission) of incorporator (participant), civil servant, person, exercising management functions in commercial or other organization, bodies of legal entity, as well as individual entrepreneur in personal interests or interests of other persons, inflicted a heavy damage or other grave consequences, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

#### **Article 239. Bringing to insolvency**

1. Concealment of property or property obligations, details on property, its extent, location or other information on property, transfer of property in other possession, assignment or destruction of property, as well as non-disclosure, destruction, falsification of accounting and (or) records documentation or other documents, reflecting the economic activity, if these actions (omission) are committed by incorporator (participant), civil servant, person, exercising management functions in commercial or other organization, bodies of legal entity, as well as individual entrepreneur, led to insolvency, inflicted a heavy damage or other grave consequences, - shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

2. Intentional action (omission) of large participant - individual, the first head of a large participant - legal entity of insurance (reinsurance) organization, pension savings fund, bank or person, permanently, temporary or on special authority exercising the functions of governing body or executive body of insurance (reinsurance) organization, pension savings fund, bank, organization, exercising investment management by benefit assets, led to insolvency, inflicted compulsory liquidation of insurance (reinsurance) organization, pension savings fund, bank, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

#### **Article 240. False bankruptcy**

Certainly false announcement in the result of actions and (or) adopted decisions by incorporator (participant), civil servant, person, exercising management functions in commercial or other organization, bodies of legal entity, as well as individual entrepreneur on his (her) non-solvency in order to misleading of creditors for getting respite or deferred payment by installments or discounts on debts, owed to creditors, as well as for default on debts, if this action is inflicted a heavy damage, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

## **Violation of the legislation of the Republic of Kazakhstan on book records and financial accountability**

Evasion of person, authorized to maintenance of accounting records, from documenting details, provided by the legislation of the Republic of Kazakhstan, or introduction of knowingly false information on economic and financial activity of organization to the accounting documents by this person, as well as destruction of accounting documents before the expire of the terms of their storage, inflicted a heavy damage, - shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

### **Article 242. Presentation of knowingly false details on banking operations**

Presentation of knowingly false details on operations on banking accounts of legal entities or individuals by the employees, as well as issue of warranties, guarantees and other obligations, certainly unassured by actual financial position of this bank, if these actions are entailed or may entail infliction of heavy damage to the citizen, organization or the state, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

### **Article 243. Illegal use of money of bank**

1. Use their own funds of bank and (or) borrowed funds of bank by bank employees for granting of certainly irrecoverable credits or settlement of certainly unprofitable for bank transactions, as well as submission of unreasonable guarantees of bank or unfounded conditions of exemption to the bank customers or other persons, if a heavy damage is inflicted to the citizen, organization or the state by these actions, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

2. Certainly incorrect or certainly untimely transfer of sums of money by bank employees, as well as currency assets by banking accounts of customers, if a heavy damage is inflicted to the citizen, organization or the state by these actions, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

### **Article 244. Evasion of citizen of taxes and (or) other compulsory payments in the budget**

1. Evasion of citizen of taxes and (or) other compulsory payments in the budget by nonpresentation of income declaration in the cases, when submission of declaration is compulsory, or by inclusion in the declaration or other documents, linked with calculation or payment of taxes and (or) other compulsory payments in a budget, certainly distorted data on incomes or expenditures or on property, subjects to taxation, if this action is entailed non-payment of taxes and (or) other compulsory

payments in a budget on a large scale, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days.

2. The same action, committed with the use of invoice without actual performance of work, rendering of services, shipment of goods, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

#### **Article 245. Evasion of taxes and (or) other compulsory payments in a budget with organization**

1. Evasion of taxes and (or) other compulsory payments in a budget with organization by nonpresentation of declaration, when submission of declaration is compulsory, introduction of certainly distorted data on incomes or expenditures to the declaration, by concealment of other items of taxation and (or) other compulsory payments, if this action is entailed non-payment of taxes and (or) other compulsory payments on a large scale, - shall be punished in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

2. The same act, committed:

1) with use of invoice without actual performance of works, rendering of services, shipment of goods;

2) by group of persons on previous concert, - shall be punished by the fine in the amount of up to five thousand monthly calculation indices correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

3. The actions, provided by first or second parts of this Article, committed by criminal group or in a special large amount, - shall be punished by imprisonment for the term of six to ten years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

#### **Article 246. Illegal actions in relation of property, restricted in management on account of debts for tax taxpayer**

Embezzlement, alienation, concealment or illegal transfer of property, to which the restriction in management is imposed by taxation bodies, as well as refusal in transfer of such property in the cases, provided by the legislation of the Republic of Kazakhstan, committed by person, the property of whom is restricted, as well as carrying out of banking operations with monetary means (deposits), on which the debit operations are suspended by taxation bodies, by servants of credit organization, - shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount or community services for the term of up to three hours, or arrest for the term of up to ninety days.

#### **Article 247. Obtain illegal remuneration**

1. Illegal obtainment of material remuneration, benefits or services of property nature for performance of work or rendering of services, including in a set of responsibilities, by employee of the state body or the state organization, not being a person, authorized to exercising of the state functions, or a person, equated to him (her), as well as employee of the non-state organization, not exercising management functions, - shall be punished by the fine in the amount of up to three hundred monthly

calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

2. The same action, committed repeatedly, - shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days.

3. The actions, provided by first or second parts of this Article, linked with obtainment of remuneration on a large extent or linked with extortion, - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with confiscation of property or without it, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

**Note of RCLII!**

**Article 247 is provided to be supplemented by the note in accordance with the Law of the Republic of Kazakhstan dated 07.11.2014 No. 248-V (shall be enforced from 01.01.2015).**

#### **Article 248. Coercion to the settlement of transaction or to refusal of its settlement**

1. Coercion to the settlement of transaction or refusal to its settlement under the threat of application of force, destruction or damaging of another's property, as well as dissemination of details, which may inflict substantial harm to the rights and interests of injured person or his (her) related persons, in the absence of signs of extortion - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, committed:

1) repeatedly;

2) with use of force, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

3. The actions, provided by first or second parts of this Article, committed by criminal group, - shall be punished by imprisonment for the term of two to six years.

#### **Article 249. Corporate raiding**

1. Illegal acquisition of a right of ownership of the share of participation in a legal entity, as well as property and securities of legal entity or establishing control over the legal entity in the result of intentional distortion of results of the voting or interfering with free enforcement of the right upon adoption of decision by superior body by introduction of knowingly false details on the number of votes, quorum or results of the voting to the minutes of meeting, sitting, in extracts of them, or compilation of certainly unreliable results of voting or record of voting ballots, blocking or restriction of actual access of shareholder, participant, member of management body or member of executive body to the voting, non-disclosure of details on holding of meeting, sitting or disclosure of inaccurate details on time and place of holding of meeting, sitting, voting on behalf of the shareholder, participant or member of management body on certainly false power of attorney, by violation, restriction or impairment of a right of priority purchase of securities, as well as intentional creation of obstacles upon enforcement of the right of priority purchase of securities or other illegal methods, entailed infliction of substantial harm to the rights and

interests of citizens or organizations, protected by the Law or the interests of society or the state, protected by the Law,- shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years.

2. The same actions, committed:

1) by group of persons on previous concert;

2) repeatedly;

3) by person with the use of his (her) official position, - shall be punished by imprisonment for the term of three to seven years with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed:

1) by criminal group;

2) by person, authorized to perform the state functions, or person, civil servant or person, holding responsible state position, equated with him (her), if they are linked with use of his (her) official position by them,- shall be punished by imprisonment for the term of seven to ten years with confiscation of property, and in the cases, provided by paragraph 2), with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

## **Chapter 9. CRIMINAL INFRACTION AGAINST THE INTERESTS OF SERVICE IN COMMERCIAL AND OTHER ORGANIZATIONS**

### **Article 250. Abuse of power**

Use of powers by person, exercising management functions in commercial or other organization, contrary to the legal interests of this organization and in order to deriving profits and advantages for himself (herself) or other persons or organizations or infliction of harm to other persons or organizations, if it is entailed inflection substantial harm to the rights and legal interests of citizens or organization or the interests of society or the state, protected by the Law, - shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term, with confiscation of property or without it, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

### **Article 251. Abuse of powers by private notaries, appraisers, private officers of justice, mediators and auditors, working as part of the audit organization**

1. Use of powers by private notaries, appraisers, private officers of justice, mediators, auditors, working as part of the audit organization, or head of audit organization, contrary to tasks of his (her) activity and in order to deriving profits and advantages for himself (herself) or other persons or organizations or infliction of harm to other persons or organizations, if it is entailed inflection substantial harm to the rights and legal interests of citizens or organization or the interests of society or the state, protected by the Law, - shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term, with confiscation of property or without it, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

2. The same action, committed in relation of certainly the minor or disabled person or repeatedly, - shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or

restriction of liberty for the term of up to five years, or imprisonment for the same term, with confiscation of property or without it, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

#### **Article 252. Excess of powers by servants of private security service**

1. Excess of powers, presented in accordance with a license by the head or servant of private security service, contrary to the tasks of his (her) activity, if this action is committed with the use of force or the threat of its use, - shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years or without it.

2. The same action, committed with use of weapon or special means or inflicted grave consequences, - shall be punished by imprisonment for the term of three to eight years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

#### **Article 253. Commercial bribery**

1. Illegal transfer of money, securities or other property to the person, exercising management functions in commercial or other organization, as well as illegal rendering of services of property nature for the use by him (her) of his (her) official position, as well as for general protection or connivance in the service in the interests of person, performing the bribe, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

2. The same actions, committed repeatedly or by group of persons on previous concert, or on a large extent, - shall be punished by imprisonment for the term of seven to twelve years with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed by criminal group or in a special large extent, - shall be punished by imprisonment for the term of ten to fifteen years with confiscation of property.

4. Illegal receipt of money, securities, other property by person, exercising management functions in commercial or other organization, as well as use of services of property nature for the use of his (her) official position, as well as for the general protection or connivance in the service in the interests of person, performing the bribe, - shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years.

5. The actions, provided by fourth part of this Article, if they:

1) committed by group of persons on previous concert;

2) committed repeatedly;

3) linked with extortion;

4) on a large scale, - shall be punished by imprisonment for the term of seven to twelve years with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

6. The actions, provided by fourth or fifth parts of this Article, if they are committed by criminal group or on a special large scale, - shall be punished by

imprisonment for the term of ten to fifteen years with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

Note.

1. A person, committed the actions, provided by first or second parts of this Article shall be released from criminal responsibility, if in relation of his (her) an extortion took place or if he (she) voluntarily informed on bribery the law-enforcement or special state body.

2. Transfer or receipt property, rendering of services of property nature or use of such services as a gift or compensation in the absence of preliminary agreement for the previously committed legal actions shall not be the crimes by virtue of insignificance and shall be prosecuted according to the disciplinary or administrative procedure, if the cost of property or services does not exceed two monthly calculation indices.

#### **Article 254. Unconscientious attitude to the obligations**

Non-performance or improper performance of obligations in consequence of unconscientious or negligent attitude to the service, by person, exercising management functions in commercial or other organization, if it is entailed the death of person or other grave consequences, - shall be punished by restriction of liberty for the term of up to five years or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Chapter 10. CRIMINAL INFRACTION AGAINST PUBLIC SECURITY AND PUBLIC ORDER**

##### **Article 255. An act of terrorism**

1. An act of terrorism, in other words commission of explosion, arson and other actions, endanger the lives of people, infliction of significant property damage or occurrence of other socially dangerous consequences, if these actions are committed in order to violation of public security, terrorizing the population, influence to making decisions by the state bodies of the Republic of Kazakhstan by the foreign state or international organization, provocation of war or complications of international relations, as well as the threat of commission of specified actions in the same purposes - shall be punished by imprisonment for the term of four to ten years with confiscation of property or without it.

2. The same actions, committed:

1) repeatedly;

2) with the use of weapon or items, used as a weapon, explosive substances or explosive devices, which may create real threat to the life and health of citizens, - shall be punished by imprisonment for the term of seven to twelve years with confiscation of property or without it.

3. The actions, provided by first or second parts of this Article, if they:

1) linked with the use or the threat of use of weapon of mass destruction, radioactive materials and commission or the threat of commission of mass poisoning, advance of an epidemic or epizootic, as well as other actions, capable to entail mass mortality of people;

2) entailed the death of person or other grave consequences by negligence, - shall be punished by imprisonment for the term of ten to fifteen years with confiscation of property or without it.

4. Infringement on life of person, committed in order to violation of public security, terrorizing the population, influence to making decisions by the state bodies of the Republic of Kazakhstan by the foreign state or international organization,

provocation of war or complications of international relations, as well as infringement on life of the state or public figure, committed for the same purposes, as well as in order of termination of his (her) state or other political activity or out of revenge for such activity, or infringement on life of person, linked with attack against the persons or organization, using international protection, building, construction, taking of hostage, buildings, constructions, means of communication and communication, theft, as well as seizure of aircraft or water vessel, railway vehicles or other public transport - shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment, or the death penalty, with confiscation of property or without it.

Note. A person, participating in the preparation of an act of terrorism shall be released from criminal responsibility, if he (she) is assisted in prevention of an act of terrorism by early warning of the state bodies or other means and if his (her) actions do not contain the components of another crime.

#### **Article 256. Propaganda of terrorism or public calls for commission of an act of terrorism**

1. Propaganda of terrorism or public calls for commission of an act of terrorism, as well as production, storage in order to distribution or distribution of materials of specified content - shall be punished by imprisonment for the term of three to seven years with confiscation of property.

2. The same actions, committed by person with the use of his (her) official position or by leader of public association, or with the use of mass media or information and communication networks, or by group of persons or group of persons on previous concert, - shall be punished by imprisonment for the term of five to ten years with confiscation of property.

#### **Article 257. Creation, management of terrorist group and participation in its activity**

1. Creation of terrorist group, as well as its management - shall be punished by imprisonment for the term of seven to fifteen years with confiscation of property.

2. Participation in activity of terrorist group or acts of terrorism, committed by it - shall be punished by imprisonment for the term of six to twelve years with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed by person with the use of his (her) official position or by leader of public association, - shall be punished by imprisonment for the term of ten to fifteen years with confiscation of property.

#### **Article 258. Financing of terrorist or extremist activity and other aiding and abetting to the terrorism or extremism**

1. Provision or collection of money and (or) other property, right to property or profits of property nature, as well as donation, exchange, dotation, sponsor and beneficent help, rendering of information and other type of services or rendering of financial services to the individual or group of persons, or legal entity, committed by person, certainly realized the terrorist or extremist nature of its activity or that the provided property, rendered information, financial and other type of services will be used for carrying out of terrorist or extremist activity or ensuring the terrorist or extremist group, terrorist or extremist organization, illegal paramilitary forces, - shall be punished by imprisonment for the term of three to seven years with confiscation of property.

2. The same actions, committed repeatedly or by person with the use of his (her) official position or by person, exercising management functions in commercial or other organization, or by leader of public association, or by group of persons on previous concert, or on a large scale, - shall be punished by imprisonment for the term of five

to ten years with confiscation of property.

Note. A person, carrying out financing of terrorist and other aiding to terrorism or extremist activity under the threat of force and voluntarily declared on this, as well as actively contributed to the detection or suppression of crime shall be released from criminal responsibility, if his (her) actions do not contain the components of another crime.

**Article 259. Enlistment or preparation or armament of persons in order of organization of terrorist or extremist activity**

1. Enlistment or preparation or armament of persons in order of organization of terrorist or extremist activity - shall be punished by imprisonment for the term of six to twelve years with confiscation of property.

2. The same action, committed by person with the use of his official position or in relation of the minor, - shall be punished by imprisonment for the term of eight to fifteen years with confiscation of property.

**Article 260. Undergoing the terrorist or extremist training**

Undergoing the training by person, as well as outside of the Republic of Kazakhstan, certainly for learner, directed to acquisition of skills and experience of commission of terrorist or extremist crime, - shall be punished by imprisonment for the term of three to seven years.

Note. A person, committed a crime, provided by this Article shall be released from criminal responsibility, if he (she) voluntarily informed on undergoing the training, contributed to the identification of other persons, undergone such training, carrying out, organized or financed such training, provided information on place of its venue and if his (her) actions do not contain the components of another crime.

**Article 261. Taking of hostage**

1. Taking or keeping of person as a hostage, committed in order of coercion of the state, organization or other person to commit any action or refrain from any action as a condition for release of the hostage - shall be punished by imprisonment for the term of three to eight years.

2. The same actions, committed:

1) by group of person on previous concert;

2) repeatedly;

3) with the use of force, danger for life or health;

4) with use of weapons or objects used as weapons;

5) in relation of certainly the minor;

6) in relation of woman, certainly for the guilty person, being in the state of pregnancy;

7) in relation of person, certainly being in the helpless state;

8) in relation of two or more persons;

9) for selfish motives or by hire, -

shall be punished by imprisonment for the term of seven to twelve years.

3. The actions, provided by first or second parts of this Article, if they are committed by criminal group or entailed the death of person or other grave consequences by negligence, - shall be punished by imprisonment for the term of ten to fifteen years.

Note. A person, voluntary or at the request of authorities, released the hostage shall be released from criminal responsibility, if his (her) actions do not contain the components of another crime.

**Article 262. Creation and management of organized group, criminal organization, as well as participation in them**

1. Creation of organized group or criminal organization, as well as its management or structural subdivision of criminal organization -

shall be punished by imprisonment for the term of seven to twelve years with confiscation of property.

2. Participation in the organized group or criminal organization - shall be punished by imprisonment for the term of five to ten years with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed by person with the use of his (her) official position, - shall be punished by imprisonment for the term of eight to thirteen years with confiscation of property.

Note. A person, voluntarily terminated participation in the criminal group and actively contributed to detection or suppression of crimes, committed or committed by criminal group shall be released from criminal responsibility, if his (her) actions do not contain the components of another crime, in the Articles 262, 263, 264, 265 and 268 of this Code.

**Article 263. Creation and management of criminal society, as well as participation in it**

1. Creation or management of criminal society, as well as creation of association of heads or other participants of organized groups (criminal organizations) or coordination of criminal actions of independently acting organized groups (criminal organizations) in order to commission of one or several crimes -

shall be punished by imprisonment for the term of twelve to fifteen years with confiscation of property.

2. Participation of the heads of organized groups, criminal organizations, structural subdivisions of criminal organizations in the criminal society -

shall be punished by imprisonment for the term of eight to twelve years with confiscation of property.

3. Participation in the meeting of heads, other participants of organized groups, criminal organizations in order of coordination of criminal actions, as well as with the use of means of communication, - shall be punished by imprisonment for the term of twelve to twenty years with confiscation of property.

4. The actions, provided by first or second parts of this Article, committed by person with the use of his (her) official position, - shall be punished by imprisonment for the term of twelve to twenty years with confiscation of property.

5. The actions, provided by first, second or third parts of this Article, committed by person, holding a leading position among the heads of organized groups (criminal organizations), - shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment, with confiscation of property.

**Article 264. Creation and management of transnational organized group, transnational criminal organization, as well as participation in them**

1. Creation of transnational organized group or transnational criminal organization, as well as its management or management of structural subdivision of transnational criminal organization - shall be punished by imprisonment for the term of ten to fifteen years with confiscation of property.

2. Participation in the transnational organized group or transnational criminal organization - shall be punished by imprisonment for the term of eight to twelve years with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed by person with the use of his (her) official position, - shall be punished by imprisonment for the term of twelve to twenty years with confiscation of property.

**Article 265. Creation and management of transnational criminal society, as well as participation in it**

1. Creation of transnational criminal society, as well as management them - shall be punished by imprisonment for the term of fifteen to twenty years with confiscation of property.

2. Participation in the transnational criminal society - shall be punished by imprisonment for the term of ten to fifteen years with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed by person with the use of his (her) official position, - shall be punished by imprisonment for the term of seven to twenty years with confiscation of property.

**Article 266. Financing activity of criminal group, as well as storage, division of property, development financing channels**

1. Provision or collection of money and (or) other property, right to property or profits of property nature, as well as donation, exchange, dotation, sponsor and beneficent help, rendering of information and other type of services or rendering of financial services to the individual or group of persons, or legal entity, committed by person, who certainly knew on their use for ensuring of organized group, criminal organization, criminal society, transnational organized group, transnational criminal organization, transnational criminal society or gang, -

shall be punished by imprisonment for the term of three to seven years with confiscation of property.

2. Storage, division of property, as well as development financing channels, committed by participant of criminal group, - shall be punished by imprisonment for the term of five to ten years with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed by person with the use of his (her) official position or by person, exercising management functions in commercial or other organization, or by leader of public association, - shall be punished by imprisonment for the term of seven to twelve years with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of seven to ten years.

Note. A person, carrying out financing of activity of criminal group under the threat of force and voluntarily declared about it shall be released from criminal responsibility, if his (her) actions do not contain the components of another crime.

**Article 267. Organization of illegal paramilitary forces**

1. Creation of illegal paramilitary forces, as well as management of such formation - shall be punished by imprisonment for the term of up to two to seven years.

2. Participation in an illegal paramilitary forces- shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years or imprisonment for the same term.

Note. A person, voluntarily terminated participation in an illegal para-military forces and laid down arms and military equipment shall be released from criminal responsibility, if his (her) actions do not contain the components of another crime.

**Article 268. Banditry**

1. Creation of stable armed group (gang), as well as management of such group (gang) - shall be punished by imprisonment for the term of twelve to twenty years with confiscation of property.

2. Participation in the stable armed group (gang) or attacks, committed by it - shall be punished by imprisonment for the term of ten to fifteen years with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed by person with the use of his (her) official position, - shall be punished by imprisonment for the term of fifteen to twenty years with confiscation of property.

**Article 269. An attack against building, construction, means of communication and communication or their capture**

1. An attack against building, construction (as well as stationary platforms, located on the continental shelf of the Republic of Kazakhstan), means of communication and communication, other communications, as well as their capture - shall be punished by restriction of liberty for the term of three to seven years or imprisonment for the same term.

2. The same actions, committed:

1) by group of persons on previous concert;

2) repeatedly;

3) with the use of force, danger for life or health;

4) with the use of weapon or items, used as weapon;

for selfish motives or by hire;

6) in relation of buildings of the state bodies or the state institutions, - shall be punished by imprisonment for the term of seven to twelve years with confiscation of property or without it.

3. The actions, provided by first or second parts of this Article, if they are committed by criminal group or entailed the death of person or other grave consequences by negligence, - shall be punished by imprisonment for the term of eight to fifteen years with confiscation of property or without it.

**Article 270. Theft, as well as seizure of aircraft or water vessel, railway vehicles**

1. Theft of aircraft or water vessel or railway vehicles, as well as capture of such vessel or composition in order to theft - shall be punished by imprisonment for the term of two to eight years.

2. The same actions, committed:

1) by group of persons on previous concert;

2) repeatedly;

3) with the use of force, danger for life or health, or with the threat of use of such force;

4) with use of weapons or objects used as weapons, - shall be punished by imprisonment for the term of seven to twelve years with confiscation of property or without it.

3. The actions, provided by first or second parts of this Article, if they are committed by criminal group or entailed the death of person or other grave consequences by negligence, - shall be punished by imprisonment for the term of eight to fifteen years with confiscation of property or without it.

**Article 271. Piracy**

1. Attack against sea or river vessel in order of acquisition of another's property, committed with the use of force or the threat of its use, - shall be punished by imprisonment for the term of five to ten years with confiscation of property.

2. The same actions, committed repeatedly or with the use of weapon or objects, used as weapon, - shall be punished by imprisonment for the term of eight to twelve years with confiscation of property.

3. The actions, provided by first or second parts of this Article, if they are committed by criminal group or entailed the death of person or other grave consequences by negligence, - shall be punished by imprisonment for the term of ten to fifteen years with confiscation of property.

**Article 272. Mass disorders**

1. Organization of mass disorders, accompanied by force, demolition, arsons, destructions, destruction of property, use of fire-arms, explosive substances or

explosive devices, as well as offering armed resistance to the representative of authority, - shall be punished by imprisonment for the term of four to ten years.

2. Participation in the mass disorders, provided by first part of this Article, - shall be punished by imprisonment for the term of three to eight years.

3. Calls for active insubordination to the legal requirements of representatives of authority and mass disorder or provocation of mass disorders, as well as calls for violence against citizens - shall be punished by restriction of liberty for the term of up to three years or imprisonment for the same term.

#### **Article 273. Knowingly false report about an act of terrorism**

Knowingly false report on prepared act of terrorism - shall be punished by imprisonment for the term of up to six years.

#### **Article 274. Dissemination of knowingly false information**

1. Dissemination of knowingly false information, creating a danger of violation of public order or infliction of substantial harm to the rights and legal interests of citizens or organization or the interests of society or the state, protected by the Law, - shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to one year, or imprisonment for the same term.

2. The same action, committed:

1) by group of persons on previous concert;

2) by person with the use of his (her) official position;

3) with the use of mass media or information and communication networks, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of two to five years, or imprisonment for the same term.

3. The actions, provided by first or second parts of this Article, entailed infliction of heavy damage to the citizen, organization or the state or other grave consequences, -

shall be punished by the fine in the amount of up to seven thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of three to seven years, or imprisonment for the same term.

4. The actions, provided by first, second or third parts of this Article, committed:

1) by criminal group;

2) in the conditions of emergency situation or in the face of the enemy, or in time of war, or upon implementation of public measures, -shall be punished by imprisonment for the term of five to ten years.

#### **Article 275. Illegal export of technologies, scientific and technical information and services, used upon creation of weapons of mass destruction, arms and military equipment**

Illegal export of technologies, scientific and technical information and services, which may be used upon creation of weapons of mass destruction, means of its delivery, arms and military equipment and in relation of which the special export control is established, - shall be punished by imprisonment for the term of three to seven years with confiscation of property or without it.

#### **Article 276. Violation of rules of safety on the objects of the atomic energy uses**

1. Violation of rules of safety upon placement, designing, construction, put into operation, operation, repair, putting out of service of objects of atomic energy uses, as well as handling with nuclear materials, radioactive substance, radioactive wastes or sources of ionizing radiation, if this action is entailed infliction of harm of average

gravity to the health of person by negligence, - shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years.

2. The same action, entailed infliction of grievous harm to the health of person by negligence, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

3. The same action, entailed the death of person or nuclear contaminated environment or other grave consequences by negligence, - shall be punished by imprisonment for the term of five to ten years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Article 277. Violation of rules of safety upon conducting of mining or construction works**

1. Violation of rules of safety of conducting mining or construction works, if it is entailed infliction of grievous or average gravity harm to the health of person by negligence, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

2. The same action, entailed the death of person or other grave consequences by negligence, -

shall be punished by imprisonment for the term of up to six years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

3. The action, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of three to eight years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Article 278. Poor-quality construction**

1. Completion and (or) acceptance into operation of poor-quality constructed, uncompleted or not conforming to the conditions of agreement and project documentation of buildings and constructions, automobile roads, tunnels, electric stations, dwelling houses or other objects of construction, as well as their low-quality repair by the heads of construction organizations, clerks of the works and civil servants, carrying out control over the quality of construction, if it is entailed infliction of grievous or average gravity harm to the health of person by negligence, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

2. The same actions, entailed the death of person or other grave consequences by negligence, -

shall be punished by imprisonment for the term of up to six years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of three to eight years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

**Article 279. Violation of rules and requirements of standards in the scope of architectural, town-planning and construction activity**

1. Violation of rules and requirements of standards in the scope of architectural, town-planning and construction activity, entailed the death of person or other grave consequences by negligence, -

shall be punished by imprisonment for the term of up to six years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

2. An action, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of three to eight years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

**Article 280. Improper performance of expert works or engineering services**

1. Improper performance of expert works or engineering services, entailed the death of person or other grave consequences by negligence, -

shall be punished by imprisonment for the term of up to six years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

2. An action, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of three to eight years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

**Article 281. Violation of rules of safety on the explosive objects**

1. Violation of rules of safety on the explosive object or explosive units, if it is entailed infliction of grievous or average gravity harm to the health of person by negligence, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

2. The same action, entailed the death of person or other grave consequences by negligence, -

shall be punished by imprisonment for the term of up to six years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

3. An action, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of three to eight years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

**Article 282. Violation of rules of safety upon carrying out of space activity**

1. Violation of rules of safety upon carrying out of space activity, if it is entailed infliction of grievous or average gravity harm to the health of person, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

2. The same action, entailed the death of person or other grave consequences by negligence, -

shall be punished by imprisonment for the term of up to six years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

3. An action, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of three to eight years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

**Article 283. Illegal handling with radioactive substances, radioactive wastes, nuclear materials**

1. Illegal acquisition, storage, transportation, use, transfer, proceeding, destruction, spraying or disposal of radioactive substances, radioactive wastes, nuclear materials -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount or restriction of liberty for the term of up to three years, or imprisonment for the same term, with confiscation of property or without it.

2. Illegal sale of radioactive substances, radioactive wastes, nuclear materials, as well as illegal acquisition, storage, transportation of radioactive substances, radioactive wastes, nuclear materials in order to sale -

shall be punished by imprisonment for the term of two to six years with confiscation of property or without it.

3. The actions, provided by first or second parts of this Article, committed by criminal group or entailed the death of person or other grave consequences by negligence. -

shall be punished by imprisonment for the term of three to eight years with confiscation of property or without it.

**Article 284. Theft or extortion of radioactive substances, radioactive wastes, nuclear materials**

1. Theft or extortion of radioactive substances, radioactive wastes, nuclear materials -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

2. The same action, committed:

- 1) by group of persons on previous concert;
- 2) repeatedly;

3) by person with the use of his (her) official position;

4) with use of force, not danger for life or health, or with the threat of use of such force, -

shall be punished by imprisonment for the term of four to seven years with confiscation of property or without it.

3. The actions, provided by first or second parts of this Article, committed:

1) with use of force, danger for life or health, or the threat of use of such force;

2) by criminal group, -

shall be punished by imprisonment for the term of five to ten years with confiscation of property.

#### **Article 285. Violation of rules of handling with radioactive substances, radioactive wastes, nuclear materials**

1. Violation of rules of storage, use, record, burial, transportation of radioactive substances, radioactive wastes and nuclear materials and other handling rules with them, if it could entail the death of person or other grave consequences, -

shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to one year, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years or without it.

2. The same action, entailed the death of person or other grave consequences by negligence, -

shall be punished by imprisonment for the term of up to seven years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Article 286. Smuggling of withdrawn from handling of items or items, handling of which is restricted**

1. Transfer the documents or means of customs identification or linked with undeclared or unreliable declaring, across the customs border of Custom union besides or with concealment from customs control or with fraudulent use, as well as illegal transfer narcotic drugs, psychotropic substances, their analogues, precursors, super potent, toxic, poisonous, radioactive substances, radioactive wastes and nuclear materials, explosive substances, arms, military technologies, explosive devices, fire-arms or ammunition, nuclear, chemical, biological or other types of weapons of mass destruction, materials, equipment or components, which may be used for creation of weapons of mass destruction, across the State border of the Republic of Kazakhstan, - shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with confiscation of property or without it.

20. The same actions, committed:

1) repeatedly;

2) by civil servant with the use of his (her) official position;

3) with the use of force to the person, carrying out the border or customs control;

4) by group of persons on previous concert;

5) in relation of narcotic drugs, psychotropic substances, their analogues, precursors on a large scale, -

shall be punished by imprisonment for the term of seven to twelve years with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed by criminal group, -

shall be punished by imprisonment for the term of ten to fifteen years with confiscation of property.

4. The actions, provided by first, second or third parts of this Article, linked with narcotic drugs, psychotropic substances, their analogues, committed in a special large scale, -

shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment, with confiscation of property.

**Article 287. Illegal acquisition, transfer, sale, storage, transportation or bearing of weapons, ammunition, explosive substance and explosive devices**

1. Illegal bearing or sale of cold weapon, except when bearing of cold weapon is linked with hunting, as well as sale of weapon and ammunition to it by employees of trade organizations to the individuals, organizations, not having relevant permission, - shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days.

2. Illegal acquisition, transfer, sale, storage, transportation or bearing of tubeless fire weapons, gas spray gun with possibility of firing by cartridges of traumatic action, stub barreled smooth-bore weapon, as well as cartridges to them - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to one years, or imprisonment for the same term.

3. Illegal acquisition, transfer, sale, storage, transportation or bearing of fire weapon (except for smoothbore hunting weapon), ammunition, explosive substance or explosive devices -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

4. The actions, provided by third part of this Article, committed by group of persons on previous concert or repeatedly, -

shall be punished by imprisonment for the term of three to eight years.

5. The actions, provided by third or fourth parts of this Article, committed by criminal group, -

shall be punished by imprisonment for the term of five to ten years.

Note. A person, voluntary surrendered the items, specified in this Article shall be released from criminal responsibility, if his (her) actions do not contain the components of another crime. Surrender of items, specified in this Article, in the case of their withdrawal upon detention of a person, as well as upon execution of investigatory actions on their detection and withdrawal shall not be recognized as voluntary.

**Article 288. Illegal production of weapons**

1. Illegal production or repair of fire weapons, component parts to it, as well as illegal production of ammunition, explosive substances or explosive devices-

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

2. The same actions, committed by group of persons on previous concert or repeatedly, -

shall be punished by imprisonment for the term of three to eight years.

3. The actions, provided by first or second parts of this Article, committed by criminal group, -

shall be punished by imprisonment for the term of five to ten years.

4. Illegal production of gas spray gun, cold weapon, as well as missile weapon, - shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

Note. A person, voluntarily surrendered the items, specified in this Article shall be released from criminal responsibility, if his (her) actions do not contain the components of another crime

#### **Article 289. Negligent keeping of fire weapons**

Negligent keeping of fire weapons, created conditions for its use by other person, if it is entailed the death of person or other grave consequences, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

#### **Article 290. Improper execution of obligations on security of weapons, ammunition, explosive substances or explosive devices**

1. Improper execution of their obligations by person, to whom the security or weapons, ammunition, explosive substances or explosive devices is instructed, if it is entailed their theft or destruction or occurrence of other grave consequences, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

2. Improper execution of obligations on security of weapons of mass destruction or materials or equipment, which may be used upon creation of weapons of mass destruction, if it is entailed the grave consequences or created the threat of their occurrence, -

shall be punished by imprisonment for the term of two to seven years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

#### **Article 291. Theft or extortion of weapons, ammunition, explosive substances and explosive devices**

1. Theft or extortion of fire weapons, component parts to it, ammunition, explosive substances or explosive devices-

shall be punished by imprisonment for the term of three to seven years.

2. Theft or extortion of weapons of mass destruction, as well as materials or equipment, which may be used upon creation of weapons of mass destruction, -

shall be punished by imprisonment for the term of five to ten years.

3. The actions, provided by first or second parts of this Article, if they are committed:

1) by person with the use of his (her) official position;

2) repeatedly;

3) with the use of force, not danger for life or health, or with the threat of use of such force;

4) by group of persons on previous concert, -

shall be punished by imprisonment for the term of five to twelve years with confiscation of property or without it.

4. The actions, provided by first, second or third parts of this Article, if they are committed:

1) by criminal group;

2) with the use of force, danger for life or health, or with the threat of use of such force, -

shall be punished by imprisonment for the term of eight to fifteen years with confiscation of property or without it.

#### **Article 292. Violation of requirements of fire safety**

1. Violation of requirements of fire safety by person, responsible for their observance, if it is entailed infliction of grievous or average gravity harm to human health or heavy damage to the citizen, organization of the state by negligence, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices of correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years or without it.

2. The same action, entailed the death of person or other grave consequences by negligence, -

shall be punished by restriction of liberty for the term of two to seven years or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

3. The action, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of five to ten years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Article 293. Hooliganism**

1. Hooliganism, in other words particularly insolent violation of public order, expressing a clear disrespect for society, accompanied by use of force to the citizens or the threat of its use, as well as destruction or damaging of another's property, or commission of indecent acts, characterizing by exceptional cynicism, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, if it:

1) committed by group of persons, group of persons on previous concert;

2) related with resistance to representative of authority or other person, exercising obligations on security of public order or suppressing violation of public order;

3) committed repeatedly;

4) committed on board an aircraft, river, sea vessel, railway transport, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

3. The actions, provided by first or second parts of this Article, committed:

1) by criminal group;

2) with the use or attempt to use of fire weapons, gas spray guns, knives, brass knuckles and other cold weapon or other items, specially adapted to infliction of harm,

-

shall be punished by restriction of liberty for the term of three to seven years or imprisonment.

#### **Article 294. Vandalism**

Vandalism, in other words desecration of buildings, other constructions, monuments of history and culture, natural objects, protected by the state, inscriptions or pictures, or other actions, injuring public morality, as well as intentional destruction of property on the transport or in other public places -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

#### **Article 295. Illegal performance of archeological works**

1. Illegal performance of archeological works on the object of historical-cultural heritage -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices of correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of three years or without it.

2. The same action, committed:

1) by group of person on previous concert;

2) repeatedly;

3) by person with the use of his (her) official position;

4) with the use of special technical search facilities (metal detector, radars, magnetic devices, other technical means, allowing to determine existence of archeological items in the final resting place) or excavating machines, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, or deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three or without it.

3. The actions, provided by first or second parts of this Article, committed by criminal group, -

shall be punished by imprisonment for the term of five to ten years.

### **Chapter 11. CRIMINAL INFRACTIONS AGAINST THE HEALTH OF POPULATION AND MORALITY**

#### **Article 296. Illegal handling with narcotic drugs, psychotropic substances, their analogues, precursors with no intent of sale**

1. Nonmedical consumption of narcotic drugs, psychotropic substances, their analogues, precursors in a public places -

shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and twenty hours, or arrest for the term of up to forty five days.

2. Illegal production, processing, acquisition, storage, transportation with no intent of sale of narcotic drugs, psychotropic substances, their analogues, precursors -

shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours, or arrest for the term of up to six days.

3. Illegal production, processing, acquisition, storage, transportation with no

intent of sale of narcotic drugs, psychotropic substances, their analogues on a large scale - shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

4. Illegal production, processing, acquisition, storage, transportation with no intent of sale of narcotic drugs, psychotropic substances, their analogues on a special large scale -shall be punished by imprisonment for the term of three to seven years.

Note.

1. Amount of narcotic drugs, psychotropic substances shall be determined by Summary table on referring of narcotic drugs, psychotropic substances, their analogues and precursors to the small, large and extra-large sizes, found in the illegal trafficking, attached to the Law of the Republic of Kazakhstan "On narcotic drugs, psychotropic substances, their analogues, precursors and countermeasures to their illegal trafficking and abuse them". Small, large and extra-large sizes of analogues of narcotic drugs and psychotropic substances correspond to the small, large and extra-large sizes of narcotic drugs and psychotropic substances, analogues of which they are.

2. A person, voluntary surrendered narcotic drugs, psychotropic substances, their analogues, precursors, acquired by him (her) for personal consumption, or voluntary applied to the medical settings for rendering of medical assistance in relation of consumption of narcotic drugs, psychotropic substances, their analogues in non-medical purposes, or actively contributed to detection and suppression of crimes related with illegal trafficking of narcotic drugs, psychotropic substances, their analogues, precursors, exposure of persons, committed them, discovery of property, obtained by criminal way shall be released from criminal responsibility on this Article.

**Article 297. Illegal production, processing, acquisition, storage, transportation in order to sale, transfer or sale of narcotic drugs, psychotropic substances, their analogues**

1. Illegal production, processing, acquisition, storage, transportation in order to sale, transfer or sale of narcotic drugs, psychotropic substances, their analogues - shall be punished by imprisonment for the term of five to ten years with confiscation of property.

2. The same actions, committed in relation of narcotic drugs, psychotropic substances, their analogues on a large scale, - shall be punished by imprisonment for the term of six to twelve years with confiscation of property.

3. The actions, provided by first part of this Article, committed:

1) by group of persons on previous concert;

2) repeatedly;

3) in relation of narcotic drugs, psychotropic substances, their analogues on a special large scale;

4) by civil servant with the use of official position, - shall be punished by imprisonment for the term of ten to fifteen years with confiscation of property.

4. The actions, provided by first, second or third parts of this Article, committed by criminal group, as well as sale of narcotic drugs, psychotropic substances, their analogues in the educational organizations or to the certainly the minor - shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment, with confiscation of property.

**Article 298. Theft or extortion of narcotic drugs, psychotropic substances, their analogues**

1. Theft or extortion of narcotic drugs, psychotropic substances, their analogues - shall be punished by imprisonment for the term of three to seven years.

2. The same action, committed:

1) by group of persons on previous concert;

2) repeatedly;

3) by person with the use of his (her) official position;

4) with the use of force, not danger for life or health, or with the threat of use of such force, -

shall be punished by imprisonment for the term of six to ten years with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed:

1) by criminal group;

2) in relation of narcotic drugs, psychotropic substances, their analogues on a large scale;

3) with the use of force, danger to life or health, or with the threat of use of such force, -

shall be punished by imprisonment for the term of ten to fifteen years with confiscation of property.

4. The actions, provided by first, second or third parts of this Article, committed in relation of narcotic drugs, psychotropic substances, their analogues on a special large scale, -

shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment, with confiscation of property.

#### **Article 299. Habitual use of narcotic drugs, psychotropic substances, their analogues**

1. Habitual use of narcotic drugs, psychotropic substances, their analogues - shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term.

2. The same action, committed:

1) by group of persons on previous concert;

2) repeatedly -

shall be punished by imprisonment for the term of three to eight years.

3. The actions, provided by first or second parts of this Article, committed:

1) in relation of certainly minor or two or more persons;

2) with the use of force or the threat of its use;

3) by criminal group, -

shall be punished by imprisonment for the term of seven to ten years.

4. The actions, provided by first, second or third parts of this Article, if they are entailed the death of injured person or other grave consequences by negligence, -

shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment.

#### **Article 300. Illegal cultivation of plants, containing narcotic substances, prohibited to cultivation**

1. Planting or cultivation of plants, prohibited to cultivation or cultivation of varieties of hemp, poppy and other plants, containing narcotic substances, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, committed:

1) by group of persons on previous concert;

2) repeatedly;

3) on a large scale, -

shall be punished by imprisonment for the term of three to eight years.

**Article 301. Illegal trafficking poisonous substance, as well as substances, instruments or equipment, used for production or processing of narcotic drugs, psychotropic or poisonous substances**

1. Illegal production, processing, acquisition, storage, transportation, transfer in order to sale, as well as illegal sale of poisonous substances, not being narcotic drugs, psychotropic substances, or instruments or equipment for their production or processing, -

shall be punished by imprisonment for the term of up to five years.

2. Illegal production, processing, acquisition, storage, transportation, transfer in order to sale, as well as illegal sale of substances, instruments or equipment, used for production or processing of narcotic substances, psychotropic substances, -

shall be punished by imprisonment for the term of up to six years.

3. The actions, provided by first or second parts of this Article, committed:

1) by person with the use of his (her) official position;

2) by group of persons on previous concert;

3) repeatedly, -

shall be punished by imprisonment for the term of five to eight years.

4. The actions, provided by first or second parts of this Article, committed by criminal group, -

shall be punished by imprisonment for the term of seven to ten years.

**Article 302. Organization or keeping disorderly houses for consumption of narcotic substances, psychotropic substances, their analogues and provision of premises for the same purposes**

1. Organization or keeping disorderly houses for consumption of narcotic substances, psychotropic substances, their analogues, as well as provision of premises for the same purposes -

shall be punished by imprisonment for the term of three to seven years with confiscation of property.

2. The same actions, committed:

1) by person with the use of his (her) official position;

2) repeatedly;

3) by criminal group, -

shall be punished by imprisonment for the term of seven to twelve years with confiscation of property.

**Article 303. Violation of rules of handling with narcotic drugs, psychotropic or poisonous substances**

1. Violation of rules of production, making, processing, acquisition, storage, record, sale, transportation, import, export, transmission or destruction of narcotic drugs, psychotropic or poisonous substances, if this action is committed by person, observance of specified rules of which is included in the obligations, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

2. The same action, entailed the theft of narcotic drugs, psychotropic or poisonous substances or other grave consequences, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

**Article 304. Violation of sanitary rules or hygienic regulations**

1. Violation of sanitary rules or hygienic regulations, entailed the mass diseases,

infection, irradiation or poisoning people, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

2. The same action, entailed the death of person by negligence, -

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

3. An action, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of five to ten years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

**Article 305. Information hiding on consequences, creating a danger for life or health of people**

1. Hiding or misrepresentation of information on events, facts or occurrences, creating a danger for life or health of people or environment, committed by person, who is obliged to provide the population with such information, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

2. The same action, entailed infliction of harm to health of person or other grave consequences by negligence, -

shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

**Article 306. Release or sale of goods, execution of works or rendering of services, not meeting the requirements of safety**

1. Release or sale of goods, execution of works or rendering of services, not meeting the requirements of safety of life or health of consumers, as well as illegal issuance or use of official document, certifying compliance of specified goods, works or services with the requirements of safety, if these actions are entailed infliction of harm to health of person by negligence, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days, with deprivation of the right to occupy determined posts or to engage in a

determined activity for the term of up to three years or without it.

2. The same actions, if they:

1) committed in relation of goods, works or services, intended for the minors;

2) entailed infliction of harm to health of two or more persons by negligence, - shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first or second parts of this Article, entailed the death of person by negligence, - shall be punished by imprisonment for the term of four to eight years.

#### **Article 307. Organization of illegal gambling business**

1. Illegal opening or maintenance of gambling establishment or illegal organization of activity in the scope of gambling business, as well as provision of premises for illegal gambling business or organization and gaming of gambles out of places, established by the legislation of the Republic of Kazakhstan on gambling business, or carrying out of activity in the scope of gambling business without of license -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with confiscation of property.

2. The same actions, committed:

1) with the use of the minor or his (her) participation in the gamble games;

2) by group of persons on previous concert;

3) with deriving income on a large scale;

4) by person with the use of his (her) official position, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed:

1) by criminal group;

2) with deriving income on a large scale;

3) by person, authorized to performance of the state functions, or by person equated to him (her), or by person, holding responsible state position, personally or by authorized person, contrary to the prohibition, established by the Law, if these actions are linked with provision of benefits and advantages to such activity or with protection in other form, -

shall be punished by imprisonment for the term of four to seven years with confiscation of property, and in the cases, provided by paragraph 3), with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

#### **Article 308. Involvement in prostitution**

1. Involvement in prostitution by use of force or the threat of its use, use of dependent position, extortion, destruction or damaging of property or by false pretenses -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of three years, or imprisonment for the same term, with confiscation of property.

2. The same action, committed by group of persons on previous concert or repeatedly, -

shall be punished by imprisonment for the term of three to six years with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed by criminal group, -

shall be punished by imprisonment for the term of five to seven years with confiscation of property.

#### **Article 309. Organization or keeping disorderly houses for prostitution and procuration**

1. Organization or keeping disorderly houses for prostitution, as well as procuration with mercenary motives -

shall be punished by imprisonment for the term of five years with confiscation of property.

2. The same actions, committed:

1) by group of person on previous concert;

2) repeatedly;

3) linked with involvement of the minor for prostitution, -

shall be punished by imprisonment for the term of three to seven years with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed by criminal group, -

shall be punished by imprisonment for the term of five to ten years with confiscation of property.

#### **Article 310. Organization or keeping disorderly houses for stupefying with the use of medicinal or other products**

1. Organization or keeping disorderly houses for stupefying with the use of medicinal or other products and substances, not referring to the narcotic drugs, psychotropic substance, their analogues, as well as provision of premises for these purposes -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with confiscation of property.

2. The same actions, committed by criminal group, - shall be punished by imprisonment for the term of three to seven years with confiscation of property.

#### **Article 311. Illegal distribution of pornographic materials or items**

Illegal production for the purposes of distribution or advertisement, distribution, advertisement of pornographic materials or items, as well as illegal movement or trade of printed publications, film or video materials, images or other items of pornographic nature -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the same term of up to two years, or imprisonment for the same term, with confiscation of property or without it.

#### **Article 312. Production and turnover of materials or items with pornographic images of the minors or their involvement for participation in the entertainment events of pornographic nature**

1. Production, storage or transfer across the State border of the Republic of Kazakhstan for the purposes of distribution, public demonstration or advertisement or distribution, public demonstration or advertisement of materials or items with pornographic images of the minors - shall be punished by imprisonment for the term of three to six years with confiscation of property.

2. Involvement of the minors as executors for participation in the entertainment events of pornographic nature by person, attained the age of eighteen, - shall be punished by imprisonment for the term of five to seven years with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed:

1) by parent, teacher or other person, to whom the obligations of upbringing of the minor are imposed by the Law of the Republic of Kazakhstan;

2) in relation of certainly the minor;

3) by group of persons on previous concert or by criminal group, - shall be punished by imprisonment for the term of five to eight years with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of ten years, and in the cases, provided by paragraphs 1) and 2), with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

#### **Article 313. Illegal distribution of works, propagandizing cruelty and violence**

Illegal production in order to distribution or advertisement, distribution, advertisement, demonstration of film or video materials and other works, propagandizing cruelty and violence, as well as illegal trade of print publications, film or video materials, propagandizing cruelty and violence, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with confiscation of property or without it.

#### **Article 314. Desecration of the dead persons and places of their burial places**

1. Desecration of the dead persons or destruction, damaging or desecration of burial places, gravestone constructions or cemetery buildings, intended for the ceremonies in connection with the burial or commemoration, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

2. The same actions, committed:

1) repeatedly;

2) by group of persons, group of persons on previous concert or criminal group;

3) on grounds of national, racial or religious hatred or enmity;

4) with the use of force or the threat of its use, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, with imprisonment for the same term.

#### **Article 315. Illegal removal of organs or body tissues of dead body**

1. Illegal removal of organs or body tissues of dead body for transplantation or other use, as well as settlement of transactions in relation of organs or tissues of dead body -

shall be punished by imprisonment for the term of up to three years with

deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

2. The same actions, committed:

1) by group of persons, group of persons on previous concert or criminal group;

2) repeatedly;

3) by person with the use of his (her) official position, -

shall be punished by imprisonment for the term of three to six years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Article 316. Cruelty to animals**

1. Cruelty to animals, entailed the death or injure, if this action is committed for hooligan motives or with the use of sadistic methods or in the presence of minors, - shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred eighty hours, or arrest for the term of up to sixty days.

2. The same action, committed by group of persons or group of persons on previous concert, or repeatedly, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days.

#### **Chapter 12. MEDICAL CRIMINAL INFRACTIONS**

##### **Article 317. Improper performance of professional obligations by medical or pharmaceutical employee**

1. Non-performance or improper performance of professional obligations by medical or pharmaceutical employee due to negligent or unconscientious attitude to them, as well as nonobservance of procedure or standards of rendering of medical assistance, if these actions are entailed infliction of average gravity harm to health of person by negligence, -

shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to one year or without it.

2. The actions, provided by first part of this Article, entailed infliction of grievous harm to the health by negligence, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

3. The actions, provided by first part of this Article, entailed the death of person by negligence, -

shall be punished by imprisonment for the term of up to five years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

4. The actions, provided by first part of this Article, entailed the death of two or more persons by negligence, - shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of three years.

5. Improper performance of professional obligations by medical employee, as well as employee of organization of domestic or other service to the population due to

negligent or unconscientious attitude to them, if this action is entailed infection of other person with HIV / AIDS - shall be punished by imprisonment for the term of up to five years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

**Article 318. Violation of procedure of conducting of the clinical researches and use of the new methods and means of prevention, diagnosis, treatment and medical rehabilitation**

1. Violation of procedure of conducting of the clinical researches by medical employee and use of the new methods and means of prevention, diagnosis, treatment and medical rehabilitation -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

2. The same action, committed by civil servant or entailed the grave consequences,-

shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

**Article 319. Illegal performance of abortion**

1. Performance of abortion by person, not having graduate medical education of relevant profile, - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The action, provided by first part of this Article, committed repeatedly, - shall be punished by the fine in the amount of up to four thousand monthly calculation indices in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term.

3. Illegal performance of abortion by person, having graduate medical education of relevant profile, - shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to one year, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

4. The action, provided by third part of this Article, committed repeatedly, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

5. Illegal performance of abortion, entailed the death of injured person or infliction of grievous harm to her health by negligence,- shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

**Article 320. Failure to assist sick person**

1. Failure to assist sick person without acceptable reasons by person, obligated to provide it in accordance with the Law of the Republic of Kazakhstan or by special rule, if it is entailed infliction of average gravity harm to health of sick person by

negligence, - shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years or without it.

2. The same action, if it is entailed the death of sick person or infliction of grievous harm to his (her) health by negligence, - shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

#### **Article 321. Disclosure of medical secret**

1. Disclosure of medical details on diseases or results of medical examination of patient, expressed in the report information about a person who has HIV / AIDS by medical employee without professional or needs of the service, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

2. Disclosure of medical details on diseases or results of medical examination of patient by medical employee without professional needs or needs of the service, if this action is entailed the grave consequences, -

shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Article 322. Illegal medical and pharmaceutical activity and illegal issuance or forgery of prescriptions or other documents, granting the right to obtain the narcotic drugs or psychotropic substances**

1. Engagement in medical or pharmaceutical activity by person, not having a certificate and (or) license for this type of activity, if it is entailed infliction of average gravity harm to health of person by negligence, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years or without it.

2. The same action, entailed infliction of grievous harm to human health by negligence, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices in the same amount, or restriction of liberty for the term of up to three years or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

3. The action, provided by first part of this Article, entailed the death of person by negligence, - shall be punished by restriction of liberty for the term of up to five years or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

4. The action, provided by first part of this Article, entailed the death of two or more persons by negligence, - shall be punished by restriction of liberty for the term of three to seven years or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

5. Illegal issuance or forgery of prescriptions or other documents, granting the right to obtain the narcotic drugs or psychotropic substances, - shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Article 323. Handling with counterfeit drugs, medical products or medical equipment**

1. Production, preparation or storage in order to sale, as well as the use or sale of counterfeit drugs, medical products or medical equipment, if it is entailed the grave consequences, - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years or without it.

2. The same actions, committed:

- 1) by group of persons on previous concert;
- 2) repeatedly;
- 3) on a large scale, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first or second parts of this Article, committed by criminal group, - shall be punished by imprisonment for the term of five to ten years with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years or without it.

#### **Chapter 13. ENVIRONMENTAL CRIMINAL INFRACTION**

#### **Article 324. Violation of environmental requirements to the economic or other activity**

1. Violation of environmental requirements in the use of natural resources, designing, placement, construction or reconstruction, putting into operation or operation of enterprises, buildings or other objects, operation of industry, energy, transportation or communication facilities, facilities of an agricultural nature and land reclamation, construction of cities or other inhabited localities to the military or defense facilities, military or space activity, if this action is entailed or may be entailed infliction of heavy damage to the environment, or inflicted harm to human health, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years or without it.

2. The action, provided by first part of this Article, entailed infliction the special heavy damage to environment or the death of person, or mass disease of people -

shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

**Article 325. Violation of environmental requirements upon handling with environmentally potentially dangerous chemical or biological substances**

1. Violation of environmental requirements upon production, transportation, storage, disposal, use or other handling with environmentally potentially dangerous chemical or biological substances, if this action is entailed or may entail infliction of significant damage to environment or inflicted harm to human health, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

2. The same action, inflicted or created a threat of infliction of heavy damage to environment, as well as committed in the territory with environmental emergency, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years or without it.

3. The actions, provided by first or second parts of this Article, entailed infliction of specially heavy damage to environment or the death of person, or mass disease of people, - shall be punished by imprisonment for the term of two to seven years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

**Article 326. Violation of environmental requirements upon handling with microbiological or other biological agents or toxins**

1. Violation of environmental requirements upon storage, destruction or disposal of microbiological or other biological agents or toxins or their illegal importation to the Republic of Kazakhstan for processing, storage or disposal, if this action is entailed or may entail infliction of significant damage to environment or inflicted harm to human health, - shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

2. The same action, inflicted or created a threat of infliction of heavy damage to environment, as well as committed in the territory with environmental emergency, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years or without it.

3. The actions, provided by first or second parts of this Article, entailed infliction of specially heavy damage to environment or the death of person, or mass disease of people, - shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

**Article 327. Violation of veterinary rules or rules, established for disease control and plant pests**

1. Violation of veterinary rules, entailed spread of epizootic or other grave consequences, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

2. Violation of rules, established for disease control and plant pests, entailed the grave consequences, - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years or imprisonment for the same term.

#### **Article 328. Pollution, clogging or depletion of waters**

1. Pollution, clogging or depletion of surface or ground waters, glaciers, sources of domestic water supply or other changes of their natural properties, if it is entailed or may entail infliction of significant damage to environment or inflicted harm to human health, - shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

2. The same actions, inflicted or created a threat of infliction of heavy damage to environment, as well as committed on the specially protected natural sites or in the territories with environmental emergency, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years or without it.

3. The actions, provided by first or second parts of this Article, entailed infliction of specially heavy damage to environment or the death of person, or mass disease of people, - shall be punished by imprisonment for the term of two to seven years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Article 329. Pollution of the atmosphere**

1. Atmospheric air pollution or other changes of their natural properties, due to violation of environmental requirements, if it is entailed infliction of significant damage to environment or inflicted harm to human health, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years or without it.

3. The same actions, entailed infliction of specially heavy damage to environment or the death of person, or mass disease of people, - shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Article 330. Pollution of the marine environment**

1. Pollution of the marine environment due to violation of environmental requirements, if it is entailed infliction of significant damage to environment or inflicted harm to human health, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years or without it.

3. The same action, entailed infliction of specially heavy damage to environment

or the death of person, or mass disease of people, - shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

**Article 331. Violation of the legislation on continental shelf of the Republic of Kazakhstan and exclusive economic zone of the Republic of Kazakhstan**

1. Illegal erection of construction on the continental shelf of the Republic of Kazakhstan, creation the safety zone around them or in the exclusive economic zone of the Republic of Kazakhstan, as well as violation of rules of construction, operation, protection and liquidation of built structures and means to ensure the safety of maritime navigation - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to one year or without it.

2. Investigation, exploration, development of the natural resources of the continental shelf of the republic of Kazakhstan or exclusive economic zone of the Republic of Kazakhstan, conducted without relevant permission, - shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

**Article 332. Spoilage of land**

1. Foulness of land by industrial, domestic or other emissions or wastes, as well as poisoning, pollution or other spoilage of land by harmful products economic or other activity due to violation of rules of handling with toxic chemicals, fertilizers, plant growth stimulants or other hazardous chemical, radioactive or biological substances during their storage, use, transportation or disposal, if these actions are entailed or may entail infliction of heavy damage to the environment or inflicted harm to human health, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years or without it.

2. The same actions, entailed infliction of specially heavy damage to environment or the death of person, or mass disease of people, as well as committed in the territory with environmental emergency, - shall be punished by imprisonment for the term of three to seven years, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

**Article 333. Violation of rules of protection and use of subsoil**

1. Violation of rules of protection and use of subsoil upon designing and conducting operations on subsoil use, as well as common environmental requirements at all stages of subsoil use, if this action is entailed or may entail infliction a heavy damage to the environment, or inflicted harm to human health, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the

term of up to two years or without it.

2. The same action, entailed infliction of specially heavy damage to environment or the death of person, or mass disease of people, - shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Article 334. Unauthorized subsoil use**

1. Unauthorized subsoil use, as well as unauthorized extraction of commercial minerals, if these actions are inflicted a heavy damage, - shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

2. The same actions, entailed infliction of specially heavy damage, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first or second parts of this Article, committed by criminal group, - shall be punished by imprisonment for the term of up to five years.

#### **Article 335. Illegal extraction of fish resources, other aquatic animals or plants**

1. Illegal extraction of fish resources, other aquatic animals or plants, if this action is committed:

1) with infliction of significant damage;

2) with the use of explosives or chemical substances, electro current or other methods of mass destruction of fishery resources and other aquatic animals and plants, - shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

2. The same action, committed repeatedly, - shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

3. The actions, provided by first or second parts of this Article, committed:

1) in relation of sturgeon types of fishes;

2) in the spawning grounds or migration routes to them;

3) by person with the use of his (her) official position;

4) by group of person on previous concert;

5) with the use of self-propelled transport floating means;

6) on the specially protected natural sites and in the territories with environmental emergency, - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

4. The actions, provided by first, second or third parts of this Article, committed with infliction of heavy damage or criminal group, - shall be punished by imprisonment for the term of two to five years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

#### **Article 336. Violation of rules of protection of fishery resources**

Violation of rules of protection of fishery resources upon construction of bridges, dams, performing blasting or other works, operation of water intake structures and pumping mechanisms, if this action entailed or may entail mass death of fish or other aquatic animals,- shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years or without it.

#### **Article 337. Illegal hunting**

1. Illegal hunting with the use of explosive devices or other means of mass destruction of animals, as well as with the use of air, auto, motor-transport means, as well as snowmobile equipment, or small vessels - shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to one year.

2. The same action, committed repeatedly,- shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to one year.

3. The actions, provided by first or second parts of this Article, committed with infliction of significant damage, - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years.

4. The actions, provided by first, second or third parts of this Article, committed:

1) on specially protected natural sites or territories with environmental emergency;

2) in relation of rare and being under the threat animal species, as well as animals, on which a ban on use is imposed;

3) by person with the use of his official position;

4) with infliction of heavy damage, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

5. The actions, provided by first, second, third or fourth parts of this Article, committed:

1) by criminal group;

2) with infliction of specially heavy damage, -

shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

**Article 338. Violation of rules of protection of animal life**

Violation of rules of protection of animal life upon carrying out of industrial processes or transport vehicle operation, use of plant-protecting agents, mineral fertilizers or other preparations, entailed mass destruction or death of the animal life, as well as violation of procedure of the use or protection of hunting lands, fisheries waters, inflicted a heavy damage, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

**Article 339. Illegal handling with rare and endangered, as well prohibited to use the species of plants or animals, their parts or derivatives**

Illegal extraction, acquisition, storage, sale, import, export, transfer, transportation or destruction of rare and endangered species of plants or animals, their parts or derivatives, as well as plants and animals, on which the ban of the use is imposed, their parts or derivatives, as well as the destruction of their habitats -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

**Article 340. Illegal cutting, destruction or damaging of trees and shrubs**

1. Illegal cutting, destruction or damaging of trees and shrubs, not including in the forest fund and prohibited to cutting, except for the trees and shrubs in the household, cottage and garden plots, as well as destruction or damaging of forest cultures, seedlings or saplings in the forest nurseries and plantations, as well as young forest of natural origin, regrowth, or self-seeding in the squares, intended for regeneration of forests and forest cultivation, -

shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days.

2. Illegal cutting, destruction or damaging of trees and shrubs, including in the forest fund, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

3. The actions, provided by first or second parts of this Article, committed:

- 1) repeatedly;
- 2) by person with the use of his (her) official position;
- 3) with infliction of heavy damage;
- 4) on the specially protected natural sites, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined posts or to engage in a determined

activity for the term of up to three years or without it.

4. The actions, provided by first, second or third parts of this Article, committed by criminal group, -

shall be punished by imprisonment for the term of two to five years.

#### **Article 341. Destruction or damaging of forests**

1. Destruction or damaging of trees and shrubs both included as not included in the forest fund, except for the trees and shrubs in the household, cottage and garden plots, in the result of careless handling of fire or other source of increased danger, if this action is inflicted a heavy damage, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. Intentional destruction or damaging of trees and shrubs both included as not included in the forest fund, except for the trees and shrubs in the household, cottage and garden plots, committed by arson or other dangerous method or in the result of pollution by harmful substances, wastes, emissions and garbage, -

shall be punished by imprisonment for the term of three to eight years.

#### **Article 342. Violation of the regime of specially protected natural sites**

1. Violation of the regime of specially protected natural sites, entailed infliction of significant damage, -

shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred eighty hours, or arrest for the term of up to sixty days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

2. Intentional damaging or destruction of objects of the state natural-reserved fund on the specially protected natural sites, entailed infliction of significant damage, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Article 343. Failure to take measures on elimination of the consequences of environmental pollution**

1. Evasion of conducting or improper conducting of decontamination or other rehabilitative measures in the areas, exposed to the environmental pollution, by persons, to whom the obligation of conducting of such measures is imposed, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

2. The same action, created the threat of causing of death to the person or entailed infliction of grievous or average gravity harm to human health, or inflicted a heavy damage, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years or without it.

3. The actions, provided by first or second parts of this Article, entailed the death of person or mass disease of people, or infliction of specially heavy damage, - shall be punished by imprisonment for the term of two to seven years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Chapter 14. TRANSPORT CRIMINAL INFRACTIONS**

##### **Article 344. Violation of safety rules or operation of railway, air, sea or river transport**

1. Violation of safety rules or operation of railway, air, sea or river transport by person, by virtue of executed work or current position, who is obliged to observe these rules, if this action is entailed infliction of grievous or average gravity harm to human health or infliction of heavy damage by negligence, - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

2. The same action, entailed the death of person by negligence, - shall be punished by imprisonment for the term of up to seven years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

3. An action, provided by first part of this Article, entailed the death of two or more persons by negligence, - shall be punished by imprisonment for the term of four to ten years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

##### **Article 345. Violation of traffic rules or transport vehicles operation by persons, driving transport vehicles**

1. Violation of traffic rules by person driving a car, trolley, tramway or other motor vehicle or transport vehicles operation, entailed infliction of average gravity harm to the health of person, - shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years.

2. The same action, entailed infliction of grievous harm to the health of person by negligence, - shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

3. An action, provided by first part of this Article, entailed the death of person by negligence, - shall be punished by imprisonment for the term of up to five years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

4. An action, provided by first part of this Article, entailed the death of two or more persons by negligence, - shall be punished by imprisonment for the term of five to ten years with

deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to seven years.

**Article 346. Driving a transport vehicle by person, deprived of right of driving transport vehicles, being in the state of alcohol, drug, and (or) toxic intoxication, as well as transfer of control of the transport vehicle to such person or the admission to driving transport vehicle of such person**

1. Driving a transport vehicle by person, deprived of right of driving transport vehicles, being in the state of alcohol, drug, and (or) toxic intoxication, or transfer of control of the transport vehicle to such person, as well as admission to driving transport vehicle of such person, committed by civil servant or possessor or owner of the transport vehicle, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

2. The same actions, entailed infliction of average gravity harm to the health of person by negligence, -

shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

3. An action, provided by first part of this Article, entailed infliction of grievous harm to the health of person by negligence, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of six years.

4. The actions, provided by first part of this Article, entailed the death of person by negligence, -

shall be punished by imprisonment for the term of five to seven years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to seven years.

5. The actions, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of seven to ten years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of ten years.

**Article 347. Leaving the place of road traffic accident**

Leaving the place of road traffic accident by person driving transport vehicle and violated the traffic rules or vehicles operation, in the case of occurrence of grave consequences, provided by Articles 345, 346 of this Code, -

shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

Note. A person, who leaved a place of road traffic in connection of rendering of

assistance to injured person shall be released from criminal responsibility under this Article.

**Article 348. Substandard repair of transport vehicles or release for service with technical failures**

1. Substandard repair of vehicles, means of communication, signaling means or communication or other transport equipment, as well as release for service of certainly technically disabled transport vehicles by person, responsible for the technical state of transport vehicles, or nonfulfillment of requirements of established rules of ensuring of road safety by civil servant, responsible for the technical state and vehicles operation, if these actions are entailed infliction of average gravity harm to the health of person by negligence, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days.

2. The same actions, entailed infliction of grievous harm to the health of person by negligence, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

3. The actions, provided by first part of this Article, entailed the death of person by negligence, -

shall be punished by imprisonment for the term of five years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

4. The actions, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of four to seven years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

**Article 349. Admission to drive the transport vehicle of a driver, not having a right to drive**

1. Admission to drive the transport vehicle of a driver, not having the rights to drive the transport vehicles or rights to drive the transport vehicles of relevant category, by civil servant or possessor or owner of transport vehicle, if this action is entailed infliction of average gravity harm to the health of person by negligence, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days.

2. The same actions, entailed infliction of grievous harm to the health of person by negligence, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

3. An action, provided by first part of this Article, entailed the death of person by negligence, -

shall be punished by imprisonment for the term of five years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term

of up to three years.

4. An action, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of up to five years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Article 350. Intentional disablement of transport vehicles or means of communication**

1. Intentional destruction, damaging or disablement for operation by other method of transport vehicles, means of communication, signaling means or communication or other transport equipment, as well as blocking of transport services, if these actions entailed infliction of grievous or average gravity harm to the health of person by negligence or infliction of heavy damage, or derangement of transport and communication, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term.

2. The same actions, entailed the death of person by negligence, -

shall be punished by imprisonment for the term of three to eight years.

3. The actions, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of six to ten years.

#### **Article 351. Violation of rules, ensuring the safe operation of transport**

1. Violation of safety rules or transport vehicles operation by passenger, pedestrian or other road user (except for the person, driving the transport vehicle), if this action is entailed the grievous harm to the health of person by negligence, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

2. The same action, entailed the death of person by negligence, -

shall be punished by restriction of liberty for the term of up to four years or imprisonment for the same term.

3. the action, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of three to eight years.

#### **Article 352. Unauthorized unnecessarily train stop**

Unauthorized unnecessarily train stop by emergency stop device or by disconnecting of air break line or by other method, if it is entailed the death of person or other grave consequences, - shall be punished by imprisonment for the term of two to eight years.

#### **Article 353. Violation of current rules on transport**

1. Violation of current rules on transport of maintenance of order and traffic safety by persons, exercising management functions in the road, construction and other organizations and responsible for the road operation and road structures, their equipment, as well as for organization of road traffic, if this action is entailed infliction of average gravity harm to the health of person by negligence, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days.

2. The same action, entailed infliction of grievous harm to the health of person by negligence, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

3. An action, provided by first part of this Article, entailed the death of person by negligence, -

shall be punished by imprisonment for the term of up to three years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

4. An action, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of up to five years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Article 354. Violation of safety rules upon construction, operation or repair of main pipelines**

1. Violation of safety rules upon construction, operation or repair of main pipelines, if this action is entailed infliction of average gravity harm to the health of person by negligence, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

2. The same action, entailed infliction of grievous harm to the health of person or infliction of heavy damage by negligence, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

3. An action, provided by first part of this Article, entailed the death of person by negligence, -

shall be punished by imprisonment for the term of up to five years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

4. An action, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of five to ten years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Article 355. Intentional damage or destruction of the pipeline**

1. Intentional damage or destruction of the pipeline, as well as oil and gas pipelines, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action:

1) entailed infliction of grievous or average gravity harm to the health of person

by negligence;

2) committed repeatedly;

3) committed by group of persons on previous concert, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two to five years, or imprisonment for the same term.

3. An action, provided by first part of this Article:

1) entailed pollution of environment;

2) entailed infliction of heavy damage;

3) committed by criminal group;

4) entailed the death of person by negligence, -

shall be punished by imprisonment for the term of seven to ten years.

#### **Article 356. Careless damage or destruction of pipelines**

1. Damaging or destruction of pipelines, as well as oil and gas pipelines, committed by negligence, entailed deviation from established procedure of operation or created a real threat of infliction of harm to the health of people or environment, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

2. The same action, entailed:

1) infliction of grievous or average gravity harm to the health of person by negligence;

2) pollution of environment;

3) infliction of heavy damage;

4) the death of person by negligence, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

#### **Article 357. Failure to render assistance to the suffering distress by captain of a ship**

1. Failure to render assistance to people, suffering distress at sea or on other waterway by captain of a ship, if this assistance may be rendered without grave danger to his (her) vessel, crew and passengers, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

2. Failure to take appropriate measures by captain of one of the vessels, fallen aboard at sea or on other waterway for salvage of another vessel, entailed loss of a ship or other grievous consequences by negligence, if these measures may be taken without grave danger to his (her) vessel, crew and passengers, -

shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Article 358. Control of air, sea, river, or a small vessel by person, being in a state of alcohol, drugs and (or) toxic**

**intoxication, transfer of control to such person or admission to control of air, sea, river, or a small vessel of that person**

1. Control of air, sea, river, or a small vessel by person, being in a state of alcohol, drugs and (or) toxic intoxication, or transfer of control of such vessel to the person, being in a state of alcohol, drugs and (or) toxic intoxication, as well as admission to control of such vessel of person, being in a state of alcohol, drugs and (or) toxic intoxication, committed by civil servant or possessor or owner of such vessel, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years.

2. The same actions, entailed infliction of grievous harm to the health of person by negligence, -

shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

3. The actions, provided by first part of this Article, entailed infliction of grievous harm to the health of person by negligence,-

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of six years.

4. The actions, provided by first part of this Article, entailed the death of person by negligence, -

shall be punished by imprisonment for the term of five to ten years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to seven years.

5. The actions, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of seven to twelve years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to ten years.

**Article 359. Admission to control of air, sea or river vessel of person, not having the right to control**

1. Admission of person, not having the rights to control of vessel, to control of such vessel, by civil servant or possessor or owner of air, sea or river vessel, if this action is entailed infliction of average gravity harm to the health of person by negligence, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days.

2. The same actions, entailed infliction of grievous harm to the health of person by negligence, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term

of up to three years or without it.

3. The actions, provided by first part of this Article, entailed the death of person by negligence, -

shall be punished by imprisonment for the term of up to three years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

4. An action, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of up to five years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Article 360. Violation of rules of international flights**

1. Nonobservance of routes, landing places, air gates, flight elevation, specified in the permission or other violation of rules of international flights -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

2. The same action, entailed the death of person or other grave consequences, - shall be punished by imprisonment for the term of three to ten years.

#### **Chapter 15. CORRUPTION AND OTHER CRIMINAL INFRACTIONS**

##### **AGAINST THE INTERESTS OF THE STATE SERVICE AND THE STATE MANAGEMENT**

#### **Article 361. Abuse of official authorities**

1. Use of official authorities against the interests of service by person, authorized to exercise of the state functions, or by person, equated to him (her), for the purposes of deriving benefits and advantages for themselves or other persons or organizations or infliction of harm to other persons or organizations, if it is entailed infliction of significant harm to the rights and legal interests of citizens or organizations or legally protected interests of society or the state, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

2. The same action, committed by civil servant, -

shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

3. an action, provided by first part of this Article, committed by person, holding responsible state position, -

shall be punished by the fine in the amount of up to six thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to six years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

4. The actions, provided by first, second or third parts of this Article, entailed the grave consequences or committed in the interests of criminal group, -

shall be punished by imprisonment for the term of four to eight years with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

#### **Article 362. Excess of powers or official authorities**

1. Excess of powers or official authorities, in other words commission of actions, obviously beyond the scope of rights and powers and entailed infliction of substantial harm to the rights and legal interests of citizens or organizations or legally protected interests of society or the state, by person, authorized to exercise the state functions, or person, equated to him (her), -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

2. the same action, committed by civil servant, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

3. An action, provided by first part of this Article, committed by person, holding responsible state position, -

shall be punished by imprisonment for the term of four to eight years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years or without it.

4. The actions, provided by first, second or third parts of this Article, entailed the grave consequences or committed:

1) with the use of force or the threat of its use;

2) with the use of weapons or special means;

3) for the purposes of deriving of benefits and advantages for themselves or other persons or organizations or infliction of harm to other persons or organizations,

-

shall be punished by imprisonment for the term of five to ten years, and in the cases, provided by paragraph 3), with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

#### **Article 363. Assignment of powers of civil servant**

Assignment of powers of civil servant by the state servant, not being a civil servant, and in connection with this commission of actions by them, which are entailed infliction of substantial harm to the rights and legal interests of citizens or organizations or legally protected interests of society or the state, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

#### **Article 364. Illegal participation in the entrepreneurial activity**

1. Establishment of organization, carrying out entrepreneurial activity, or participation in management of such organization personally or authorized attorney contrary to the prohibition,, established by the Law, by person, authorized to exercise the state functions, or person, equated to him (her), if this action is linked with provision of benefits and advantages to such organization or with wardship in other form, -

shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the same term, with confiscation of property, with deprivation of the right to

occupy determined posts or to engage in a determined activity for life.

2. The same action, committed by civil servant, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

3. An action, provided by first part of this Article, committed by person, holding responsible state position, -

shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

### **Article 365. Interfering with legal entrepreneurial activity**

1. Restriction of rights and legal interests of individual entrepreneur or commercial organization regardless of the organizational-legal form or form of ownership, as well as restriction of independence or other unlawful interference in activity of individual entrepreneur or commercial organization, if these actions are committed by person, authorized to exercise the state functions, or person, equated to him (her) with the use of his (her) official powers contrary to the interests of service for the purposes of deriving of benefits and advantages for themselves or other persons or organizations or infliction of harm to other persons or organization, if it is entailed infliction of substantial harm to the rights and legal interests of citizens or organizations or legally protected interests of society or the state, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

2. The same actions, committed:

- 1) by civil servant;
- 2) by group of persons on previous concert;
- 3) on a large scale, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, with imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

3. The actions, provided by first or second parts of this Article, committed:

- 1) by person, holding responsible state position;
- 2) on specially large scale;
- 3) by criminal group or in the interests of criminal group, -

shall be punished by restriction of liberty for the term of three to seven years or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

### **Article 366. Acceptance of a bribe**

1. Acceptance of a bribe in the form of money, securities, other property, right to property, property benefits for themselves or other persons, by person, authorized to exercise the state functions, or person, equated to him (her), or person, holding responsible state position, or civil servant, as well as civil servant of foreign state

or international organization personally or through the intermediary, for the actions (omission) for the benefit of briber or persons represented by him (her), if such actions (omission) are included in the official powers of this person, or it may promote to such actions (omission) by virtue of official position, as well as for general wardship or connivance -

shall be punished by the fine in the amount of fifty fold sum of a bribe or imprisonment for the term of up to five years, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

2. The same action, committed in significant amount, as well as acceptance of a bribe for illegal actions (omission) -

shall be punished by the fine in the amount of sixty fold sum of bribe or imprisonment for the term of three to seven years, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

3. The actions, provided by first or second parts of this Article, if they are committed:

- 1) by extortion;
- 2) by group of persons on previous concert;
- 3) on a large scale;
- 4) repeatedly, -

shall be punished by the fine in the amount of seventy fold sum of a bribe or imprisonment for the term of seven to twelve years, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

4. The actions, provided by first, second or third parts of this Article, if they are committed by criminal group, as well as on a special large scale, -

shall be punished by the fine in the amount of eighty fold sum of a bribe or imprisonment for the term of ten to fifteen years, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

Note. Obtaining of property or other property benefit for the first time, as a gift in the absence of preliminary agreement for early committed legal actions (omission) by person, specified in a first part of this Article shall not be a crime by virtue of insignificance and prosecuted in a disciplinary or administrative procedure, if the cost of a gift does not exceed two monthly calculation indices.

### **Article 367. Giving bribe**

1. Giving a bribe to person, authorized to exercise the state functions, or person, equated to him (her), or person, holding responsible state position, or civil servant, as well as civil servant of foreign state or international organization personally or through the intermediary -

shall be punished by the fine in the amount of twenty fold sum of a bribe or imprisonment for the term of up to three years, with confiscation of property or without it, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

2. The same action, committed in significant amount, -

shall be punished by the fine in the amount of thirty fold sum of a bribe or imprisonment for the term of up to five years, with confiscation of property or without it, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

3. The actions, provided by first or second parts of this Article, if they are

committed:

- 1) by group of persons on previous concert;
- 2) on a large scale;
- 3) repeatedly, -

shall be punished by the fine in the amount of forty fold sum of a bribe or imprisonment for the term of seven to twelve years, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

4. The actions, provided by first, second or third parts of this Article, if they are committed on a special large amount or by criminal group, -

shall be punished by the fine in the amount of fifty fold sum of a bribe or imprisonment for the term of ten to fifteen years, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

Note.

1. Transfer of a gift for the first time to the person, specified in a first part of Article 366 of this Code, in the amount or the cost, not exceeding two monthly calculation indices shall not involve criminal responsibility for the legal actions (omission), early committed by him (her), if the actions (omission), committed by this person were not be conditioned by preliminary agreement.

2. A person, who has given a bribe shall be released from criminal responsibility, if in relation of him (her) extortion of a bribe was on the part of person, specified in first part of this Article 366 of this Code, or if this person voluntary reported on giving a bribe to the law enforcement or special state body of bribery.

#### **Article 368. Mediation in bribery**

1. Mediation in bribery, in other words contribution to taker of bribe and giver of a bribe in reaching or performance of the agreement between them on taking and giving a bribe, -

shall be punished by the fine in the amount of tenfold sum of a bribe or imprisonment for the term of up to two years, with confiscation of property or without it, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

2. The same action, committed repeatedly or by criminal group or person with the use of his (her) official position, -

shall be punished by the fine in the amount of tenfold sum of a bribe or imprisonment for the term of up to six years, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

#### **Article 369. Forgery by an official**

1. Forgery by an official, in other words introduction of knowingly false information to the official documents by person, authorized to exercise the state functions, or person equated to him (her) or introduction of corrections, distorting their actual content to the specified documents, or issuance of certainly false or forget documents, if these actions are committed for the purposes of deriving of benefits and advantages for themselves or other persons or organizations or infliction of harm to other persons or organizations, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

2. The same action, committed by civil servant, -  
shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

3. An action, provided by first part of this Article, if it is committed by person, holding responsible state position, -  
shall be punished by restriction of liberty of three to six years or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

#### **Article 370. Inaction on service**

1. Inaction on service, in other words non-performance of official duties by person, authorized to exercise the state functions, or person equated to him (her) for the purposes of deriving of benefits and advantages for themselves or other persons or organizations or infliction of harm to other persons or organizations, if it is entailed substantial violation of rights and legal interests of citizens or organizations or legally protected interests of society or the state, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

2. The same action, committed by civil servant, -  
shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount or restriction of liberty for the term of up to three years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

3. The same action, committed by person, holding responsible state position, -  
shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

4. The actions, provided by first, second or third parts of this Article, entailed the grave consequences, -  
shall be punished by imprisonment for the term of four to eight years with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

#### **Article 371. Negligence**

1. Negligence, in other words nonperformance or improper performance of obligations by person, authorized to exercise the state functions, or person equated to him (her), or civil servant, or person, holding responsible state position, due to unconscientious or negligent attitude to the service, if it is entailed infliction of substantial harm to rights and legal interests of citizens or organizations or legally protected interests of society or the state, -

shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to one year, or imprisonment for the same term.

2. The same action, entailed the grave consequences by negligence, -

shall be punished by imprisonment for the term of up to five years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

## **Chapter 16. CRIMINAL INFRACTION AGAINST MANAGEMENT PROCEDURE**

### **Article 372. Desecration of state symbols**

Desecration of state symbols of the Republic of Kazakhstan - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

### **Article 373. Public insult and other infringement on honour and dignity of the First President of the Republic of Kazakhstan - Leader of the Nation, desecration of images of the First President of the Republic of Kazakhstan - Leader of the Nation, interfering with legal activity of the First President of the Republic of Kazakhstan - Leader of the Nation**

1. Public insult and other infringement on honour and dignity of the First President of the Republic of Kazakhstan - Leader of the Nation, desecration of images of the First President of the Republic of Kazakhstan - Leader of the Nation -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same actions, committed with the use of mass media or information and communication networks, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

3. Impact on the First President of the Republic of Kazakhstan - Leader of the Nation or family members, living together, in any form in order to interfering with his legal activity -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

### **Article 374. Violation of warranty of inviolability of the First President of the Republic of Kazakhstan - Leader of the Nation**

Violation of warranty of inviolability of the First President of the Republic of Kazakhstan - Leader of the Nation or family members, living together in any form, as well as warranty of inviolability of property, dwelling and official premises, personal and company transport vehicles, correspondence, communication means used by them, guarantees of bank secrecy and inviolability of bank accounts, as well as inviolability of their documents,-

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

### **Article 375. Infringement on honour and dignity of the President of the Republic of Kazakhstan and interfering with his (her) activity**

1. Public insult and other infringement on honour and dignity of the President of the Republic of Kazakhstan - shall be punished by the fine in the amount of up to two

thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, committed with the use of mass media or information and communication networks, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

3. Impact on the President of the Republic of Kazakhstan or his (her) close relatives in any form in order to interfering with performance by him (her) of his (her) duties -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

Note. Public performances, containing criticisms on policy conducted by the President of the Republic of Kazakhstan shall not entail criminal responsibility under this Article.

### **Article 376. Infringement on honour and dignity of the deputy of the Parliament of the Republic of Kazakhstan and interfering with his (her) activity**

1. Public insult of the deputy of the Parliament of the Republic of Kazakhstan upon performance by him (her) the parliamentary duties or in connection of their performance -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

2. The same action, committed with the use of mass media or information and communication networks, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

3. Impact on the deputy of the Parliament of the Republic of Kazakhstan or his (her) close relatives in any form in order to interfering with performance by him (her) of his (her) duties -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

Note. Public performances, containing criticisms on parliamentary activity of the deputy of the Parliament of the Republic of Kazakhstan shall not entail criminal responsibility under this Article.

### **Article 377. Interfering with activity of the Constitutional Council of the Republic of Kazakhstan**

1. Intervention in the activity of the Constitutional Council of the Republic of Kazakhstan in any form for the purposes of interfering with exercising him (her) of his (her) powers -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, committed by person with the use of his (her) official position, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

**Article 378. Insult of representative of authority**

1. Insult of representative of authority upon performance by him (her) of his (her) duties or in connection with their performance -

shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred twenty hours, or arrest for the term of up to forty five days.

2. The same action, committed publicly or with the use of mass media or information and communication networks, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

Note. Public performances, containing criticisms on official activity of the representative of authority shall not entail criminal responsibility under this Article.

**Article 379. Insubordination to representative of authority**

1. Insubordination to legal requirement or order of the representative of authority -

shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred twenty hours, or arrest for the term of up to forty five days.

2. the same action, committed in the locality, where an extraordinary situation is declared, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

**Article 380. Use of force in relation of representative of authority**

1. Use of force, not danger for life or health, or the threat of use of force in relation of representative of authority or his (her) close relatives in connection with performance by him (her) of is (her) official duties -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. Use of force, danger for life or health, in relation of persons, specified in a first part of this Article, -

shall be punished by imprisonment for the term of five to ten years.

**Article 381. Interfering with activity of prosecutor and nonfulfillment of his (her) legal requirements**

Nonfulfillment of acts of procuracy supervision, as well as interfering with his (her) activity, if it is entailed infliction of substantial harm to the rights and legal interests of citizens or organizations or legally protected interests of society or the state, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for

the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

**Article 382. Disclosure of details on safety measures, used in relation of civil servant, holding responsible state position**

1. Disclosure of details on safety measures, used in relation of civil servant, holding responsible state position, as well as his (her) relatives, by person, to whom these details were entrusted or became known in connection with his (her) official activity, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

2. The same action, entailed the grave consequences, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

**Article 383. Acquisition or sale of official documents and state awards**

Illegal acquisition or sale of official documents, providing the rights or releasing from duties, as well as the state awards of the Republic of Kazakhstan or USSR -

shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred eighty hours, or arrest for the term of up to sixty days.

**Article 384. Illegal suppression of documents, stealing, destruction, damaging or concealment of documents, stamps, seals**

1. Illegal confiscation of the passport, certificate of identity or other personal paper of citizen -

shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred twenty hours, or arrest for the term of up to forty five days.

2. Stealing of the passport, certificate of identity or other personal paper of citizen -

shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred eighty hours, or arrest for the term of up to sixty days.

3. Stealing, destruction, damaging or concealment of official documents, stamps or seals, committed from selfish or other personal interest -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

**Article 385. Forgery, production or sale of forged documents, stamps, seals, forms, state postage stamps, state awards**

1. Forgery of certificate of identity or other official document, granting the rights or releasing from duties, or sale of such document, as well as production or sale of forged stamps, seals, forms, state postage stamps, state awards of the Republic of Kazakhstan or USSR -

shall be punished by the fine in the amount of up to two thousand monthly

calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same actions, committed repeatedly or by group of persons on previous concert, -

shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term.

3. Use of certainly forged documents -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

**Article 386. Forgery, destruction of vehicle identification number, sale of transport vehicle with certainly forged identification number**

1. Forgery or destruction of identification number, the number of body, chassis, engine, as well as forgery of the state registration plate of transport vehicle, use of certainly forged or false state registration plate, as well as sale of transport vehicle with certainly forged identification number, the number of body, chassis, engine or with certainly forged state registration plate or sale of body, chassis, engine with certainly forged number -

shall be punished by the fine in the amount of one thousand to two thousand monthly calculation indices or correctional of liberty for the term of up to two years, or imprisonment for the same term.

2. The same actions, committed by group of persons on previous concert or by criminal group, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

**Article 387. Evasion of military service**

1. Evasion from call to military service in the absence of lawful grounds for exception from this service -

shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to one years, or imprisonment for the same term.

2. The same action, committed:

1) by infliction of self-harm to the health;

2) by simulation;

3) by forgery of documents or other fraud,-

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

Note. The draft-age man shall be released from criminal responsibility, if before the transfer of the case in a court by investigation body he voluntary came to the recruiting station.

**Article 388. Evasion of call on mobilization**

1. Evasion from call to military service on mobilization to the Armed Forces, other armed forces and military formation of the Republic of Kazakhstan -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

2. The same action, as well as evasion of further calls for completing the staff of Armed Forces of the Republic of Kazakhstan, committed in war time, - shall be punished by imprisonment for the term of five to ten years.

#### **Article 389. Arbitrariness**

1. Arbitrariness, in other words unauthorized execution of actual or supposed right, contested by another person or organization contrary to the established legislation of the Republic of Kazakhstan, -

shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred twenty hours, or arrest for the term of up to forty five days.

2. The same action, inflicted substantial harm to the rights or legal interests of citizens or organizations or legally protected interests of society or the state, - shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

3. An action, provided by first part of this Article, committed with the use of force or with the threat of its use or by group of persons on previous concert, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

4. The actions, provided by second or third parts of this Article, entailed the grave consequences, - shall be punished by imprisonment for the term of three to seven years.

#### **Article 390. Unwarranted appropriation of title of representative of authority or civil servant, holding responsible state position**

1. Unwarranted appropriation of title of representative of authority or civil servant, holding responsible state position, in order to obtain power authorization - shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred twenty hours, or arrest for the term of up to forty five days.

2. Unwarranted appropriation of title of representative of authority or civil servant, holding responsible state position, linked with commission of a crime on this basis, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

3. Unwarranted appropriation of title of civil servant, holding position, established by the Constitution of the Republic of Kazakhstan in order to obtain power authorization -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

#### **Article 391. Illegal hoist of the State Flag of the Republic of Kazakhstan**

Illegal hoist of the State Flag of the Republic of Kazakhstan on the trading vessel-

shall be punished by the fine in the amount of up to two hundred monthly

calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days.

**Article 392. Intentional illegal crossing of the State Border of the Republic of Kazakhstan**

1. Intentional illegal crossing the State Border of the Republic of Kazakhstan out of crossing points on the State Border, as well as intentional illegal crossing the State Border of the Republic of Kazakhstan in the specified points, committed with false documents or with fraudulent use of valid documents of third parties, as well as with violation of the established procedure, -

shall be punished by the fine in the amount of up to one thousand monthly calculation indices or imprisonment for the term of one year, with deportation the foreigner or persons without citizenship beyond the borders of the Republic of Kazakhstan for the term of up to five years.

2. The same actions, committed by criminal group or with the use of force or the threat of its use, -

shall be punished by imprisonment for the term of up to five years with deportation of the foreigner or the person without citizenship beyond the borders of the Republic of Kazakhstan for the term of five years.

**Article 393. Nonperformance of decision on deportation**

Nonperformance by the foreigner or person without citizenship of decision, adopted in relation of him (her) on deportation beyond the borders of the Republic of Kazakhstan-

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or arrest for the term of seventy five days, with deportation the foreigner or person without citizenship beyond the borders of the Republic of Kazakhstan.

**Article 394. Organization of illegal migration**

1. Organization of illegal migration by provision of transport vehicles or fraud documents, or dwelling or other premise, as well as rendering of other services for illegal entry, departure, movement on the territory of the Republic of Kazakhstan to the citizens, foreigners and persons without citizenship -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, committed by person with the use of his (her) official powers or by group of persons on previous concert, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

3. An action, provided by first part of this Article, committed by criminal group, -

shall be punished by imprisonment for the term of three to seven years.

**Article 395. Repeated violation of rules of involvement and use of foreign labour in the Republic of Kazakhstan**

Repeated acceptance the foreigners and persons without citizenship, residing in the territory of the Republic of Kazakhstan, for employment by employer, without relevant permission of the authorized body, as well as repeated violation of rules of the use of foreign labour by the employer in the Republic of Kazakhstan - shall be

punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days.

**Article 396. Illegal change of the State border of the Republic of Kazakhstan.**

1. Withdrawal, moving or destruction of border marks for the purposes of illegal change of the State border of the Republic of Kazakhstan -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same actions, committed repeatedly or entailed the grave consequences, - shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term.

**Article 397. Illegal use of emblems and signs of the Red Crescent, the Red Cross, Red Crystal**

Illegal use of emblems and differential signs of Red Crescent, the Red Cross, Red Crystal, as well as the name of Red Crescent, the Red Cross, Red Crystal -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

**Article 398. Violation of rules of protection of lines and installations of communication, as well as objects, subject to the state protection**

1. Violation of Violation of rules of protection of lines and installations of communication, if this action is entailed termination of communication or created the threat of termination of communication, -

shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred twenty hours.

2. Violation of rules of protection of lines of communication, entailed damaging of cable line of intercity communication or termination of intercity communication, -

shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days.

3. Violation of requirements on safety ensuring of the objects, subject to the state protection, building of the state bodies and state establishments, entailed their capture or infliction of other grave consequences, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

**Article 399. Illegal processing, production, acquisition, sale or use of special technical means of surreptitious obtaining of information**

1. Illegal processing, production, acquisition, sale or use of special technical means of surreptitious obtaining of information -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty

for the term of up to two years, or imprisonment for the same term.

2. The same actions, committed by group of persons on previous concert or on a large scale, -

shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term.

3. The actions, provided by first or second parts of this Article, committed by criminal group, -

shall be punished by imprisonment for the term of three to seven years.

**Article 400. Violation of the procedure of organization and holding of meetings, rallies, pickets, street processions and demonstrations**

Organization, holding or participation in an illegal meeting, rally, processions, picket, demonstration or other illegal public measure, as well as rendering assistance to organization or holding of such measures by provision of premises, communication means, equipment, transport, if these actions are inflicted substantial harm to the rights and legal interests of citizens or organizations or legally protected interests of society or the state, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

**Article 401. Management of prohibited industrial action, interfering with the work of organization in war time or conditions of emergency situations**

Management of prohibited industrial action in war time or conditions of emergency situations, as well as interfering with the work of organization in these conditions -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

**Article 402. The actions, provoking to continued participation in the industrial action, recognized by court as illegal**

1. Calls for continued participation in the industrial action, recognized by court as illegal, committed publicly or with the use of mass media or information and communication networks, as well as bribery of employees for this purpose -

shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to one years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to one years or without it.

2. The same actions, inflicted substantial harm to the rights and legal interests of citizens or organizations or legally protected interests of society or the state or entailed the mass disorders, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

**Article 403. Illegal interference of members of public associations in the activity of the state bodies**

1. Interfering with illegal activity of the state bodies or assignment of functions of the state bodies or their civil servants by the members of public associations, as well as creation of organizations of political parties in the state bodies, if these actions are inflicted substantial harm to the rights and legal interests of citizens or organizations or legally protected interests of society or the state, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to one year or without it.

2. The same actions, committed by the leader of public association, -

shall be punished by the fine of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to one year or without it.

#### **Article 404. Creation, management and participation in activity of illegal public and other associations**

1. Creation or management of religious or public association, an activity of which is linked with the violence against citizens or other infliction of harm to their health, or incitement of citizens to refusal to perform the civil obligations or commission of other unlawful actions, as well as creation or management of party on the religious basis, or political party or trade union, financed by sources, prohibited by the Laws of the Republic of Kazakhstan, -

shall be punished by the fine in the amount of up to six thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to six years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to six years.

2. Creation of public association, proclaiming or implementing the racial, national, generic, social, class or religious intolerance in the practice or exclusiveness, calling for the violent overthrow of the constitutional system, subversion of security of the state or violation of foreign territorial supremacy of the Republic of Kazakhstan, as well as management of such association -

shall be punished by imprisonment for the term of three to seven years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

3. Active participation in activity of associations, specified in the first or second parts of this Article, -

shall be punished by the fine in the amount of up to six thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to six years, or imprisonment for the same term.

#### **Article 405. Organization and participation in activity of public or religious association or other organization after court decision on prohibition of their activity or liquidation in connection with carrying out by them the extremism or terrorism**

1. Organization of activity of public or religious association or other organization, in relation of which there is a court decision, entered into legal force, on prohibition of their activity or liquidation in connection with carrying out by them

the extremism or terrorism, -

shall be punished by the fine in the amount of up to six thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to six years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years or without it, with deportation the foreigner or persons without citizenship beyond the borders of the Republic of Kazakhstan for the term of up to five years.

2. Participation in activity of public or religious association or other organization, in relation of which there is a court decision, entered into legal force, on prohibition of their activity or liquidation in connection with carrying out by them the extremism or terrorism, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it, with deportation the foreigner or persons without citizenship beyond the borders of the Republic of Kazakhstan for the term of up to five years.

Note. A person, terminated participation in activity of public of religious association or other organization, in relation of which there is a court decision, entered into legal force, on prohibition of their activity or liquidation in connection with carrying out by them the extremism or terrorism shall be released from criminal responsibility, if his (her) actions do not contain the components of another crime.

#### **Article 406. Rendering assistance to the political parties and trade unions of the foreign state**

Financing, provision of premises or property, as well as rendering of other assistance to the political parties or trade unions of other state, if these actions are entailed substantial violation of the rights and legal interests of citizens or organizations or legally protected interests of society or the state, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

### **Chapter 17. CRIMINAL INFRACTIONA AGAINST JUSTICE AND PROCEDURE OF EXECUTION OF PUNISHMENTS**

#### **Article 407. Interfering with execution of justice and carrying out of prejudicial investigation**

1. Intervention in any form in the activity of the court for the purposes of interfering with execution of justice -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. Intervention in any form in activity of prosecutor or person, carrying out prejudicial investigation for the purposes of interfering with comprehensive, complete and objective prejudicial investigation -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

3. The actions, provided by first or second parts of this Article, committed by

person with the use of his (her) official position, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

**Article 408. Infringement on life of person, executing the justice or prejudicial investigation**

Infringement on life of judge, jury member, prosecutor, a person, executing the prejudicial investigation, defence counsel, expert, bailiff, officer of justice, as well as their relatives in connection with consideration of cases or materials in a court, carrying out of prejudicial investigation or execution of sentence, court decision or other judicial act, committed for the purposes of interfering with legal activity of specified persons or in revenge for such activity, -

shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment.

**Article 409. Threat or violent acts in connection with execution of justice or prejudicial investigation**

1. Threat of homicide, infliction of harm to the health, damaging or destruction of property in relation of court, jury member, as well as their relatives in connection with consideration of cases or materials in a court -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

2. The same action, committed in relation of prosecutor, a person, executing prejudicial investigation, defence counsel, expert, bailiff, officer of justice, as well as their relatives in connection with execution of prejudicial investigation, consideration of case or materials in a court or execution of sentence, court decision or other judicial act, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

3. The actions, provided by first or second parts of this Article, committed with the use of force, not danger for life or health, -

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

4. The actions, provided by first or second parts of this Article, committed with the use of force, danger for life or health, -

shall be punished by imprisonment for the term of five to ten years.

**Article 410. Contempt of a court**

1. Contempt of a court, consisting in insulting of participants in the proceedings-

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days.

2. The same action, consisting in insulting of judge and (or) jury member, -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to three hundred hours, or arrest for the term of up to ninety days.

**Article 411. Slander in relation of judge, jury member, prosecutor, person, executing prejudicial investigation, expert, bailiff, officer of justice**

1. Slander in relation of judge or jury member in connection with consideration of cases or materials in a court -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, committed in relation of prosecutor, person, executing prejudicial investigation, expert, bailiff, officer of justice in connection with execution of prejudicial investigation, carrying out of legal expertise or execution of a sentence, court decision or other judicial act, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

3. The actions, provided by first or second parts of this Article, linked with accusation of person in commission of grievous or especially grave crime, -

shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term.

**Article 412. Involvement of certainly not guilty person to the criminal responsibility**

1. Involvement of certainly not guilty person to the criminal responsibility - shall be punished by restriction of liberty for the term of up to six years or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

2. The same action, linked with accusation of person in commission of grievous or especially grave crime, - shall be punished by imprisonment for the term of five to ten years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

**Article 413. Certainly illegal release from criminal responsibility**

Certainly illegal release from criminal responsibility of a person, suspected or accused in commission of a crime by prosecutor or person, executing prejudicial investigation, -

shall be punished by restriction of liberty for the term of up to seven years or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

**Article 414. Certainly illegal detention, placement in custody or detention in custody**

1. Certainly illegal detention - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

2. Certainly illegal placement in custody or detention in custody - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

3. The actions, provided by first or second parts of this Article, entailed the grave consequences, - shall be punished by imprisonment for the term of three to eight years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

4. Intentional non-notification of relatives of suspected person on a fact of his (her) detention and the location, illegal refusal in provision of information on place of detention in custody of person to the citizen, having the right to receive such information, as well as falsification of time of drawing up protocol of detention or time of actual detention -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years or without it.

#### **Article 415. Compulsion of evidence**

Compulsion of suspected, accused, injured, witness of evidence, filing of application on committed crime or compulsion of failure to give evidence, or compulsion of expert of giving conclusion by use of threats, blackmail or other illegal actions on the part of prosecutor or person, executing prejudicial investigation, - shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years or without it.

#### **Article 416. Falsification of evidences and operational and search materials**

1. Falsification of evidences on civil case by person, participating in the case, or by his (her) representative - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. Falsification of evidences on the cases on administrative infractions, committed by civil servant, authorized to drawing up protocol on administrative infractions, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

3. Falsification of operational and search materials or protocols of undercover investigatory actions or annexes to them by officer of body, executing operational and search activity, -

shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

4. Falsification of evidences in the course of criminal proceedings by person, executing prejudicial investigation, prosecutor, specialist, participating in the procedural actions, or defence counsel - shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same

amount, or restriction of liberty for the term of two to five years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

5. The actions, provided by first, second, third or fourth parts of this Article, entailed imposition of illegal sentence, decision or other judicial act, -

shall be punished by restriction of liberty for the term of three to seven years or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

6. Falsification of evidences on criminal case on grievous or especially grave crime, as well as entailed the grave consequences, -

shall be punished by restriction of liberty for the term of five to seven years or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

#### **Article 417. Provocation of commercial bribery or corruption**

1. Provocation of commercial bribery, in other words attempt to transfer the money, property benefits and priorities to the person, exercising management functions in commercial or other organizations, without his (her) consent for the purposes of artificial creation of evidences of commission of a crime or blackmail, - shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

2. Provocation of bribery, in other words the same action, committed in relation of person, authorized to exercise the state functions, or person, equated to him (her), or civil servant, or person, holding responsible state position, -

shall be punished by restriction of liberty for the term of three to seven years or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

#### **Article 418. Imposition of certainly illegal sentence, decision or other judicial act**

1. Imposition of certainly illegal sentence, decision or other judicial act by judge (judges) -

shall be punished by imprisonment for the term of two to six years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

2. The same action, related with rendering of illegal court decision to imprisonment or entailed other grave consequences, -

shall be punished by imprisonment for the term of six to ten years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to ten years.

#### **Article 419. Knowingly false denunciation**

1. Knowingly false denunciation on commission of criminal offence -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours.

2. Knowingly false denunciation on commission of a crime -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

3. An action, provided by second part of this Article, linked with accusation of a person in relation of corruption, grievous or especially grave crime or committed for selfish motives, -

shall be punished by restriction of liberty for the term of three to seven years or imprisonment for the same term.

4. The actions, provided by second or third parts of this Article, committed in the interests of criminal group, -

shall be punished by imprisonment for the term of five to ten years.

**Article 420. Knowingly false testimony, conclusion of expert, specialist or erroneous translation**

1. Knowingly false testimony of witness, injured person or conclusion of expert, specialist in a court or in the course of prejudicial investigation, as well as certainly erroneous translation, made by translator in the same cases, as well as upon execution of executive documents, -

shall be punished by restriction of liberty for the term of up to six years or imprisonment for the same term.

2. The same actions, committed on criminal case on corruption, grievous or especially grave crime or for selfish motives, -

shall be punished by imprisonment for the term of five to ten years.

**Article 421. Failure of the witness or injured person to give evidence**

Failure of the witness or injured person to give evidence in a court or in the course of prejudicial investigation -

shall be punished by the fine in the amount of two to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

Note. A person shall not subject to criminal responsibility for failure to give evidence against himself (herself), husband (wife) or their close relatives, as well as minister of church - for failure to give evidence against those who confided to them in confession, mediators - against persons and on circumstances, become known to them in connection with the mediation, participants of national preventive mechanism - against persons and on circumstances, become known to them from conversations with persons, detained in the special institutions, providing temporary isolation from society.

**Article 422. Bribery or compulsion to give false evidences or evasion of giving evidences, false conclusion or to erroneous translation**

1. Bribery of a witness, injured person in order to give by them the false evidences or expert in order to give by him (her) false conclusion or false evidences, as well as translator in order to make him (her) erroneous translation -

shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term.

2. Compulsion of a witness, injured person to give false evidences, expert to give false conclusion or translator to making erroneous translation, as well as compulsion of specified persons to evasion of giving evidences, linked with blackmail, threat of homicide, infliction of harm to the health, destruction of property of these persons or their relatives, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

3. The actions, provided by second part of this Article, committed with the use of force, not danger for life or health of specified persons, -

shall be punished by restriction of liberty for the term of up to six years or imprisonment for the same term.

4. The actions, provided by first or second parts of this Article, committed by criminal group or with the use of force, danger for life or health of specified persons, as well as linked with accusation of commission of corruption, grievous or especially grave crime, -

shall be punished by imprisonment for the term of two to eight years.

#### **Article 423. Disclosure of details of pre-trial proceeding**

Disclosure of details of pre-trial proceeding by person, prevented on inadmissibility of their disclosure in the manner established by the Law of the Republic of Kazakhstan, if it is committed without the consent of prosecutor or person, carrying out pre-trial proceedings -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

#### **Article 424. Disclosure of details on safety measures, used in relation of persons, subject to the state protection**

1. Disclosure of detailed on safety measures, used in relation of persons, subject to the state protection, if this action is committed by person, to whom the specified details were trusted or become known in connection with his (her) official activity, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

2. The same action, entailed the grave consequences or committed in the interests of criminal group, -

shall be punished by the fine in the amount of up to six thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to six years, or imprisonment for the same term.

#### **Article 425. Illegal action in relation of property, subjected to inventory or arrest or subject to confiscation**

1. Embezzlement, assignment, concealment or illegal transfer of property, subjected to inventory, arrest or to which the restriction in disposition is imposed, committed by person, to whom this property is entrusted, as well as implementation of bank operations with monetary means (deposits) by employees of credit organization, on which the arrest is imposed or on which the debit operations are suspended, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. Concealment or appropriation of property, subject to confiscation under sentence or court decision, as well as other evasion of sentence or court decision, entered into legal force on imposition of confiscation of property -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

#### **Article 426. Escape from the places of detention, arrest or custody**

1. Escape from the places of detention, arrest or custody, committed by person, serving a sentence or being in preliminary detention, -

shall be punished by imprisonment for the term of up to three years.

2. The same action, committed:

1) by group of persons, group of persons on previous concert;

2) with the use of force, danger for life or health, or with the threat of use of such force;

3) with the use of weapons or items, used as weapons, - shall be punished by imprisonment for the term of three to six years.

Note. A person, voluntarily returned in the place of detention or in custody within seven days from the moment of escape shall be released from criminal responsibility for the escape, if he (she) has not committed a new criminal infraction, and if the escape was not be linked with the actions, provided by paragraphs 2) and 3) of second parts of this Article.

#### **Article 427. Evasion from serving a sentence in the form of imprisonment**

Non-return of convicted person, to whom the short-term departure out of the place of detention is allowed, in the correctional institutions upon expiration of the term of departure, as well as convicted person, using the right of movement without convoy or being under supervision, committed in order of evasion of further service of sentence in the form of imprisonment, - shall be punished by imprisonment for the term of up to two years.

#### **Article 428. Insubordination to the legal requirements of administration of criminal executive institution**

1. Malicious insubordination to the legal requirements of administration of criminal executive institution by person, serving a sentence in the places of detention, - shall be punished by imprisonment for the term of two to five years.

2. The same action, committed repeatedly, - shall be punished by imprisonment for the term of four to seven years.

3. Organization of group insubordination to the legal requirements of administration of institution, providing isolation from society, as well as participation in the group insubordination, linked with the use of force or intentional infliction of any damage or entailed other grave consequences - shall be punished by imprisonment for the term of five to ten years.

#### **Article 429. A threat of the use of force in relation of officer of institution, providing isolation from society, or his (her) relatives, as well as convicted person or infringement on their health or life**

1. A threat of the use of force in relation of officer of institution, providing isolation from society, or his (her) husband (wife) or close relatives in connection with carrying out by him (her) an official activity, as well as in relation of convicted person in order interfere with his (her) correction or out of revenge for rendering by him (her) assistance to administration of institution - shall be punished by imprisonment for the term of two or five years.

2. Use of force, not danger for life or health, to the persons, specified in the first part of this Article, - shall be punished by imprisonment for the term of three to seven years.

3. The actions, provided by first and second parts of this Article, committed by group of persons on previous concert or with the use of force, danger for life or health, - shall be punished by imprisonment for the term of seven to ten years.

4. Infringement on life of officer of institution, providing isolation from society, or his (her) husband (wife) or close relatives in connection with carrying out by him (her) an official activity, as well as in relation of convicted person in order to interfere with his (her) correction or out of revenge for rendering by him (her) assistance to administration of institution - shall be punished by imprisonment for the term of ten to twenty years or life imprisonment.

**Article 430. Non-execution of sentence, court decision or other judicial act or executive document**

1. Non-execution of sentence, court decision or other judicial act or executive document more than six months, as well as interfering with their execution -

shall be punished by restriction of liberty for the term of up to three years or imprisonment for the same term.

2. The same actions, committed by person with the use of his (her) official position, - shall be punished by restriction of liberty for the term of three to five years or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

3. The actions, provided by first or second parts of this Article, on which the sum of recovery exceeds ten thousand monthly calculation indices, established by the legislation of the Republic of Kazakhstan for the moment of commission of a crime, as well as interfering with their execution - shall be punished by restriction of liberty for the term of up to seven years or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

Note. An imprisonment shall not be imposed to the person, committed a crime, provided by third part of this Article and discharged all the sum of indebtedness before imposition of sentence.

**Article 431. Evasion from administrative supervision, established by court for persons, released from the places of detention**

Evasion from administrative supervision, established by court for persons, released from the places of detention, consisting in unauthorized leaving of the place residence by supervised or non-arrival of supervised during five days excluding weekends and holidays to the chosen place of residence after release from places of detention, - shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to one year, or imprisonment for the same term.

**Article 432. Concealment of crime**

Previously unpledged concealment of corruption, grievous or especially grave crime - shall be punished by the fine in the amount of up to six thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to six years, or imprisonment for the same term.

Note. A person shall not subject to criminal responsibility for previously unpledged concealment of a crime, committed by his (her) husband (wife) or close relatives.

**Article 433. Concealment of criminal infraction**

1. Intentional concealment of criminal offence of little or average gravity crime from registration, committed by authorized civil servant by false pretenses, persuasion, threat or other illegal actions in relation of a person, that filed an application or report on conclusively prepared or committed criminal infraction, or by destruction or concealment of the application of specified person by any other method, - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

2. The same action, entailed concealment of grievous crime, - shall be punished by the fine in the amount of up to five thousand monthly calculation indices or

correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

3. The actions, provided by first or second parts of this Article:

1) entailed concealment of especially grave crime or grave consequences;

2) committed by group of persons on previous concert, -

shall be punished by restriction of liberty for the term of three to seven years or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

4. The actions, provided by first, second or third parts of this Article, committed by civil servant, holding responsible state position, or by head of the authorized state body or by order of these persons, - shall be punished by imprisonment for the term of four to ten years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

#### **Article 434. Failure to report crime**

Failure to report on conclusively known prepared or committed especially grave crime or conclusively known prepared act of terrorism -

shall be punished by the fine in the amount of up to six thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to six years, or imprisonment for the same term.

Note. Husband (wife) or close relative of person, committed a crime, as well as the ministers of church shall not subject to the criminal responsibility under this Article, for failure to report on the crimes, committed by persons, entrusted to them during confession.

#### **Article 435. Interfering with legal activity of lawyers and other persons on protection of rights, freedoms and legal interests of person and citizen, as well as rendering of legal assistance to the individuals and legal entities**

1. Interfering with legal activity of lawyers and other persons on protection of rights, freedoms and legal interests of person and citizen in the criminal proceeding, as well as rendering of legal assistance to the individuals and legal entities or other violation of autonomy and independence of such activity, of these actions are inflicted substantial harm to the rights, freedoms and legal interests of person and citizen, rights and legal interests of legal entities, interests of society or the state, protected by the Law, - shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

3. The actions, provided by first part of this Article, committed by person with the use of his (her) official position, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years or without it.

#### **Article 436. Interfering with the citizen to perform duties of jury member**

Interfering with the citizen to perform duties of jury member by civil servant -

shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or community services for

the term of up to one hundred and twenty hours, or arrest for the term of up to forty five days.

## **Chapter 18. MILITARY CRIMINAL INFRACTIONS**

Note of RCLII!

Article 437 is provided to be in the wording of the Law of the Republic of Kazakhstan dated 07.11.2014 No. 248-V (shall be enforced from 01.01.2015).

### **Article 437. Insubordination or other non-execution of order**

1. Insubordination, in other words refusal to execute an order of the head, as well as other intentional non-execution of order of the head, given in the established procedure by subordinate, - shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or arrest for the term of up to forty five days.

2. The same actions, inflicted substantial harm to the interests of service, - shall be punished by the fine in the amount of up to two hundred monthly calculation indices or correctional works in the same amount, or arrest for the term of up to sixty days.

3. The actions, provided by second part of this Article, committed by group of persons or group of persons on previous concert, as well as entailed the grave consequences, - shall be punished by imprisonment for the term of up to five years.

4. The actions, provided by first, second or third parts of this Article, committed by criminal group, in the military situation or conditions of emergency situation, -

shall be punished by imprisonment for the term of five to fifteen years, and upon aggravating circumstances - from ten to twenty years or life imprisonment.

5. The actions, provided by first, second or third parts of this Article, committed in war time, - shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment, or death penalty.

6. Non-execution of an order due to negligent or unconscientious attitude to the service, entailed the grave consequences, - shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or arrest for the term of up to ninety days.

7. An action, provided by six part of this Article, committed in war time, in the military situation or conditions of emergency situation, - shall be punished by imprisonment for the term of three to ten years.

### **Article 438. Resistance to the head or compulsion him (her) to violation of official obligations**

1. Resistance to the head, as well as other person, performing the obligations of military service, imposed on him (her), or compulsion him (her) to violation of these obligations, linked with the force or a threat of its use, - shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or arrest for the term of up to ninety days.

2. The same action, committed:

1) by group of persons or group of persons on previous concert;

2) with the use of weapons or special means;

3) with infliction of grievous or average gravity harm to the health, - shall be punished by imprisonment for the term of three to ten years.

3. The actions, provided by first or second parts of this Article, committed by criminal group, in the military situation or conditions of emergency situation, as well as entailed the death of person, - shall be punished by imprisonment for the term of ten to twenty years or life imprisonment.

4. The actions, provided by first or second parts of this Article, committed in

war time, - shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment, or death penalty.

#### **Article 439. Violent actions in relation of the head**

1. Bodily blows, infliction of bodily harm to the health, or use of other force in relation of the head, committed during performing him (her) the obligations of military service or in connection with performance of these obligations, -

shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to one years, or imprisonment for the same term.

2. The same actions, committed:

1) by group of persons or group of persons on previous concert;

2) with the use of weapons;

3) with infliction of grievous or average gravity harm to health, - shall be punished by imprisonment for the term of three to ten years.

3. The actions, provided by first or second parts of this Article, committed by criminal group, in the military situation or conditions of emergency situation, as well as entailed the death of person, - shall be punished by imprisonment for the term of ten to twenty years or life imprisonment.

4. The actions, provided by first or second parts of this Article, committed in war time, - shall be punished by imprisonment for the term of fifteen to twenty years or life imprisonment, or death penalty.

#### **Article 440. Violation of charter rules of relationship between military servants in the absence between them subordination relations**

1. Violation of charter rules of relationship between military servants in the absence between them subordination relations, consisting in bodily blows, infliction of bodily harm to the health or other force or linked with breach of honour and dignity or abuse over injured person, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or arrest for the term of up of seventy five days.

2. The same action, committed repeatedly, - shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or arrest for the term of up to ninety days.

3. The actions, provided by first or second parts of this Article, committed:

1) in relation of two or more persons;

2) by group of persons or group of persons on previous concert;

3) with the use of weapons or special means;

4) with the use of grievous or average gravity harm to the health, - shall be punished by imprisonment for the term of four to eight years.

4. The actions, provided by first, second or third parts of this Article, committed by criminal group or entailed the death of person or other grave consequences,

- shall be punished by imprisonment for the term of eight to twelve years.

**Note of RCLI!**

**Article 441 is provided to be in the wording of the Law of the Republic of Kazakhstan dated 07.11.2014 No. 248-V (shall be enforced from 01.01.2015).**

#### **Article 441. Unwarranted leaving of unit or place of service**

1. Unwarranted leaving of unit or place of service as well as failure to appear within period for service without reasonable excuse, committed in war time, if unwarranted absence lasted for more than five days, but not more than one month, - shall

be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or arrest for the term of up to ninety days.

2. The same actions, if unwarranted absence lasted for more than one month, - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term.

3. Unwarranted leaving of unit or place of service, committed with weapon, entrusted in the service, or group of persons or group of persons on previous concert, if unwarranted absence lasted for more than one day, - shall be punished by imprisonment for the term of up to five days.

4. Unwarranted leaving of unit or place of service, committed in the military situation or conditions of emergency situation, if unwarranted absence lasted for more than one day, - shall be punished by imprisonment for the term of five to ten days.

5. Unwarranted leaving of unit or place of service in war time independent from duration - shall be punished by imprisonment for the term of ten to fifteen years.

Note. A military servant, committed an action, provided by first, second or third parts of this Article may be released from criminal responsibility, if this action was the result of a set of heavy and other circumstances.

#### **Article 442. Desertion**

1. Desertion, in other words unwarranted leaving of unit or place of service for the purposes of evasion of military service, as well as failure to appear for service with the same purpose, -

shall be punished by imprisonment for the term of up to five years.

2. Desertion with weapon, entrusted by service, as well as desertion, committed by group of persons on previous concert, -

shall be punished by imprisonment for the term of three to seven years.

3. The actions, provided by first or second parts of this Article, committed in in the military situation or conditions of emergency situation, -

shall be punished by imprisonment for the term of ten to twenty years or life imprisonment.

4. The actions, provided by first or second parts of this Article, committed in war time, -

shall be punished by imprisonment for the term of ten to twenty years or life imprisonment, or the death penalty.

Note. A military servant, committed desertion, provided by first or second parts of this Article may be released by court from criminal responsibility, if desertion is resulted from a set of heavy circumstances.

#### **Article 443. Evasion or refusal of serving military service**

1. Evasion of military servant from execution of duties of military service by simulation of the disease or infliction yourself any damage (self-mutilation) or other harm to health or forgery of documents, or other fraud, as well as refusal of serving military service -

shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or arrest for the term of up to ninety days.

2. The same actions, committed in in the military situation or conditions of emergency situation, -

shall be punished by imprisonment for the term of ten to twenty years or life imprisonment.

3. The actions, provided by first part of this Article, committed in war time, -

shall be punished by imprisonment for the term of ten to twenty years or life imprisonment or death penalty.

**Article 444. Violation of rules of serving of combat duty**

1. Violation of rules of serving of combat duty (combat service) on early detection and holding off a sudden attack against the Republic of Kazakhstan or on ensuring its safety, if this action is entailed or may entail infliction substantial harm to the interests of the state, -

shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, entailed the grave consequences, - shall be punished by imprisonment for the term of three to ten years.

3. The actions, provided by first or second parts of this Article, committed in the military situation or in war time, - shall be punished by imprisonment for the term of ten to twenty years or life imprisonment or the death penalty.

Note. A military servant, committed an action, provided by first part of this Article for the first time, upon mitigating circumstances may be released by court from criminal responsibility.

**Article 445. Violation of rules of protection of the State boundary of the Republic of Kazakhstan**

1. Violation of rules of protection of the State boundary of the Republic of Kazakhstan, as well as in the checkpoints, by person, included in the composition of border patrol unit or execution other obligations on protection of the State boundary, if this action is entailed substantial harm to the interests of security of the state, - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, entailed the grave consequences or committed by group of persons on previous concert, - shall be punished by imprisonment for the term of up to five years.

Note. A military servant, committed an action, provided by first part of this Article, for the first time, upon mitigating circumstances may be released from criminal responsibility.

**Article 446. Violation of charter rules of serving of guard (watch keeping) service**

1. Violation of charter rules of serving of guard (watch keeping) service by person, including in the composition of guard (watch), if this action is entailed infliction of harm to the objects, protected by the guard (watch) or occurrence of other harmful consequences, - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, entailed the grave consequences or committed by group of persons or group of persons on previous concert, - shall be punished by imprisonment for the term of two to seven years.

Note. A military servant, committed an action, provided by first part of this Article, for the first time, upon mitigating circumstances may be released from criminal responsibility.

**Article 447. Violation of charter rules of serving of internal service or patrol in the garrison**

1. Violation of charter rules of serving of internal service by person, including in the daily detail of unit (except for the guard and watch), as well as violation of charter rules of patrol in the garrison and orders and instructions, issued in the development of these rules by person, including in the composition of patrol detail, if they are entailed the heavy consequences, the warning of which is included in the obligation of this person, - shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or arrest for the term of up to ninety days.

2. The same actions, entailed the grave consequences or committed by group of persons or group of persons on previous concert, - shall be punished by imprisonment for the term of up to five years.

Note. A military servant, committed the actions, provided by first part of this Article, for the first time, upon mitigating circumstances may be released from criminal responsibility.

#### **Article 448. Violation of rules of service of control service**

1. Violation of rules of service of control service to the military servants, exercising control functions, if this action is inflicted substantial harm to the rights or legal interests of citizens or organizations or legally protected interests of society or the state, - shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or arrest for the term of up to ninety days.

2. The same action, entailed the grave consequences or committed by group of persons or group of persons on previous concert, - shall be punished by imprisonment for the term of up to five years.

Note. A military servant, committed an action, provided by first part of this Article, for the first time, upon mitigating circumstances may be released from criminal responsibility.

#### **Article 449. Violation of rules of serving of service on protection of public order and ensuring of public security**

1. Violation of rules of serving of service by person, including in the composition of military detail on protection of public order and ensuring of public security, if this action is entailed substantial harm to the rights and legal interests of citizens or organizations, -

shall be punished by the fine in the amount of up to one hundred monthly calculation indices or correctional works in the same amount, or arrest for the term of up to forty five days.

2. The same action, entailed the grave consequences or committed by group of persons or group of persons on previous concert, -

shall be punished by imprisonment for the term of up to five years.

3. The actions, provided by first or second parts of this Article, committed in the conditions of emergency situation, -

shall be punished by imprisonment for the term of three to seven years.

#### **Article 450. Abuse of authority**

1. Abuse of the head or civil servant of authority or official position contrary to the interests of service for the purposes of deriving profits and advantages for themselves or other persons or organizations or infliction of harm to other persons or organizations, if it is entailed substantial violation of rights and legal interests of citizens or organizations or legally protected interests of society or the state, -

shall be punished by the fine in the amount of up to four thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to four years, or imprisonment for the same term, with confiscation

of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

2. The same action, entailed the grave consequences, - shall be punished by imprisonment for the term of four to seven years with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

3. The actions, provided by first or second parts of this Article, committed in the military situation, - shall be punished by imprisonment for the term of seven to fifteen years with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

4. The actions, provided by first or second parts of this Article, committed in war time, -

shall be punished by imprisonment for the term of ten to twenty years or life imprisonment, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

#### **Article 451. Exceeding authority**

1. Exceeding authority or official powers, in other words commission the actions by the head or civil servant, obviously going beyond his (her) rights and powers, entailed substantial violation of rights and legal interests of citizens or organizations or legally protected interests of society or the state, -

shall be punished by the fine in the amount of up to five thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term.

2. The same action, entailed the grave consequences or committed:

1) with the use of weapons or special means;

2) for the purposes of deriving profits and advantages for himself (herself) or other persons or organizations, or infliction of harm to other persons or organizations, -

shall be punished by imprisonment for the term of five to seven years, and in the cases, provided by paragraph 2), with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

3. The actions, provided by first or second parts of this Article, committed in the military situation, -

shall be punished by imprisonment for the term of seven to fifteen years with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

4. The actions, provided by first or second parts of this Article, committed in war time, - shall be punished by imprisonment for the term of ten to twenty years or life imprisonment, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

#### **Article 452. Failure to use authority**

1. Failure to use authority, in other words non-execution of duties by the head or civil servant for the purposes of deriving profits and advantages for himself (herself) or other persons or organizations or infliction of harm to other persons or organizations, if it is entailed substantial violation of rights and legal interests of citizens or organizations or legally protected interests of society or the state, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a

determined activity for life.

2. The same action, entailed the grave consequences, - shall be punished by imprisonment for the term of four to eight years with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

3. The actions, provided by first or second parts of this Article, committed in the military situation, - shall be punished by imprisonment for the term of five to ten years with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

4. The actions, provided by first or second parts of this Article, committed in war time, - shall be punished by imprisonment for the term of ten to twenty years with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for life.

#### **Article 453. Habitual negligence in office**

1. Habitual negligence of the head or civil servant in office, inflicted substantial harm, - shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to one years, or imprisonment for the same term.

2. The same action, entailed the grave consequences, - shall be punished by imprisonment for the term of up to five years.

3. The actions, provided by first or second parts of this Article, committed in war time or in the military situation, - shall be punished by imprisonment for the term of three to ten years.

Note. A military servant, committed an action, provided by first part of this Article, for the first time, upon mitigating circumstances may be released from criminal responsibility.

#### **Article 454. Abandonment of a warship in distress**

1. Abandonment of a warship in distress by commander, not completed his (her) official duties, as well as by person from the composition of ship's crew without proper order from the commander - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, committed in war time or in the military situation, - shall be punished by imprisonment for the term of five to ten years.

#### **Article 455. Surrender or leaving of means of warfare to the enemy**

Surrender by the chief of military forces, entrusted to him (her), as well as leaving of fortifications, war materials and other means of warfare, which does not caused by military situation, to the enemy, if the specified actions are not committed for the purposes of contribution to the enemy, - shall be punished by imprisonment for the term of ten to twenty years or life imprisonment, or death penalty.

#### **Article 456. Voluntary surrender into captivity**

Voluntary surrender into captivity due to white feather or cowardice - shall be punished by imprisonment for the term of five to ten years.

#### **Article 457. Looting**

Stealing of things, being at the dead and wounded (looting), on the battlefield, - shall be punished by imprisonment for the term of five to ten years.

#### **Article 458. Disclosure of security information of military nature or loss of carriers of security information of military nature**

1. Loss of carriers of security information of military nature, not containing the state secrets by negligence, by person to whom they were entrusted by service, if loss was a result of violation of established rules of handling with specified carriers, - shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or arrest for the term of up to ninety days.

2. Disclosure of secret information of military nature, not containing the state secrets, by person, to whom they were entrusted or became known by service, - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

3. The actions, provided by first or second parts of this Article, entailed infliction of heavy damage or occurrence of other grave consequences, - shall be punished by imprisonment for the term of five to ten years.

4. The actions, provided by first, second or third parts of this Article, committed in military situation or conditions of emergency situation, - shall be punished by imprisonment for the term of seven to twelve years.

5. The actions, provided by first, second or third parts of this Article, committed in war time, - shall be punished by imprisonment for the term of ten to twenty years.

#### **Article 459. Intentional destruction or damaging of military property**

1. Intentional destruction or damaging of weapons, ammunition, means of transport, military equipment or other military property - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, entailed the grave consequences or committed with the use of force or threat of its use or by group of persons or group of persons on previous concert, - shall be punished by imprisonment for the term of up to five years.

3. The actions, provided by first or second parts of this Article, committed in military situation or conditions of emergency situation, - shall be punished by imprisonment for the term of five to twelve years.

4. The actions, provided by first or second parts of this Article, committed in war time, - shall be punished by imprisonment for the term of ten to twenty years.

#### **Article 460. Negligent destruction or damaging of military property**

Negligent destruction or damaging of weapons, ammunition, means of transport or military engineering items, entailed the grave consequences, - shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or arrest for the term of up to ninety days.

#### **Article 461. Loss of military property**

Violation of rules of conservation of weapons, ammunition or military engineering items, entrusted for official use, if it is entailed their loss, - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

#### **Article 462. Violation of rules of handling with weapons, as well as with materials and items, constituting a danger for others**

1. Violation of rules of handling with weapons, ammunition, radioactive materials, explosive or other substances and objects, presenting increased danger for others, if it is entailed infliction grievous or average gravity harm to the health of person by negligence, destruction of military property or other grave consequences, - shall be punished by the fine in the amount of up to two thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term.

2. The same action, entailed the death of person by negligence, - shall be punished by imprisonment for the term of up to five years.

3. An action, provided by first part of this Article, entailed the death of two or more persons by negligence, - shall be punished by imprisonment for the term of five to ten years.

#### **Article 463. Violation of rules of driving or operating of vehicles**

1. Violation of rules of driving or operating of armed, special or transport vehicle, entailed infliction of average gravity harm to the health of person by negligence, -

shall be punished by the fine in the amount of up to three hundred monthly calculation indices or correctional works in the same amount, or arrest for the term of up to seventy five days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years.

2. The same action, entailed infliction of grievous harm to the health of person by negligence, - shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to three years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to three years.

3. An action, provided by first part of this Article, entailed the death of person by negligence, - shall be punished by imprisonment for the term of up to five years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

4. An action, provided by first part of this Article, entailed the death of two or more persons by negligence, - shall be punished by imprisonment for the term of five to ten years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to ten years.

#### **Article 464. Violation of flight rules or training to them**

Violation of flight rules or training to them, as well as violation of rules of operation of military aircrafts, entailed the death of person or other grave consequences by negligence, - shall be punished by imprisonment for the term of three to ten years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to ten years or without it.

#### **Article 465. Violation of rules of ship navigation**

Violation of rules of run or operation of warships, entailed the death of person or other grave consequences by negligence, - shall be punished by imprisonment for the term of three to ten years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to ten years or without it.

**Article 466. Driving of vehicles, ship navigation, control of military aircraft by person in the state of alcoholic, narcotic or toxic intoxication, transmission driving or control or access to driving or control of military equipment of such person**

1. Driving of armed, special or transport vehicle or run of warships, or control of military aircraft by person, being in the state of alcoholic, narcotic or toxic intoxication, or transmission driving or control of specified military equipment to such person, as well as access to driving or control of specified military equipment of such person, committed by civil servant, - shall be punished by the fine in the amount of up to five hundred monthly calculation indices or correctional works in the same amount, or arrest for the term of up to ninety days, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to two years.

2. The same actions, entailed infliction of average gravity harm to the health of person by negligence, - shall be punished by the fine in the amount of up to one thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to two years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to five years.

3. The actions, provided by first part of this Article, entailed infliction of grievous harm to the health by negligence, -

shall be punished by the fine in the amount of up to three thousand monthly calculation indices or correctional works in the same amount, or restriction of liberty for the term of up to five years, or imprisonment for the same term, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to six years.

4. The actions, provided by first part of this Article, entailed the death of person by negligence, -

shall be punished by imprisonment for the term of five to ten years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to seven years.

5. The actions, provided by first part of this Article, entailed the death of two or more persons by negligence, -

shall be punished by imprisonment for the term of seven to twelve years with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of up to ten years.

#### **FINAL PROVISIONS**

#### **Article 467. On entering of this Code into force and recognition of several legislative acts of the Republic of Kazakhstan as considered to have lost force**

1. This Code enters into force from 1 January, 2014, except for the Article 45, which is enforced from 1 January, 2017, and Article 48, which enters into force from 1 January, 2008.

2. Provisions, vested in Article 287 of this Code shall be distributed to the persons, having permissions of bodies of internal affairs for storage and bearing of fire tuneless, gas weapons with possibility of shooting by cartridge of traumatic action, dated 1 January, 2016.

3. Shall be considered to have lost force from the date of entry into force of this Code:

1) Penal Code of the Republic of Kazakhstan dated 16 July, 1997, No. 15-16, Article 211; 1998, No. 16, Article 219; No. 17-18, Article 225; 1999, No. 20, Article 721; No. 21, Article 774; 2000, No. 6, Article 141; 2001, No. 8, Article 53, 54; 2002, No. 4, Article 32, 33; No. 10, Article 106; No. 17, Article 155; No. 23-24, Article 192; 2003, No. 15, Article 137; No. 18, Article 142; 2004, No. 5, Article 22; No. 17, Article 97; No. 23, Article 139; 2005, No. 13, Article 53; No. 14, Article 58; No. 21-22, Article 87; 2006, No. 2, Article 19; No. 3, Article 22; No. 5-6, Article 31; No. 8,

Article 45; No. 12, Article 72; No. 15, Article 92; 2007, No. 1, Article 2; No. 4, Article 33; No. 5-6, Article 40; No. 9, Article 67; No. 10, Article 69; No. 17, Article 140; 2008, No. 12, Article 48; No. 13-14, Article 58; No. 17-18, Article 72; No. 23, Article 114; No. 24, Article 126; 2009, No. 6-7, Article 32; No. 13-14, Article 63; No. 15-16, Article 71, 73, 75; No. 17, Article 82, 83; No. 24, Article 121, 122, 125, 127, 128, 130; 2010, No. 1-2, Article 5; No. 7, Article 28, 32; No. 11, Article 59; No. 15, Article 71; No. 20-21, Article 119; No. 22, Article 130; No. 24, Article 149; 2011, No. 1, Article 9; No. 2, Article 19, 28; No. 19, Article 145; No. 20, Article 158; No. 21, Article 161; No. 24, Article 196; 2012, No.1, Article 5; No. 2, Article 13; No. 3, Article 26, 27; No. 4, Article 30; No. 5, Article 35, 36; No. 10, Article 77; No. 12 Article 84; 2013, No. 1, Article 2; No. 4, Article 21; No. 7, Article 36; No. 10-11, Article 54, 56; No. 14, Article 72; No. 15, Article 78; 2014, No. 1, Article 9; No. 2, Article 11; No. 4-5, Article 24; No. 8, Article 49), except for Article 51, shall be considered to have lost force from the date 1 January, 2018;

2) The Law of the Republic of Kazakhstan dated 16 July, 1997 “On enforcement of Penal Code of the Republic of Kazakhstan” (Bulletin of the Parliament of the Republic of Kazakhstan, 1997, No. 15-16, Article 212; 2000, No. 6, Article 141; 2002, No. 18, Article 158; 2003, No. 24, Article 180; 2009, No. 24, Article 128; 2014, No. 8, Article 49).

*The President  
of the Republic of Kazakhstan*

*N.Nazarbayev*