

**LAW**  
**The Criminal Code of the Republic of Moldova**

**No. 985-XV dated 18.04.2002**

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(...)

**Article 106. Special Seizure**

(1) Special seizure is the forced and free transfer to the state of property or goods used in the commission of a crime or that resulted from crimes. If the goods used in the commission of a crime or that resulted from crimes no longer exist or cannot be found, their monetary equivalent shall be seized.

(2) The following goods shall be subject to special seizure:

- a) goods resulting from an act set forth in this Code as well as other revenues that accrue from these goods, except for goods and revenues subject to return to their legal owners;
- b) goods used or intended for use in the commission of a crime, if they belong to the criminal;
- c) goods provided to determine the commission of a crime or to pay the criminal;
- d) goods obtained through the commission of a crime, if they are not to be returned to the injured person or not intended for his/her compensation;
- e) goods possessed contrary to legal provisions;
- f) goods converted or transformed, partially or integrally, from goods resulting from crimes and from revenues accrued from such goods;
- g) goods used or intended for financing terrorism.

(2<sup>1</sup>) If the goods resulting or obtained through the commission of a crime and revenues accrued from such goods are added to the illegally obtained goods, subject to seizure shall be the part of such goods or their equivalent value to the value of goods resulting or obtained from the commission of the crime and of the revenues accrued from such goods.

(3) Special seizure shall be applied to persons who commit acts set forth in this Code. Special seizure may also be applied to goods specified in par. (2), which, however, belong to other persons who accepted them knowing about their illegal origin.

(4) Special seizure may be applied even in cases when a criminal punishment is not set for the criminal.

(5) Special seizure shall not be applied for crimes committed through a press agency or any other type of mass media.

*[Art.106 amended by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]*

*[Art.106 amended by Law No. 243-XVI dated 16.11.2007, in force as of 14.12.2007]*

*[Art.106 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]*

## Chapter XIII

### CRIMES AGAINST PUBLIC SECURITY AND PUBLIC ORDER

#### Article 278. Acts of Terrorism

(1) Acts of terrorism meaning setting an explosion, arson, or any other action that creates the danger of causing death, bodily injury, damage to health, vital damage to property or to the environment or other severe consequences when such an act is committed to intimidate the population or a part thereof, to draw the attention of society to the political, religious or other ideas of the perpetrator, or to force the state, international organization, legal entity or individual to commit or to refrain from committing an action, as well as threat to commit such acts for other purposes shall be punished by imprisonment for 6 to 12 years.

(2) The same actions:

*[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]*

- b) committed by an organized criminal group;
- c) committed with the use of firearms or explosive substances;
- d) causing severe or less severe bodily injury or damage to health;
- e) causing material damage on an especially large scale; shall be punished by imprisonment for 8 to 15 years.

(3) The actions set forth in par. (1) or (2):

- a) committed by a criminal organization;
- b) causing by imprudence the death of a person; shall be punished by imprisonment for 12 to 20 years.

(4) An act of terrorism involving the murder of one or more persons for purposes specified in par. (1), shall be punished by imprisonment for 16 to 20 years or by life imprisonment.

(5) The person who commits an act of terrorism and other participants may be sentenced to minimal punishment set by this article if they warn the authorities about the respective acts and by doing so contributed to the prevention of the death of people, of bodily injury, of damage to health, of other severe consequences or to the identification of other perpetrators.

(6) The person who participates in the preparation of an act of terrorism shall be exempted from criminal liability if he/she contributes to the prevention of the act of terrorism by notifying the authorities in due time or by other means and if his/her actions do not contain the constitutive elements of another crime.

*[Art.278 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]*

*[Art.278 amended by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]*

#### Article 278<sup>1</sup>. Delivery, Placement, Triggering, or Detonation of an Explosive Device or of Any Other Device with Lethal Effect

(1) The delivery, placement, triggering, or detonation of an explosive device or any other device with a lethal effect in a public place, on state or government assets, in infrastructure or in the assets of the public transport system or committing these actions against the aforementioned places or assets in order to cause:

a) death or severe bodily injury or damage to health;  
b) vital damage to the place, asset, or system,  
shall be punished by imprisonment for 5 to 10 years.

(2) The same actions committed:

a) causing severe or less severe bodily injury or damage to health;  
b) causing damage on a large scale or especially large scale;  
shall be punished by imprisonment for 8 to 15 years.

(3) The actions set forth in par. (1) letter b) that cause by imprudence the death of a person shall be punished by imprisonment for 8 to 12 years.

(4) The actions set forth in par. (1), (2) or (3) committed by an organized criminal group or a criminal organization shall be punished by imprisonment for 12 to 18 years.

(5) The actions set forth in par. (1) involving intentional murder shall be punished by imprisonment for 16 to 20 years or by life imprisonment.

*[Art.2781 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]*

*[Art.2781 introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]*

### **Article 279. Funding Terrorism**

(1) Funding terrorism meaning deliberately offering or collecting by any person and through any means, directly or indirectly goods of whatsoever nature obtained through any means or providing certain financial services aimed at the use of such goods or services or knowing that they will be used, in whole or in part:

a) to organize, prepare, or commit a crime of a terrorist nature;  
b) by an organized criminal group, a criminal organization, or a person who commits or attempts to commit a crime of a terrorist nature or organizes, manages, associates, agrees in advance, incites, or participates as a accomplice in the commission of this crime; shall be punished by imprisonment for 5 to 10 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 7000 to 10,000 conventional units and by the liquidation of the legal entity.

(2) The crime of funding terrorism shall be considered consummated regardless of whether the crime of a terrorist nature was committed or whether the goods were used for the commission of this crime by the group, organization, or person mentioned in par. (1), letter b) or whether the actions were committed in or outside the territory of the Republic of Moldova.

(3) Goods are financial means or any category of material or immaterial, movable or immovable, tangible or intangible values (assets) as well as acts and other legal instruments in any form, including electronic or digital form that confirm a legal title or right including any share (interest) in these values (assets).

*[Art.279 in version of Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]*

### **Article 279<sup>1</sup>. Recruiting, Training or Any Other Assistance for Purposes of Terrorism**

(1) Recruiting for purposes of terrorism meaning requests addressed to another person to commit or to participate in the preparation or commission of a crime of a terrorist nature or to

associate with an organization or a group with that intention or knowing that this request is made in order to contribute to the commission of one or more crimes of a terrorist nature shall be punished by imprisonment for 3 to 8 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 7000 conventional units and by the liquidation of the legal entity.

(2) Training for purposes of terrorism meaning providing guidance on the fabrication or use of explosive devices or substances, weapons of mass destruction, radioactive devices or materials, firearms or other weapons or noxious or dangerous substances, or on other specific methods or techniques with the intention or knowing that such training is to contribute to the commission of one or more crimes of a terrorist nature shall be punished by imprisonment for 4 to 9 years with the deprivation of the right to hold certain positions or to practice a certain activity for 3 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 5000 to 8000 conventional units and by the liquidation of the legal entity.

(3) The purchase, storage, production, transportation, or supply of weapons, munitions, other destructive devices or means, of biological weapons, or of noxious or dangerous substances and assistance at state border-crossings, offering shelter, facilitating entering a limited-access zone, collecting and holding data for purposes of transmission, or offering data about target objects as well as rendering any other support in any form with the intention or knowing that such actions are to contribute to the commission of one or more crimes of a terrorist nature shall be punished by imprisonment for 5 to 10 years with the deprivation of the right to hold certain positions or to practice certain activities for 3 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 7000 to 10,000 conventional units and the liquidation of the legal entity.

(4) The actions set forth in par. (1), (2) or (3) committed with use of an official position shall be punished by imprisonment for 7 to 15 years.

*[Art.2791 introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]*

## **Article 279<sup>2</sup>. Instigation for Purposes of Terrorism or Public Justification of Terrorism**

(1) Instigation for purposes of terrorism meaning distributing a message or otherwise informing the public with the purpose to instigate or knowing that such a message can instigate the commission a crime of a terrorist nature shall be punished by a fine in the amount of 300 to 600 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 5 years, in all cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities for 2 to 5 years or by the liquidation of the legal entity.

(2) Public justification of terrorism meaning distributing a message or otherwise informing the public about an acknowledgement of an ideology or practice on committing crimes of a terrorist nature as being just and needed or to be supported or worth following shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 140 to 200 hours or by imprisonment for up to 4 years, in all cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 800 to 2000

conventional units with the deprivation of the right to practice certain activities for 2 to 5 years or by the liquidation of the legal entity.

(3) The actions set forth in par. (1) or (2) committed:

a) through mass-media;

b) by using an official position;

shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for 2 to 5 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 5000 conventional units with (or without) the deprivation of the right to practice certain activities for 3 to 5 years or by the liquidation of the legal entity.

*[Art.2792 introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]*

### **Article 280. Taking Hostages**

(1) Taking or keeping a person hostage and threatening him/her with murder, with bodily injury, or with damage to his/her health or subsequently keeping the person hostage to force the state, international organization, legal entity, individual, or group of persons to commit or to refrain from committing an action as a condition for the release of the hostage shall be punished by imprisonment for 5 to 10 years.

(2) Taking of hostages:

*[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]*

b) two or more persons;

c) persons known to be juveniles or pregnant women or taking advantage of the victims' known or obvious helpless condition caused by advanced age, disease, physical or mental handicap or another factor;

*[Letter d) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]*

e) for purposes of profit;

f) using violence dangerous to the life or health of the person;

*[Letter g) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]*

shall be punished by imprisonment for 6 to 12 years with (or without) a fine in the amount of 500 to 1000 conventional units.

(3) Taking hostages:

a) by an organized criminal group or a criminal organization;

b) causing severe bodily injury or damages to health;

c) causing by imprudence the victim's death;

d) causing other severe consequences;

shall be punished by imprisonment for 8 to 15 years.

*[Art.280 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]*

*[Art.280 amended by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]*

### **Article 281. Deliberate Communication of False Information about an Act of Terrorism**

Deliberate communication of false information about the preparation of explosions, arson, or other actions dangerous to human lives causing large-scale material damage or other severe consequences shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years.

*[Art.281 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]*

*[Art.281 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]*

## **Article 282. Establishment of an Illegal Paramilitary Unit or Participation Therein**

(1) Establishing or managing a paramilitary unit not provided for by the legislation of the Republic of Moldova as well as participation in such a unit shall be punished by imprisonment for 2 to 7 years.

(2) A person who voluntarily abandons an illegal paramilitary unit and surrenders his/her weapons shall be exempted from criminal liability, provided that his/her actions do not contain the constitutive elements of another crime.

*[Art.282 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]*

## **Article 283. Banditry**

The organization of armed criminal gangs to attack legal entities or individuals as well as participation in such gangs or in the attacks committed by them shall be punished by imprisonment for 7 to 15 years.

*[Art.283 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]*

## **Article 284. Creating or Leading a Criminal Organization**

Creating or leading a criminal organization meaning the establishment of such an organization and organizing its activities or searching for and recruiting members for the criminal organization or organizing meetings of its members or creating financial and other funds for their financial support and for the criminal activity of the organization or providing the criminal organization with weapons and tools for the commission of crimes or organizing the collection of information on potential victims and the activities of law enforcement bodies or coordinating criminal plans and actions with other criminal organizations and groups of criminals both in the country and abroad shall be punished by imprisonment for 8 to 15 years.

(2) Creating or leading a criminal organization or an organized criminal group in order to commit one or more crimes of a terrorist nature shall be punished by imprisonment for 10 to 20 years or by life imprisonment.

*[Art.284 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]*

*[Art.284 completed by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]*

## **Article 285. Mass Disorders**

(1) Organizing or leading mass disorders involving violence against persons, programs, arson, damage to goods, the use of firearms or other objects used as weapons, and violent or armed resistance to representatives of authorities shall be punished by imprisonment for 4 to 8 years.

(2) Active participation in the commission of actions set forth in par. (1) shall be punished by imprisonment for 3 to 7 years.

(3) Calls for active, violent insubordination to the legitimate requests of the authorities' representatives, and for participation in mass disorders and for the commission of acts of violence against persons shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years.

*[Art.285 in version of Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]*

#### **Article 286. Actions Disrupting the Activities of Penitentiaries**

Persons serving sentences of imprisonment who terrorize convicts who are on the way to rehabilitation or who make attacks against the administration or who organize criminal groups for such purposes or who actively participate in such groups shall be punished by imprisonment for 3 to 10 years.

*[Art.286 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]*