

THE CROATIAN PARLIAMENT

3076

Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the

DECISION

PROMULGATING THE ACT ON AMENDMENTS TO THE CRIMINAL CODE

I hereby promulgate the Act on Amendments to the Criminal Code, passed by the Croatian Parliament at its session on 14 December 2012.

Class: 011-01/12-01/184

Reg. No.: 71-05-03/1-12-2

Zagreb, 19 December 2012

The President of
the Republic of
Croatia

**Ivo Josipović, m.
p.**

THE ACT

ON AMENDMENTS TO THE CRIMINAL CODE

Article 1

In the Criminal Code (Official Gazette 125/11), Article 12, paragraph 2, the words: »», where« shall be replaced by the words: »if in this state«.

Article 2

In Article 18, paragraph 3, after the words: »fair trial« a comma shall be inserted, with no relevance to the English translation.

Article 3

In Article 38, after the word: »offence« the following words shall be inserted: »who shall be punished as if he or she committed the offence himself or herself«, and after the word »may«, the word »also« is added, with no relevance to the English translation.

Article 4

In Article 43, paragraph 1, the words: »the Tax Administration of the Ministry of Finance« shall be replaced by the following words: »the institution authorised pursuant to the provisions of a special legislative act«.

In paragraph 2 the words: »four« and »one thousand four hundred and forty« shall be replaced by, respectively: »two« and »seven hundred twenty«.

In paragraph 4, after the words: »Article 55« the words: », paragraph 2,« shall be inserted.

Article 5

In Article 50, paragraph 1, item 4, after the words: »for which« the following words shall be inserted: »only a fine or«.

Article 6

In Article 53, paragraph 3, after the words: »a sentence of imprisonment«, a comma and the words: »long-term imprisonment« shall be inserted.

Article 7

In Article 55, paragraph 2, the words »four« after »one daily unit shall correspond to« and »one day of imprisonment shall correspond to« shall be replaced in both instances by the words »two«.

In paragraph 5 the words: »from the date the judgment became enforceable« shall be replaced by the following words: »from the start of the performance of community service«.

Paragraph 6 shall be amended to read as follows:

»(6) If within a period of eight days from the date at which a convicted person is summoned the convicted person fails to report to the body in charge of probation or the summons could not be delivered to the convicted person at the address given by him or her to the court or the convicted person withholds his or her consent, the body in charge of probation shall inform thereof the competent executing judge where community service has been substituted for a sentence of imprisonment or the first-instance court where community service has been substituted for a fine.«.

Article 8

In Article 59, paragraph 1, the word: »prisoner« shall be replaced by the words: »convicted person« and the words »convicted person« after the words »and if« shall be deleted in the Croatian text, with no relevance to the English translation.

In paragraph 2, the word: »prisoner« shall be replaced by the words: »convicted person«, after the words »conditions and«, the words: »his or her« shall be added and the words »convicted person's« after the word »readiness« shall be deleted. The latest two changes have no relevance to the English translation.

Article 9

In Article 62, paragraph 2, the introductory sentence shall be amended to read:

»In addition to the obligations referred to in paragraph 1 of this Article the court may, where it deems that their imposition is necessary for the purpose of protecting the health and safety of the person against whom the criminal offence was committed or where this is necessary in order to remove any such circumstance as is propitious to or might incite the commission of a new criminal offence, impose the following obligations on the perpetrator:«.

In item 1, the words: »probation office« shall be replaced by the words: »the body in charge of probation«.

In item 2, the words: »probation office« shall be replaced by the words: »the body in charge of probation«.

In item 3, the words: »probation office« shall be replaced by the words: »the body in charge of probation«.

In item 5, the word: »for« shall be inserted after the words: »continuation of treatment«.

In item 6, the words: »psychosocial therapy« shall be replaced by the words: »psychosocial treatment« and the words: »specialising in the treatment of violent behaviour« shall be replaced by the words: »authorised to administer psychosocial treatment«.

In item 14, the words: »or of other obligations in cases where this is prescribed by law for a particular criminal offence« shall be deleted.

In item 15, the words: »probation service« shall be replaced by the words: »body in charge of probation«, the word: »services« shall be replaced by the word: »centre«, and the word: »county« shall be deleted.

Article 10

Paragraph 2 of Article 63 shall be deleted.

Paragraphs 3, 4 and 5 shall be renumbered 2, 3 and 4 respectively.

Article 11

In Article 64, paragraph 1, a Croatian word translated as »impose« shall be replaced by another Croatian word, with no relevance to the English translation. The words: »probation officer« shall be replaced by the words: »body in charge of probation«.

In paragraph 2, the words: »probation office« shall be replaced by the words: »body in charge of probation«.

In paragraph 3, the words: »or if the convicted person« shall be replaced by the words: »and the defendant«.

In paragraph 5, item 1, the word: »responsible« shall be deleted.

Article 12

In Article 69, paragraph 3, in the second sentence, after the words: »special regulation« the words: »as well as in the case provided for by Article 44, paragraph 4, of this Act« shall be inserted.

Article 13

In Article 71, paragraph 3, the words: »Article 110,« shall be deleted, after the words: »Article 111«, the words: », item 2, « shall be inserted, and the words: »Article 154, paragraph 1, item 2, Articles 158, 159, 161, 162, 163, 164 and 166 of this Act committed against a child« shall be replaced by the words: »Title XVI, committed against a child, and Title XVII of this Act«.

Article 14

In Article 73, the following new paragraph 6 shall be inserted after paragraph 5:

»(6) The provision of Article 71, paragraph 5, of this Act shall apply accordingly to the prohibition from approaching.«.

In paragraph 6, renumbered 7, the word »the body« after the word »inform« shall be deleted and the word »body« shall be inserted after the words: »competent probation«.

Article 15

In Article 74, the following new paragraph 5 shall be inserted:

»(5) The provision of Article 71, paragraph 5, of this Act shall apply accordingly to the measure of removal from the shared household.«.

In paragraph 5, renumbered 6, the word »the body« after the word »inform« shall be deleted and the word »body« shall be inserted after the words: »competent probation«.

Article 16

In Article 75, paragraph 3 shall be amended to read:

»(3) The provision of Article 71, paragraph 5, of this Act shall apply accordingly to the prohibition from accessing the Internet.«.

Article 17

In Article 76, paragraph 2, the words: »probation service« shall be replaced by the words: »competent probation body«.

In Article 76, paragraph 3, the words: »On rendering its judgment,« shall be inserted at the beginning and after the word: »court«, the words: »may desist from implementing protective supervision« shall be replaced by the words: »may decide against the implementation of protective supervision«.

Article 18

In Article 82, paragraph 3, after the words: »Article 114«, the words: », paragraph 2, « shall be inserted, after the words: »Article 116«, the words: », paragraph 3, « shall be inserted, after the words: »Article 154, paragraph 1, item 2,« the words: »Article 155, paragraph 2, Article 156,« shall be inserted, and after the words: »Article 159,« the words: »Article 160,« shall be inserted.

Article 19

In Article 85, paragraph 2, after the words: »Articles 68«, the word »and« shall be deleted and a comma inserted, and after the word: »69«, the words: »and 70« shall be inserted.

Article 20

In Article 87, paragraph 3, the comma after the word »arbitrator« shall be deleted and the word »and« inserted, and after the words: »notary public«, the words: »and public bailiff« shall be deleted.

Paragraph 8 shall be amended to read as follows:

»(8) Family members shall mean the spouse or cohabitant or same-sex partner, their children and the children of either of them, lineal blood relatives, collateral relatives up to the third degree of kinship, in-laws up to the second degree, adopter and adoptee.«

The following new paragraph 9 shall be inserted:

»(9) Close persons shall mean family members, former spouse or cohabitant or same-sex partner, and the persons living in the same shared household.«

In paragraph 9, renumbered 10, the words: »in which a child is born« at the end shall be replaced by the words: »in a cohabiting relationship of a shorter duration provided a child is born in it«.

Paragraphs 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 shall be renumbered 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 respectively.

In paragraph 22, renumbered 23, after the word: »any« the word »undue« shall be inserted, and after the word: »other« the word: »undue« shall be deleted.

After paragraph 23, renumbered 24, the following new paragraph 25 shall be inserted:

»(25) Words and phrases with a gender meaning shall apply equally to the masculine and the feminine gender irrespective of whether they have been used in this Act to refer to the masculine or feminine gender.«

Article 21

In Article 89, paragraph 1, after the word: »constitutes« the word: »manifest« shall be inserted.

In paragraph 4, item 4, the words: »the land, the sea,« shall be replaced by the words: »the land, sea and«, and the words », and marine and air fleets of another state« at the end shall be deleted.

In item 7, the word: »to« before »its substantial involvement therein« shall be deleted.

Article 22

In Article 90, paragraph 1, a Croatian word translated as »population« shall be replaced by another Croatian word of the same meaning, with no relevance to the English translation.

In item 2, a Croatian word translated as »population« shall be replaced by another Croatian word of the same meaning, with no relevance to the English translation.

In item 3, a Croatian word translated as »enslave« shall be replaced by another Croatian word of the same meaning, with no relevance to the English translation.

In item 7, a Croatian word translated as »population« shall be replaced by another Croatian word of the same meaning, with no relevance to the English translation, and the comma after the word: »capability« is deleted.

In item 11, a Croatian word translated as »other« shall be replaced by another Croatian word, with no relevance to the English translation, the words: »of a similar character« shall be deleted, and a Croatian word translated as »or« after the word »body« shall be replaced by another Croatian word, with no relevance to the English translation.

Article 23

In Article 91, paragraph 1, item 6, the word »wilfully« shall be deleted.

In paragraph 2, the introductory sentence, the words: »within the established framework of international law« shall be deleted.

In item 3, the word »persons« shall be replaced by the word »personnel«.

In item 4, the word »excessive« shall be replaced by the word »disproportionate«.

In item 10, the word: »were« shall be replaced by the word »are«.

In item 13, the words: » be imperatively demanded by the necessities of war« shall be replaced by other Croatian words, with no relevance to the English translation.

In item 20, the word »other« shall be deleted.

Item 22 shall be amended to read as follows: »22. committing rape, sexual slavery, enforced prostitution, pregnancy, sterilisation, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;«.

Article 24

In Article 97, paragraph 1, a Croatian word translated as »population« shall be replaced by another Croatian word of the same meaning, with no relevance to the English translation.

Article 25

In Article 108, paragraph 2, the Croatian relative pronoun after the word »genome« shall be replaced by the same relative pronoun in a different grammatical case, with no relevance to the English translation.

Article 26

In Article 111, item 3, the words: »a family member whom« shall be replaced by the words: »a close person whom«.

Article 27

In Article 116, paragraph 3, the words: »a family member« shall be replaced by the words: »a close person«.

Article 28

In Article 117, paragraph 2, the words: »a family member« shall be replaced by the words: »a close person«, and a comma and the word »disability« shall be deleted after the word: »disorder«.

Article 29

In Article 118, paragraph 2, the words: »a family member« shall be replaced by the words: »a close person«, and a comma and the word »disability« shall be deleted after the word: »disorder«.

Article 30

In Article 119, paragraph 2, the words: »a family member« shall be replaced by the words: »a close person«, and a comma and the word »disability« shall be deleted after the word: »disorder«.

Article 31

In Article 125, paragraph 1, the words: »gender identity, expression« shall be replaced by the words: »expression of gender identity«, the words: »or affiliation« shall be deleted after the words: »or whoever on the basis of any such characteristic«, and the words: »with respect to the said rights« shall be inserted after the word: »advantages«.

Article 32

In Article 132, the following new paragraph 4 shall be inserted:

»(4) Paragraph 3 of this Article shall not apply if the employer fails to provide a statement for the unpaid amount of salary due pursuant to the provisions of a special law.«.

Paragraphs 4 and 5 shall be renumbered 5 and 6 respectively.

Article 33

In Article 133, paragraph 1, the words: »or violates his or her rights« shall be deleted.

Article 34

In Article 137, paragraph 2, the word: »severely« shall be inserted before the words: »disabled person«.

Article 35

In Article 138, paragraph 2, the word: »severely« shall be inserted before the words: »disabled person«, and the words: »a family member« shall be replaced by the words: »a close person«.

Article 36

In Article 139, paragraph 4, the word: »severely« shall be inserted before the words: »disabled person«, and the words: »a family member« shall be replaced by the words: »a close person«.

Article 37

In Article 141, paragraph 1, after the words: »belonging to that home or«, the Croatian words translated as: »business premises« shall be replaced by the same Croatian words in a different grammatical case, with no relevance to the English translation.

Article 38

In Article 145, paragraph 2, the word »prevail« shall be replaced by the word »prevails«.

Article 39

In Article 152, paragraph 3, the words: »force or« shall be deleted.

Article 40

In Article 154, paragraph 1, item 1, the words: »a family member« shall be replaced by the words: »a close person«.

Article 41

In Article 157, paragraph 2, a Croatian word translated as »dependence« shall be replaced by another Croatian word of the same meaning, with no relevance to the English translation.

Article 42

In Article 158, paragraph 5, the words: »engages in sexual intercourse or performs an equivalent sexual act with a child under the age of fifteen« shall be replaced by the words: »commits the offence referred to in paragraph 1 of this Article«.

Paragraph 6 shall be amended to read as follows:

»(6) Whoever commits the offence referred to in paragraph 2 of this Article by means of the use of force or threat, deception, fraud, or of abuse of authority, a situation of hardship or the child's dependence on him or her shall be punished by imprisonment from one to eight years.«.

Article 43

In Article 163, paragraph 3, a Croatian word translated as »dependence« shall be replaced by another Croatian word of the same meaning, with no relevance to the English translation.

In paragraph 6, after the word »medical« the comma shall be deleted and the word »or« inserted, and after the word »scientific« the comma followed by the words »informative or similar« shall be deleted.

Article 44

In Article 166, paragraph 1, the words: »a family member« shall be replaced by the words: »a close person«, and the words »the perpetrator« shall be inserted before the words: »shall be punished«. This has no relevance to the English translation.

In paragraph 2, the words: »a family member« shall be replaced by the words: »a close person«.

Article 45

In the title of Article 171, the words: »a family member« shall be replaced by the words: »a close person«.

In Article 171, the words: »a family member« shall be replaced by the words: »a close person«.

Article 46

In Article 173, paragraph 1, the word: »service« shall be replaced by the word: »centre«, and the word: »county« shall be deleted.

Article 47

The title of Article 177 shall be amended to read: »Violation of the Rights of a Child«.

In paragraph 2, after the word »whoever« the words: »maltreats a child or« shall be inserted, after the word »coerces« the words »a child« shall be deleted and the words »him or her« inserted, and towards the end of the paragraph the word: »abuses« shall be replaced by the word »violates«.

Article 48

In Article 184, paragraph 2, after the words: »leads to« the words: »a serious bodily injury or« shall be inserted, and after the word »illness« the words: »or impairment of the health of another person« shall be deleted.

In paragraph 3, after the word: »causes« the words: »a particularly« shall be inserted.

In paragraph 5, the words »in paragraphs 1 and 2« shall be replaced by the words: »in paragraph 1«.

Article 49

In Article 188, paragraph 1, the Croatian word translated as »harmful« shall be replaced by the same Croatian word in a different grammatical case, with no relevance to the English translation.

Article 50

The title of Article 190 shall be amended to read: »*Unauthorised Manufacture of and Traffic in Illicit Drugs*«.

Article 190 shall be amended to read as follows:

»(1) Whoever produces or processes without authorisation such substances as have been declared by law to be illicit drugs shall be punished by imprisonment from six months to five years.

(2) Whoever produces, processes, transports, exports or imports, procures or possesses the substances referred to in paragraph 1 of this Article that are intended for unauthorised sale or putting into circulation in some other way, or offers them for sale without authorisation, or sells them, or mediates in their sale or purchase, or markets them in some other way without authorisation shall be punished by imprisonment from one to twelve years.

(3) Whoever offers for sale, sells or mediates in the sale of substances referred to in paragraph 1 of this Article to a person suffering from a grave mental disorder or a child, or does this in a school or at some other place providing education to children or at which children engage in sporting or social activities, or in the immediate proximity of some such place, or in a penal institution, or whoever for the commission of the offence referred to in paragraph 2 of this Article uses a child, or where this is done by a public official in connection with his or her function or the public authority he or she exercises shall be punished by imprisonment from three to fifteen years.

(4) Whoever organises a network of resellers or dealers for the purpose of committing the criminal offence referred to in paragraphs 2 and 3 of this Article shall be punished by imprisonment for not less than three years.

(5) Whoever by the criminal offence referred to in paragraphs 2, 3 or 4 of this Article causes significant damage to the health of a considerable number of people or the death of the person to whom he or she sold the substance referred to in paragraph 1 of this Article or to whom the

substance was sold through his or her mediation shall be punished by imprisonment for not less than five years.

(6) Whoever produces, procures or possesses equipment, material or substances which can be used in the production of the substances referred to in paragraph 1 of this Article, which equipment, material or substances he or she knows are intended for the unauthorised production of the said substances, shall be punished by imprisonment from six months to five years.

(7) Drug production within the meaning of this Act shall also mean the unauthorised cultivation of a plant or mushroom from which a drug can be obtained.

(8) The substances referred to in paragraph 1 of this Article, the substances that can be used for their production, the plants, mushrooms or parts of plants or mushrooms from which the substances referred to in paragraph 1 can be obtained, the means serving for their production or processing, the means of transport adapted for the purpose of concealing the said substances, and the paraphernalia for their use shall be confiscated.

(9) If the perpetrator of the criminal offence referred to in paragraphs 1, 2, 3, 4 and 6 of this Article substantially contributes of his or her own free will to the discovery of the offence set out in this Article, the court may remit his or her punishment.«

Article 51

In the title of Article 191, the words: »and Substances Banned in Sports« shall be deleted.

In Article 191, paragraph 1, the Croatian word in the imperfective aspect translated as »gives« shall be replaced by the same Croatian word in the perfective aspect, with no relevance to the English translation.

In paragraph 4, the words »the substances« shall be replaced by the words: »The substances«.

Article 52

After Article 191, the following Article 191a preceded by its title shall be inserted:

»Unauthorised Manufacture of and Traffic in Substances Banned in Sports

191a

(1) Whoever produces, processes, transports, exports or imports, procures or possesses substances banned in sports that are intended for unauthorised sale or putting into circulation in some other way, or whoever offers them for sale without authorisation, or sells them, or mediates in their sale or purchase, or markets them in some other way, or induces another to use the said substances or gives them to him or her for his or her or another person's use shall be punished by imprisonment not exceeding three years.

(2) Whoever offers for sale, sells or mediates in the sale of the substances referred to in paragraph 1 of this Article to a child or a person suffering from a grave mental disorder, or induces him or her to use the said substances, or gives them to him or her for his or her use, or

whoever does this in a school or at some other place providing education to children or at which children engage in sporting or social activities, or in the immediate proximity of some such place, or in a penal institution, or whoever for the commission of the offence referred to in paragraph 1 of this Article uses a child, or where this is done by a public official in connection with his or her function or the public authority he or she exercises shall be punished by imprisonment from six months to five years.

(3) Whoever organises a network of resellers or dealers for the purpose of committing the criminal offence referred to in paragraphs 1 and 2 of this Article shall be punished by imprisonment from one to eight years.

(4) Whoever by the criminal offence referred to in paragraphs 1, 2, or 3 of this Article causes the death of the person to whom he or she sold the substance referred to in paragraph 1 of this Article or to whom the substance was sold through his or her mediation shall be punished by imprisonment from three to fifteen years.

(5) The substances referred to in paragraph 1 of this Article, the substances that can be used for their production, the means serving for their production or processing, the means of transport adapted for the purpose of concealing the said substances and the paraphernalia for their use shall be confiscated.

(6) If the perpetrator of the criminal offence referred to in paragraphs 1, 2, and 3 of this Article substantially contributes of his or her own free will to the discovery of the offence set out in this Article, the court may remit his or her punishment.«

Article 53

In Article 192, paragraph 1, the words: »Article 185, paragraphs 1 and 2,« shall be deleted and the words: »Article 186, paragraph 1« shall be replaced by the words: »Article 186, paragraphs 1 and 2«.

Article 54

In Article 198, paragraph 1, after the words: »over longer period of time or to a« the word: »considerable« shall be replaced by the word: »significant«, and after the words: »plants or fungi« the words: »or animal, plant or fungi communities,« shall be deleted.

Article 55

In Article 214, paragraph 3, after the words: »of this Code« the words: »a number of« shall be replaced by the words: »one or more«.

Article 56

In Article 221, paragraph 1, the words: »or limb« shall be inserted after the word: »lives«.

Article 57

In Article 224, paragraph 2, the word: »otherwise« shall be deleted after the words: »removes or«.

In paragraph 4, after the word »suffer« the word »an« shall be replaced by the word »a« and the words: »severe bodily« shall be inserted.

Article 58

In Article 225, paragraph 1, the words: »or limb« shall be inserted after the word: »lives«.

The following paragraph 7 shall be inserted after paragraph 6:

»(7) Ship traffic shall mean sea or internal water navigation by ship, war ship, yacht, small vessel or any other vessel.«.

Article 59

In Article 226, the words: »and thus« shall be inserted after the words: »where the speed limit is indicated«.

Article 60

In Article 227, paragraphs 4 and 5 shall be amended to read:

»(4) If as a result of the criminal offence referred to in paragraph 1 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from three to twelve years.

(5) If as a result of the criminal offence referred to in paragraph 2 of this Article another person suffers a particularly serious bodily injury, the perpetrator shall be punished by imprisonment from six months to five years.«.

In paragraph 6, the number: »5« shall be replaced by the number: »2«.

Article 61

The title preceding Article 237 shall be amended to read as follows: »*Unlawful Game of Chance*«

Article 237 shall be amended to read as follows:

»(1) Whoever without the permission of the competent authority publicly organises, operates or promotes a game of chance in order to obtain a pecuniary advantage for himself or herself or another person shall be punished by imprisonment not exceeding three years.

(2) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever organises, operates or promotes a game or activity in which a participant in the game that has invested funds can expect a profit only if further participants join in.

(3) If the perpetrator carries on the activity referred to in paragraph 1 or 2 of this Article, he or she shall be punished by imprisonment from six months to five years.

(4) If as a result of the criminal offence referred to in paragraph 1, 2 or 3 of this Article a considerable pecuniary advantage is obtained or considerable pecuniary damage caused, the perpetrator shall be punished by imprisonment from one to eight years.

(5) The objects and means that were intended to be used or were used for the commission of the criminal offence referred to in paragraphs 1, 2, 3 and 4 of this Article shall be confiscated.«.

Article 62

In Article 240, paragraph 3, the word »pecuniary« shall be inserted after the word »considerable«.

Article 63

In Article 241, paragraph 1, a comma and the word »conceals« shall be inserted after the word »damages«.

Article 64

In Article 244, paragraph 1, the words: »unless some other criminal offence for which a more severe punishment is prescribed is not thereby committed, « shall be inserted after the word »conceals,«.

Article 65

In Article 245, paragraph 1, the words: »Article 240, paragraphs 1 and 2« shall be replaced by the words: »Article 240, paragraph 1«.

In paragraph 2, the words: »Article 233, paragraph 1, « shall be deleted.

Article 66

In Article 248, paragraph 2 shall be deleted.

Article 67

The title above Article 249 shall be amended to read as follows: »Causing Bankruptcy«.

In Article 249, paragraph 1, item 1, the word »conceals, « shall be inserted after the words: »assigns free of charge«.

Article 68

In Article 253, paragraph 2, after the word »bribe« the words: »intended for this or some other person« shall be inserted.

Article 69

In Article 261, paragraph 1, the comma after the Croatian words translated as: »with another company« shall be deleted, with no relevance to the English translation.

Article 70

In Article 262, paragraph 2, after the words: »considerable damage,« the order of the Croatian words translated as: »the perpetrator shall be punished« shall be modified and the Croatian word translated as »the perpetrator« shall be deleted, with no relevance to the English translation.

Article 71

In Article 265, paragraph 7, the word »offence« shall be inserted after the word »criminal«.

Article 72

In the title above Article 272, the spelling of the Croatian word translated as: »Misuse« shall be corrected, with no relevance to the English translation.

In Article 272, paragraph 3, the Croatian word translated as: »the perpetrator« shall be deleted after the Croatian words translated as: »for the criminal offence«, with no relevance to the English translation.

In paragraph 4, the comma after the word »devices« shall be deleted and the word »and« inserted.

Article 73

In Article 274, paragraph 1 shall be amended to read as follows:

»(1) Whoever produces counterfeit money, alters genuine money or procures, possesses or passes on such money with the aim of putting it into circulation as genuine, or whoever puts such money into circulation as genuine shall be punished by imprisonment from one to ten years.«

Article 74

In Article 275, paragraph 1, the words: »with the aim of putting it into circulation as genuine« shall be inserted at the beginning after the word: »whoever«.

Article 75

In Article 285, paragraph 1, the word »considerable« shall be inserted after both the words: »obtains a« and the word »causes«.

Article 76

In Article 291, paragraph 2, the word »ten« shall be replaced by the word »twelve«.

Article 77

In Article 294, paragraph 1, the words: »to a public official or responsible person« shall be deleted after the word »bribe« and inserted after the word »promises«, the words: »that is intended for this or another person« shall be inserted after the word »bribe«, and the words: »he or she« before the word »perform« shall be replaced by the words: »this person«.

In paragraph 2, the words: »to a public official or responsible person« shall be deleted after the word »bribe« and inserted after the word »promises«, the words: »that is intended for this or another person« shall be inserted after the word »bribe«, and the words: »he or she« before the word »perform« shall be replaced by the words: »this person«.

Article 78

In Article 302, paragraph 4, the words: »paragraphs 1 and 2« shall be replaced by the words: »paragraph 1« and the words: »,attorney at law, notary public, doctor of medicine, doctor of dental medicine or other healthcare worker, psychologist, a person who entrusted with the upbringing and education in the corresponding institution, guardianship employee, confessor« shall be deleted.

The following paragraph 5 shall be inserted after paragraph 4:

»(5) There shall be no criminal offence as referred to in paragraphs 1 and 2 of this Article where the statutory elements of the said offence are realised by a confessor or a person required by law to keep it secret.«.

Article 79

The title above Article 311 shall be amended to read as follows: »Non-Enforcement of a Court Decision«.

In Article 311, paragraph 1 shall be amended to read as follows:

»(1) An official or responsible person who fails to enforce a final court decision that he or she was required to enforce and who in doing so commits no other criminal offence for which a more severe sentence is prescribed shall be punished by imprisonment not exceeding two years.«.

The following new paragraph 2 shall be inserted after paragraph 1:

»(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever fails to comply with the security measure that was imposed on him or her by the final judgment.«.

In paragraph 2, renumbered 3, the number »1« shall be replaced in both instances by the number »2«.

Article 80

In Article 314, paragraph 2, the order of the Croatian words translated as: »shall be punished« shall be modified and the Croatian word translated as: »the perpetrator« shall be inserted, with no relevance to the English translation.

In paragraph 4, the word »especially« shall be inserted after the words: »inconsiderate or«.

Article 81

In Article 315, paragraph 4, the order of the Croatian words translated as: »shall be punished« shall be modified and the Croatian word translated as: »the perpetrator« shall be inserted, with no relevance to the English translation.

In paragraph 5, the word »especially« shall be inserted after the words: »inconsiderate or«.

Article 82

In Article 325, the following new paragraphs 2 and 3 shall be inserted after paragraph 1:

»(2) Whoever organises or runs a group of three or more persons for the purpose of committing the offence referred to in paragraph 1 of this Article shall be punished by imprisonment from six months to five years.

(3) Whoever participates in the association referred to in paragraph 2 of this Article shall be punished by imprisonment not exceeding one year.«.

Paragraph 2 shall be renumbered 4.

In paragraph 3, renumbered 5, the number »2« shall be replaced by the number »4«.

Article 83

In Article 326, paragraph 1, the word »leave,« shall be inserted after the word »enter,« and the words: »up to three years« shall be replaced by the words: »between six months and five years«.

In paragraph 2, the words: »six months and five« shall be replaced by the words: »one and eight«.

Paragraph 3 shall be deleted.

Article 84

In Article 328, paragraph 4, the words: »longer than« shall be replaced by the word »of« and after the word »years« the words: »or with a more severe sentence« shall be inserted.

Article 85

In Article 345, the words: »Croatian state« shall be replaced by the words: »Republic of Croatia «.

Article 86

In Article 346, paragraph 1, a comma followed by the words: »the president of the Supreme Court of the Republic of Croatia and the State Attorney General of the Republic of Croatia« shall be inserted after the words: »the Constitutional Court of the Republic of Croatia«.

In paragraph 2, the order of the Croatian words translated as: »shall be punished« shall be modified and the Croatian word translated as: »the perpetrator« shall be inserted, with no relevance to the English translation.

Article 87

In Article 347, paragraph 4, a spelling error of the Croatian word translated as »Article« shall be corrected.

Article 88

In Article 352, paragraph 1, the word »causes the death of« shall be replaced by the word »kills«, with no relevance to the English translation.

Article 89

In Article 381, paragraph 1, item 3 shall be deleted.

In paragraph 1, items 4, 5, 6, 7, 8 and 9 shall be renumbered 3, 4, 5, 6, 7 and 8 respectively.

Article 90

In Article 383, the introductory sentence, the words: »30 days« shall be replaced by the words: »three months«.

Item 1 shall be amended to read as follows:

»1. the minister in charge of the judiciary shall adopt, with the consent of the minister in charge of welfare affairs, a regulation on the enforcement of the corresponding security measure and the list of legal and natural persons licenced to implement this security measure (Article 70)«.

After item 1, the following new items 2 and 3 shall be inserted:

»2. the minister in charge of the interior shall adopt, with the consent of the minister in charge of the judiciary, regulations on the enforcement of security measures (Articles 73 and 74);

3. the minister in charge of maritime, transport and infrastructure affairs shall adopt a regulation on the enforcement of the relevant security measure (Article 75);«.

In item 2, renumbered 4, the words: »the health care system« shall be replaced by the word »health«, the words: »a list of therapeutic communities licenced to implement the security measure of mandatory addiction treatment (Article 69), a list of legal or physical persons licenced to implement the security measure of mandatory psychosocial treatment (Article 70) and« shall be deleted, and the words: »sports (Articles 190 and 191)« shall be replaced by the words: »sports (Article 191a)«.

After item 4 the following item 5 shall be inserted:

»5. the minister in charge of welfare affairs shall adopt a list of therapeutic communities licensed to implement the relevant security measure (Article 69)«.

Article 91

In Article 384, the following paragraph 2 shall be inserted:

»(2) By way of derogation from paragraph 1 of this Article, the provisions of the Criminal Code relating to parole shall apply to the sentences passed or enforced in accordance with the provisions of Article 381, paragraph 1, item 1 of the said Code.«.

Article 92

In Article 386, item 1, the words: »28 November 2002« shall be replaced by the words: »19 November 2008«.

In item 3, the words: »2010/45/EU« shall be replaced by the words: »2010/53/EU«.

Item 6 shall be amended to read as follows:

»6. Directive 2008/98 of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives;«.

Item 12 shall be amended to read as follows:

»12. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims;«.

After item 20, the following items 21 and 22 shall be inserted:

»21. Council Framework Decision 2000/383/JHA of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro;

22. Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking.«.

Article 93

The Legislation Committee of the Croatian Parliament shall hereby be authorised to prepare the consolidated version of the Criminal Code.

Article 94

This Act shall be published in the Official Gazette and shall enter into force on 1 January 2013.

Class: 740-02/12-01/05

Zagreb, 14 December 2012

THE CROATIAN PARLIAMENT

The President of
the Croatian
Parliament

Josip Leko, m. p.

PROVISIONAL TRANSLATION