



## **Criminal Code of the Republic of Kazakhstan**

### *Unofficial translation*

Code of the Republic of Kazakhstan dated July 16, 1997 No. 167

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Note of the RCLI (Republican Center for Legal Information)! The order of entry into force of the Criminal Code of the Republic of Kazakhstan - see the Law of the Republic of Kazakhstan dated 16.07.1997 No. 168 "On Introduction of the Criminal Code of the Republic of Kazakhstan".

Footnote. Throughout the text, the words "to the military service", "the military service", "of the military service" are replaced by the words "to the military service", "the military service", "of the military service" in accordance with the Law of the Republic of Kazakhstan dated 22.05.2007 No. 255 (shall be enforced from the day of its official publication); the section numbering replaced by Arabic numerals in accordance with the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); the words "animal or vegetable" throughout the text have been replaced accordingly by the words "vegetable or animal" in accordance with the Law of the Republic of Kazakhstan No. 548-IV dated 25.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication).

## **GENERAL PART**

### **Section I. Criminal Law**

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

1. The criminal legislation of the Republic of Kazakhstan shall consist exclusively of this Criminal Code of the Republic of Kazakhstan. Other laws which cover criminal liability shall be applied only after their inclusion in this Code.

2. This Code is based on the Constitution of the Republic of Kazakhstan and generally accepted principles and provisions of international law.

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

1. Objectives of the Criminal Code are as follows: protection of rights, liberties, and legitimate interests of individuals and citizens, of

property, rights, and legitimate interests of organizations, of public order and safety, of the environment, constitutional order and territorial integrity of the Republic of Kazakhstan, of public and state interests protected by law from criminal infringements, protection of peace and safety of mankind, as well as crime prevention.

2. In order to implement these objectives the Code defines reasons for imposing criminal liability and determines which actions, dangerous for individual, society or the state, shall be recognized as crimes and establishes punishments and other measures of legal retribution.

### **Article 3. Reasons for Imposing Criminal Liability**

The only reason for imposing criminal liability shall be commission of a crime, that is, an action containing all elements of a crime specified in this Code. No one can be subject to repeated criminal liability for one and the same crime.

### **Article 4. Time of Application of Criminal Law**

Criminality and punishment of an action shall be defined by the law which was in force at the time of commission of this action. The time of the commission of a crime shall be the time of commission of a socially dangerous action (or inaction) regardless of the time of arising of consequences.

### **Article 5. Retroactive Effect of the Criminal Law**

1. A law which recognizes an act as not punishable, reduces the sentence or otherwise is beneficial to a person, as long as it is not provided otherwise by the applicable law, has retroactive effect, that is, it applies to offences which have been committed prior to the applicable law shall be enforced, as well as to a person who is serving a sentence or has served a sentence but regarding whom conviction remains in effect.

2. If a new criminal law reduces punishment for an offence for which a person is serving a sentence, the imposed punishment shall be subject to reduction within the scope prescribed by the new criminal law.

3. A law, which recognizes an act as punishable, increases the sentence, or is otherwise not beneficial to a person, does not have retrospective effect.

### **Article 6. Application of the Criminal Law in the Territory of the Republic of Kazakhstan**

1. A person who has committed a crime in the territory of the Republic of Kazakhstan shall be liable according to this Code.

2. A crime committed in the territory of the Republic of Kazakhstan shall be an offence that is initiated, continued or completed in the territory of the Republic of Kazakhstan. This

Code shall also be applied to crime committed on the continental shelf and in the exclusive economic zone of the Republic of Kazakhstan.

3. A person who has committed a crime outside the territory of the Republic of Kazakhstan on a sea or river vessel if it is registered in a port of the Republic of Kazakhstan or on an aircraft, shall be criminally liable according to this Code unless it is provided otherwise in an International agreement binding upon the Republic of Kazakhstan. A person who has committed a crime on a military ship or military aircraft of the Republic of Kazakhstan regardless of its location shall also be criminally liable according to this Code.

4. If a foreign diplomatic representative or another person who enjoys immunity has committed a crime in the territory of Kazakhstan, the issue of this person being held criminally liable shall be decided by the provisions of international law.

## **Article 7. Applicability of the Criminal Law outside the Territory of Kazakhstan**

1. Citizens of the Republic of Kazakhstan who have committed a crime outside the territory of the Republic of Kazakhstan shall be criminally liable in accordance with this Code if the offence is punishable in the state in which it has been committed and if the offender has not been held criminally liable or committed to stand trial in accordance with the laws of the state where the crime was committed. If the said persons are held liable and convicted in the Republic of Kazakhstan, the punishment shall not exceed the upper limit of the sanction imposed by law of the state where the crime was committed. This provision applies also to s t a t e l e s s p e r s o n s .

2. Previous convictions and other penal consequences of crime committed in the territory of another state shall not be taken into account when taking decision about criminal liability of this person for the crime which has been committed in the territory of the Republic of Kazakhstan unless otherwise provided in an International agreement binding upon the Republic of Kazakhstan or if the crime committed in the territory of another state was not directed against interests of the Republic of Kazakhstan.

3. Military servicemen of military units of the Republic of Kazakhstan stationed outside its territory shall be criminally liable according to the Code for crimes committed in the territory of another state unless otherwise specified by an International agreement binding upon the Republic of Kazakhstan.

4. Foreign citizens who have committed a crime outside the territory of the Republic of Kazakhstan shall be criminally liable in accordance with this Code if the crime was directed against the interests of the Republic of Kazakhstan and in cases provided for in an International agreement binding upon the Republic of Kazakhstan, if they have not been held criminally liable or committed to stand trial in another state.

## **Article 8. Extradition of Persons Who Have Committed a Crime**

1. Citizens of the Republic of Kazakhstan who have committed a crime in the territory of another state shall not be extradited to that state unless otherwise provided in International agreements.

2. Foreigners and stateless persons who committed a crime outside the Republic of Kazakhstan and are residing in the territory of the Republic of Kazakhstan, may be extradited to another state for criminal prosecution or to serve punishment in accordance with an International agreement binding upon the Republic of Kazakhstan.

## **Section II. Crime**

### **Article 9. Definition of a Crime**

1. A socially dangerous act (action or inaction) prohibited by this Code under threat of punishment shall be considered a crime. Application of a criminal law by analogy shall not be allowed.

2. An action or inaction which formally has elements of an action specified in the Special Part of this Code, but is of no social danger due to its insignificance, i.e. it has not caused any harm, nor created a threat of causing harm to a person, society, or the state, shall not be considered a crime.

### **Article 10. Classification of Crimes**

1. Crimes specified in this Code, are subdivided depending on the nature of the offence and the degree of social danger, into crimes of lesser gravity, crimes of medium gravity, grave crimes, and especially grave crimes.

2. Crimes of lesser gravity are deliberate offences, for which this Code provides for deprivation of liberty for a term not exceeding two years as well as offences, which have been committed through negligence and for which this Code provides for deprivation of liberty for a term not exceeding five years.

3. Crimes of medium gravity are deliberate offences, for which this Code provides for deprivation of liberty for a term not exceeding five years as well as offences, which have been committed through negligence and for which this Code provides for deprivation of liberty for a term exceeding five years.

4. Grave crimes are deliberate offences for which this Code provides for deprivation of liberty for a term not exceeding twelve years.

5. Especially grave crimes are deliberate offences for which this Code provides for deprivation of liberty for a term exceeding five years or death penalty.

### **Article 10-1. Administrative Prejudice**

In the cases provided for in the Special Part of the Code, criminal liability for a crime of not a great social danger applies if the offence was committed within one year after the imposition of administrative penalties for the same administrative offence.

Footnote. This Code is supplemented by Article 10-1 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 11. Repeated Crimes**

1. Commission of two or more offences under the same article (or part of this article) provided for in the Special Part of the Code shall be considered as repeated crime.

2. Excluded by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010).

3. A crime shall not be recognized as repeated if the offender has been already convicted or released from criminal liability for a crime committed earlier pursuant to procedures set out by law.

4. A crime shall not be considered as repeated if it is continuous, that is, it is comprised of a number of the same criminal offences committed with the same intention which constitute a single entity.

5. In cases in which a repeated crime is specified as aggravating circumstance in this Code, the crimes committed by an offender shall be qualified in accordance with the relevant part of the article which specifies punishment for repeated crimes in the Special Part of the Code.

Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010).

## **Article 12. Accumulation of Crimes**

1. Multiplicity of crimes is the commission by one person of two or more offences under different articles or different parts an article of the Code, for neither of which a person has been convicted or released from criminal liability pursuant to procedures set out by law. In case of multiple crimes a person shall be criminally liable for each committed crime under the relevant article or a part an article of the Code, unless the committed offences are covered by the provision of one article or part of an article of the Code providing for a stricter punishment.

2. A single act (or failure to act) shall be recognized as cumulative crime if it contains elements of crimes stipulated by two or more articles of the Code. In case of such combination of crimes the person shall be held criminally liable for each crime in accordance with the relevant articles of the Code, unless the indications of one committed offence are covered by a provision of one Article of this Code, which provides for a stricter punishment for another offence.

3. If one and the same offence falls under the general and the special provisions of the relevant articles of the Code, there is no accumulation of crimes and criminal liability shall apply under the article of the Special Part of this Code which contains the special provision.

**Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 05.05.2000 No. 47.**

### **Article 13. Recidivism**

1. The commission of a deliberate offence by a person who has been convicted for a deliberate crime committed earlier shall be considered as recidivism.

2. Recidivism shall be considered dangerous:

a) in case of a deliberate crime for which the offender has been sentenced to imprisonment if he or she was previously sentenced twice to imprisonment for a deliberate crime ;

b) in case of a grave crime if the offender was convicted previously for a grave crime.

3. Recidivism shall be recognized as especially dangerous:

a) in case of a deliberate crime for which the offender has been sentenced to imprisonment if he or she was previously sentenced to imprisonment at least three times for grave crimes or for deliberate crimes of medium gravity;

b) in case of a grave crime for which the offender has been sentenced to imprisonment if previously that person was sentenced twice to imprisonment for a grave crime, or was convicted for an especially grave crime;

c) in case of an especially grave crime if the offender was already convicted for a grave or especially grave crime .

4. Previous convictions for crimes committed by offenders under the age of eighteen and criminal records that have been cancelled according to the provisions of the Code do not count towards recidivism .

5. Recidivism shall entail a stricter punishment pursuant to and within the scope stipulated by this Code.

### **Article 14. Persons Subject to Criminal Liability**

1. Only a sane person who reached the age established by the Code shall be subject to criminal liability .

2. Persons who committed crimes shall be equal before law regardless of their origin, social, official or property status, sex, race, nationality, language, religion, views, membership in public associations, place of residence or any other circumstances.

### **Article 15. Age of Criminal Liability**

1. A person who reached sixteen years of age by the time of the commission of a crime shall be criminally liable.

2. Persons who reached fourteen years of age shall be criminally liable for murder (Article 96), intended infliction of serious harm to health (Article 103), intended infliction of medium gravity harm to health under aggravated circumstances (Article 104, the second part), rape (Article 120), sexual assault (Article 121), kidnapping (Article 125), theft (Article 175, the second and third parts), robbery (Article 178, the second and third parts), brigandage (Article 179), extortion (Article 181, the second and third parts), illegal occupation of an automobile or other vehicle without the purpose of theft under aggravated circumstances (Article 185, the second, third, and fourth parts), intended destruction or damage to property under aggravated circumstances (Article 187, the second and third parts), terrorism (Article 233), capture of a hostage (Article 234), deliberately false notice of an offence of terrorism (Article 242), theft or extortion of arms, ammunition, explosive materials and explosion devices (Article 255), hooliganism under aggravated circumstances (Article 257, the second and third parts), vandalism (Article 258), theft or extortion of drugs or psychotropic substances (Article 260), desecration of the bodies of the deceased and places of burial under aggravated circumstances (Article 275, the second part), and deliberate damage to transport vehicles or roads (Article 299).

3. If a juvenile offender has reached the age of criminal liability as specified by the first and second parts of this Article, but during the commission of the crime of a lesser or medium gravity he could not be fully aware of the nature or social danger of his acts (or omissions) due to mental retardation (not a mental disorder) he will not be criminally liable.

**Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 16. Insanity**

1. Not criminally liable will be a person who at the time of committing a socially dangerous offence provided for in the Code was in a state of insanity, that is, he could not be aware of the actual character and social danger of his actions (omissions) or control his behavior as a consequence of a chronic mental disease, temporary psychic disorder, feeble-mindedness or other morbid state of mind.

2. Offenders considered insane can be subject to compulsory measures of a medical character by the court as specified in this Code.

## **Article 17. Criminal Liability of Persons with a Mental Disorder which does not exclude Criminal Sanity**

1. A sane person who at the time of committing a crime could not be fully aware of the actual nature and social danger of his actions (failure to act) or control his behavior due to a mental disorder, shall be criminally liable.

2. A mental disorder which does not exclude criminal sanity shall be taken into consideration by a court as a mitigating circumstance when imposing punishment, and may be the reason for imposing compulsory measures of a medical character stipulated by this Code.

## **Article 18. Criminal Liability of Persons Having Committed a Crime in a State of Alcoholic Intoxication**

A person who committed a crime in a state of intoxication caused by alcohol, drugs or other intoxicating substances, shall not be exempted from criminal liability.

## **Article 19. Guilt**

1. A person shall be criminally liable only for those socially dangerous actions (or inaction) and those socially dangerous consequences with regard to which his guilt has been established.

2. Objective imputation, that is, criminal liability for the blamelessly caused damage, is not allowed.

3. Only a person who has committed an offence deliberately or through negligence shall be found guilty of a crime.

4. An offence committed through negligence shall be recognized as a crime only in cases specified in the relevant article of the Special Part of this Code.

## **Article 20. A Crime Committed Deliberately**

1. A crime which was committed with direct or oblique intent shall be considered a deliberate crime.

2. A crime shall be considered to be committed with direct intent if a person was aware of the social danger of his actions (inaction), foresaw a possibility or inevitability of socially dangerous consequences, and desired them.

3. A crime shall be considered to be committed with oblique intent if a person was aware of the social danger of his actions (inaction), foresaw a possibility of socially dangerous consequences, did not desire them, but consciously admitted the possibility of such consequences or has knowingly allowed these to occur.

## **Article 21. A Crime committed through Negligence**

1. An offence committed due to self-reliance or carelessness shall be considered to be committed through negligence.



2. A crime shall be considered to be committed due to self-reliance if a person foresaw a possibility of socially dangerous consequences of his actions (inaction), but without sufficient ground carelessly relied on prevention of those consequences.

3. A crime shall be considered to be committed through carelessness, if a person did not foresee a possibility of socially dangerous consequences of his actions (inaction), although those consequences could have been foreseen with proper care and forethought.

## **Article 22. Liability for Crimes Committed with Two Forms of Guilt**

If a deliberate crime has resulted in serious consequences for which a stricter punishment is provided by law and these consequences were not desired by the offender, criminal liability for these consequences applies only if the offender foresaw the possibility that the consequences of his or her action or inaction would occur and nevertheless carelessly relied on these being prevented or did not foresee the possibility that such consequences would occur, although he or she should and could have foreseen them. In general such a crime shall be considered to be committed deliberately.

## **Article 23. Causing of Harm without Guilt**

1. An offence shall be considered to have been committed without guilt, if an action (or omission) and the socially dangerous consequences thereof were not intended by the offender, and such an action and the causation of the socially dangerous consequences through negligence are not punishable according to the provisions of this Code.

2. An offence shall be considered to have been committed without guilt, if a person who has committed it was not aware and under the circumstances of a given offence could not have been aware of the social danger of his actions (omissions), or did not foresee a possibility of socially dangerous consequences and under the circumstances of a given case should not have or could not have foreseen them. An offence shall also be considered to have been committed without guilt, if the offender foresaw the socially dangerous consequences at the time of committing the offence, relied on prevention thereof with sufficient grounds or could not have prevented those consequences due to diminished mental capacity in the extreme situation or to mental overload.

## **Article 24. Preparation for a Crime and an Attempted Crime**

1. The locating of, or adaptation of, means or tools, or the intentional creation of circumstances conducive for the commission of an intentional offence, shall be considered to be preparation for a crime if, in addition, it has not been continued for reasons independent of the will of the guilty party.

2. Criminal liability shall result only for preparation for a grave or especially grave crime.

3. A conscious act (failure to act), which is directly dedicated to intentional commission of a crime, shall be considered to be an attempted crime if the crime has not been completed for reasons independent of the will of the guilty party.

4. Criminal liability shall result only for an attempted crime of medium gravity, grave or especially grave crime.

5. Liability for preparation for a crime or an attempted crime shall apply in accordance with the same Article of this Code as sets out liability for a completed offence.

## **Article 25. A Completed Crime**

A crime shall be considered completed if it contains all the elements of a crime as specified by this Code.

## **Article 26. Voluntary Withdrawal**

1. Termination by a person of preparatory actions, or the termination of an action (inaction) directly aimed at the commission of a crime, shall be considered to be a voluntary withdrawal, if the offender was aware that the possibility exists to complete the commission of the crime. A person shall not be subject to criminal liability for a crime, if he voluntarily and decisively refused to complete a given crime.

2. A person who has voluntarily withdrawn from the commission of a crime shall not be held criminally liable unless the constituent elements of another crime are present in his or her actually committed offence.

3. An organizer and an instigator of a crime shall not be criminally liable if they have prevented the completion of a given crime by reporting to the state bodies or in any other way. An accomplice in a crime shall not be criminally liable if, prior to the completion of a given crime he refuses to render collaboration which was earlier promised or eliminates the results of assistance already rendered.

4. If actions of an organizer or an instigator as specified in the third part of this Article have not resulted in the prevention of the commission of a given crime by the offender, the measures undertaken by them may be considered by a court to be mitigating circumstances when imposing punishment.

## **Article 27. Definition of Criminal Complicity**

Criminal complicity is participation of two or more persons in joint commission of a deliberate crime.

## **Article 28. Criminal Participants**

1. Criminal participants besides the perpetrator are: an organizer, an instigator, and an accessory .

2. The perpetrator is a person who directly committed a crime or directly participated in its commission together with other persons (co-perpetrators), as well as a person who committed a crime by way of using other persons who are not criminally liable due to their age, insanity, or other circumstances, stipulated by the Code, as well as by way of using persons who committed an offence by negligence.

3. An organizer is a person who organized the commission of a crime, or who guided its execution, as well as a person who created an organized criminal group, or a criminal association (criminal organization), transnational organized group, transnational criminal association (transnational criminal organization) or a constant armed group (gang) or a person who guided them .

4. An instigator is a person who induced another person to commit a crime by way of persuasion, subornation, threat or by any other method.

5. An accessory is a person who knowingly has promoted the commission of a crime, providing advice, direction, or means, or removing impediments for the commission of such, as well as a person who has previously promised to conceal the perpetrator or joint participant , the instruments or means for committing the crime, evidence of the crime or the objects acquired by criminal means or has previously promised to acquire or to sell these objects.

**Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 29. Liability of Criminal Participants**

1. Criminal liability of criminal participants shall be determined by the character and degree of participation of each of them in the commission of a crime.

2. Co-perpetrators shall be criminally liable for a crime jointly committed by them in accordance with one and the same article of the Code without reference to Article 28 of the Code .

3. An organizer, an instigator, and an accessory shall be criminally liable under an article which stipulates punishment for the commission of a crime with reference to Article 28 of the Code, except for the cases in which they were also co-perpetrators of a crime.

4. If the perpetrator has not completed the crime due to reasons beyond his control, the other criminal participants shall be liable for complicity in preparation for the commission of that crime, or for an attempted crime. A person who failed to instigate other persons to the commission of a crime due to circumstances beyond his control shall also be criminally liable for preparation for the crime .

5. A criminal participant who is not specified in the relevant article of the Special Part of

the Code, but who participated in the commission of a crime stipulated by that article shall be criminally liable as an organizer, an instigator, or an accessory of this crime.

### **Article 30. Excess of a Criminal Participant**

Commission by a criminal participant of a crime which was not the intent of other criminal participants shall be recognized as an excess of a co-participant. The other criminal participants shall not be criminally liable for the excess.

### **Article 31. Types of Complicity**

1. A crime shall be recognized as committed by a group of persons if two or more perpetrators jointly participated in its commission without collusion.

2. A crime shall be recognized as committed by a group of persons involving collusion, if the persons who participated in it agreed earlier on joint commission of a crime.

3. A crime shall be recognized as committed by an organized group, if it is committed by a fixed group of persons who united earlier for the commission of one or several crimes.

4. A crime shall be recognized as committed by a criminal association (criminal organization), if it is committed by an association of organized groups which is set up for the commission of one or several crimes.

4-1. A crime shall be recognized as committed by a transnational organized group, (transnational criminal organization) if it is committed by a fixed group of persons who united earlier for the commission of one or several crimes in the territory of two or more states or in one state, but its preparation, planning, guidance, or consequences took place in another state or in one state but the participants are citizens of other states.

4-2. A crime shall be recognized as committed by a transnational criminal association (transnational criminal organization), if it is committed by an association of organized groups which are set up for the commission of one or several crimes in the territory of two or more states, or in one state but its preparation, planning, guidance, or consequences took place in another state or in one state but the participants are citizens of other states.

5. A person who set up or guided an organized group or a criminal association (criminal organization), transnational organized group, transnational criminal association (transnational criminal organization) or a fixed armed group (gang) shall be criminally liable for the organization and guidance thereof as provided in the relevant articles of the Special Part of the Code, as well as for all the crimes which have been committed by an organized group or a criminal association (criminal organization), transnational organized group, transnational criminal association (transnational criminal organization) or a fixed armed group (gang) if those crimes have been committed according to his intention. Other participants of an organized group or a criminal association (criminal organization), transnational organized group, transnational criminal association (transnational criminal organization) or a fixed

armed group (gang) shall be criminally liable for participation in them as provided in the relevant articles of the Special Part of the Code, as well as for crimes in preparation for or the commission of which they participated.

6. Setting up of an organized group in cases, which are not stipulated by articles of the Special Part of the Code, shall entail criminal liability for preparation for those crimes for the commission of which it was created.

**Footnote. Article 31 as amended by the Law of the Republic of Kazakhstan dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 32. Necessary Self-defense**

1. Necessary self-defense is an act which is committed in defense of the interests of the State or the public, or the rights of oneself or another person, as well as in defense of a person against assault, or threats of assault, in such a manner that harm is caused to the assailant. Criminal liability for this act applies if the limits of necessary self-defense have been exceeded.

2. All persons in equal measure shall have the right to necessary self-defense, regardless of their professional or other special training, or official position. This right shall belong to a person regardless of whether it is possible to avoid a socially dangerous assault, or to appeal for help to other persons or state bodies.

3. Protective acts manifestly disproportionate to the nature and the danger of the assault, which were not necessary in order to prevent or repel the assault and as a result of which harm is caused to the assailant, shall be considered as exceeding the limits of necessary self-defense. Criminal liability for such excessive acts applies only if harm has been caused intentionally.

Not recognized as exceeding the limits of necessary self-defense shall be causing of harm to the assailant who attempts to commit a murder or when repelling the assault involving:  
the use or an attempt to use weapons or other objects or devices threatening the life or health of the self-defending person or other persons;  
violence which endangers the life or health of the self-defending person or other persons  
or an immediate threat of such violence;  
unlawful entry by force into a dwelling or other premises.

**Footnote. Article 32 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 33. Arrest of an Assaulter Causing Personal Harm**

1. The causing of harm to the person who has committed a crime while carrying out the arrest in order to deliver him to the state bodies and to exclude the possibility of his committing new assaults, shall not be considered to be a crime if it was not possible to detain the assaulter by other means, and if the actions taken for this purpose did not exceed the necessary measures.

2. An excess of the measures necessary for the arrest of an assaulter is their evident disproportion to the character and degree of public danger of the crime committed by the person to be arrested and to the circumstances of the arrest, when obviously excessive harm is caused to a person without necessity. Criminal liability shall apply only in cases of deliberate causing of harm.

3. Victims of the assault and other citizens besides special authorized persons shall have the right to detain the assaulter.

### **Article 34. Extreme Necessity**

1. An act of extreme necessity is an act which a person commits to prevent harm, which threatens the life, health and the rights of the person or another person, the interests of the State or the public, if in the actual circumstances it has not been possible to prevent the relevant harm by other means and if the actions taken for this purpose did not exceed the necessary measures. Extreme necessity excludes criminal liability.

2. An excess of the measures of extreme necessity is the causing of harm which is in evident disproportion to the character and degree of the danger and the circumstances of the danger elimination, if the harm caused is equal or bigger than that which was prevented. Criminal liability shall apply only in cases of deliberate causing of harm.

### **Article 34-1. Operational Search Actions**

1. The offence against the interests protected by this Code committed in the course of lawful operational search actions by an employee of an authorized state body or by another person who collaborates with this body following its instructions shall not be regarded as a crime if committed for the purpose of prevention, detection, exposure or investigation of the crimes committed by a group of persons, by a group of colluders, by an organized group or a criminal association (criminal organization), transnational organized group, transnational criminal association (transnational criminal organization) or a fixed armed group (gang) as well as in the cases if the harm caused to legally protected interests is less than the harm prevented and if the prevention, solving or investigation and the exposure of the offenders could not be carried out by any other means.

2. The provisions of the first part of this Article shall not apply to the persons who committed offences related to threat of lives or health of people, ecological disaster, public calamity or other grave consequences.

Footnote. Is supplemented by Article 34-1 in accordance with the Law of the Republic of Kazakhstan dated 16.03.2001 No. 163; as amended by the Law of the Republic of Kazakhstan dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 35. Justifiable Risk**

1. Criminal liability shall not apply for harm caused to the legally protected interests through an act which has been committed in order to achieve a socially useful objective.

2. Risk shall be recognized as justifiable if a said objective could not have been achieved by actions (inaction) not involving risk and if a person who has allowed the risk has taken all measures to prevent harm to legally protected interests.

3. The risk shall be considered not to be justified, if it is knowingly associated with a threat to the life of several persons or threatens to cause an ecological or public disaster.

### **Article 36. Physical or Psychic Coercion**

1. Criminal liability shall not apply for harm which has been caused to legally protected interests through physical coercion, if a person could not control his or her actions (inaction) as a consequence of such coercion.

2. The issue of criminal liability for the harm which has been caused to legally protected interests through psychic coercion, as well as through physical coercion, as a consequence of which the person retained the possibility to control his or her actions, shall be resolved subject to provisions of Article 34 of this Code.

### **Article 37. Execution of Orders or Instructions**

1. Criminal liability shall not apply for harm which has been caused to legally protected interests by a person who acted in pursuance of an order or instruction obligatory for him. Criminally liable for the causing of such harm shall be the person who has issued the illegal order or instruction.

2. A person who has committed a deliberate crime in pursuance of an illegal order or instruction knowing about its criminal nature shall be criminally liable on general grounds. A person who has not executed a criminal order or instruction shall not be held criminally liable.

## **Section III. Punishment**

### **Article 38. The Concept and Purposes of Punishment**

1. Punishment is a compulsory measure which a court adjudges on behalf of the State. Punishment shall be applied to a person who has been found guilty of the commission of a crime. It involves deprivation or restriction of personal rights and liberties as provided for in this Code.

2. Punishment shall be applied to re-establish social justice, as well to reform the convicted person, and to achieve that the convict or other persons refrain from committing new criminal offences. The punishment does not have the purpose of inflicting physical suffering or infringing human dignity.

### **Article 39. Types of Punishment**

1. One of the following basic sentences may be adjudged against a person who has committed a criminal offence:

- a) a fine;
- b) deprivation of the right to hold specific offices or to engage in specific activities;
- c) community service;
- d) corrective labor;
- e) restriction in military service;
- f) restriction of liberty;
- g) detention in a guard-house;
- h) excluded by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2);
- i) deprivation of liberty;
- j) death penalty.

2. In addition to a basic punishment, the following additional punishments may be adjudged:

- a) deprivation of a special or military rank, or honorary title, rank, diplomatic rank, or qualification and state awards;
- b) confiscation of property.

3. A fine and deprivation of the right to hold specific offices or to engage in specific activities and community service shall be applicable both as basic and additional of punishment.

**Footnote.** Article 39 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10; dated 10.07.2009 No. 177-IV (the the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 40. A Fine**



1. A fine is a monetary exaction imposed within the limits established by this Code in an amount corresponding to a definite number of monthly calculation indices, as fixed by the laws of the Republic of Kazakhstan at the time of imposing the punishment.

2. The fine shall be established in an amount from 25 to 20,000 monthly calculation indices, as established by legislation of the Republic of Kazakhstan. The amount of a fine shall be determined by a court subject to gravity of the crime committed, and property status of the convict.

3. A fine as an additional of punishment may be applied only in cases provided for in the relevant articles of the Special Part of the Code.

4. In the event that a person maliciously evades payment of a fine, the latter shall be replaced by community service or corrective labor, the duration of which shall be calculated as follows: one month of corrective labor or eighty hours of community service are equivalent to a fine which amounts to a threefold monthly calculation indices, in compliance with the provisions of Articles 42, 43 of the Code.

**Footnote.** Article 40 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after upon its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 41. Deprivation of the Right to Hold Specific Offices or to Engage in Specific Activities**

1. Deprivation of the right to hold specific offices or to engage in specific activities involves prohibition to hold offices in the civil service and local self-government bodies, or to engage in a professional or any other activity.

2. Deprivation of the right Deprivation of the right to hold specified offices or to engage in specified activities shall be established for a term of one year to five years as a basic punishment, or for a term of six months to three years as an additional punishment.

For crimes against sexual integrity of minors committed by a teacher or other person who is responsible for their education by law, the deprivation of the right Deprivation of the right to hold specified offices or to engage in specified activities shall be established for a period from ten to twenty years as an additional of punishment under paragraph e) of the third and fourth part of Article 120, paragraph d) of the third and fourth part of Article 121, paragraphs two and three article 122, second and third parts of Article 124 of this Code.

For the commission of corruption crimes deprivation of the right to hold specified offices or to engage in specified activities shall be established for a period from three to ten years as a main of punishment and for a period from one year to seven years as an additional of punishment.

3. Deprivation of the right to hold specified offices or to engage in specified activities

may be imposed as an additional punishment also in cases where it is not provided for by the relevant Article of the Special Part of this Code as punishment for the corresponding offence, if with due account of the nature and the degree of the social danger of the crime committed and the personality of the convict, the court deems it impossible to allow him to retain the right to hold specified offices or to engage in specified activities.

4. In the event that this of punishment is imposed in addition to deprivation of liberty, this punishment shall extend to the entire time of serving said basic punishments, but its term shall be counted from the time they have been served. If this of punishment is imposed in addition to other basics of punishment, and also in the event of conditional conviction, its term shall be counted from the time of the enforcement of the court's judgement.

N o t e s .

1. (is excluded dated July 21, 2007 No.308)

2. Crimes specified in Articles 164, 168-171, 233-1, 233-3, 233-4, 236, the second and third parts of Article 337, Article 337-1 of this Code shall be recognized as crimes which contain elements of extremism.

Footnote. Article 41 as amended by the Laws of the Republic of Kazakhstan dated 25.09.2003 No. 484; dated 08.07.2005 No. 67 (the order of enforcement see Art.2); dated 21.07.2007 No. 308; dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 10.12.2009 No. 228-IV (the order of enforcement see Art.2); dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 42. Involvement in community service**

1. Community service shall consist in the performance by a convict of publicly useful work during free time outside employment or studies, the of which shall be defined by local executive bodies or local self-government bodies.

2. Community service shall be determined for a term from sixty up to two hundred and forty hours and shall be performed for no longer than four hours per day, if a convict does not have permanent employment or does not study up to eight hours per day, however no longer than forty hours per week. In case the convicted person maliciously evades performing community service, the latter shall be replaced by restriction of liberty or deprivation of liberty for the term provided for in Articles 45 and 48 of the Code. The time during which the convicted person was engaged in community service shall be counted at the rate of one day of restriction of liberty or deprivation of liberty for four hours of community service.

3. Engagement in community service may not be imposed upon military servicemen, women over fifty eight years of age, and men over sixty three, pregnant women, as well as

women having children up to three years of age and the disabled of group one and two.

Footnote. Article 42 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 21.12.2002 No. 363; dated 10.12.2009 No. 228-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 43. Corrective labor**

1. Corrective labor shall be imposed for a term from two months to two years, and shall be served at the convicted person's place of work.

2. Deductions for the benefit of the State shall be made from the earnings of the person sentenced to corrective labor, in the amount fixed by the court's judgement, within the limits from five to twenty percent.

3. Corrective labor may not be imposed upon persons who are recognized as incapable for work, who do not have permanent work, or who study. Instead of corrective labor, a court may impose a fine upon such persons in the amount of one monthly calculation index established by legislation for one month of corrective labor, if the relevant article of the Special Part of the Code does not stipulate punishment in the form of a fine. A court may also replace corrective labor with a fine, if the said circumstances arose during the period of serving punishment.

4. In case of a malicious evasion of serving punishment by a person sentenced to corrective labor, a court may replace the remaining term of corrective labor with a punishment in the form of restriction of liberty or deprivation of liberty for the same period.

Footnote. Article 43 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 44. Restriction in Military Service**

1. Restriction in military service shall be imposed upon convicted military servicemen who undergo military service under a contract, as well as officers who have been called up for military service for a term from three months up to two years in cases stipulated by relevant articles of the Special Part of the Code for the commission of crimes against military service, as well as upon convicted military servicemen who undergo military service under a contract, instead of corrective labor as provided for in the relevant articles of the Special Part of the Code.

2. Deductions for the benefit of the State shall be made from the upkeep of a person convicted to restriction in military service in the amount, fixed by the court's judgement, of not more than 20 percent. During the serving of this punishment the convicted person may not

be promoted in his post or in military rank, and the period of punishment shall not be counted in the period of seniority for purposes of promotion in rank.

## **Article 45. Restriction of Liberty**

1. Restriction of liberty shall consist in imposition on the person convicted by the court of certain duties which restrict his liberty and it shall be endured in the place of his residence under the supervision of the specialized authority without isolation from the society for a period from one year up to seven years. In the event that community service or corrective labor has been replaced with restricted liberty, the latter punishment may be imposed for a term of less than one year.

The court when determining a punishment in the form of restriction of liberty shall impose upon the convict the following duties: not to change the permanent place of residence, of work or study without notifying the specialized authorities; not to visit certain places; not to leave the place of residence in spare time; not to depart for other areas without a permit from the specialized authority. The court may also impose other duties upon a person sentenced to restriction of liberty, the performance of which promotes his correction: to undergo a course of medical treatment from alcoholism, drug addiction, toxic mania, sexually transmitted diseases, to maintain family.

2. In the event that a person convicted to restricted liberty maliciously evades the serving of the punishment, this punishment shall be replaced with deprivation of liberty for the term of restricted liberty imposed by the court's judgement. The time of serving restricted liberty shall be counted in the period of deprivation of liberty at the rate of one day of deprivation of liberty per one day of restricted liberty.

3. Restriction of liberty shall not apply to the persons who have been convicted for the commission of a grave and especially grave crime, to military servicemen as well as to persons who have no permanent place of residence.

4. During the term of punishment in form of liberty restriction the court pursuant to the proposal of the authority supervising the convict's behavior, may fully or partially cancel the duties previously imposed upon the convict.

**Footnote.** Article 45 is in the wording of the Law of the Republic of Kazakhstan dated 21.12.2002 No. 363; as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 46. Detention in a Guard-House**

1. Detention in a guard-house shall consist in the detention of a military serviceman in strict isolation from the society for the entire term of the imposed punishment.

2. Detention in a guard-house shall be imposed for a period from one to three months.

Footnote. Article 46 is in the wording of the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 47. Detention in a Disciplinary Military Unit**

Footnote. Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2).

## **Article 48. Deprivation of Liberty**

1. Deprivation of liberty is isolation of the convict from society by way of sending him to a settlement colony or placing him in a penitentiary settlement of a general, strict or special regime, or into prison.

2. Persons sentenced to deprivation of liberty who have not attained the age of eighteen years by the time of passing of the sentence, shall be sent to educational colonies of a general or strict regime.

3. Deprivation of liberty for the commission of crimes as provided for in the Code shall be established for a period of six months to fifteen years, and for especially grave crimes - up to twenty years or for lifetime. For crimes of negligence a term of deprivation of liberty may not exceed ten years. If deprivation of liberty replaces community service, or corrective labor, or restriction of liberty, the term may be less than six months. In case of a partial or complete addition of terms of deprivation of liberty, when establishing punishments for a cumulative crime, as well as in cases stipulated by the third part of Article 49, the fifth part of Article 69, and the fourth part of Article 75 of the Code, the maximum term of deprivation of liberty may not exceed twenty five years, and thirty years in case of a cumulative crime.

4. Deprivation of liberty for life shall be established for the commission of especially grave crimes as well as an alternative to death penalty. It shall not be imposed upon women or upon persons who have committed crimes under the age of eighteen, nor upon men who have attained the age of sixty five years by the time of passing the sentence.

5. The sentence of the deprivation of liberty shall be served:

a) By persons have been convicted for crimes committed through negligence as well as by the persons who have been convicted for the first time and sentenced to the deprivation of liberty for committing deliberate crimes for a term up to one year - in settlement colonies;

b) By persons who have been convicted and sentenced to the deprivation of liberty for the first time for a term exceeding one year for the commission of deliberate lesser crimes, crimes of medium gravity, or grave crimes and by persons to whom community service, corrective labor or restriction of liberty have been substituted with deprivation of liberty for a period of up to six months - in penitentiary settlements of a general regime;

c) By persons who have been convicted and sentenced to the deprivation of liberty for the first time for the commission of especially grave crimes, repeated crimes, if a convicted person has previously served punishment in form of deprivation of liberty, as well as by women who have committed especially dangerous repeated crimes - in penitentiary settlements of a strict regime;

d) By persons who have committed especially dangerous repeated crimes, as well as by persons who have been sentenced to lifelong deprivation of liberty - in penitentiary settlements of a special regime.

6. The persons sentenced to the deprivation of liberty for committing particularly grave crimes for a term of over five years, and also in case of especially dangerous repeated crimes may be made to serve a part of the term of punishment in prison.

7. The kind of the assigned reformatory institution may be changed by the court in accordance with the criminal-executive legislation of the Republic of Kazakhstan.

**Footnote. Article 48 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 09.12.2004 No. 10; dated 27.06.2008 No. 50-IV (the order of enforcement see Art.2); dated 10.07.2009 No. 175-IV (the order of enforcement see Art.2); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 49. Death penalty**

1. Death penalty, that is, a sentence to be shot, as an exceptional form of punishment, to be established for terrorist crimes encroaching on human life, as well as for especially grave crimes committed in war time. The convict has the right to appeal for pardon.

2. Death penalty shall not be imposed upon women, as well as upon persons who have committed a crime under the age of eighteen, and men who have attained the age of sixty five by the time of passing the sentence by the court.

3. In the event that the President of the Republic of Kazakhstan establishes a moratorium on the execution of the death penalty, the execution of the sentence of death penalty shall be suspended for the effective period of a moratorium.

4. Death sentence shall be enforced not earlier than one year from the moment of its entering into force, and not earlier than one year after the cancellation of the death penalty moratorium.

5. Death penalty by way of pardon may be replaced by deprivation of liberty for life or by deprivation of liberty for a term of 25 years in a correction colony of special regime. In the event of the cancellation of the death penalty moratorium persons sentenced to death penalty shall have the right to petition for pardon irrespective of whether or not they petitioned for it

prior to the establishment of the moratorium.

Footnote. Article 49 as amended by the Laws of the Republic of Kazakhstan dated 10.03.2004 No. 529; dated 10.07.2009 No. 175-IV (the order of enforcement see Art.2).

## **Article 50. Deprivation of a special or military rank, or honorary title, rank, diplomatic rank, or qualification and state awards**

1. Upon conviction for a deliberate crime, a court may deprive the convict of a special or military rank, or honorary title, rank, diplomatic rank, or qualification with due account for his personality.

2. If a person who has been convicted for a deliberate crime has state awards of the Republic of Kazakhstan, or an honorary, military, special, or other rank, rank, diplomatic rank, or a qualification, which have been awarded by the President of the Republic of Kazakhstan, the court shall consider if it is appropriate to submit a recommendation to deprive a given convict of those awards, ranks, rank, diplomatic rank, or a qualification to the President of the Republic of Kazakhstan.

Footnote. Article 50 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 51. Confiscation of Property**

1. Confiscation of property is Confiscation of property consists of the compulsory seizure and transfer to the State, without compensation, of all or part of the effects constituting the property of the convicted person as well as the property which has been used as an instrument or means for committing a crime.

For corruption crimes and crimes committed by a member of an organized criminal group, or a criminal association (criminal organization), transnational organized group, transnational criminal association (transnational criminal organization) or a fixed armed group (gang) the property obtained in a criminal way or purchased with funds obtained by criminal means or property which has been transferred by the convict to other persons shall be subject to confiscation besides the personal effects of the convict.

2. Confiscation of property is established for crimes committed for mercenary motives. It may be imposed only in accordance with the provisions of the relevant articles of the Special Part of the Code.

3. Property which is indispensable to the convict or his dependents shall not be subject to confiscation in accordance with the list provided in the criminal-executive legislation.

Footnote. Article 51 as amended by the Laws of the Republic of Kazakhstan dated

21.07.2007 No. 308; dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Section IV. Imposition of Punishment**

### **Article 52. General Principles for Imposing Punishment**

1. The court shall impose just punishment on a person who has been found guilty of the commission of a crime, within the limits stipulated by the relevant Article of the Special Part of this Code, and with due account for the provisions of the General Part of this Code.

2. A person who committed a crime must be sentenced to a punishment necessary and sufficient for his correction and prevention of new crimes. A stricter of punishment than that stipulated for a given crime shall only be appointed in case a lesser punishment cannot achieve the objective of punishment. Stricter punishment than that envisaged by the relevant Articles of the Special Part of this Code for the committed crime may be imposed for the cumulation of offences and for the cumulation of sentences in keeping with Article 58 and 60 of this Code. Grounds for the imposition of a lighter punishment than that stipulated by the relevant Article of the Special Part of this Code for the perpetrated crime shall be determined by Article 55 of this Code.

3. In imposing punishment, the court shall take into consideration the nature and the degree of the social danger of the crime and the personality of the convict, including his behavior prior and after the crime, any mitigating or aggravating circumstances, and also the influence of the imposed penalty on the rehabilitation of the convicted person and on the conditions of life of his family.

### **Article 53. Circumstances Which Mitigate Criminal Liability and Punishment**

1. The following circumstances mitigate criminal liability and punishment:

- a) commission of a crime of small gravity for the first time in consequence of a coincidence of circumstances;
- b) age of minority of a guilty person;
- c) pregnancy;
- d) the convict's responsibility for his infant children;
- c) pregnancy;
- d) the existence of small children of a convict;
- e) rendering of medical or other aid to the victim after the commission of the crime, voluntary compensation for material loss and mental injury caused as a result of the crime, and other actions of effecting restitution of damage caused to the victim;



f) commission of a crime through coincidence or as a consequence of personal circumstances or out of compassion;

g) commission of a crime as a result of physical or mental coercion, or by reason of subordination, material or any other dependence;

h) commission of a crime through breach of the lawful conditions for necessary defense, in case of extreme necessity, the detention of a person who has perpetrated the crime, justified risk, or the execution of orders or instructions;

i) the illegality or amorality of the victim's behavior, which served as a pretext for the crime ;

j) sincere repentance of the criminal, giving himself up or active assistance in the exposure of a crime, incriminating other participants or tracking the illegally obtained property .

2. In imposing punishment, the court of law may take into consideration other mitigating circumstances not provided for by the first part of this Article.

3. If a mitigating circumstance is provided for by the corresponding Article of the Special Part of this Code as an element of another crime, then it in itself may not be considered for that second crime .

4. In presence of mitigating circumstances as specified in paragraphs e) and j) of the first part of this Article and in absence of aggravating circumstances, the term or scope of punishment for a crime of lesser or medium gravity may not exceed half, for a grave crime two thirds, for a specially grave crime three fourths of the maximum term or scope of the strictest of punishment as specified in the relevant Article of the Special Part of this Code.

5. If the relevant Article of the Special Part of the Code under which a person is convicted provides for various (alternative)s of punishment and in the presence of mitigating circumstances as specified in paragraph e) of the first part of this Article, deprivation of liberty for lesser crimes and crimes of medium gravity shall not be imposed.

5-1. If the relevant Article of Chapter 7 of the Code under which a person is convicted provides for various (alternative)s of punishment, deprivation of liberty shall not be imposed if the convicted person has voluntarily compensated for the property damage caused by the committed crime to a citizen, an organization or the state.

The provisions of this part shall not apply to persons who have committed a crime specified in paragraph c) of the second part of Article 192, by paragraph a) of the third part of Article 193, by Article 226, by the first and the second parts of Article 226-1 of this Code.

6. In cases in which the simplified procedure of pre-trial proceedings is applied, the term or measure of punishment for the committed crime shall not exceed half of the maximum term or scope of the most severe of punishment which is stipulated by the relevant Article of the Special Part of this Code .

**Footnote. Article 53 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 17.07.2009 No. 187-IV; dated 18.01.2011 No. 393-IV (shall be**

enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 54. Circumstances Which Aggravate Criminal Liability and Punishment**

1. The following circumstances shall aggravate criminal liability and punishment:
  - a) repetition of crimes, criminal recidivism;
  - b) grave consequences of the commission of a crime;
  - c) commission of a crime by a group of persons or a group of persons as a result of a preliminary conspiracy, by an organized group, a criminal association (criminal organization), transnational organized group, transnational criminal association (transnational criminal organization) or a fixed armed group (gang) or a terrorist group;
  - d) especially active role played in the commission of a crime;
  - e) involvement in the commission of the crime of the persons who suffer from heavy mental derangement or who are in a state of intoxication, or of persons who have not attained the age of criminal responsibility;
  - f) commission of a crime by reason of national, racial, or religious hatred or enmity, out of revenge for the lawful actions of other persons, or with the purpose of concealing or facilitating another crime;
  - g) commission of a crime against a woman who is obviously in a state of pregnancy, or against a minor, another defenseless or helpless person, or a person who is dependent on the guilty person;
  - h) commission of a crime against a person or his relatives in connection with his official activity or the discharge of his public duty;
  - i) commission of a crime with especial brutality, sadism, or mockery, or involving torments for the victim;
  - j) commission of a crime with the use of weapons, ammunition, explosives, fake explosives, specially manufactured technical means, poisonous or radioactive substances, medicinal or other chemical and pharmacological preparations, or with the use of physical or mental compulsion;
  - k) commission of a crime during a state of emergency, natural or social disaster, or during mass disturbances;
  - l) commission of a crime in a condition of alcoholic or drug intoxication. The court may not recognize this circumstance as aggravating, depending on the nature of the crime;
  - m) commission of a crime involving violation of a military oath or a professional vow;
  - n) commission of a crime, abusing confidence placed in the guilty person through his official position, or through a contract;
  - o) commission of a crime with the use of uniforms or documents of representatives of the

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p) commission of a crime by an employee of a law enforcement agency or by a judge abusing the official position.

2. If the circumstance specified in the first part of this Article is determined by the relevant article of the Special Part of the Code as an element of a crime, it may not be taken into consideration again as a circumstance aggravating liability and punishment.

3. Circumstances which are not specified in the first part of this Article may not be recognized as aggravating by the court when establishing punishment.

**Footnote. Article 54 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 55. Imposition of a Lesser Punishment than It Is Stipulated for a Given Crime**

1. In the presence of exceptional circumstances related to the purposes and motives of the crime, the role played by the guilty person, his behavior during or after the commission of the crime, or other circumstances essentially reducing the degree of the social danger of the crime , as well as in case of an active assistance of a participant in a group crime in the disclosure of this crime, the imposed punishment may be more lenient than the minimum stipulated by the relevant article of the Special Part of this Code, or the court may establish a more lenient of punishment than the one stipulated by a given article, or not to apply an additional of punishment stipulated as obligatory.

2. Particular mitigating circumstances as well as the totality of such circumstances may be recognized as exceptional.

### **Article 56. Imposition of Punishment for an Unfinished Crime**

1. In imposing punishment for an uncompleted crime, the court of law shall take into account the circumstances, by virtue of which the crime was not brought to completion.

2. The term or the scope of punishment for preparations for a crime may not exceed half the maximum term or scope of the most severe punishment prescribed by the relevant Articles of the Special Part of this Code for the completed crime.

3. The term or extent of punishment for an attempted crime may not exceed three-fourths of the maximum term or scope of the most severe punishment prescribed by the relevant Article of the Special Part of this Code for the completed crime.

4. Neither capital punishment nor deprivation of liberty for life shall be imposed for the preparations for a crime or for an attempted crime.

## **Article 57. Imposition of Punishment for a Crime Committed in Complicity**

1. In imposing punishment for a criminal conspiracy, the court shall take into consideration the nature and the degree of the actual participation of the person in its perpetration, the importance of this participation for the achievement of the purpose of the crime, and its influence on the nature and the amount of inflicted or possible damage.

2. Mitigating or aggravating circumstances relating to the personality of one of the participant shall be taken into account by the court when it imposes punishment only for this individual participant.

## **Article 58. Imposition of Punishment for a Cumulative Crime**

1. In case of a cumulative crime a court shall establish punishment (main and additional) for each crime separately and then it shall determine the final punishment by way of incorporation of the less strict punishment with a more severe one, or by partial or full addition of punishments.

2. If crimes committed cumulatively are only crimes of lesser and medium gravity, then the final penalty shall be imposed by way of incorporation of the less strict punishment with a stricter one.

3. If a cumulative crime includes grave or especially grave crimes, the final punishment shall be established by way of absorption of a less strict punishment by a stricter one or by way of partial or complete edition of punishments. In this case, the final punishment in form of deprivation of liberty may not exceed 20 years.

4. If a cumulative crime includes at least one especially grave crime, for the commission of which this Code stipulates punishment in the form of deprivation of liberty for a period of twenty years, or death penalty, or life imprisonment, then final punishment shall be established by way of partial or complete accumulation of punishments. In this respect, final punishment in the form of deprivation of liberty may not exceed twenty five years. If life imprisonment or death penalty is imposed for a crime which forms part of a cumulative crime then the final punishment imposed shall be in the form of life imprisonment or the death penalty respectively.

5. Additional penalties may be joined to the basic penalties in case of cumulative crimes. In case of partial or full addition of penalties, final additional punishment may not exceed the maximum term or scope prescribed for this of punishment by the General Part of this Code.

6. Punishment shall be imposed under the same rules; if after the court delivers its judgement in the case it is established that the convicted person is guilty of still another crime committed by him before adjudication in the first case. In this instance, the punishment served

under the first judgement of the court shall be included in the final punishment.

**Footnote. Article 58 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010).**

## **Article 59. Imposition of Punishment in Case of Criminal Recidivism**

1. When imposing punishment in a case of criminal recidivism, dangerous criminal recidivism, or especially dangerous criminal recidivism, account shall be taken of the nature and degree of the social danger of the crimes committed earlier, the circumstances by virtue of which corrective influence of the previous punishment has proved to be insufficient, and also the nature and degree of the social danger of the newly committed crimes.

2. The term of punishment in case of criminal recidivism may not be less than one third the maximum term of the most severe penalty prescribed for the crime committed, not less than two-thirds in cases of dangerous criminal recidivism, and not less than three-fourths in case of especially dangerous criminal recidivism.

3. If there are exceptional circumstances stipulated by Article 55 of the Code, then punishment in cases of criminal recidivism, dangerous criminal recidivism, or especially dangerous criminal recidivism, shall be established without taking into consideration of the rules stipulated by the second part of this Article.

**Footnote. Article 59 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 08.01.2007 No. 210; dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010).**

## **Article 60. Imposition of Punishment in Case of Accumulation of Sentences**

1. If a convict, after the passing of a sentence, but prior to full serving of punishment, committed another offence, a court shall add, fully or partially, an unserved time of punishment for the previous offence to the punishment imposed for the last offence.

2. The final punishment in case of accumulation of sentences, if it is not associated with deprivation of liberty, may not exceed the maximum term or amount stipulated for a given of punishment in the General Part of this Code.

3. The final punishment in case of the accumulation of sentences in the form of deprivation of liberty may not exceed twenty-five years. If the accumulation of sentences includes a sentence by which a given person is found guilty of committing at least one crime indicated in the fourth part of Article 58 of this Code, then the final accumulated punishment in the form of deprivation of liberty may not exceed thirty years.

4. The final punishment in case of accumulation of sentences must be greater than both the punishments established for a newly committed crime, and the unserved part of the punishment for a previous court's sentence.

5. When establishing punishment in an accumulation of sentences, the adding of

additional of punishments shall be carried out in accordance with the rules stipulated by Article 58 of this Code.

## **Article 61. The Procedure for Determining Terms of Punishment When Adding Them**

1. In case of partial or full addition of penalties for cumulative crimes, the following measures shall correspond to one day of deprivation of liberty:

- a) one day of detention in a guard-house;
- b) two days of restriction of liberty;
- c) three days of corrective labor or restriction in military service;
- d) four hours of engagement in community service.

2. A fine, deprivation of the right to occupy certain positions or to engage in certain activity, and deprivation of a special, military, or honorary rank, rank, diplomatic rank, qualification degrees or state awards, as well as confiscation of property, when they are added to a restriction of liberty, corrective labor, detention under arrest, detention in a disciplinary military unit, or deprivation of liberty, shall be executed independently.

**Footnote. Article 61 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 62. Calculation of Terms of Punishment and Offset of Punishment**

1. The terms of deprivation of the right to occupy certain positions or to engage in certain actions, as well as the terms of corrective labor, restriction in military service, restriction of liberty, detention in a guard-house, and terms of deprivation of liberty, shall be calculated in months and years, and terms of engagement in community service shall be calculated in hours

2. In case of a change of punishment or in case of adding punishments indicated in the first part of this Article, as well as in case of an offset of punishment, terms may be calculated in days.

3. Time of detention in custody pending the entering of a given sentence into effect shall be offset against a term of punishment in the form of deprivation of liberty, or detention in a guard-house, on the basis of one day for one day, and in the form of restriction of liberty - one day for two days, corrective labor and restriction in military service - one day for three days, and with regards to the form of engagement in community service - one day of detention under custody for four hours of community service.

3-1. The time of holding under home arrest pending the entry of the sentence into legal force shall be entered in the term of punishment in the form of deprivation of liberty,

detention in a guardhouse at two days for one day, in the form of restriction of liberty - one day for one day, corrective labor and restriction of military service - one day for two days, and in the term of punishment in the form of attraction to public labor at one day of holding under home arrest for two hours of public labor.

4. The time of detention of a person under custody prior to the entering of a given sentence into legal force, and the time of serving deprivation of liberty appointed by a court judgment for a crime committed outside of the Republic of Kazakhstan, in case of an extradition of a given person on the basis of Article 8 of the Code, shall be offset on the basis of one day for one day.

5. In case of sentencing a convict, who is detained in custody pending judicial investigation, to punishment in the form of a fine, deprivation of the right to occupy certain positions or to engage in certain activity, a court, taking into consideration the term of detention in custody, shall mitigate the appointed punishment, or completely release him from serving that punishment.

6. The time during which a person, who fell ill with a mental disease after the commission of a crime, was subjected to compulsory measures of a medical nature, shall be offset against the term of punishment.

**Footnote.** Article 62 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 09.12.2004 No.10; dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 63. Suspended Sentence**

1. If after having sentenced a criminal to corrective labor, restriction in military service, or deprivation of liberty, a court arrives at the conclusion that the given convict can be rehabilitated without his serving his sentence, the court may adopt a decision to consider the sentence suspended.

2. In imposing a suspended sentence a court shall take into account the nature and the degree of social danger of the crime committed, as well as the personality of the given convict, and mitigating and aggravating circumstances.

3. In imposing a suspended sentence, the court shall fix a probationary period, during which the person convicted conditionally should prove his rehabilitation by his behavior. A probation period shall be fixed for a period between one year and three years, and between six months and one year for minors.

A suspended sentence may be imposed for repeat commission of lesser or medium grave crimes by minors during the probation period of a suspended sentence.

4. In suspended sentencing, additional of deprivation and punishment may be imposed, except for confiscation of property.

4-1. In imposing a suspended sentence, the court of law may place compulsory educational measures on a minor on the basis of Article 82 of the Code.

5. (is excluded - dated 21.12.2002 No. 363) .

5-1. In imposing a suspended sentence, the court may place definite duties on the convicted person: not to change the permanent place of residence, work or study without notifying the specialized authorities carrying out the control of behavior of the convict; not to visit certain places; to undergo a course of medical treatment for alcoholism, drug addiction, toxic mania, sexually-transmitted diseases or HIV / AIDS; carry out material support of the family. The court may also impose upon a convict with a suspended sentence, the performance of other duties to assist his correction.

6. Supervision of the behavior of a convict with a suspended sentence shall be carried out by a specialized authorized state body, and in relation to military servicemen, by the commanding staff of the military units and institutions.

7. (is excluded - dated 21.12.2002 No. 363).

8. A suspended sentence shall not be imposed when a person is convicted for dangerous criminal recidivism, or especially dangerous criminal recidivism or sentenced for the commission of an offence within an organized group, a criminal association (criminal organization), transnational organized group, transnational criminal community (transnational criminal organization) or a stable armed group (gang).

Footnote. Article 63 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 08.01.2007 No. 210; dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010); dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.02.2012 No. 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 64. Cancellation of a Suspended Sentence or the Prolongation of the Probationary Period**

1. If, prior to the expiration of the probationary period, a convict with a suspended sentence proved his reformation, then a court may, pursuant to a proposal from the body carrying out his supervision, may decree the cancellation of a suspended sentence and strike the conviction off the convict's criminal record. In this case, the suspended sentence may be cancelled upon the expiry of not less than a half of the fixed probationary period.

2. If a convict with a suspended sentence committed an administrative crime violating public order and morality, rights of minors, against a person and in domestic circumstances



for which an administrative punishment was imposed on him, intentional damage of means of electronic surveillance as well as in the case of non-appearance to register without good cause, change of residence without the permission of the supervising body, as well as in case of failure to comply with duties imposed by a court on a convict, then a court, pursuant to a proposal from the body referred to in the first part of this Article, may extend a probationary period, but for not more than one year.

3. In case of systematic violations specified in the second part of this Article by a convict with a suspended sentence within the probationary period and the noncompliance with legal requirements as well as insults or threats of violence against members of the supervising body or if a convict with a suspended sentence escapes supervision, the court pursuant to a proposal by the body referred to in the first part of this Article, shall issue a resolution to cancel the suspended sentence and execute the punishment imposed by the court.

4. If during his probationary period, a convict with a suspended sentence committed a crime by negligence, or a deliberate crime of a lesser gravity, the question of the cancellation or retention of a suspended sentence shall be decided by a court when sentencing him for a new crime.

5. If during his probationary period, a convict with a suspended sentence commits a deliberate crime of medium gravity, or a grave, or especially grave crime or a minor commits a grave, or especially grave crime, a court shall cancel a suspended sentence, and shall sentence him in accordance with the rules stipulated by Article 60 of this Code. Under the same rules punishment shall be imposed in the cases stipulated by the fourth part of this Article.

**Footnote.** Article 64 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 09.12.2004 No. 10; dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010); dated 10.12.2009 No. 228-IV (the order of enforcement see Art.2); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.02.2012 No. 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Section V. Exemption from Criminal Liability and Punishment**

### **Article 65. Exemption from Criminal Liability Due to Active Repentance**

1. A person who committed an offence of a lesser or medium gravity for the first time, may be exempt from criminal liability, if that person, after the commission of a given offence, voluntary handed himself in to the police, or assisted in the investigation of a given crime, or otherwise compensated for the damage inflicted by his crime.

2. A person having committed an offence, except for a grave or especially grave crime against a person, may be exempt from criminal liability, if he actively contributed to the

prevention, disclosure, or investigation of crimes committed by an organized group or a criminal association (criminal organization) transnational organized group, transnational criminal community (transnational criminal organization) or a stable armed group (gang), disclosure of other co-participants in crimes committed by a given organized group or a criminal association (criminal organization), transnational organized group, transnational criminal community (transnational criminal organization) or a stable armed group (gang).

3. Provided that conditions stipulated in the first and second parts of this Article are met, a person having committed a crime of a different category may be exempt from criminal liability only in cases specified in the relevant Articles of the Special Part of the Code.

**Footnote. Article 65 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days from its first official publication).**

### **Article 66. Exemption from Criminal Liability in Case of Exceeding the Limits of Necessary Self-Defense**

A person, who exceeded the limits of necessary self-defense as a result of fear, fright, or confusion, which were caused by a socially-dangerous infringement or a sudden attack, may be exempt from criminal liability by a court subject to the circumstances of any given case.

**Footnote. Article 66 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days from its first official publication).**

### **Article 67. Exemption from Criminal Liability Due to Reconciliation**

**Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days from its first official publication) .**

1. A person who committed an offence of a lesser gravity or medium gravity for the first time, which did not cause death or grievous harm to an individual's health, shall be subject to relief from criminal liability, if that person reconciled with the victim including in a form of mediation and made good for the harm caused.

2. A person who committed a medium gravity offence may be released from criminal liability if he reconciled with the victim or the applicant including in a form of mediation and made good for the harm caused to the victim or the applicant.

3. A minor who for the first time committed a grave offence which did not cause death or serious harm to a person's health may be released from the criminal liability by a court if that person reconciled with the victim and made good for the harm caused to the victim. At the same time, compulsory education measures stipulated by Article 82 of this Code shall be applied upon a given minor.

4. If an offence harms the legally protected interests of the public and the state, a person specified in the first and the second parts of this Article may be released from criminal liability if he sincerely repents and makes amends for the harm caused to the protected interests of the public or the state.

The provisions of this Article shall not apply to persons who have committed crimes of corruption.

Footnote. Article 67 is in the wording of the Law of the Republic of Kazakhstan dated 21.12.2002 No. 363; as amended by the Laws of the Republic of Kazakhstan dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days from its first official publication); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days from its first official publication); dated 28.01.2011 No. 402-IV (shall be enforced from 05.08.2011); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days from its first official publication).

### **Article 68. Exemption from Criminal Liability Due to a Change in a Given Situation**

1. A person, who committed an offence containing elements of a crime, may be exempted from criminal liability by a court, if it is recognized that, at the time of consideration of a given case by a court, the offence committed by him ceased to be socially dangerous as a consequence of a change in a given situation.

2. A person who committed a crime of a lesser or medium gravity for the first time may be exempt by a court from criminal liability, if it is established that, by virtue of subsequent irreproachable behavior, that person by the time of consideration of a given case by a court, may not be recognized as socially dangerous.

### **Article 69. Exemption from Criminal Liability in Relation to the Expiration of a Limitation Period**

1. A person shall be exempt from criminal liability if from the day of the commission of a crime, the following periods have expired:

- a) two years from the commission of a crime of a lesser gravity;
- b) five years from the commission of a crime of a medium gravity;
- c) fifteen years from the commission of a grave crime;
- d) twenty years from the commission of an especially grave crime.

2. Limitation periods shall be calculated from the day of the commission of the offence and until the court judgment enters into legal force.

3. The running of the limitation periods shall be suspended if a person, having committed a crime, evades criminal investigation or arraignment by a court. In this case, the limitation period shall be resumed from the moment of detention of a person or his surrender to the police. In this respect, a person may not be held criminally liable if from the time of the

commission of the offence the limitation period was not interrupted and the following periods have expired:

- a) ten years from the commission of a crime of a lesser gravity;
- b) fifteen years from the commission of a crime of a medium gravity;
- c) twenty years from the commission of a grave crime;
- d) twenty five years from the commission of an especially grave crime.

4. The running of the limitation period shall be interrupted if, prior to the expiration of the periods indicated in the first part of this Article, a person, having committed a grave or especially grave crime, commits a new deliberate crime. In such cases calculation of the limitation period shall start anew from the day of the commission of that new crime. In other cases, if, prior to the expiration of the limitation period, a person commits a crime again, the limitation period in relation to each crime shall run independently.

5. A question on the application of the limitation period in relation to a person, who has committed a crime for which, under this Code, he may be sentenced to the death penalty or life imprisonment, shall be resolved by a court. If a court does not consider it is possible to exempt a person from criminal liability due to the expiration of the limitation period, then death penalty shall be commuted with life imprisonment, and life imprisonment shall be commuted with the deprivation of liberty for a period of up to twenty five years.

6. The limitation period shall not apply to persons who committed crimes against the peace and safety of humanity, terrorist crimes or especially grave crimes against the person, the constitutional order and state security, in the sphere of economic activity, against public safety and public order.

**Footnote.** Article 69 as amended by the Law of the Republic of Kazakhstan dated 08.01.2007 No. 210; dated 10.07.2009 No. 175-IV (the order of enforcement see Art.2); dated 08.04.2010 No. 266-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days from its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days from its first official publication).

## **Article 70. Release on Parole from Serving Punishment**

1. A person serving corrective labor, restriction in military service, restriction of liberty or deprivation of liberty may be released on parole to serve punishment for law-abiding behavior, conscientious attitude to work (training), and active participation in amateur organizations and in educational activities, compensation of damage caused by a crime and who does not need to fully serve his punishment. In this respect, a person may be fully or partially released from enduring any additional of punishment.

2. Persons released on parole from serving punishment in the form of imprisonment during the remainder of the unserved part of the punishment shall have obligations, specified

in Article 178-2 of the Criminal Executive Code of the Republic of Kazakhstan.

3. Release on parole may be applied only after the actual serving by a convict of the following :

a) Not less than one third of the term of a sentence for a crime of a lesser gravity or of medium gravity ;

b) Not less than a half of the term of a sentence for a grave crime;

c) Not less than two thirds of a sentence for an especially grave crime;

d) Not less than three quarters of a sentence for crimes stipulated by paragraphs c), e) of the third part and the fourth part of Article 120, by paragraphs c), d) of the third part and the fourth part of Article 121 of this Code;

e) Not less than three quarters of a term of a sentence for a crime committed by an organized group, criminal association (criminal organization), transnational organized group, transnational criminal community (transnational criminal organization) or a stable armed group (gang) .

4. A term of deprivation of liberty actually served by a convict may not be less than six months .

5. A person serving life imprisonment may be released on parole, if a court recognizes that he does not need the subsequent endurance of that punishment, and actually served not less than twenty five years of imprisonment.

6. Supervision of the behavior of a person, who was released on parole, shall be carried out by internal affairs bodies in the place of residence of the released, and in relation to military servicemen, by the commanding staff of military units and institutions.

7. If, during the remaining term of punishment is not served, a person to whom a release on parole was applied committed :

a) repeated violation of public order for which an administrative punishment was imposed upon him, or if a person maliciously evaded the execution of obligations imposed upon him by Article 178-2 Criminal Executive Code of the Republic of Kazakhstan and a court in the application of release on parole, then the court, pursuant to a proposal from the bodies indicated in the sixth part of this Article, may pass a decision to cancel the release on parole, and endurance of the remaining term of punishment is not served;

b) a crime of negligence, then the question of the cancellation or retention of release on parole shall be decided by a court when sentencing for a new offence;

c) a deliberate crime, then a court shall impose a sentence upon him in accordance with the rules stipulated by Article 60 of this Code. Under the same rules, punishment shall be imposed in case of commission of a crime of negligence, if a court cancels the release on parole .

8. Release on parole shall not apply to a person in respect of whom the death penalty was substituted with deprivation of liberty through the procedure of a pardon, to a person who committed a deliberate crime during the period of serving the punishment, to a person

sentenced for terrorist crimes as well as to a person previously released on parole.

Footnote. Article 70 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 26.03.2007 No. 240 (the order of enforcement see Art.2); dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days upon its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days from its first official publication); dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days from its first official publication).

## **Article 71. Substitution of the Unserved Part of Punishment with a More Lenient of Punishment**

1. For a person serving deprivation of liberty for a crime of a lesser gravity, medium gravity and grave crimes a court may substitute the remaining unserved part of the sentence with a more lenient of punishment. In this respect, a person may be completely or partially released from serving any additional of punishment, except for crimes stipulated by the second and the third parts of Article 122, the second and the third parts of Article 124 of this Code.

2. Unserved part of a punishment may be replaced with a more lenient of punishment after the actual serving by the convict of not less than one third of the sentence for the commission of a lesser or medium gravity crime, of a half of the sentence for grave crimes or by a person who previously had been released on parole from serving a sentence in the form of deprivation of liberty and committed new offences during the period of the remaining unserved part of the sentence.

Substitution of an unserved part of punishment with a more lenient of punishment shall not apply to persons who committed crimes as part of an organized group, criminal association (criminal organization), transnational organized group, transnational criminal community (transnational criminal organization) or a stable armed group (gang).

3. In case of a substitution of an unserved part of punishment, a court may select any more lenient of punishment in accordance with the of punishment indicated in Article 39 of this Code, within the limits stipulated by this Code for each of punishment.

4. Substitution of an unserved part of punishment with a more lenient of punishment shall not apply to persons who committed terrorist crimes.

Footnote. Article 71 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days from its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days from its first official publication); dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days from its first official publication).

## **Article 72. Postponement of Endurance of Punishment for Pregnant Women, Women Having Small Children and Men Raising Small Children Alone**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days from its first official publication) .

1. For convicted pregnant women a court may postpone the service of punishment for a period of up to one year. For convicted women having small children and men raising small children alone a court may postpone the service of punishment for a period of up to five years , but no longer than until the child reaches the age of fourteen. Postponement of service of punishment shall not apply to pregnant women, women having small children and men raising small children alone who were sentenced to deprivation of liberty for a period of more than five years for grave and especially grave crimes against a person.

2. In cases in which a convicted person referred to in the first part of this Article, renounced the child, or continues evading the raising of the child, or continues violating public order after two written warnings issued by a body which is carrying out supervision of a given convict with regard to whom the endurance of punishment was postponed, a court may, pursuant to a proposal from that body, cancel the postponement and send a given convict to the place appointed in accordance with the court's judgment for service of punishment .

3. Upon expiration of the postponement period of service of punishment or in case of death of a child, or in case of the interruption of pregnancy, a court, depending on the behavior of a convict, may release a convict from serving of the punishment, or substitute the punishment with a more lenient of punishment, or pass a decision on the sending of a given convict to the relevant institution to serve the punishment.

4. If during the period of postponement, a convict commits a new offence, a court shall sentence him in accordance with the rules stipulated by Article 60 of this Code.

Footnote. Article 72 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 09.12.2004 No. 10; dated 26.03.2007 No. 240 (the order of enforcement see Art.2); dated 10.12.2009 No. 227-IV (shall be enforced on 01.01.2010); dated 10.12.2009 No. 228-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days from its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days from its first official publication).

## **Article 73. Release from Punishment Due to an Illness**

1. A person who, after the commission of a crime, became mentally ill which deprived him of a possibility to be aware of the actual character and social danger of his actions (

omissions) or to control them, shall be exempt by a court from punishment, and such a person serving a sentence shall be exempt by a court from its further endurance. Upon such persons a court may sentence compulsory measures of a medical character stipulated by this Code.

2. A person who suffers from the other serious illness which impedes the serving of punishment may be exempt by a court from serving punishment, or that punishment may be substituted with a more lenient of punishment. In this case, the gravity of a committed crime shall be taken into consideration, as well as the personality of a given convict, the nature of his illness, and other circumstances.

3. In case of their recovery, the persons indicated in the first and second parts of this Article may be subject to criminal liability and punishment, unless the limitation period stipulated by Articles 69 and 75 of this Code expired.

4. Military servicemen sentenced to detention in a guard-house shall be exempt from punishment or its further endurance in case of an illness which makes them unsuitable for military service. An unserved part of punishment may also be substituted for them with a more lenient of punishment.

**Footnote.** Article 73 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days from its first official publication).

#### **Article 74. Release from Punishment and Postponement of Serving of Punishment Due to Extraordinary Circumstances**

1. A person convicted of a crime of a lesser gravity or of medium gravity may be released by a court from punishment if its endurance may entail especially grave consequences for a given convict or his family due to a fire or a natural disaster, serious illness, or death of the only family member capable of work, as well as due to other extraordinary circumstances.

2. For a person sentenced to deprivation of liberty for a grave or especially grave crime, except for the persons sentenced for terrorist crimes, a court may postpone the endurance of punishment for a period of up to three months provided that the grounds stipulated in the first part of this Article are satisfied.

**Footnote.** Article 74 as amended by the Law of the Republic of Kazakhstan dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days from its first official publication).

#### **Article 75. Release from Endurance of Punishment Due to the Expiration of the Limitation Period of a Judgment of Conviction**

1. A person convicted of a crime shall be released from serving the punishment if an incriminating judgment was not enforced within the following periods, counting from the day of its entry into legal force:



- a) three years in case of conviction for a crime of lesser gravity;
- b) six years in case of conviction for a crime of medium gravity;
- c) ten years in case of conviction for a grave crime;
- d) fifteen years in case of conviction for an especially grave crime.

2. The limitation period shall be suspended if a convict evades the endurance of punishment. In this case, the limitation periods shall be resumed from the moment of detention of a given person or his voluntary surrender. Limitation periods which have expired from the moment of the convict's evasion of the sentence shall be subject to an offset. In this case, a judgment of conviction may not be executed if twenty five years have expired from the moment of its rendering, and the limitation period was not interrupted by the commission of a new crime.

3. The limitation period shall be interrupted if, prior to the expiration of the periods indicated in the first part of this Article, a person commits a new deliberate crime. In such cases calculation of the limitation period shall start anew from the day of the commission of a new crime.

4. The issue of an application of the limitation period to a person sentenced to death or life imprisonment shall be decided by a court. If a court does not consider it is possible to apply the limitation period, the death penalty shall be substituted with life imprisonment, and life imprisonment shall be substituted with a period of twenty five years. The limitation periods shall not apply to persons convicted of crimes against the peace and safety of humanity, terrorist crimes as well as especially grave crimes against person, the constitutional order and the state security, in the sphere of economic activity, against public safety and the public order.

**Footnote. Article 75 as amended by the Laws of the Republic of Kazakhstan dated 08.04.2010 No. 266-IV (the order of enforcement see Art.2); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days from its first official publication).**

## **Article 76. Exemption from Criminal Liability 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 with regard to persons not individually defined.

2. On the basis of an act of amnesty, persons having committed crimes may be exempt from criminal liability. Persons convicted for the commission of a crime may be either exempt from punishment, or punishment imposed upon them may be reduced or substituted for a more lenient of punishment, or such persons may be exempt from an additional of punishment. An act of amnesty may remove a conviction of persons who have served punishment or who are released from its further endurance.

An act of amnesty shall not be applied to persons who have committed grave or especially

grave crimes as well as those who have been punished for dangerous and especially dangerous crime recidivism.

3. An act of pardon of an individually defined person, with regard to whom a judgment of conviction came into legal force, as well as a person serving or who has served in the territory of the Republic of Kazakhstan a sentence imposed by a court of a foreign state, shall be issued by the President of the Republic of Kazakhstan.

4. In case of a pardon, a person having been sentenced for a crime may be exempt from further endurance of punishment, or punishment imposed upon him may be reduced or substituted for a more lenient of punishment or a given person may be exempt from additional of punishment. An act of pardon may remove sentence for a person having served his punishment or having been released from its further endurance.

**Footnote. Article 76 as amended by the Laws of the Republic of Kazakhstan dated 08.01.2007 No. 210; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days from its first official publication).**

## **Article 77. A Conviction**

1. A person convicted for the commission of a crime shall be considered convicted from the day the judgment of the court enters into legal force until the moment of exculpation or removal of a conviction. In accordance with this Code, a conviction shall be taken into consideration in case of crime recidivism and when imposing a sentence.

2. A person exempt from punishment shall be recognized as not having a conviction.

3. A conviction shall be exculpated in the following circumstances:

a) In relation to persons sentenced to a suspended sentence, upon the expiration of their probationary period;

b) In relation to military servicemen who served punishment in the form of restriction of military service, or detention in a guard-house, upon the actual endurance of punishment;

c) In relation to persons sentenced to more lenients of punishment than deprivation of liberty, upon the expiration of one year after the endurance of punishment;

d) In relation to persons sentenced to deprivation of liberty for a crime of a lesser or medium gravity, upon the expiration of three years after the endurance of punishment;

e) In relation to persons sentenced to deprivation of liberty for grave crimes, upon the expiration of six years after the endurance of punishment;

f) In relation to persons sentenced for especially grave crimes, upon the expiration of eight years after the endurance of punishment.

4. If, in accordance with the procedure established by law, a convict was exempt from the endurance of punishment or an unserved part was substituted for a more lenient of punishment, then the period of exculpation of a conviction shall be calculated based on the actually served term of punishment from the moment of release from the endurance of the

main and additional of punishment.

4-1. If, in addition to the main sentence a person was sentenced by a court to an additional of punishment, then the period of exculpation of a conviction shall be calculated from the moment of endurance of the main and additional of punishment.

4-2. In case of a conviction of a person for cumulative crimes or cumulative sentences for crimes relating to different degrees of gravity, the convictions shall be exculpated for every crime independently, in this respect the period of exculpation shall be calculated from the moment of endurance of punishments for cumulative crimes or cumulative sentences.

5. If a convict after the endurance of punishment behaved without reproach, then, pursuant to his petition, a court may remove a conviction from him prior to the expiration of the period for its exculpation.

This provision shall not apply to persons sentenced to imprisonment for grave or especially grave crimes and who have been sentenced for dangerous or especially dangerous r e c i d i v i s m .

6. If, prior to the expiration of the term of exculpation of his conviction, a given convict committed a new offence, then the period after which a given conviction is to be exculpated, shall be interrupted. A period of exculpation of a conviction under the first crime shall be calculated anew after the actual endurance of the main and additional punishment for the last crime. In these cases a person shall be considered convicted of both crimes prior to the expiration of the period for exculpation of a conviction for the gravest of the crimes.

7. Exculpation or removal of a conviction shall cancel all legal consequences associated with a conviction.

*Footnote. Article 77 as amended by the Laws of the Republic of Kazakhstan dated 08.01.2007 No. 210; dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days upon its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).*

## **Section VI. Criminal Liability of Minors**

### **Article 78. Criminal Liability of Minors**

1. Minors, to whom the provisions of this Section apply, shall be considered as persons who, by the time of the commission of a crime, reached fourteen years of age, but did not reach eighteen years of age.

2. Minors having committed crimes may be sentenced to banishment, or compulsory

educational measures may be applied to them.

Footnote. Article 78 as amended by the Law of the Republic of Kazakhstan dated 05.05.2000 No. 47

## Article 79.s of Punishment Imposed upon Minors

1.s of punishment imposed upon minors shall be as follows:

- a ) A f i n e ;
- b) Deprivation of the right to engage in certain activity;
- c) Engagement in community service;
- d) C o r r e c t i v e l a b o r ;
- d-1) R e s t r i c t i o n o f l i b e r t y ;
- e ) ( I s e x c l u d e d )
- f) D e p r i v a t i o n o f l i b e r t y .

2. A fine shall be imposed only on the condition that a minor convict has an independent salary or property against which a claim may be brought. A fine shall be imposed in an amount between ten and five hundred monthly calculation indices.

3. Deprivation of the right to engage in certain activities shall be imposed upon minors for a period of one year up to two years.

4. Engagement in community service shall be imposed for a period from forty up to one hundred and sixty hours, and it shall consist of the performance of work which is within the powers of a given minor, and it shall be performed by him during the time he has free from studies or his main job. The duration of this of punishment for persons under sixteen years of age may not exceed two hours a day, and in relation to persons from sixteen to eighteen years of age - three hours a day.

5. Corrective labor shall be imposed upon convicted minors who reached sixteen years of age from the moment of passing a judgment by a court, for a period of up to one year.

5-1. Restriction of liberty shall be imposed on minors for a period from one year to two years .

6 . ( i s e x c l u d e d )

7. Deprivation of liberty of a minor may be imposed for a period not more than ten years and for a murder with aggravating circumstances or based on a combination of crimes, where one is a murder with aggravating circumstances - for a period of twelve years. Deprivation of liberty shall not be imposed on minors who committed a crime of lesser gravity or for the first time committed crimes of medium gravity.

8. Deprivation of liberty shall be served by convicted minors as follows:

- a) By male minors, convicted for the first time and sentenced to deprivation of liberty, as well as by female minors, in educational settlements of a general regime;
- b) By male minors who earlier served deprivation of liberty, in educational settlements of

a r e i n f o r c e d r e g i m e .

9. Depending on the nature and degree of a social danger, the personality of a given convict, and other circumstances of a given case, a court, with an indication of the reasons for an adopted judgment, may sentence a convicted male minor to deprivation of liberty in an educational colony of a general regime.

10. A court may issue an instruction to the body which executes punishment, when dealing with a given convicted minor, to take into account certain characteristics of his personality .

**Footnote.** Article 79 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 21.12.2004 No. 363; dated 09.12.2004 No. 10; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 80. Sentencing Punishment upon a Minor**

1. When imposing a sentence upon a minor, aside from circumstances stipulated by Article 52 of this Code, his personal and educational circumstances shall be taken into consideration, along with the level of his mental development, and other special characteristics of his personality, as well as any influence upon him of persons older than him .

2. The age of a minor shall be taken into consideration as a mitigating circumstance together with other mitigating and aggravating circumstances.

### **Article 81. Release of Minors from a Criminal Responsibility and a Punishment**

1. A minor who committed a crime of a lesser gravity or committed a crime of a medium gravity for the first time may be released by the court from criminal responsibility if it is established that his correction is possible without criminal prosecution. In this case, he may have to comply with compulsory measures of educational influence stipulated by Article 82 of t h i s C o d e .

2. A minor convicted of a crime of a lesser or medium gravity for the first time may be released by the court from the punishment if it is recognized that his correction can be achieved by application of compulsory measures of educational influence stipulated by Article 82 of t h i s C o d e .

3. A minor convicted of a grave crime not associated with causing death or serious harm to human health for the first time may be released by the court from the punishment in cases stipulated by the third part of Article 67 of this Code.

**Footnote.** Article 81 is in the wording of the Law of the Republic of Kazakhstan dated 09.12.2004 No. 10; as amended by the Law of the Republic of Kazakhstan dated 23.11.2010

No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 82. Compulsory Measures of Educational Character**

1. A court may impose upon a minor the following compulsory measures of educational character :

- a ) W a r n i n g ;
- b) Transfer under supervision of parents or persons substituting for them, or the supervision of a specialist state body;
- c) Imposition of an obligation to make amends for the damage inflicted;
- d) Restriction of leisure and imposition of other requirements on the behavior of a minor;
- e) Placement in a special educational institution;
- f) Imposition of obligations to offer an apology to the victim.

2. Several compulsory measures of an educational character may be imposed upon a minor simultaneously.

Footnote. Article 82 as amended by the Law of the Republic of Kazakhstan dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 83. The Content and terms of Compulsory Measures of Educational Character**

Footnote. Title of Article 83 is in the wording of the Law of the Republic of Kazakhstan dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

1. A warning shall consist of an explanation to a minor of the damage inflicted by his offence, and the consequences of repeated commission of crimes stipulated by this Code.

2. Transfer under supervision shall consist of the imposition upon parents or persons substituting for them, or upon a specialized state body, of an obligation to have an educational influence on a minor and supervision of his behavior.

3. An obligation to make up for the inflicted damage shall be imposed subject to the property status of a given minor and his possession of the relevant work skills.

4. Restriction of leisure and establishment of special requirements upon the behavior of a minor may include a prohibition on visiting certain places, on the use of certain forms of leisure, including those associated with operating a mechanical transportation vehicle, as well as a restriction on staying outside the home after a certain time of day, and exit to other locations without the permission of the specialized state body. A minor may also be subject to requirement to return to an educational institution, to continue or finish education, or to find a job with the help of the specialized state body. This list is not comprehensive.

5. Placement in a special educational institution for a period between six months and up to

two years may be imposed by a court upon a minor who committed a deliberate crime of medium gravity or a grave crime. Staying in the said institutions may be terminated ahead of time due to the reaching by a person of the age of majority, as well as if, on the basis of a report from the specialized state body providing the correction, a court comes to the conclusion that a given minor does not need the application of this measure for his rehabilitation.

6. Extension of the stay in a special educational institution for minors after the expiration of a period stipulated by the fifth part of this Article shall be permitted only if it is necessary for a given minor to complete secondary education or professional training, but not longer than until he reaches the age of majority.

7. The procedure and conditions of staying of minors in special educational institutions shall be defined by the legislation of the Republic of Kazakhstan.

8. A minor shall give his personal apology to the victim for inflicting harm.

9. The period of compulsory measures of educational character stipulated by paragraphs b) and d) of the first part of Article 82 of this Code shall be imposed for a period of six months up to one year for commission of a crime of lesser gravity, from one year up to two years - for commission of a crime of medium gravity and from two up to three years - for commission of a grave crime.

10. In the event of the minor's systematic failure to fulfill compulsory measures of educational character, the measure, upon the petition of the specialized state body, shall be cancelled by a court and the material shall be sent to criminal prosecutors unless the expiration of the limitation period established by the first part of Article 69 of this Code applies.

**Footnote. Article 83 as amended by the Law of the Republic of Kazakhstan dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 84. Release on Parole of Minors from Serving Punishment**

Release on parole may be granted to persons sentenced to deprivation of liberty, limitation of liberty or corrective labor for the commission of a crime at a minor age after having served the following:

- a) Not less than one fourth of the term of punishment imposed by a court for a crime of lesser or medium gravity;
- b) Not less than one third of the term of punishment imposed by a court for a grave crime;
- c) Not less than half of the term imposed by a court for an especially grave crime not connected with the making an attempt on the life of a human;
- d) Not less than two thirds of the punishment imposed by the court for an especially grave crime relating to an attempt on a person's life.

Footnote. Article 84 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10; dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 85. Limitation Periods**

In case of exemption of minors from criminal liability or endurance of punishment, limitation periods stipulated by Articles 69 and 75 of this Code shall be reduced by half.

## **Article 86. Period of Exculpation of a Conviction**

For persons having committed a crime before reaching the age of eighteen, the periods of exculpation of a conviction stipulated by Article 77 of this Code shall be reduced, and shall be equal respectively to the following:

- a) four months after the endurance of more lenients of punishment than deprivation of liberty ;
- b) one year after the endurance of deprivation of liberty for a crime of lesser or medium gravity ;
- c) three years after the endurance of deprivation of liberty for a grave or especially grave crime.

## **Article 87. Application of the Provisions of the This Section to Persons Aged from Eighteen to Twenty One Years**

Footnote. Title of Article 87 is in the wording of the Law of the Republic of Kazakhstan dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

In exceptional cases, subject to the nature of a committed offence and the personality of a convict, a court may apply the provisions of this section to persons having committed a crime at an age from eighteen to twenty one years, except placing them in a special educational institution .

Footnote. Article 87 as amended by the Law of the Republic of Kazakhstan dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Section VII. Compulsory Measures of Medical Character**

### **Article 88. The Grounds for Applying Compulsory Measures of Medical Character**



1. Compulsory measures of medical character may be imposed by a court on the following persons:

- a) Those who in a state of insanity committed offences stipulated by the articles of the Special Part of this Code;
- b) Those who after the commission of a crime, developed a mental disorder which made it impossible to sentence them or for them to endure punishment;
- c) Those who committed a crime and suffer from mental disorders, but have not been found to be insane;
- d) Those who committed a crime and are recognized as needing treatment for alcoholism or drug addiction, or addiction to toxic chemicals.

2. For persons indicated in the first part of this Article, compulsory measures of a medical character shall be imposed only in cases in which mental disorders are associated with a possibility of causing by those persons other considerable damage, or to be a danger to themselves or other persons.

3. The procedure for execution of compulsory measures of a medical nature shall be defined by the Criminal Executor Code and the legislation of the Republic of Kazakhstan on health protection.

4. In relation to the persons indicated in the first part of this Article and who do not present a danger in their mental state, a court may transfer necessary materials to health protection bodies for resolving the issue of treatment of those persons, or their transfer to psycho-neurological institutions, through the procedure stipulated by the legislation of the Republic of Kazakhstan on health protection.

**Footnote. Article 88 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 89. The Rationale for Applying Compulsory Measures of a Medical Character**

Treatment of persons indicated in the first part of Article 88 of this Code, or improvement of their mental state, is the rationale behind the application of compulsory measures of a medical character, as well as the prevention of the commission by them of further offences stipulated by the articles of the Special Part of the this Code.

## **Article 90.s of Compulsory Measures of Medical Character**

1. A court may establish the followings of compulsory measures of medical character:
  - a) Outpatient compulsory observation and treatment by a psychiatrist;
  - b) Compulsory treatment in a psychiatric inpatient hospital of a general;
  - c) Compulsory treatment in a psychiatric inpatient hospital of a specialized;
  - d) Compulsory treatment in a psychiatric inpatient hospital of a specialized with intensive

o b s e r v a t i o n .

2. For persons convicted for crimes committed in a state of sanity, but who need treatment of alcoholism, drug addiction (addition to toxic chemicals), or treatment of mental disorders not excluding sanity, a court, along with punishment, may establish compulsory measures of a medical charactering the form of outpatient compulsory observation and treatment by a psychiatrist.

### **Article 91. Outpatient Compulsory Observation and Treatment by a Psychiatrist**

Outpatient compulsory observation and treatment by a psychiatrist may be imposed upon the existence of the grounds stipulated by Article 88 of this Code, if a person due to his mental state, does not need placement in an inpatient psychiatric hospital.

### **Article 92. Compulsory Treatment in an Inpatient Psychiatric Hospital**

1. Compulsory treatment in an inpatient psychiatric hospital may be imposed upon the existence of the grounds stipulated by Article 88 of this Code, if the nature of a person's mental disorder requires such conditions of treatment, care, maintenance, and observation, which may be carried out only in an inpatient psychiatric hospital.

2. Compulsory treatment in an inpatient psychiatric hospital of a general may be imposed upon a person who, due to his mental state, and the nature of the committed offence which was dangerous to society, needs inpatient hospital treatment and observation, but does not need intensive observation.

3. Compulsory treatment in an inpatient psychiatric hospital of a specialized may be imposed upon a person who, due to his mental state and the nature of the committed offence which was dangerous to society, needs permanent observation.

4. Compulsory treatment in an inpatient psychiatric hospital of a specialized with intensive observation may be imposed upon a person who, due to his mental state and the character of the committed offence which was dangerous to society, presents a special danger to himself or other persons, and requires permanent and intensive observation.

### **Article 93. Extension, Change, and Termination of the Application of Compulsory Measures of Medical Character**

1. Extension, change, or termination of the application of compulsory measures of medical character shall be carried out by a court, pursuant to a proposal from the administration of a given institution carrying out compulsory treatment, on the basis of a report of a commission of psychiatrists.

2. A person upon whom a compulsory measure of medical character is imposed shall be subject to assessment by a commission of psychiatrists not less frequently than once every six

months in order to decide on whether there are grounds to submit a proposal to a court to terminate or change of such a measure. In the absence of any grounds for the termination of the application, or the changing of a compulsory measure of medical character, the administration of a given institution carrying out compulsory treatment shall submit to a court a report on the extension of compulsory treatment. The first extension of compulsory treatment may be carried out upon the expiration of six months from the moment of the beginning of treatment, and a subsequent extension of compulsory treatment shall be carried out annually.

3. Changing or terminating a compulsory measure of a medical nature shall be carried out by a court in case there is such a change in the mental state of a given person, that the need no longer exists to apply the earlier imposed measure, or the need arises from the application of another compulsory measure of medical character.

4. In case of termination of the application of compulsory treatment in an inpatient psychiatric hospital, a court may transfer the necessary materials with regard to a person who was undergoing compulsory treatment to the health protection bodies in order to decide the issue of his treatment or transfer to a psycho-neurological institution in accordance with the procedure stipulated by the legislation of the Republic of Kazakhstan on health protection.

**Footnote. Article 93 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 94. Sentencing after the Application of Compulsory Measures of Medical Character**

1. A person who, after the commission of a crime or during the serving of punishment, fell ill with a mental disorder which deprived him of the capability to be aware of his actions or to control them, may be sentenced by a court after the end of his treatment if the limitation periods did not expire, or if there are no grounds for him to be exempt from criminal liability and punishment.

2. In case a person who fell ill with a mental disorder recovers after the commission of a crime, when sentencing him or resuming the running of the sentence, the time during which compulsory treatment in an inpatient psychiatric hospital was applied to a given person shall be offset from the term of punishment on the basis of one day of staying in an inpatient psychiatric hospital for one day of deprivation of liberty.

## **Article 95. Compulsory Measures of Medical Character Combined with the Endurance of Punishment**

1. In cases stipulated by paragraph c) of the first part of Article 88 of the Code, compulsory measures of medical character shall take place in the place of imprisonment, and

with regard to those sentenced to others of punishment, in the institutions of the health protection bodies which render outpatient psychiatric assistance.

1-1. In cases stipulated by paragraph c) of the first part of Article 88 of the Code, compulsory measures of medical character shall take place in the place of imprisonment, and in relation to those sentenced to others of punishment, in the institutions of the health protection bodies.

2. In case of a change in the mental state of a convict which requires inpatient treatment, the placement of a given convict to an inpatient psychiatric hospital or other medical institution shall be carried out through the procedure and on the bases stipulated by the legislation of the Republic of Kazakhstan on health protection.

3. The time spent in said institutions shall be offset from the term of punishment. In case it is unnecessary to further treat a convict in said institutions, release from them shall be carried out in accordance with the procedure stipulated by the legislation of the Republic of Kazakhstan on health protection.

4. Termination of the application of a compulsory measure of medical character combined with the endurance of punishment shall be carried out by a court, pursuant to a proposal from the body executing punishment, on the basis of a report from a commission of psychiatrists.

**Footnote. Article 95 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **SPECIAL PART**

### **Chapter 1. Offences against the person**

#### **Article 96. Murder**

1. Murder, as the illegal intentional homicide of a person is punishable by deprivation of liberty for a period from 6 up to 15 years.

2. Murder:

a) of 2 or more persons;

b) of a person or his relatives in the course of that person's employment or the performance of a professional or a social duty;

c) of a person who known to the convict was in a vulnerable state of mind, equally inherent with kidnapping;

d) of a woman who known to the convict was pregnant;

e) committed with particular cruelty;

f) committed in a manner, endangering the lives of many people;

g) committed by a group of persons, a group of persons who conspired together or by an organized group;

h) committed with mercenary motives, equally with assassination either connected with a robbery with extreme violence, blackmailing offences or banditry;

i) committed with hooligan motives;

m) committed with a purpose to conceal another crime or in order to appease the commitment, equally connected with rape or sexual harassment;

n) with a motive of a social, national, racial, religious hatred, either evil will, or with blood vengeance;

o) committed with a purpose to use organs or tissues of an injured person;

p) committed more than once;

q) against a minor,

is punished by the deprivation of liberty for a period from 10 to 20 years with confiscation of property or without it, or with life imprisonment, with confiscation of property or without it.

**Footnote.** Article 96 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 10.07.2009 No. 175-IV (the order of enforcement see Art.2); dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010); dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 97. The Killing by a mother of her newborn child**

The Killing by a mother of her newborn child both during the childbirth and during the subsequent period, committed in the circumstances of a psycho-traumatic situation or in a state of a mental insanity, not excluding criminal sanity is punished with the restraint of liberty for a period up to 4 years or with the deprivation of liberty for the same period of time.

## **Article 98. Crime of Passion**

1. Murder committed in a state of a strong sudden mental disturbance (temporary insanity), caused by an act of force, mockery, either by a great insult or other malpractice and immoral actions (omissions) of an injured person, equally lasting psycho-traumatic situation, as a result of the systematic, illegal and immoral behavior of an injured person is punished with the restraint of liberty for a period of 3 years or with the deprivation of liberty for a period of 3 years.

2. Mass-killing of two or more persons, committed in the circumstances specified in the first part of the present article is punished with the deprivation of liberty for a period up to 5 years.

Footnote. Article 98 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 99. Homicide as a result of exceeding limits of necessary Self-Defense**

Homicide as a result of exceeding limits of necessary self-defense is punished with the restraint of liberty for a period of 2 years or with the deprivation of liberty for the same period of time.

### **Article 100. Homicide committed in excess of the measures needed for the Detention of a Person who has committed a Crime**

Homicide committed as a result of exceeding the measures needed for the detention of a person who has committed a crime is punished with the restraint of liberty for a period up to 3 years or with the deprivation of liberty for the same period of time.

### **Article 101. Causing Death by Negligence**

Causing death by negligence:

1. Is punished with the restraint of liberty for a period of 3 years or with the deprivation of liberty for the same period of time.
2. Causing death by Negligence to 2 or more persons is punished with the restraint of liberty for a period up to 5 years or with the deprivation of liberty for the same period of time.

### **Article 102. The Incitement to Suicide**

1. Incitement to Suicide or an attempt to commit suicide by means of intimidation, abusive treatment or a systematic abasement of human dignity of an injured person is punished with the restraint of liberty for a period up to 3 years or with the deprivation of liberty for the same period of time
2. The same deed committed with regard to a person, who was either in material or other dependence on a guilty party is punished with the restraint of liberty for a period up to 5 years or with the deprivation of liberty for the same period of time

### **Article 103. Deliberate Infliction of serious harm to health**

1. A deliberate infliction of serious harm to health, dangerous for the life of a person that results in a loss of vision, speech, sense of hearing, any other organs or the functional loss of an organ, or causing indelible facial disfiguration, other bodily injury, dangerous for a life or causing an impairment of health, connected with the considerable persistent loss of general

occupational capacity of no less than one third or consciously committed by a liable person's total loss of occupational capacity, or an interruption of pregnancy, mental insanity, drug-addiction or toxic mania is punished with the restraint of liberty for a period from 3 up to 7 years or with the deprivation of liberty for the same period of time

2. If the same offence is committed:

- a) in relation to 2 or more persons;
- b) in relation to a person or his relatives owing to the implementation of that person's employment activity or the performance of professional or a social duty;
- c) in relation to a person in a helpless state known to a liable party, equally applicable to kidnapping or hostage taking;
- d) with a particular cruelty;
- e) by a group of persons with pre-planning or by an organized group;
- f) in terms of a hire;
- g) with hooligan motives;
- h) with a motive of a social, national, racial, religious hatred, either evil will, or with blood vengeance;
- i) with an intention to use organs or tissues of an injured person;
- j) more than once;
- k) on a minor,

it is punished with the deprivation of liberty for a period from 4 up to 8 years.

3. The offences stipulated by the first and second parts of the present article, negligently causing death of an injured person are punished with the deprivation of liberty for a period from 5 up to 10 years.

**Footnote.** Article 103 as amended by the Laws of the Republic of Kazakhstan dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010); dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 104. An Intended infliction of medium gravity harm to health**

1 Intentional infliction of medium gravity harm to health specified in article 103 of this Code that is not dangerous to the life of a person without entailing consequences, but caused a lasting impairment of health or considerable persistent loss of general occupational capacity of no less than one third, is punished with the restraint of liberty for a period up to 3 years or with the deprivation of liberty for a period up to 2 years.

2. If the same offence is committed:

- a) against 2 or more persons;

- b) against a person or his relatives in the course of that person's employment activity or the performance of professional or a social duty;
- c) with particular cruelty, against a person who, known to the guilty party, was in a vulnerable mental state;
- d) by an organized group;
- e) with hooligan motives;
- f) with a motive of a social, national, racial, religious hatred, either evil will, or with blood vengeance;
- g) more than once;
- h) against a minor is punishable with the restraint of liberty for a period up to 3 years or with the deprivation of liberty for the same period of time.

**Footnote.** Article 104 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10; dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010); dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 105. An Intended infliction of light gravity harm to health**

**Footnote.** Article 105 is excluded by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 106. Is excluded by the Law of the Republic of Kazakhstan dated 09.12.2004 No. 10**

### **Article 107. Torture**

1. Infliction of physical and mental suffering by means of systematic harassment or other violent actions, if it didn't entail consequences stipulated by the articles 103 and 104 of this Code, is punishable by a fine ranging from 50 to 100 monthly calculation indices or with the restraint of liberty for a period up to 2 years, or with corrective labor for a period up to 2 years, or with deprivation of liberty for the same period of time.

2. If the same offence is committed:

- a) against a juvenile person or a person who, known to the guilty party, was in a vulnerable mental state, or who was either in material or other dependence on the liable party, equal to a person kidnapped or taken hostage;
- b) against 2 or more persons;
- c) against a woman who known to the guilty party was pregnant;



d) with investigative torture;  
e) in terms of a hire;  
f) with a motive of a social, national, racial, religious hatred, either evil will, or with blood vengeance is punishable with restraint of liberty for a period of 5 years or with deprivation of liberty for a period from 3 up to 7 years.

Footnote. Article 107 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 108. The Infliction of harm to health in the heat of passion**

A deliberate infliction of serious harm to health, committed in a state of strong sudden mental disturbance (temporary insanity), provoked by violence, mockery, by a great insult or other malpractice and immoral actions (or omissions) of an injured person, equally lasting psycho-traumatic situation, emerged as a result of the Illegal and immoral behavior of an injured person is punishable by a fine ranging from 100 to 200 monthly calculation indices or, or with the corrective labor for a period of up to 2 years, or with the restraint of liberty for a period up to 2 years.

Footnote. Article 108 is in the wording of the Law of the Republic of Kazakhstan dated 09.12.2004 No. 10; as amended by the Law dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 109. The Infliction of serious harm to health when exceeding the limits of necessary defense**

The Infliction of serious harm to health when exceeding the limits of necessary defense is punished with the deprivation of liberty for a period up to 1 year or with the deprivation of liberty for the same period of time.

### **Article 110. The Infliction of serious harm to health when detaining a person who has committed a crime**

The infliction of serious harm to health when detaining a person, who has committed a crime, is punishable with the restriction of liberty for a period up to 2 years or with the deprivation of liberty for the same period of time.

### **Article 111. Incautious infliction of harm to health**

1. Incautious Infliction of harm to health is punishable by a fine ranging from 100 to 200 monthly calculation indices, or by community service for a period from 180 to 240 hours, or with the restraint of liberty for a period up to 2 years.

2. Incautious infliction of harm to health to 2 or more persons is punishable with the restraint of liberty for a period up to 4 years or with the deprivation of liberty for a period up to 2 years .  
3 . ( I s e x c l u d e d )

4. Incautious infliction of medium gravity harm to health to 2 or more persons is punishable by a fine ranging from 50 to 200 monthly calculation indices, or by community service for a period from 100 to 200 hours, or with the restraint of liberty for a period up to 2 years .

Footnote. Article 111 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 09.12.2004 No. 10; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 112. Threats**

Threats to kill or inflict serious harm to health, or another grave violence against a person or to damage property by arson, explosion, or by any other dangerous method giving reasonable grounds to fear that this threat would be carried out, is punishable by a fine ranging from 100 to 200 monthly calculation indices or with the restraint of liberty for a period up to 2 years .

Footnote. Article 112 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 113. To force another to remove or the illegal removal of human organs and tissue**

1. To force another to remove or the illegal removal of human organs and tissue for transplantation or any other use, and equally a commission on the illegal transactions relating to human organs and tissue are punishable by deprivation of liberty for a period up to 5 years with the deprivation of the right to hold specific posts or to practice a specific profession for a period up to 3 years or without it.

2. The same offences, if committed:

- a) against a person who the guilty party knew was in a vulnerable state;
- b) against a minor;
- c) against 2 or more persons;
- d) by a group of persons with pre-planning or an organized group;
- e) more than once;
- f) with the use of weapons or items used as weapons;

g) in relation to a woman who the guilty party knew was pregnant;  
h) by false pretenses or abuse of trust;  
i) exploiting his official position;  
j) exploiting the material or other dependence of an injured person are punished with the deprivation of liberty for a period from five to seven years, with the deprivation of right to hold specific posts or to practice a specific activity for a period up to three years or without it.

3. The offences specified in the first or the second parts of the present article which as a result of negligence caused death of an injured person or other grave consequences are punished with the deprivation of liberty for a period from seven to ten years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

**Footnote. Article 113 is in the wording of the Law of the Republic of Kazakhstan dated March 2, 2006 No. 131.**

#### **Article 114. Poor performance of professional duties by medical and pharmaceutical workers**

1. Poor performance of professional duties by medical and pharmaceutical workers as a consequence of negligent and unconscientiously attitude to it, if that action resulted in infliction of medium gravity harm to a person's health is punished by a fine ranging from one hundred to two hundred monthly calculation indices or with the deprivation of right to hold specific posts or to practice a specific activity for a period up to two years, or with the restraint of liberty for a period up to one year.

2. The same offence, that resulted in the infliction of serious harm to health is punished by a fine ranging from two hundred to five hundred monthly calculation indices or with the restraint of liberty for a period up to two years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

3. The offences specified by the first or the second parts of the present article, committed by an office holder are punished by a fine ranging from three hundred to one thousand monthly calculation indices or with the restraint of liberty for a period up to three years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

4. The offences specified by the first or the second parts of the present article that resulted in death of a person are punished with the restraint of liberty for a period up to two years with the deprivation of liberty for the same period of time with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

5. The Offences specified by the fourth part of the present article, committed by an office holder are punished with the restraint of liberty for a period up to three years or with the deprivation of liberty for the same period of time with a fine ranging from fifty to two

hundred monthly calculation indices with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

Footnote. Article 114 is in the wording of the Law of the Republic of Kazakhstan dated 07.07.2006 No. 171 (the order of enforcement see Art. 2); as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 114-1. Breach of order of clinical experimentation and application of methods and preventive means, diagnostics, treatment and medical rehabilitation**

Footnote. Title of Article 114-1 as amended by the Law of the Republic of Kazakhstan dated 16.07.2009 No. 186-IV.

1. Breach of order of clinical experimentation and application of methods and preventive means, diagnostics, treatment and medical rehabilitation by a medical worker is punished by a fine ranging from three hundred to one thousand monthly calculation indices or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same period of time with the deprivation of right to hold specific posts or to practice a specific activity for a period up to three years.

2. The same offence, committed by an office holder is punished with a restraint of liberty for a period up to three years or with the deprivation of liberty for the same period with a fine ranging from fifty to two hundred monthly calculation indices with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

Footnote. The Chapter is supplemented by Article 114-1 by the Law of the Republic of Kazakhstan dated 07.07.2006 No. 171 (the order of enforcement see Art. 2); as amended by the Laws of the Republic of Kazakhstan dated 16.07.2009 No. 186-IV; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 115. Infection with venereal diseases**

Infection of another person with a venereal disease that resulted in grave consequences or infection of two or more persons or an obviously juvenile by a person that knew he had the disease are punished by a fine ranging from five hundred to one thousand monthly calculation indices or with the deprivation of liberty for a term of up to two years.

Footnote. Article 115 is in the wording of the Law of the Republic of Kazakhstan dated 09.12.2004 No. 10; as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 116. Infection with Human Immunodeficiency Virus (HIV/AIDS)**

1. Putting another person in danger of infection with HIV/AIDS by a person who knew that he himself had such disease is punishable by a fine ranging from one hundred to two hundred monthly calculation indices or with deprivation of liberty for a period of up to three years.

2. Infection of another person with HIV/AIDS by a person that knew that he had such disease is punishable with deprivation of liberty for a period up to five years.

3. The offence, specified by the second part of the present Article, committed with regard to two or more persons, or with regard to an obviously minor is punishable by deprivation of liberty for a term of four to eight years.

4. Infection of another person with HIV/AIDS as a consequence of improper discharge of his professional duties by a medical worker or by a worker of domestic services organization or other public services shall be punishable by deprivation of liberty for a period of up to five years with deprivation of the right to hold specific offices or engage in specific activities for a period of up to three years.

**Footnote.** Article 116 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 117. Illegal Performance of an Abortion**

1. Performance of abortions by a person who lacks higher medical education of an appropriate specialization shall be punishable by a fine in the amount of up to five hundred monthly calculation indices or by corrective labor for a term of up to two years, or with the deprivation of liberty for the same period.

2. Illegal performance of an abortion by a person, that has a higher medical education in the appropriate field is punishable by a fine in the amount up to five hundred monthly calculation indices or by corrective labor for a period of up to two years, or with the deprivation of liberty for the same period with the deprivation of the right to hold specified offices or to engage in specified activities for a period of up to three years.

3. Performance of an abortion by a person lacking higher medical education in the appropriate field or illegal performance of an abortion by a person, that has higher medical education in the appropriate field, committed repeatedly is punishable by deprivation of liberty for a term of up to three years or with the deprivation of liberty for the same period with a possible deprivation of the right to hold specified offices or to engage in specified activities for the same term.

4. Illegal performance of an abortion that resulted in death or serious injuries is

punishable with the deprivation of liberty for a term of up to seven years with a possible deprivation of the right to hold specific offices or to engage in specific activities for a term of up to three years.

Footnote. Article 117 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 118. Failure to Render Aid to a Sick Person**

1. Failure to render aid to a sick person without valid reasons, by a person who is duty-bound to render it in keeping with the law or with special rules, if this has entailed by negligence the infliction of injury of average gravity to the health of the sick person, shall be punishable by a fine in the amount of fifty to one hundred monthly calculation indices or with corrective labor for a term of up to one year, or with a deprivation of liberty for a term up to three years with a possible deprivation of the right to hold specific offices or to engage in specific activities.

2. The same act, if it has involved, through negligence, the death of the sick person or the infliction of grave injury to his health, shall be punishable by the restraint of liberty for a period of up to five years or with deprivation of liberty for the same period with deprivation of the right deprivation of the right to hold specific offices or to engage in specific activities for a term of up to three years.

Footnote. Article 118 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 119. Abandoning to Danger**

1. Deliberate abandoning without aid of person who is in a state of danger to human life or health, and who is deprived of the possibility of taking measures towards self-preservation because of his young age, old age, sickness, or in consequence of his helplessness, in cases where the convicted person had the possibility of rendering aid to this person and was obliged to take care of him, or who has put him in the state of danger to life and health, shall be punishable by a fine in the amount of fifty to one hundred monthly calculation indices or with compulsory community service for a term of one hundred to one hundred and eighty hours, or corrective labor for a term of up to one year.

2. The same offence that negligence resulted in death of a person, abandoned without

assistance, or other grave consequences shall be punishable by a fine ranging from five hundred to one thousand monthly calculation indices or with the restraint of freedom for a period up to three years, or with the deprivation of liberty for the same period.

**Footnote. Article 119 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 120. Rape**

1. Rape, that is an act of sexual intercourse by means of violence, threats or taking advantage of the state of helplessness of a female victim, shall be punished by deprivation of liberty for a term of three to five years.

a) committed by a group of persons, a group of persons under a preliminary conspiracy, or an organized group;

b) connected with the threat of murder or the infliction of grave injury, or committed with especial cruelty towards the victim or to other persons;

c) entailing the infection of the victim with a venereal disease;

d) committed repeatedly

shall be punished with deprivation of liberty for a term of five to ten years.

3. Rape:

a) entailing, by negligence, the death of the victim;

b) entailing, by negligence, the infliction of grave injury to the victim, the infection of the victim with HIV, or other grave consequences;

c) of a victim who is obviously juvenile;

d) committed in the circumstances of public disaster or during of mass disorders;

e) committed with regard to a minor by a parent, teacher or another person, who is responsible for his upbringing by law, shall be punishable by deprivation of liberty for a term of eight to 15 years, and in cases, specified by item d), from eight to fifteen years with deprivation of the right to hold specific offices or to engage in specific activities for a term of ten to twenty years.

4. The Acts, specified by the first, second or third parts of the present article, if they have been committed with regard to an injured person who obviously has not attained 14 years of age are punished with deprivation of liberty for a term of fifteen to twenty years with a possible deprivation of the right to hold specific offices or to engage in specific activities for a term of ten to twenty years.

**Footnote. Article 120 is in the wording of the Law of the Republic of Kazakhstan dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## Article 121. Violent Sexual Actions

1. Pederasty, lesbianism, or any other sexual actions with the use of violence or with the threat of its use against the victim or against other persons, or taking advantage of the helpless condition of the victim, shall be punishable by deprivation of liberty for a term of three to five years.

2. The same acts  
a) committed by a group of persons, a group of persons under a preliminary conspiracy, or an organized group;  
b) connected with the threat of murder or the infliction of grave injury, or committed with especial cruelty towards the victim or to other persons;  
c) entailing the infection of the victim with a venereal disease;  
d) committed repeatedly  
shall be punished with deprivation of liberty for a term of five to ten years.

3. The acts specified by the first or second parts of the present article  
a) entailing, by negligence, the death of the victim;  
b) entailing, by negligence, the infliction of grave injury to the victim, the infection of the victim with HIV, or other grave consequences;  
c) of a victim who is obviously juvenile;  
d) committed with regard to a minor by a parent, teacher or another person, who is responsible for his upbringing by law,  
shall be punishable by deprivation of liberty for a term of eight to 15 years, and in cases, specified by item d), from eight to fifteen years with a possible deprivation of the right to hold specific offices or to engage in specific activities for a term of ten to twenty years.

4. The Acts, specified by the first, second or third parts of the present article, if they have been committed with regard to an injured person who obviously has not attained 14 years of age are punished with deprivation of liberty for a term of fifteen to twenty years with a possible deprivation of the right to hold specific offices or to engage in specific activities for a term of ten to twenty years.

**Footnote. Article 121 is in the wording of the Law of the Republic of Kazakhstan dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## Article 122. Sexual Relations or Other Sexual Actions with a Person Who Has Not Attained 16 Years of Age

1. Sexual relations, pederasty, or lesbianism, committed with a person who obviously has not attained 16 years of age, shall be punishable by restraint of liberty for a term of up to three years or by deprivation of liberty for a term of up to five years.



2. The same acts committed with a person who has not attained 16 years of age by a parent, teacher or another person, who is responsible for his upbringing by law shall be punishable by deprivation of liberty for a term of five to seven years with deprivation of the right to hold specific offices or to engage in specific activities for a term of ten to twenty years .

3. The acts, specified by the first or second parts of the present article, committed repeatedly are punishable with deprivation of liberty for a term of seven to ten years with a possible deprivation of the right to hold specific offices or to engage in specific activities for a term of ten to twenty years .

**Footnote.** Article 122 is in the wording of the Law of the Republic of Kazakhstan dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 123. Coercion to sexual intercourse, pederasty, lesbianism or other sexual actions**

Coercion to sexual intercourse, pederasty, lesbianism or other sexual actions by means of blackmail, threat of destruction, damage, or taking of property, or with the advantage of material or any other dependence of the victim, shall be punishable by a fine in the amount of two hundred to five hundred monthly calculation indices or with corrective labor for a term of up to two years, or with the restraint of liberty for a term of up to two years, or with the deprivation of liberty for the same term.

**Footnote.** Article 123 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 124. Corruption of minors**

1. Commission of sexual abuse without use of force of a person who obviously has not attained 14 years of age , shall be punishable by restraint of liberty for a term of up to four years or by deprivation of liberty for a term of three to five years.

2. The same acts committed with a person who has not attained 14 years of age by a parent, teacher or another person, who is responsible for his upbringing by law shall be punishable by deprivation of liberty for a term of five to seven years with deprivation of the right to hold specific offices or to engage in specific activities for a term of ten to twenty years .

3. The acts, specified by the first or second parts of the present article, committed

r e p e a t e d l y

are punishable with deprivation of liberty for a term of seven to nine years with a possible deprivation of the right to hold specific offices or to engage in specific activities for a term of t e n t o t w e n t y y e a r s .

Footnote. Article 124 is in the wording of the Law of the Republic of Kazakhstan dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## Article 125. Kidnapping

1. Kidnapping shall be punishable by deprivation of liberty for a term of four to seven y e a r s .

2. The same act committed:

- a) by a group of persons under a preliminary conspiracy;
- b) r e p e a t e d l y ;
- c) with the use of violence with danger for human life and health, or a threat to apply such v i o l e n c e ;
- d) with the use of weapons or objects used as weapons;
- e) against an obvious minor;
- f) against a woman who is in a state of pregnancy, which is evident to the convicted p e r s o n ;
- g) against two or more persons;
- h) out of mercenary motives,

shall be punishable by deprivation of liberty for a term of seven to twelve years with or without c o n f i s c a t i o n o f p r o p e r t y .

3. The actions stipulated by the first and second parts of this Article, if they:  
a) have been committed by an organized group;  
b) have been committed with the purpose of exploitation of the kidnapped person;  
c) have entailed by negligence the death of the victim or any other grave consequences are punishable with deprivation of liberty for a term of ten to fifteen years with or without c o n f i s c a t i o n o f p r o p e r t y .

N o t e s .

1. A person who has set free the kidnapped person voluntarily shall be released from criminal responsibility, unless his actions contain a different corpus delicti.

2. Under exploitation of a person mentioned in this article and in articles 126, 128, 133 of this Code is understood the use of hard labor, coercion into prostitution or other activities with a purpose of appropriation of his profits as well as exercising authority of a proprietor with regard to a person, who cannot refuse to work or perform services due to reasons beyond h i s c o n t r o l .

Footnote. Article 125 as amended by the Law of the Republic of Kazakhstan dated March 2, 2006 No. 131.

## Article 126. Illegal Deprivation of Liberty

1. Illegal deprivation of a person's liberty, which is not related to his abduction, shall be punishable by restraint of liberty for a term of up to three years, or by deprivation of liberty for the same period.

2. The same act committed:

- a) by a group of persons under a preliminary conspiracy;
- b) repeatedly;
- c) with the use of violence with danger for human life and health;
- d) with the use of weapons or objects used as weapons;
- e) against an obvious minor;
- f) against a woman who is in a state of pregnancy, which is evident to the convicted person;

- g) against two or more persons;
- h) out of mercenary motives,
- i) taking advantage of material or another dependence of the victim

shall be punishable by deprivation of liberty for a term of up to five years with or without confiscation of property.

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

- a) have been committed by an organized group;
- b) have been committed with the purpose of exploitation of the person deprived of liberty;
- c) have entailed by negligence the death of the victim or any other grave consequences are punishable with deprivation of liberty for a term of five to ten years with or without confiscation of property.

Footnote. Article 126 as amended by the Laws of the Republic of Kazakhstan dated 02.03.2006 No. 131; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## Article 127. Illegal Placement in a Mental Hospital

1. Illegal placement of a person in a mental hospital or illegal retention there shall be punishable by restraint of liberty for a term of up to three years or with deprivation of liberty for the same term.

2. The same act,

- a) if it has been committed with mercenary motives;
- b) if it has been committed by a person using his official position;
- c) if it has entailed by negligence the death of the victim, or any other serious

c o n s e q u e n c e s

is punishable with deprivation of liberty for a term of three to seven years with or without deprivation of the right to hold specific offices or to engage in specific activities for a term of up to three years .

Footnote. Article 127 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## Article 128. Human Trafficking

1. Human trafficking is purchase and sale, recruitment, conveyance, transfer, concealment or reception or other actions in respect of persons for the purpose of exploitation.

It is punishable with deprivation of liberty for a term of up to five years with or without c o n f i s c a t i o n .

2. The same act committed:

- a) by a group of persons under a preliminary conspiracy;
  - b) r e p e a t e d l y ;
  - c) with the use of violence with danger for human life and health or the threat of its use;
  - d) with the use of weapons or objects used as weapons;
  - e) against a woman who is in a state of pregnancy, which is evident to the convicted p e r s o n
  - f) against two or more persons;
  - g) for the purposes of unlawful removal of a person's tissues or organs for transplantation o r o t h e r p u r p o s e s ;
  - h) by means of fraud or breach of trust;
  - i) by a person using his official position;
  - j) by taking advantage of a material or another dependence of a person on the offender
- is punishable with deprivation of liberty for a period of five to seven years with or without c o n f i s c a t i o n o f p r o p e r t y .

3. The acts, specified by the first or second parts of the present article, committed with the purpose of export of persons outside the Republic of Kazakhstan or import of persons into the Republic of Kazakhstan or transit from one foreign state to another through the territory of the Republic of Kazakhstan as well as export of persons outside the Republic of Kazakhstan or import of persons into the Republic of Kazakhstan or transit from one foreign state to another through the territory of the Republic of Kazakhstan for the purpose of committing s u c h a c t s

are punishable by deprivation of liberty for a period of seven to ten years with or without c o n f i s c a t i o n o f p r o p e r t y .

4. The acts specified by the first, second, or the third parts of the present article, if they:

a) have been committed by an organized group;  
b) have entailed by negligence the death of the victim, or any other serious consequences  
are punishable with deprivation of liberty for a term of seven to fifteen years with  
c o n f i s c a t i o n o f p r o p e r t y .

Footnote. Article 128 is in the wording of the Law of the Republic of Kazakhstan dated  
March 2, 2006 No. 131.

## **Article 129. Slander**

1. Slander, that is spreading of deliberately falsified information that denigrates the honour and dignity of another person or undermines his reputation, shall be punishable by a fine in the amount of one hundred to two hundred monthly calculation indices, or by community service for a term of 120 to 180 hours, or by corrective labor for a term of up to one year, or by corrective labor for a term of up to one year.

2. Slander contained in a public speech or in a publicly demonstrated production or mass-media, shall be punishable by a fine in the amount of 200 to 500 monthly calculation indices, or community service for a period of one 180 to 240 hours, or by corrective labor for a term of one to two years, or by restriction of liberty for a term of up to two years.

3. Slander accusing a person of committing a corruption, grave or especially grave crime shall be punishable by restraint of liberty for a term of up to three years, or by deprivation of liberty for the same period.

Footnote. Article 129 as amended by the Laws of the Republic of Kazakhstan dated 25.09.2003 No. 484; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 130. Insult**

1. Insult, that is the denigration of the honour and dignity of another person, expressed in i n d e c e n t f o r m , shall be punishable by a fine in the amount of up to one hundred monthly calculation indices, or by community service for a term of up to one hundred and twenty hours, or with corrective labor for a term of up to six months.

2. Insult contained in a public speech, in a publicly demonstrated production, or in mass m e d i a , shall be punishable by a fine in the amount of one hundred to four hundred monthly calculation indices or by community service for a term of up to one hundred and eighty hours, or by corrective labor for a term of up to one year, or with the restraint of freedom for the s a m e p e r i o d .

Footnote. Article 130 as amended by the Law of the Republic of Kazakhstan dated

09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 2. Crimes Against the Family and Minors**

### **Article 131. Inducing of a Minor to engage in Criminal Activities**

1. Inducing of a Minor to engage in a criminal activity by a person, who has attained 18 years of age, shall be punishable by deprivation of liberty for a term of up to five years.

2. The same act committed by a parent, teacher, or any other person charged by law with bringing up a minor, shall be punishable by deprivation of liberty for a term of up to six years, with or without deprivation of the right to hold specified offices or to engage in specified activities for a term of up to three years.

3. Acts provided for by the first or second part of this Article, and committed with the use of violence or with the threat of its use, shall be punishable by deprivation of liberty for a term of two to seven years.

4. Acts stipulated by the first, second or third parts of this Article, and connected with the involvement of a minor in a criminal group or in the commission of grave or especially grave crimes, shall be punishable by deprivation of liberty for a term of five to eight years.

5. Acts, specified by the first, second, third or the fourth parts of the present article, connected with inducing of a minor to engage in criminal activities of an organized group, criminal community (criminal organization) are punished by deprivation of liberty for a term of eight to fifteen years with confiscation of property.

**Footnote. Article 131 as amended by the Law of the Republic of Kazakhstan dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 132. Inducing of a Minor to Engage in the Commission of Antisocial Actions**

1. Inducing of a minor to engage in the systematic use of alcoholic drinks or stupefying substances, in prostitution, vagrancy, or alms gathering shall be punishable by community service for a period of one hundred and eighty to two hundred and forty hours, or by corrective labor for a term of one to two years, or by deprivation of liberty for a term of up to three years.

2. The same act committed by a parent, teacher, or any other person who is charged by law with the duty of bringing up a minor, shall be punishable by restraint of liberty for a term of up to three years or by deprivation of liberty for a term of up to five years with or without deprivation of the right to hold specified offices or to engage in specified activities for a period up to three years or without it.

3. Acts provided for by the first or second part of this Article and committed repeatedly, or with the use of violence or with the threat of its use, shall be punishable by deprivation of liberty for a term of up to six years.

Footnote. Article 132 as amended by the Laws of the Republic of Kazakhstan dated 27.06.2008 No. 50-IV (the order of enforcement see Art. 2); dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 132-1. Inducing a Minor to Engage in Prostitution**

1. Inducing of a minor to engage in prostitution shall be punishable by deprivation of liberty for a term of three to five years.

2. Inducing of a minor to engage in prostitution with the use of violence or with the threat of its use, taking advantage of his dependence, by means of blackmailing, destruction or damage to property or by means of fraud shall be punishable by deprivation of liberty for a term of five to seven years.

3. If the same offence is committed:  
a) by organized group;  
b) by a person, previously convicted of involvement in prostitution or organization thereof or of keeping disorderly houses or pandering;  
c) by a parent, teacher, or by another person, who by the law has responsibilities to care for the minor  
it is punished with deprivation of liberty for a period from seven to ten years.

Footnote. The Code is supplemented by the Article 132-1 in accordance with the Law of the Republic of Kazakhstan dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 133. Trafficking of minors**

1. Purchase and sale or settlement of other transactions with regard to a juvenile person, and equally his exploitation or enlistment, transportation, delivery, concealment, as well as commission of other offences with a view of exploitation are punished with the deprivation of liberty for a period from five to seven years with confiscation of property or without it.

2. If the same offences are committed:  
a) by a group of persons with a previous concert;  
b) more than once;  
c) with violent use, dangerous for life or health, or with the threat to use it;  
d) with weapon employment or items used in the capacity of weapon;  
e) with regard to two or more persons;

f) with the view of removal of organs or tissues of an injured person for transplantation or another use;

g) by false presences or abuse of trust;

h) by a person using his corporate opportunities;

i) with the view of involvement of a juvenile person into the commission of crimes or other antisocial activities;

j) with use of material or another dependence of an injured person;

they shall be punished with the deprivation of liberty for a period from seven to ten years with confiscation of property or without it.

3. The offences specified in the first or second parts of the present article, committed with the view of exportation outwards the Republic of Kazakhstan, importation into the Republic of Kazakhstan or transportation of a juvenile person through the territory of the Republic of Kazakhstan from one foreign state to another, and equally exportation outwards the Republic of Kazakhstan, importation into the Republic of Kazakhstan or transportation of a juvenile person through the territory of the Republic of Kazakhstan from one foreign state to another with the view of commission such offences are punished with the deprivation of liberty for a period from ten to twelve years with confiscation of property or without it.

4. The offences specified in the first, second or the third parts of the present article, if they are:

a) committed by an organized group;

b) negligently resulted in death of an injured person or other grave consequences are punished with the deprivation of liberty for a period from twelve to fifteen years with confiscation of property.

**Footnote. Article 133 is in the wording of the Law of the Republic of Kazakhstan dated March 2, 2006 No. 131.**

### **Article 134. Substitution of child**

1. Intentional substitution of the child is punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the corrective labor for a period up to two years, or with the deprivation of liberty for the same period.

2. The same offence, committed with mercenary or other low motives is punished with the deprivation of liberty for a period from three to seven years.

**Footnote. Article 134 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 135. Violation of privacy of adoption**



Violation of privacy of adoption contrary to the will of adoptive parent, committed by a person, obliged to keep an evidence of adoption as an official or professional secrecy, or by another person with mercenary or other low motives is punished by a fine ranging from one hundred to two hundred monthly calculation indices, or with the corrective labor for a period up to two years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

Footnote. Article 135 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 136. Malicious evasion of payment of finances for alimentation of children or incapable of work parents**

1. Malicious evasion for more than three months by a parent of payment of finances under the court decision for alimentation of children of minority age, and equally incapable of work children, who have reached the age of eighteen years is punished by a fine ranging from two hundred to five hundred monthly calculation indices, or the involvement in the community service for a period from one hundred and twenty to one hundred and eighty hours, or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to two years.

2. Malicious evasion for more than three months of an employable person of majority age of payment of finances under the court decision for alimentation of his incapable of work parent is punished by a fine ranging from two hundred to five hundred monthly calculation indices, or the involvement in the community service for a period from one hundred and twenty to one hundred and eighty hours, or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to two years.

Footnote. Article 136 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 137. Breach of duties of the upbringing of a juvenile person**

Breach or improper execution of duties of the upbringing of a juvenile person by a parent or another person, who has these responsibilities, and equally by teacher or another worker of educational, fostering, medical or another institution is obliged to take charge of a juvenile person, if this offence is connected with cruel treatment towards a juvenile person is punished by a fine ranging from fifty to one hundred monthly calculation indices or the involvement in the community service for a period from one hundred to two hundred hours, or with the

corrective labor for a period up to two years, or with the restraint of liberty for a period up to two years with the deprivation of the right to hold specific posts or to practice specific activity for a period up to three years or without it.

Footnote. Article 137 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 138. An Improper execution of duties of providing safety of life and health of children**

1. Improper execution of duties of providing safety of life and health of juvenile person by a person, who has such responsibilities by work, or by a person, performing these duties under a special commission or willingly assumed such responsibilities, if it is negligently resulted in infliction of serious or medium gravity harm to health of a juvenile person which is punished by a fine in the amount up to five thousand monthly calculation indices, or with the corrective labor for a period up to two years, or with the deprivation of liberty for the same period with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

2. The same offence that negligently resulted in death of a juvenile person is punished with the deprivation of liberty for a period up to five years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

Footnote. Article 138 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 139. Abuse of trustee or care-giver rights**

The use of trusteeship or custody with the view of mercenary or other low motives in prejudice of the one under ward ship (person under care) or intentional abandonment of ward (person under care) without supervision or necessary assistance, that resulted in significant impairment of rights or legitimate interests of ward (person under care) is punished by a fine ranging from fifty to one hundred monthly calculation indices, or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same period.

Footnote. Article 139 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 140. Malicious evasion of alimentation of incapable of work marital partner**

Malicious evasion for more than three months by an employable person of payment of finances under the court decision for alimentionation of incapable of work and who is in need of financial assistance of marital partner, committed by a person, who was enforced during one year with the administrative sanction for the commission of such offence is punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the involvement into the community service for a period from one hundred and twenty to one hundred and eighty hours, or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to two years.

**Footnote.** Article 140 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Chapter 3. CRIMES AGAINST CONSTITUTIONAL AND OTHER RIGHTS AND LIBERTY OF A PERSON AND CITIZEN**

#### **Article 141. Violation of equality of citizens' rights**

1. Direct or indirect restriction of rights and liberty of a person (citizen) on grounds of origin, social, official capacity or property status, gender, race, nationality, language, attitude towards religion, convictions, place of residence, belonging to public association or any other circumstances is punished by a fine ranging from two hundred to one thousand monthly calculation indices or with the restraint of liberty for a period up to one year.

2. The same offence, committed by a person with the use of appropriation of his corporate opportunities or by the chief of public association is punished by a fine ranging from five hundred to two thousand monthly calculation indices or with the restraint of liberty for a period up to two years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

**Footnote.** Article 141 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 141-1. Investigative tortures**

1. Intentional infliction of physical and(or) mental suffering, committed by a crime investigator, by a person, conducting investigation or by another office holder or with their incitement or with tacit agreement of another person or purposely with their knowledge to extract information from tortured person or third party, either confession or to punish him for the offence, which he committed or in committing of which he is suspected, and also to

intimidate or to enforce him or the third party, or by any reason, based on discrimination of any kind is punished by a fine ranging from two hundred to five hundred monthly calculation indices or with the deprivation of right to hold specific posts for a period up to three years, or with the restraint of liberty for a period up to five years, or with the deprivation of liberty for the same period.

2. If the same offence is committed:  
a) by a group of persons or a group of persons with pre-planning;  
b) more than once;  
c) with the infliction of medium gravity harm to health;  
d) with regard to a pregnant woman, consciously for a liable person, or a juvenile person, it shall be punished with the deprivation of liberty for a period up to seven years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

3. The same offence that resulted in infliction of serious harm to health or negligently in death of an injured person is punished with the deprivation of liberty for a period from five to ten years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

Not e  
Physical and mental sufferings are not considered to be an investigative torture, caused as a result of legal actions by office holders.

**Footnote.** The Code is supplemented by Article 141-1 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 142. Violation of integrity of private life**

1. The illegal accumulation of information of a person's private life, composing his private or family secrecy, without his consent is punished by a fine ranging from four hundred to seven hundred monthly calculation indices, or with the involvement in the community service for a period from one hundred and twenty to one hundred and eighty hours, or with the corrective labor for a period up to one year.

2. The same offence, committed by a person with the appropriation of his corporate opportunities, and equally dissemination of information, specified in the first part of the present article, in public appearance, in publically expository writing, or in mass media is punished by a fine ranging from seven hundred to one thousand monthly calculation indices, or with the deprivation of right to hold specific posts or to practice a specific profession for a period from two to five years, or with the deprivation of liberty for a period up to five years with confiscation of the illegally used special technical devices.

Footnote. Article 142 as amended by the Laws of the Republic of Kazakhstan dated 07.12.2009 No. 221-IV (the order of enforcement see Art. 2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 143. The Illegal violation of secrecy of correspondence, phone conversations, mail, telegraphic or other messages**

1. The illegal violation of secrecy of correspondence, phone conversations, mail, telegraphic or other communications of physical persons is punished by a fine ranging from one hundred to two hundred monthly calculation indices, or with the involvement in the community service for a period from one hundred and twenty to one hundred and eighty hours, or with the corrective labor for a period up to one year.

2. The same offence, committed by a person with appropriation of his corporate opportunities or special technical devices, intended for surreptitious obtaining of information is punished by a fine ranging from one thousand to three thousand monthly calculation indices, or with the deprivation of the right to hold specific posts or to practice a specific activity for a period from two to five years, or with the corrective labor for a period up to two years, or with the deprivation of liberty for a period up to five years with confiscation of the illegally used special technical devices.

3. The illegal production, manufacture, sale or purchase with the view of sale of special technical devices, intended for surreptitious obtaining of information are punished by a fine ranging from five hundred to two thousand monthly calculation indices, or with the restraint of liberty for a period up to three years, or with the deprivation of liberty for a period up to three years with the deprivation of the right to hold specific post or to practice a specific activity for a period up to three years.

Footnote. Article 143 as amended by the Laws of the Republic of Kazakhstan dated 07.12.2009 No. 221-IV (the order of enforcement see Art. 2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 144. Divulgence of medical secret**

1. Divergence by a medical worker without professional or official necessity of information about the disease or the results of medical certification of a patient, that manifested in disclosure of information of presence of person's HIV/AIDS is punished by a fine ranging from one hundred to three hundred monthly calculation indices or with the deprivation of the right to hold specific posts or to practice a specific activity for a period

from two to five years, or with the corrective labor for a period up to two years.

2. The same offence that resulted in grave consequences is punished with the deprivation of liberty for a period up to three years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

**Footnote.** Article 144 is in the wording of the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 145. Violation of inviolability of housing**

1. The illegal invasion of privacy without the will of domicile there person is punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the involvement in the community service for a period from one hundred and twenty to one hundred and eighty hours, or with the corrective labor for a period up to one year.

2. The same offence, committed with the use of force or with the threat to use it, or by a group of persons, or at night time, or accompanied by the illegal search and equally to the illegal eviction from dwelling are punished by a fine ranging from five hundred to eight hundred monthly calculation indices or with the deprivation of liberty for a period up to two years .

3. The offences specified in the first or second parts of the present article, committed by a person with the appropriation of his corporate opportunities are punished by a fine ranging from eight hundred to one thousand monthly calculation indices, or with the deprivation of the right to hold specific posts or to practice a specific activity for a period from two to five years, or with the deprivation of liberty for a period up to three years.

**Footnote.** Article 145 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 146. Obstruction of the implementation of electoral rights or the work of election commissions**

1. Obstruction of the free implementation of a citizen of his electoral rights or the right to participate in peace ballot, and also the illegal interference in the work of election commissions or commissions of conducting the peace ballot and impeding to the voting, implementation of duties, connected with the registration of a candidate, political lists, vote tabulation and the establishment of the voting results of the election or the peace ballot are punished by a fine ranging from fifty to one hundred monthly calculation indices, or with the involvement in the community service for a period from one hundred and twenty to one hundred and eighty hours, or with the corrective labor for a period up to one year.

2. If the same offences are:

- a) connected with bribery, false pretense, the use of force or with a threat to use it;
- b) committed by a person with the use of his official capacity or official position;
- c) committed by a group of persons with the previous concert or organized group;
- d) committed by means of infraction of functioning of electronic election system;

they shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the corrective labor for a period from one year to two years, or with the restraint of liberty for a period up to five years, or with the deprivation of liberty for the same period.

**Footnote. Article 146 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 583; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 147. Falsification of election documents, peace ballot documents or incorrect vote tabulation**

1. Falsification of election documents or the documents of peace ballot, entering of blank records in the ballots or subscription lists, knowingly incorrect vote tabulation, or knowingly incorrect establishment of voting results or results of peace, or violation of secrecy of voting, if these offences committed by election agent of a Presidential candidate of the Republic of Kazakhstan, or election agent of a deputy candidate, and equally a member of election commissions, or commission of conducting the peace ballot are punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the corrective labor for a period up to two years, or with the deprivation of liberty for a period up to four years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

2. The same offences, committed by means of infraction of functioning of electronic election system are punished by the deprivation of liberty for a period up to seven years.

**Footnote. Article 147 as amended by the Laws of the Republic of Kazakhstan dated 09.07.2004 No. 583; dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 148. Labor violation of the Republic of Kazakhstan**

1. The illegal termination of a labor contract with an employee, failure to comply with a court decision about the reinstatement in work, and equally another labor violation of the Republic of Kazakhstan, that resulted in infliction of considerable harm to the rights and legitimate interests of citizens are punished by a fine ranging from one hundred to two hundred monthly calculation indices or with the deprivation of right to hold specific posts or

to practice a specific activity for a period up to five years.

2. Unjustified refusal in conclusion of employment agreement with a woman or unjustified termination of employment agreement with her on the grounds of her pregnancy or unjustified refusal in conclusion of the employment agreement or ? unjustified termination of employment agreement with a woman, having children under three years of age, on these grounds, and equally unjustified refusal in conclusion of employment agreement or unjustified termination of the employment agreement with invalid on grounds of disability or a juvenile person on grounds of his minority are punished by a fine ranging from two hundred to five hundred monthly calculation indices or with the deprivation of the right to hold specific posts for a period up to five years, or with the corrective labor for a period up to two y e a r s .

3. Repeated delay by a person, performing administrative functions, of salary payment in full and at the stated time owing to the use of funds for other purposes is punished by a fine ranging from three hundred to seven hundred monthly calculation indices or with the deprivation of the right to hold specific posts or to practice a specific activity for a period up t o f i v e y e a r s .

**Footnote.** Article 148 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 15.05.2007 No. 253; dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 149. Obstruction of the implementation of a right for the liberty of conscience and religion**

**Footnote.** Article 149 is excluded by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 150. Obstruction of the non-governmental organizations activity**

**Footnote.** Article 150 is excluded by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 150-1. Obstruction of legal activities of employee representatives**

Obstruction of the legal activities of employee representatives by an office holder with the appropriation of corporate opportunities, and equally interference in their legal activities, committed by an office holder with the appropriation of his corporate opportunities, that resulted in considerable infringement of their rights and legitimate interests, committed by a person, who was enforced during one year with the administrative sanction for the



commission of such an offence are punished by a fine ranging from one hundred to five hundred monthly calculation indices or with the corrective labor for a period up to two years or with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

Footnote. The Code is supplemented by Article 150-1 in accordance with the Law of the Republic of Kazakhstan dated May 15, 2007 No. 253; as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 151. Obstruction of holding of meeting, rally, demonstration, March, vigil or participation in it**

The illegal obstruction of holding of a meeting, rally, demonstration, march, vigil or participation in it, or enforcement to participate in it, if these offences committed by an office holder with the appropriation of his corporate opportunities or with the use of force or with the threat to use it punish by a fine ranging from five hundred to seven hundred monthly calculation indices, or with the corrective labor for a period up to two years, or with the deprivation of liberty for a period up to three years with the deprivation of right to hold specific posts or to practice a specific activity for a period up to three years or without it.

Footnote. Article 151 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 152. Violation of labor protection rules**

1. Violation of safety rules, industrial hygiene or other labor protection rules, committed by a person, who had organization responsibilities or these rules enforcement, that negligently resulted in infliction of serious harm to health is punished by a fine ranging from two hundred to five hundred monthly calculation indices or with the corrective labor for a period up to two years, or with the restraint of liberty for the same period with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

2. The same offence, if negligently resulted in death of a person, is punished with the restraint of liberty for a period up to five years or with the deprivation of liberty for the same period with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

Footnote. Article 152 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 153. Enforcement to participate in a strike or to the refusal from participation in a strike**

Enforcement to participate in a strike or to the refusal from participation in a legal strike, committed by an person with the appropriation of his corporate opportunities or by means of violence or the threat to use force is punished by a fine ranging from five hundred to seven hundred monthly calculation indices, or with the corrective labor for a period up to two years, or with the deprivation of liberty for a period up to three years with the deprivation of right to hold specific posts or to practice a specific activity for a period up to three years or without it.

Footnote. Article 153 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 154.**

Is excluded by the Law of the Republic of Kazakhstan dated 09.12.2004 No. 10

## **Article 155. Obstruction of legal professional activity of a journalist**

1. Obstruction of legal professional activity of a journalist by means of enforcement to the dissemination or refusal from dissemination of information is punished by a fine ranging from fifty to one hundred monthly calculation indices, or with the involvement in the community service for a period up to one hundred and eighty hours, or with the corrective labor for a period up to one year.

2. The same offence, committed by a person with the appropriation of his corporate opportunities, and equally with violent use or the threat to use it is punished by the corrective labor for a period up to two years or with the deprivation of liberty for a period up to three years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

Footnote. Article 155 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 4. CRIMES AGAINST THE WORLD AND HUMAN SECURITY**

### **Article 156. Planning, preparation, unleashing or prosecution of aggressive war**

1. Planning, preparation, unleashing or prosecution of aggressive war is punished with the deprivation of liberty for a period from seven to twelve years.

2. Prosecution of aggressive war is punished with the deprivation of liberty for a period from ten to twenty years or with the death penalty or life imprisonment.

### **Article 157. Propaganda and Public calls for the unleashing of aggressive war**

1. Propaganda and Public call for the unleashing of aggressive war are punished by a fine in the amount up to three thousand monthly calculation indices or with the deprivation of liberty for a period up to three years.

2. The same offences, committed with the use of mass media or by an office holder, holding a responsible public office punish by a fine in the amount up to five thousand monthly calculation indices or with the deprivation of liberty for a period from two to five years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

**Footnote. Article 157 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 158. Manufacture and distribution of mass destruction weapon**

Manufacture, obtainment or sale of chemical, biological, as well as of another kind of mass destruction weapon, prohibited by the international treaty of the Republic of Kazakhstan are punished with the deprivation of liberty for a period from five to ten years.

### **Article 159. The use of prohibited means and methods of war prosecution**

1. The cruel treatment of war prisoners or civilian population, deportation of civilian population, pillage of national property in the occupied territory, the use of means and methods in the armed conflict, prohibited by the international treaty of the Republic of Kazakhstan are punished with the deprivation of liberty for a period from six to twelve years.

2. The use of mass destruction weapon, prohibited by the international treaty of the Republic of Kazakhstan is punished with the deprivation of liberty for a period from ten to twenty years or with the death penalty or life imprisonment.

**Footnote. Article 159 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 160. Genocide**

1. Genocide, i.e. intentional offences, aimed to the complete or partial annihilation of national, ethnic, racial or religious group by means of murder of the members of this group, infliction of serious harm to their health, violent impeding to the childbearing, coercive

delivery of children, violent migration or the creation of other living conditions, intended to the physical annihilation of members of this group is punished with the deprivation of liberty for a period from ten to twenty years or with life imprisonment.

2. The same offences, committed in war time are punished with the deprivation of liberty for a period from fifteen to twenty years or with the death penalty or life imprisonment.

**Footnote. Article 160 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 175-IV (the order of enforcement see Art. 2).**

## **Article 161. Ecocide**

Mass destruction of plant or the animal world, poisoning of the atmosphere, land or water resources, and also the commission of other offences, caused or able to cause ecological disaster are punished with the deprivation of liberty for a period from 10 to 15 years.

## **Article 162. Mercenary activities**

1. Enlistment, education, financing or other material security of a mercenary, and equally his use in the armed conflict or military operations are punished with the deprivation of liberty for a period from four to eight years.

2. The same offences committed by a person with an appropriation of his corporate opportunities or with a regard to a juvenile person are punished with the deprivation of liberty for a period from seven to fifteen years with confiscation of property or without it.

3. The participation of mercenaries in the armed conflict or military operations is punished with the deprivation of liberty for a period from three to seven years.

4. The offence specified in the third part of the present article that resulted in the death of people or other grave consequences is punished with the deprivation of liberty for a period from ten to twenty years with confiscation of property or the death penalty with confiscation of property or life imprisonment with confiscation of property.

Note. A person is admitted to be a mercenary, acting with the view of obtaining of material consideration or other self-profit and who is not a citizen of a part, participating in the armed conflict, which doesn't live permanently on its territory and is not sent by another state for the performance of official duties.

## **Article 163. Attack against persons and organizations, enjoying international protection**

1. An attack against a representative of a foreign state or international civil servant, enjoying international protection, or domiciled with him members of his family, and equally against social or accommodation facilities or transport facilities of persons, enjoying international protection, and equally an abduction or violent deprivation of liberty of these

persons, if these offences committed with a view of war provocation or complication of international relations are punished with the deprivation of liberty for a period from three to eight years with confiscation of property or without it.

2. The same offences, committed more than once, or with weapon employment, or with the previous concert by a group of persons, or connected with infliction of serious harm to health, or negligence resulted in death of a person are punished with the deprivation of liberty for a period from ten to fifteen years with confiscation of property or without it.

### **Article 164. Agitation of social, national, ancestral, racial or religious discord**

1. Intentional offences, aimed at the agitation of social, national, ancestral, racial or religious discord or hatred, at the insult of national honor and dignity or religious feelings of citizens, and equally propaganda of extremism, superiority or inferiority of citizens on grounds of their attitude towards religion, state, national, ancestral or ethnicity, if these offences committed publicly or with the use of mass media, and equally by means of dissemination of literature and other media, promulgating social, national, ancestral, racial or religious discord or hatred are punished by a fine in the amount up to one thousand monthly calculation indices or with the corrective labor for a period up to two years, or with the deprivation of liberty for a period up to seven years.

2. The same offences, committed by a group of persons or more than once, or connected with violence or with the threat to use it, and equally by a person with the appropriation of his corporate opportunities or by a chief of non-governmental organization are punished by a fine ranging from five hundred to three thousand monthly calculation indices, or with the restraint of liberty for a period up to four years, or with the deprivation of liberty for a period from three to seven years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

3. The offences specified in the first or second parts of the present article that resulted in grave consequences are punished with the deprivation of liberty for a period from seven to twelve years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

**Footnote. Article 164 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 19.02.2002 No. 295; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication)**

## **Chapter 5. Crimes against the Constitutional Order and state security**

## **Article 165. Treason against the State**

1. Treason is a deliberate offence committed by a citizen of the Republic of Kazakhstan with the aim of undermining or weakening of external security and sovereignty of the Republic of Kazakhstan, as expressed in the transition to the enemy in time of armed conflict, as well as espionage, issuing state secrets or other assistance to a foreign state, foreign organization or their representatives in hostile activities against the Republic of Kazakhstan shall be punished by imprisonment for a term of ten to fifteen years with confiscation of property or without it, and in a combat situation aggravated by deprivation of liberty for a term of fifteen to twenty years or life imprisonment with confiscation of property or without it .

2. The same offences committed in time of war shall be punished by imprisonment for a term of fifteen to twenty years, or death with confiscation of property or life imprisonment with confiscation of property .

Note. A person who commits a crime under this Article and Articles 166 and 168 of this Code shall be exempt from criminal liability if he reports of state or otherwise help to prevent the onset of damage to the interests of the Republic of Kazakhstan voluntarily and timely, and if his actions do not contain elements of another crime.

**Footnote. Article 165 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47, dated 10.07.2009 No. 175-IV (the order of enforcement see Art. 2).**

## **Article 166. Espionage**

Transmission, as well as collecting, theft or possession with intent to transfer to a foreign state, foreign organization or their representative's information constituting state secrets, as well as delivering or picking up by a foreign intelligence service of other information for use to the detriment of external security and sovereignty of the Republic of Kazakhstan, if these offences are committed by a foreign national or a stateless person - shall be punished by imprisonment for a term of ten to fifteen years with confiscation of property or without it.

**Footnote. Article 166 is amended by the Law of the Republic of Kazakhstan dated May 5, 2000 No. 47.**

## **Article 166-1. Attempt on the life of the First President of the Republic of Kazakhstan - the Leader of the Nation**

Attempt on the life of the First President of the Republic of Kazakhstan - the Leader of the Nation, committed to obstruct his legitimate activity or out of revenge for such activity shall be punished by imprisonment for a term of fifteen to twenty years or by death or life

i m p r i s o n m e n t .

Footnote. The Code is supplemented by Article 166-1 in accordance with the Law dated 14.06.2010 No. 290-IV (the order of enforcement see Art. 2).

### **Article 167. Attempt on the life of the President of the Republic of Kazakhstan**

Attempt on the life of the President of the Republic of Kazakhstan, committed to ending its state of activity or in revenge for such activity shall be punished by imprisonment for a term of fifteen to twenty years or by the death penalty or life imprisonment.

Footnote. Article 167 is in the wording of the Law of the Republic of Kazakhstan dated February 19, 2002 No. 295.

### **Article 168. Hijacking or forcible detainer of power or actualization of seals within the jurisdiction of authorized agencies and officials of the Republic of Kazakhstan by the members of the foreign state or foreign organization authority**

1. Actions aimed at hijacking power or retaining power by force in violation of the Constitution of the Republic of Kazakhstan, as well as aimed at changing the constitutional order of the Republic of Kazakhstan shall be punished by imprisonment for a term of ten to f i f t e e n y e a r s .

2. Implementation of authority by the representatives of a foreign state or foreign organization within the competence of the competent authorities and officials of the Republic of Kazakhstan shall be punished by a penalty of one to five thousand monthly calculation indices or imprisonment for up to seven years.

Footnote. Article 168 is in the wording of the Law of the Republic of Kazakhstan dated 09.12.2004 No. 10, as amended by the Law of the Republic of Kazakhstan, dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 169. Armed rebellion**

The organization of armed rebellion or participation in it in order to overthrow or to change the constitutional order of the Republic of Kazakhstan or the territorial integrity of the Republic of Kazakhstan shall be punished by imprisonment for a term of ten to fifteen years.

### **Article 170. Calls for the violent overthrow or changing the constitutional order or forcible violation of the unity of the Republic of Kazakhstan**

1. Public calls for the violent hijacking of power, forcible detainer of power, undermining national security or violent change of the constitutional order, as well as the forcible violation

of the integrity of the Republic of Kazakhstan and the unity of its territory, and the spread of this content for that purpose shall be punished by a penalty of three hundred to one thousand monthly calculation indices or imprisonment for up to five years.

2. The same actions committed with the use of the media or by an organized group, shall be punished by a penalty of one to five thousand monthly calculation indices or imprisonment for a term of three to seven years.

Footnote. Article 170 as amended by the Law of the Republic of Kazakhstan dated 19.02.2002 No. 295, dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 171. Sabotage**

Committing to undermine the security and defense of the Republic of Kazakhstan explosion, arson or other actions aimed at the mass destruction of people, causing injury, destruction, or damage to businesses, structures, ways and means of transportation, communications, life support facilities, as well as committing for the same purposes or mass poisoning epidemics and epizootics shall be punished by imprisonment for a term of ten to twenty years or by the death penalty or life imprisonment with confiscation of property or without it.

### **Article 172. Illegal receipt, disclosure, dissemination of state secrets**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The gathering of information constituting state secrets, by the abduction of documents, bribery or intimidation of persons possessing state secrets, or their relatives, for communications interception, unauthorized entry into a computer system or network, the use of special technical means or otherwise illegal manner, as well as distribution of the lawfully obtained information constituting state secrets, with no signs of high treason or espionage shall be punished by restraint of liberty for a term up to five years, or imprisonment for the same term deprivation of the right to occupy certain positions or engage in certain activities or not.

2. Disclosure of information constituting a state secret, the person to whom it was entrusted or became known to work or service or in connection with the production of a criminal, civil case to an administrative offence, as well as in preparation for or conduct search operations in the absence of high treason shall be punished by restriction of liberty for up to three years, or imprisonment for the same term, with disqualification to hold certain positions or engage in certain activities for the same period or not.



3. Disclosure of information constituting an official secret, the person to whom it was entrusted or became known to work or service or in connection with the production of a criminal, civil case to an administrative offence, as well as in preparation for or conduct search operations in the absence of high treason, if this caused large damage or other grave consequences shall be punished by a penalty of two hundred to five hundred monthly calculation indices, or restraint of liberty for a term up to three years, or imprisonment for up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a term up to two years or without it.

4. Offences stipulated by the first or second paragraph of this Article, if they caused offence of grave consequences shall be punished by imprisonment for a term of three to eight years, with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Note. Major damage in Articles 172, 173 and 386 of this Code recognizes damage to the amount of five hundred times the monthly calculation index established by the legislation of the Republic of Kazakhstan at the time of the crime.

Footnote. Article 172 is in the wording of the Law of the Republic of Kazakhstan dated 05.05.2000 No. 47, as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 173. Loss of documents, items containing state secrets**

1. Loss of documents containing state secrets, as well as items of information which constitutes a state secret, the person to whom they were entrusted to service or work, if the loss is a result of breaches of the rules of treatment of these documents or items and resulted in major damage or the occurrence of other grave consequences shall be punished by a penalty up to one thousand monthly calculation indices, or correctional labor for up to two years, or restraint of liberty for up to four years, or imprisonment for the same term with the deprivation of the right to occupy certain positions or engage in certain activities for up to three years.

2. Loss of documents containing official secrets, as well as items, the details of which are official secrets, the person to whom they were entrusted to service or work, if the loss is a result of breaches of the rules of treatment of these documents or items and resulted in major damage or the occurrence of other grave consequences shall be punished by a penalty up to two hundred monthly calculation indices, or correctional labor for up to one year, or restraint of liberty for up to one year, or imprisonment for the same term deprivation of the right to occupy certain positions or engage in certain activities for a term up to two years or without it.

Footnote. Article 173 is in the wording of the Law of the Republic of Kazakhstan dated 05.05.2000 No. 47, as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 174. Evasion of mobilization**

1. Evading conscription to mobilize the Armed Forces, other troops and military formations of the Republic of Kazakhstan shall be punished by imprisonment for a term not exceeding five years.

2. The same offence, as well as avoidance of further appeals to staff of the Armed Forces of the Republic of Kazakhstan, committed in wartime shall be punished by imprisonment for a term of five to ten years.

## **Chapter 6. Crime against property**

### **Article 175. Theft**

1. Theft, that is the secret theft of another's property shall be punished by a penalty of two hundred to seven hundred monthly calculation indices, or community service for a period of one hundred and eighty to two hundred forty hours, or by corrective labor for up to two years, or restraint of liberty for a term up to three years, or by deprivation of liberty for the same period.

2. Theft is committed:

- a) by a group of persons by prior agreement;
- b) repeatedly;
- c) with an illegal entry into a residential, office or industrial building, store or vehicle interior;
- d) of oil and gas pipelines that are punishable by restraint of liberty for a term up to five years, or imprisonment for the same term, with confiscation of property or without it.

3. Theft committed:

- a) is excluded by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication);
- b) on a large scale;
- c) is excluded by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010).

It shall be punished by imprisonment for a term of three to seven years with confiscation of property.

4. Theft committed:  
a) by an organized group;  
b) on a large scale - shall be punished by imprisonment for a term of five to ten years with confiscation of property.  
Note.

1. By stealing articles of this Code means taking an ax to grind illegal uncompensated seizure and (or) treatment of other people's property in favor of the perpetrator or others, causing damage to the owner or other owner of the property.

2. Large scale or major damage to the articles in this chapter, with the exception of Articles 184, 184-1 of this Code, shall be the value of the property or the amount of damage in five hundred times the monthly calculation index, established by the legislation of the Republic of Kazakhstan at the time of the crime.

2-1. particularly large amount or damage to articles of this chapter shall be the value of the property or the amount of damage in two thousand times the monthly calculation index, established by the legislation of the Republic of Kazakhstan at the time of the crime.

3. Is excluded by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010).

4. Is excluded by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010).

5. Petty theft of other property belonging to the ownership of the organization or under its jurisdiction committed by theft, fraud, misappropriation or embezzlement, does not involve criminal liability. A person guilty of committing it, shall be administratively liable in accordance with the Law. Petty theft is recognized if the value of the stolen property does not exceed ten times the monthly calculation index established by the legislation of the Republic of Kazakhstan at the time of the offence.

Footnote. Article 175 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47, dated 21.12.2002 No. 363, dated 09.12.2004 No. 10, dated 22.11.2005 No. 90 (the order of enforcement see Art. 2), dated 10.12. 2009 No. 227-IV (shall be enforced from 01.01.2010), dated 06.10.2010 No. 343-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 176. Conversion or Embezzlement of entrusted other people's property**

1. Conversion or Embezzlement, that is theft of another's property entrusted to the offender shall be punished by a penalty of two hundred to five hundred monthly calculation indices, or community service for a period of one hundred and twenty to one hundred eighty

hours, or by corrective labor for up to two years, or restraint of liberty for a term up to three years, or by deprivation of liberty for the same period.

2. If the same offences are committed:

- a) by a group of persons by prior agreement;
- b) repeatedly;
- c) by using the service position,

they shall be punished by a penalty of five hundred to one thousand monthly calculation indices, or restriction of liberty for up to four years, or by imprisonment for a term of two to five years with confiscation of property or without the deprivation of the right to occupy certain positions or engage in certain activities for a term to three years.

3. Offences stipulated by the first or second paragraph of this Article, if committed:

- a) is excluded by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication);
- b) on a large scale;
- c) is excluded by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010);

d) A person authorized to perform state functions, or equivalent person, if they involve the use of his official position shall be punished by imprisonment for a term of five to ten years with confiscation of property and deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, and in the cases provided for in paragraph g) up to seven years.

4. Offences stipulated by the first, second or third paragraph of this Article, if committed:

- a) by an organized group;
- b) on a large scale - shall be punished by imprisonment for a term of seven to twelve years with confiscation of property and deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years.

**Footnote.** Article 176 as amended by the Law of the Republic of Kazakhstan dated 21.12.2002 No. 363, dated 25.09.2003 No. 484, dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 177. Fraud**

1. Fraud, that is stealing of someone else's property, or acquisition of the right to someone else's property by way of fraud or abuse of trust shall be punished by a fine in an amount from two hundred up to seven hundred monthly calculation indices, or in an amount of wages or other income of a given convict for a period from two to seven months, or by engagement in community service for a period of one hundred eighty up to two hundred forty hours, or by

corrective labor for a period up to two years, or by the detention under arrest for a period up to six months, or by restriction of liberty for a period up to three years, or by imprisonment for the same period.

2. Fraud is committed as follows:

- a) by a group of persons upon a preliminary collusion;
- b) repeatedly;

c) with the use of an official position shall be punished by a fine in an amount from seven hundred up to one thousand monthly calculation indices, or in an amount of wages or other income of a given convict for a period of five months up to one year, or by restriction of liberty for a period up to four years, or by imprisonment for a period for five years with an appropriation of property, or without it.

3. Fraud is committed as follows:

a) is excluded by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

b) on a large scale;

c) is excluded by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010);

d) by a person authorized to perform state functions, or equivalent person, if it involves the use of his (her) official position, shall be punished by imprisonment for a term of three to seven years with confiscation of property.

4. Acts, stipulated in the first, second or third paragraph of this Article, if committed:

a) by an organized group;

b) in large amount -

shall be punished by imprisonment for a term of five to ten years with confiscation of property.

Footnote. Article 177 as amended by the Law of the Republic of Kazakhstan dated 21.12.2002 No. 363, dated 09.12.2004 No. 10, dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2), dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## Article 178. Robbery

1. Robbery that is open stealing of someone else's property shall be punished by restriction of liberty for a period up to three years, or by the detention under arrest for a period up to six months, or by imprisonment for a period up to four years.

2. Robbery is committed as follows:

a) with violence which is not dangerous for the life or health of a victim, or with a threat to directly apply such violence;  
b) repeatedly;  
c) by a group of persons by prior agreement;  
d) with illegal penetration into residential, service, or production premises or storage facilities shall be punished by imprisonment for a period from three to seven years with appropriation of property, or without it.

3. Robbery is committed as follows:

a) is excluded by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication);  
b) on a large scale  
c) is excluded by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010).

shall be punished by imprisonment for a term of five to ten years with confiscation of property.

4. Acts, stipulated in the first, second or third paragraph of this Article, if committed:

a) by an organized group;  
b) in large amount -  
shall be punished by imprisonment for a term of seven to twelve years with confiscation of property.

Footnote. Article 178 as amended by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 179. Brigandage**

1. Brigandage, that is assault for the purpose of stealing of someone else's property combined with violence dangerous for the life or health of a person who was exposed to an assault, or with a threat to directly apply such violence shall be punished by imprisonment for a period from three to seven years with an appropriation of property, or without it.

2. Brigandage is committed as follows:

a) by a group of persons upon a preliminary collusion;  
b) repeatedly;  
c) with illegal penetration into residential, service, or production premises or a warehouse;  
d) with the use of weapons or objects used as weapons;  
e) with causing grave harm to health shall be punished with deprivation of liberty for a period from five to twelve years with confiscation of property.

3. Brigandage is committed:

a) is excluded by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

b) with the causation of severe damage to health that entailed death of the victim due to negligence;

c) for the purpose of stealing of property in a large scale;

d) is excluded by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010).

shall be punished by imprisonment for a term of seven to twelve years with confiscation of property.

4. Acts, stipulated in the first, second or third paragraph of this Article, if committed:

a) by an organized group;

b) in large amount -

shall be punished by imprisonment for a term of ten to fifteen years with confiscation of property.

Footnote. Article 179 as amended by the Law of the Republic of Kazakhstan dated 05.05.2000 No. 47, dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## Article 180. Stealing of Objects Having a Special Value

1. Stealing of objects or documents which have a special historical, scientific, artistic, or cultural value, regardless of the method of stealing shall be punished by imprisonment for a period from six to ten years with confiscation of property, or without it.

2. If the same offence:

a) is committed by a group of persons upon a preliminary collusion or by an organized group;

b) is committed repeatedly;

c) entailed demolition, damage, or destruction of objects or documents indicated in the first part of this Article,

it shall be punished by imprisonment for a period from eight to fifteen years with confiscation of property.

## Article 181. Extortion

1. Extortion, that is a demand to transfer someone else's property or the right to property, or a demand to commit other offences concerning property under the threat of violence or destruction or damage to someone else's property, as well as under the threat of distribution of information denigrating a given victim or his relatives shall be punished by restriction of

liberty for a period up to three years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to four years with a fine in an amount up to one hundred monthly calculation indices or in an amount of wages or other income of a given convict for a period up to three months, or without it.

2. Extortion committed:

a) with violence;

b) by a group of persons upon a preliminary collusion;

c) repeatedly and shall be punished by imprisonment for a period from three to seven years with confiscation of property, or without it.

3. Extortion committed:

a) is excluded by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon the expiry of ten calendar days after its first official publication);

b) with the causation of severe damage to the health of a victim;

c) for the purpose of receiving property in a large scale;

d) is excluded by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010)

shall be punished by imprisonment for a period from five to ten years with confiscation of property.

4. Offences stipulated by the first, second or third paragraph of this Article, if they were committed:

a) by an organized group;

b) on an especially large scale shall be punished by imprisonment for a term of seven to fifteen years with confiscation of property.

Footnote. Article 181 as amended by the Laws of the Republic of Kazakhstan dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 182. Causation of Property Damage by Way of Fraud or Abuse of Trust**

1. The cause of property damage to a proprietor or other owner of property by way of fraud or abuse of trust, in the absence of elements of stealing, is committed:

a) by a group of persons by prior agreement;

b) repeatedly;

c) using the service position, - shall be punished by a fine from four to eight monthly calculation indices or restriction of freedom for up to three years, or imprisonment for the same term with a fine of up to one hundred monthly calculation indices or without it.

2. If the same offence is committed:



a) by an organized group;  
b) and caused a considerable damage,  
shall be punished by imprisonment for a period to five years with confiscation of property  
, or without it.

Footnote. Article 182 is in the wording of the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 183. Purchase or Sale of Property Obtained in a Criminal Way**

1. Purchase or sale of property without a prior agreement, which is obtained in a criminal way, that fact being known to the convict shall be punished by a fine in an amount from fifty to one hundred monthly calculation indices, or in an amount of wages or other income of a given convict for a period up to one month, or by engaging in community service for a period from one hundred eighty up to two hundred forty hours, or by correctional labor for a period up to two years, or by detention under arrest for a period up to six months with confiscation of property or without the same.

2. The same offence committed as follows:

a) with regard to an automobile or other property in a large amount;

b) by a group of persons upon a preliminary collusion;

c) repeatedly

d) is excluded by the Law of the Republic of Kazakhstan dated 25.01.2012 No. 548-IV (shall be enforced upon the expiry of ten calendar days after its first official publication).

shall be punished by restraint of liberty for a term up to three years, or imprisonment for a term of four years with a fine of up to one hundred monthly calculation indices or without it, and with confiscation of property or without it.

3. Offences stipulated by the first or second part of this Article committed by an organized group or by a person with the use of his official position shall be punished by imprisonment for a period of five years with confiscation of property, or without it.

Footnote. Article 183 as amended by the Law of the Republic of Kazakhstan dated 21.12.2002 No. 363, dated 09.12.2004 No. 10, dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010), dated 06.10.2010 No. 343-IV (shall be enforced upon the expiry of ten calendar days after its first official publication), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon the expiry of ten calendar days after its first official publication), dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 183-1. Transportation, purchase, sale, storage of oil and oil products, and refining undocumented confirming the validity of their origin**

1. Transportation, purchase, sale, storage of oil and oil products, and oil refining without proof of the validity of their origin, on a large scale shall be punished by imprisonment for a term of two to three years with confiscation of property which is the instrument or the means of committing the crime.

2. The same offences are committed:  
a) repeatedly;  
b) by an organized group  
shall be punished by imprisonment for a term of five to eight years with confiscation of property or without it condemned, and the property, which is an instrument or means of committing the crime.

**Footnote. The Code is supplemented by Article 183-1 in accordance with the Law dated 06.10.2010 No. 343-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 184. Violation of Intellectual Property Rights**

1. Illegal use of objects of copyright or related rights, as well as the illegal use of an invention, useful model, or industrial sample, or the divulgation, without the consent of a given author or declarant, of the essence of a scientific discovery, invention, useful model, or industrial sample, prior to official publication of information concerning them, as well as the illegal appropriation of authorship, or coercion to co-authorship, if these offences are committed for the purpose of obtaining profit, or if they inflicted considerable damage shall be punished by a fine in an amount from one hundred up to five hundred monthly calculation indices, or in an amount of wages or other income of a given convict for a period from one to five months, or by engaging in community service for a period from one hundred eighty up to two hundred forty hours, or by restriction of liberty for a period up to two years.

2. Offences stipulated by the first part of this Article committed repeatedly, or by a group of persons upon a preliminary collusion, or by an organized group shall be punished by a fine in an amount from five hundred up to eight hundred monthly calculation indices, or in an amount of wages or other income of a given convict for a period from five to nine months, or by the detention under arrest for a period from four to six months, or by imprisonment for a period up to five years with confiscation of property, or without it.

3. Illegal use of copyright and (or) related rights by organizing, creating online resources for further access to the exchange, storage, handling, and copies of works (or) objects related rights in an electronic digital format, causing considerable damage shall be punished by a fine of six hundred to eight hundred monthly calculation indices or community service for a

period of two hundred upon two hundred forty hours, or restraint of liberty for up to one year.

4. Offences stipulated by the second and third paragraphs of this Article are committed:

- a) repeatedly;
- b) a group of persons by prior conspiracy or by an organized group;
- c) on a large scale, or causing major damage;
- d) by a person using his official position, - shall be punishable by imprisonment for a term of two to five years with confiscation of property or without it.

**Footnote. Article 184 is in the wording of the Law of the Republic of Kazakhstan dated 12.01.2012 No. 537 (shall be upon expiry of ten calendar days after its first official publication).**

### **Article 184-1. Violation of rights to inventions, utility models, industrial designs, selection achievement or topology of IC**

1. Disclosure without the consent of the author or the application of the invention, utility model, industrial design, selection achievement or integrated circuit topography before the official publication of information about them, as well as attribution of authorship or co-authorship enforcement, if these offences have caused significant damage to the author or other copyright holder or substantial damage their rights or legitimate interests are punishable by a fine of one hundred to five hundred monthly calculation indices or community service for a term of up to one hundred hours, or restraint of liberty for a term up to two years.

2. Illegal use of an invention, utility model, industrial design, selection achievement or integrated circuit topography, committed a significant amount -punishable by a fine of five hundred to seven hundred monthly calculation indices or community service for a period of one hundred and eighty to two hundred forty hours, or restraint of liberty for up to one year.

3. If actions envisaged in part two of this article are committed:

- a) repeatedly;
- b) a group of persons by prior conspiracy or by an organized group;
- c) on a large scale, or causing major damage;
- d) by a person using his official position, - shall be punished by imprisonment for a term of two to five years with confiscation of property or without it.

**N o t e .**

1. Offences punishable under Articles 184, 184-1 of this The Law shall be deemed to cause substantial damage or committed a significant amount if the amount of damage or the value of the rights to the intellectual property or the cost of copies of copyright and (or) related rights or products containing inventions, utility models, industrial designs, selection achievements or integrated circuits, a hundred times the monthly calculation index, established by the legislation of the Republic of Kazakhstan at the time of the crime.

2. Offences punishable under Articles 184, 184-1 of this The Law, recognized cause major damage or committed on a large scale if the amount of the damage or the value of the rights to the intellectual property or the cost of copies of copyright and (or) related rights or products containing inventions, utility models, industrial designs, selection achievements or integrated circuits, five hundred times the monthly calculation index established by the legislation of the Republic of Kazakhstan at the time of the crime.

Footnote. The Chapter is supplemented by Article 184-1 in accordance with the Law of the Republic of Kazakhstan dated 22.11.2005 No. 90 (the order of enforcement see Art. 2 of the Law), as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 179-IV (the order of enforcement see Art. 2), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 185. Illegal Taking Possession of an Automobile or Other Transport Vehicle without the Purpose of Stealing**

1. Illegal seizure of an automobile or other transport vehicle without the purpose of stealing (hijacking) shall be punished by restriction of liberty for the period of up to five years or by deprivation of liberty for the same period.

2. If the same offence is committed as follows:

- a) by a group or persons upon a preliminary collusion;
- b) repeatedly;

c) with violence which was not dangerous to life or health or with a threat to apply such violence,

it shall be punished by imprisonment for a period up to five years or imprisonment for the same period.

3. Offences stipulated by the first or second part of this Article which are committed by an organized group, or which caused considerable damage shall be punished by imprisonment for a period from five to ten years.

4. Offences stipulated by the first, second or third part of this Article committed with violence dangerous to life or health, or with a threat to apply such violence shall be punished by imprisonment for a period from six to twelve years.

Footnote. Article 185 as amended by the Law of the Republic of Kazakhstan dated 21.12.2002 No. 363, dated 09.12.2004 No. 10, dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 186. A Violation of Property Rights of Land**

1. An illegal penetration into an alien land plot resulted in the inflicting of considerable damage to rights and the Law protected interests of citizens or organizations or the Law protected interests of the society or the state committed to the application of violence or with a threat of its application by a group of persons or accompanied by the Lawful search, as well as the Lawful seizure of an alien land plot shall be punished by a penalty in an amount from two hundred to five hundred monthly calculation indices or by deprivation of liberty for the period of up to two years, or by imprisonment for the same period.

2. Actions stipulated by part one of this Article committed by a person with the use of his official position shall be punished by a penalty in an amount from five hundred to eight hundred monthly calculation indices or in the amount of wages or by deprivation of the right to take certain positions or to be engaged in certain activity for a period from two to five years, or by deprivation of liberty for the period of up to three years, or by imprisonment for the same period.

**Footnote.** Article 186 is in the wording of the Law of the Republic of Kazakhstan dated 09.12.2004 No. 10, as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 187. Deliberate Destruction or Causation of Damage to Someone Else's Property**

1. Deliberate destruction or causation of damage to someone else's property, which inflicted a considerable harm shall be punished by a fine in an amount from fifty to one hundred monthly calculation indices, or community service for a term from eighty to one hundred eighty hours, or by corrective labor for up to one year, or by restriction of freedom for up to two years, or imprisonment for the same term.

2. The same offences are committed as follows:

a) by way of arson, explosion, or other method dangerous for the public;  
b) which entailed by negligence the causation of severe or medium gravity damage to health;

c) committed in relation to the execution by a victim of his service or public duty, or with regard to his close relatives under the same motives;

d) under the motives of social, national, racial, or religious enmity shall be punished by correctional labor for a period up to two years, or be a restriction of liberty up to four years, or by imprisonment for the same period.

3. Offences stipulated by the first or second part of this Article which entailed the following:

a) the death of a person by negligence;

b) destruction or damage to monuments of history, culture, nature complexes, or objects

protected by the state, as well as objects or documents having a special historical, scientific, artistic, or cultural value shall be punished by imprisonment for a period from three to seven years .

Note. Considerable damage shall be understood to mean an amount of damage which exceeds by one hundred times a monthly calculation index.

Footnote. Article 187 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10, dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 188. Negligent Destruction or Causation of Damage to Someone Else's Property**

1. Destruction or the damaging of someone else's property committed by careless handling of fire or other sources of increased danger or negligently caused grave consequences ,

shall be punished by a fine from two hundred to five hundred monthly calculation indices, or correctional labor for a term from one to two years, or restraint of liberty for a term up to three years .

Footnote. Article 188 is in the wording of the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 7. Crimes in the Sphere of Economic Activity**

### **Article 189. Creating Impediments to Legal Entrepreneurial Activity**

Footnote. Article 189 is excluded by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its official publication).

### **Article 190. Illegal Entrepreneurship**

1. The exercise of illegal entrepreneurial activity without registering or without a special permit (license), in cases in which such a permit (license) is obligatory, or in violation of terms of licensing, as well as engage in the prohibiteds of entrepreneurial activity, if these offences caused a considerable damage to a citizen, organization, or the state, or if these offences are combined with the receipt of profit in a large amount, or the production, storage or marketing of excisable goods in material quantities, -

shall be punished by a fine of five hundred to one thousand monthly calculation indices, or community service for a period of one hundred eighty to two hundred forty hours, or by

imprisonment for up to two years with a fine of up to fifty monthly calculation indices or without it.

2. The same offences are:

- a) committed by an organized group;
- b) accompanied by extraction of profit in an especially large amount;
- c) committed repeatedly,

shall be punished by a fine from one thousand to one thousand fifteen hundred monthly calculation indices or imprisonment for up to five years with confiscation of property or without it.

Note.

1. In Articles 190 and 191 of the this Code, profit in a large amount shall be understood to mean income an amount of which exceeds five hundred monthly calculation indices, and profit in an especially large amount shall be understood to mean income an amount of which exceeds two thousand monthly calculation indices.

2. Quantities of which the value exceeds one hundred of monthly calculation indices shall be recognized as material for the purposes of Article 190 of this Code.

3. In Articles 190, 191, 192-1, 215, 216, 217, 219 and 220 of the this Code, heavy damage shall be understood to mean damage, caused to the citizen amounting to ten thousand times exceeding the monthly calculation index, established in accordance with legislation of the Republic of Kazakhstan for the moment of committing the crime.

4. In Articles 190, 191, 192-1, 215, 216, 217, 219 and 220 of the this Code, heavy damage shall be understood to mean damage, caused to the citizen amounting to ten hundred times exceeding the monthly calculation index, established in accordance with legislation of the Republic of Kazakhstan for the moment of committing the crime.

**Footnote. Article 190 as amended by the Laws of the Republic of Kazakhstan dated 16.07.1999 No. 430; dated 21.12.2002 No. 363; dated 12. 07.2009 No. 222-I (the order of enforcement see Art. 2); dated 12.10.2009 No. 227-IV (shall be enforced from 01.01.2010); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 ? 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 191. Illegal Banking Activity**

1. The exercise of banking activity (banking transactions) without registering or without a special permit (license), in cases in which such a permit (license) is obligatory, or in violation of terms of licensing, if this offence inflicted a considerable damage upon a citizen, organization, or the state, or if this offence is associated with the extraction of income in a large amount shall be punished by a fine in an amount from five hundred up to eight hundred monthly calculation indices, or in an amount of wages or other income of a given convict for

a period from five to eight months, or by imprisonment for a period up to three years with a fine in an amount up to fifty monthly calculation indices, or in an amount of wages or other income of a given convict for a period up to one month, or without it.

2. The same offence is:

- a) committed by an organized group;
- b) associated with the extraction of profit in an especially large amount;
- c) committed repeatedly, - shall be punished by imprisonment for a period up to six months with confiscation of property, or without it.

**Footnote. Article 191 as amended by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 192. Fraudulent Entrepreneurship**

1. Fraudulent entrepreneurship, that is the creation of a commercial organization without the intent to exercise entrepreneurial or banking activity, which has a purpose of receiving loans, exemption from taxes, extraction of other material profit, or concealing prohibited activity, if such entrepreneurship caused a considerable damage to a citizen, organization, or the state, -

shall be punished by a fine from six hundred and fifty to two thousand monthly calculation indices or restriction of freedom for a term from two to five years, or imprisonment for the same term with a fine of two hundred monthly calculation indices or without it.

2. The same offences are committed:

- a) repeatedly;
- b) by the group of persons by previous concert;
- c) by person, authorized to carry out state functions, or by the person equated with him/her, if they are involved with the use of him/her his/her official position, - shall be punished by a fine from two thousand to five thousand monthly calculation indices or imprisonment for a term from three to seven years with confiscation of property.

3. Offences, specified by the part 1 and 2 of the present Article are committed:

- a) by an organized group;
- b) by the criminal community (criminal organization), - shall be punished by a fine in an amount up to three thousand monthly calculation indices or by imprisonment for a period from six to ten years with confiscation of property.

Note.

1. In the present Article and in Article 192-1 of the this Code, the deals pursuing illegal purposes, shall be understood to mean the deals, aimed to at illegal credit, evasion of the payment of taxes, suppression of banned activity, illegal income and (or) deriving another



property profit, as well as assistance in committing of the pointed actions.

2. In the present Article, heavy damage shall be understood to mean the damage, caused to the citizen in the amount exceeding monthly calculation indices to one thousand times, or the damage, cause of the organization or the state in the amount exceeding twenty thousand monthly calculation indices.

Footnote. Article 192 is in the wording of the Law of the Republic of Kazakhstan dated 08.12.2009 No. 225-IV (the order of enforcement see Art. 2); as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 192-1. Effecting a deal by the private enterprise agent with no intent to realize entrepreneurial activity**

Effecting a deal (deals) (particularly by use of bill) by the private enterprise agent with no factual execution of work, provision of services, shipment, pursuing illegal purposes and causing heavy damage to the citizen, organization or the state, - shall be punished by by a fine from five hundred to two thousand monthly calculation indices or correctional labor for up to two years, or restraint of liberty for a term up to two years.

Footnote. The Code is supplemented by the Article 192-1 in accordance with the Law of the Republic of Kazakhstan dated 08.12.2009 No. 225-IV (the order of enforcement see Art. 2 ); as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 193. Legalization of Monetary Funds or Other Property Obtained Illegally**

1. The commission of financial operations and other transactions with monetary funds or other property obtained illegally, a given guilty party being aware of that fact, as well as the use of indicated funds or other property in the exercise of entrepreneurial or other economic activity , -

shall be punished by a fine from five hundred to one thousand monthly calculation indices or restriction of freedom for up to three years, or imprisonment for the same term with a fine of up to one hundred monthly calculation indices or without it.

2. The same offences are committed:

- a) by a group of persons upon a preliminary collusion;
- b) repeatedly ;

c) by a person with the use of his/her official position, - shall be punished by a fine from seven hundred to one thousand monthly calculation indices or imprisonment for up to five

years with confiscation of property or without it.

3. Offences, specified in the first or in the second part of this Article committed as follows ;

a) by a person authorized to perform state functions, or by a person equated to such person, where those functions are associated with the exercise of his/her office duties;

b) by an organized group ;

c) by a criminal community (a criminal organization) or in large amounts, - shall be punished by a fine from one thousand to two thousand monthly calculation indices or imprisonment for a term of three to seven years with deprivation of the right to occupy certain positions or engage in certain activities for up to three years with confiscation of property, and in the cases provided for in paragraph a) - up to seven years with confiscation of property.

N o t e .

1. In this Article a large amount shall be understood to mean the commission of a transaction or the use of monetary funds or other property for an amount which exceeds ten thousand monthly calculation indices.

2. A person who voluntarily reported on legalization of funds or property acquired in an illegal manner, which is in preparation or has taken place, shall be released from criminal liability unless his actions contain a set of the criminal elements as provided for by the second and third part of this Article, or another crime.

**Footnote.** Article 193 as amended by the Law of the Republic of Kazakhstan dated 16.03.2001 No. 163; dated 25.09.2003 No. 484; dated 09.10.2004 No. 10; dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 194. Illegal Receipt and Non-Designated Use of a Loan**

1. The receipt by an individual entrepreneur or the head of an organization of a loan, appropriations, or privilege terms of crediting, by way of providing, to a given bank or other creditor, false information on the economic status, financial situation, or pledged property of a given individual entrepreneur or organization, or false information concerning other circumstances which have considerable importance for the receipt of a loan, appropriations, or privileged terms of crediting, as well as a failure to notify a given bank or another creditor about information concerning the emergence of circumstances which may entail the termination of crediting, granting appropriations, abolition of privileges, or restriction of the amount of a granted loan or appropriations, if these actions caused a considerable damage, - shall be punished by a fine from two hundred to five hundred monthly calculation indices, or correctional labor for up to two years, or imprisonment for the same term.

2. The use of a state targeted loan, or a loan issued against the guarantees of the state, not according to direct designation, if this offence caused a considerable damage to a citizen, organization, or the state, - shall be punished by a fine from two hundred to five hundred monthly calculation indices, or correctional labor for up to two years, or restraint of liberty for a term up to two years, or imprisonment for the same term.

Footnote. Article 194 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.02.2012 No. 557-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 194-1. Improper Use of Money, obtained from floating of bonds**

Taking the decisions, entailing violation of the bonds determined by prospectus of present issue share of the condition and the procedure for using the money, obtained from distributing the bonds, by the issue bodies (issue officials), which are not the financial organizations, if that offence caused heavy damage for the bondholders, - shall be punished by a fine from ten thousand to twenty thousand monthly calculation indices, or correctional labor for up to two years, or imprisonment for the same term.

N o t e .

Heavy damage in this Article shall be understood to mean the damage in an amount exceeding ten thousand times monthly calculation indices, established by the legislation of the Republic of Kazakhstan for the moment of commission of a crime.

Footnote. Chapter 7 is supplemented by Article 194-1 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 195. Malicious Evasion from Repayment of Accounts Payable**

Footnote. Article 195 is excluded by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 196. Monopolistic Actions and Restriction of Competitiveness**

1. Establishment and (or) maintaining by the market subjects the exclusively high (low) or agreed prices, limitations on the resale of purchased from the market entity with a dominant or monopolistic position, the goods (works, services) on a territorial basis, range of buyers, the terms of purchase, the amount or prices, market sharing by territory, assortment of goods (works, services), the volume of their sale or purchase by groups of sellers or buyers, as well

as other actions aimed at restricting competition if they have caused major harm to a citizen, organization, or state or involve removing of income on a large scale by the subject of the market, - shall be punished by a fine in an amount up to one thousand monthly calculation indices, or by correctional labor for a period up to two years, or restriction of liberty for a period up to two years.

2. The same offences committed repeatedly, or by a group of persons upon a preliminary collusion, or by an organized group, or by a person with the use of his official position, - shall be punished by a fine from one thousand to two thousand monthly calculation indices or imprisonment for up to three years with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years with or without confiscation of property or without it.

3. Offences, stipulated by the first or second part of this Article which are committed with violence or a threat to apply it, as well as with destruction or the damaging of someone else's property, or a threat to destroy or damage it, and in the absence of elements of extortion, - shall be punished by a fine from two to five thousand monthly calculation indices or imprisonment for a term of three to seven years with confiscation of property or without it.

N o t e .

Income on a large scale in this Article shall be understood to mean the income, which amount exceeds two hundred thousand monthly calculation indices.

Footnote. Article 196 is in the wording of the Law of the Republic of Kazakhstan dated 25.12.2008 No. 113 (shall be enforced from 01.01.2009); as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 197. Malicious Violation of the Established Procedure for Conducting Public Tenders and Auctions**

Footnote. Article 197 is excluded by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 198. Deliberately Fraudulent Advertising**

The use by an advertiser in his advertisements of deliberately false information regarding goods, work, or services, as well as their producers, performers, or sellers, which is committed for venal purposes and caused considerable damage, by a person, who is subject to administrative punishment for committing the same offence within a year - shall be punished by a fine from two hundred to five hundred monthly calculation indices, or community service for a period of one hundred and eighty to two hundred forty hours, or by corrective

labor for up to two years, or restraint of liberty for a term up to two years.

Footnote. Article 198 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 199. Illegal Use of a Trade Mark**

1. Illegal use of someone else's trademark, service mark, firm's name, name of the place of goods' origin, or illegal use of marks similar to them for similar goods or services, if this offence is committed repeatedly or caused considerable damage, - shall be punished by a fine from two hundred to five hundred monthly calculation indices, or community service for a period of one hundred eighty to two hundred forty hours, or by corrective labor for up to two y e a r s .

2. Illegal use of warning instructions with regard to a trade mark, or the name of the place of goods' origin, which is not registered in the Republic of Kazakhstan, if this offence is committed repeatedly or caused considerable damage, - shall be punished by a fine from one hundred to two hundred monthly calculation indices, or community service for a period of one hundred twenty to one hundred eighty hours, or by corrective labor for up to one year.

Footnote. Article 199 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 200. Illegal Receipt and Divulgence of Information Constituting a Commercial or Banking Secret**

1. Gathering information which constitutes a commercial or banking secret by way of theft of documents, subornation or threats to persons who possess the commercial or banking secret, or their relatives, as well as by way of interception of the means of communication, illegal penetration into a computer system or network, the use of special technical means, or by any other illegal method for the purposes of divulgence or illegal use of such information, - shall be punished by a fine from one hundred to two hundred monthly calculation indices, or correctional labor for up to two years, or restraint of liberty for up to one year, or imprisonment for the same term.

2. Illegal Divulgence or the use of information which constitutes a commercial or banking secret, without the owner's consent, by a person to whom it was trusted due to his office or position of employment, which is committed for venal purposes or other personal benefits, and which caused considerable damage, - shall be punished by a fine from two hundred to five hundred monthly calculation indices, or correctional labor for a term from one to two

years, or restraint of liberty for a term up to three years, or imprisonment for the same term with a fine of up to one hundred monthly calculation indices or without it.

Footnote. Article 200 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 201. Subornation of Participants and Organizers of Professional Sport Competitions and Commercial Show Contests**

Footnote. Article 201 is excluded by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 202. Violation of the Procedure for Issue of Securities**

Approval of a securities prospectus which contains deliberately false information, as well as approval of a deliberately inaccurate report on the issue of securities, - shall be punished by a fine from two hundred to five hundred monthly calculation indices, or correctional labor for a term from one to two years, or restraint of liberty for a term up to three years, or imprisonment for the same term with a fine of up to one hundred monthly calculation indices o r w i t h o u t i t .

Footnote. Article 202 as amended by the Laws of the Republic of Kazakhstan dated 08.07.2005 No. 72 (the order of enforcement see Art. 2); dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 202-1. Failure to Provide Information or Misrepresentation by the Official of Security Issue**

Failing to provide information or making false representations by entities issuing securities to state bodies and security holders aiming to profit, causing great damage to the security holders, - shall be punished by a fine from three hundred to five hundred monthly calculation indices or deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or correctional labor for up to two years, or restraint of liberty for up to one year with deprivation of the right to hold certain positions or engage in certain activities for a term up to three years or without it.

Footnote. The Code is supplemented by Article 202-1 in accordance with the Law of the Republic of Kazakhstan dated 08.07.2005 No. 72 (the order of enforcement see Art. 2); as

amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 203. Giving False Information on the Register of Securities Holders**

1. Giving deliberately false information on the register of securities holders which entailed the transfer of the rights to those securities to another person, - shall be punished by a fine from three hundred to five hundred monthly calculation indices, or correctional labor for up to one year, or by deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same offence, which caused considerable damage, - shall be punished by a fine from five hundred to one thousand monthly calculation indices, or correctional labor for a term from one to two years, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or restraint of liberty for a term up to two years or imprisonment for the same term with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

**Footnote.** Article 203 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 204. Providing Deliberately False Information on Securities Transactions**

Presentation by the professional participants of the securities market to the state bodies and security holders of false information on the number and of securities held in the personal accounts of holders of securities and transactions in securities in order to reap the benefits of property, caused large damage, - shall be punished by a fine from three hundred to five hundred monthly calculation indices, or correctional labor for up to two years, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or restraint of liberty for up to one year, with disqualification to hold specified positions or engage in certain activities for a term up to three years or without it.

**Footnote.** Article 204 as amended by the Law of the Republic of Kazakhstan dated 08.07.2005 No. 72 (the order of enforcement see Art. 2); dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 205. Violation of the Rules for Conducting Securities Transactions**

1. Violation of the rules for conducting securities transactions which caused considerable damage, - shall be punished by a fine from five hundred to one thousand monthly calculation indices, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or restraint of liberty for up to one year with deprivation of the right to occupy certain positions or engage in certain activities for up to three years or without it.

2. The same offence, committed repeatedly or by a group of persons upon a preliminary collusion, or by an organized group, - shall be punished by a fine from one and two thousand monthly calculation indices, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or restraint of liberty for a term up to three years, or imprisonment for the same term with the deprivation of the right to hold certain positions or engage in certain activities for a term up to three years with confiscation of property or without it.

**Footnote.** Article 205 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 205-1. Loss of Documents and Information Composing the System of the Register Security Holders**

Loss of documents and information composing the system of the register of security holders by the person to whom they were entrusted by virtue of their official position as a result of violation of the storage and use regulations of the pointed documents, - shall be punished by a fine from two hundred monthly calculation indices, or correctional labor for up to one year, or by restriction of liberty for up to one year, or imprisonment for the same term with deprivation of the right to occupy certain positions or engage in certain activities for a term up to two years or without such deprivation.

**Footnote.** Chapter 7 is supplemented by Article 205-1 in accordance with the Law of the Republic of Kazakhstan dated 12.28.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 206. Manufacture or Distribution of Counterfeit Money or Securities**

1. Manufacture or storage for the purpose of distribution, as well as distribution of counterfeit banknotes and coins of the National Bank of the Republic of Kazakhstan, state securities, or other securities in the currency of the Republic of Kazakhstan, as well as counterfeit foreign currency or securities in foreign currency, - shall be punished by



imprisonment for a period up to five years with or without confiscation of property.

2. If the same offences are committed:

a) by a group of person with pre-planning;

b) repeatedly;

c) on a large scale,

shall be punished by imprisonment for a period from five to ten years with confiscation of property.

3. Offences, stipulated by the first or second part of this Article which are committed by an organized group, - shall be punished by imprisonment for a period from eight to fifteen years with confiscation of property.

**Footnote. Article 206 as amended by the Law of the Republic of Kazakhstan dated January 8, 2007 No. 210.**

### **Article 207. Manufacture or Distribution of Counterfeit Payment Cards or Other Payment and Settlement Documents**

1. Manufacture for the purpose of distribution, or distribution of counterfeit payment cards, as well as other payment or settlement documents which are not securities, - shall be punished by imprisonment for up to three years with a fine in the amount of five hundred to seven hundred monthly calculation indices.

2. If the same offence is committed repeatedly or by an organized group, it shall be punished by imprisonment for a period from four to seven years with confiscation of property.

**Footnote. Article 207 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 208. Violation of the Procedure and Rules for Marking of Excisable Goods with Excise Duty Stamps, Counterfeit and Use of Excise Duty Stamps**

1. Violation of the procedure and rules for marking excisable goods with excise duty stamps and (or) the accounting and control stamps, if it caused material harm, - shall be punished by a fine from five hundred to seven hundred monthly calculation indices, or correctional labor for a term of one to two years, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or restraint of liberty for a term up to two years, or deprivation freedom for the same period of deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years or without i t .

2. Manufacture or purchase for the purposes of marketing, and similar uses or marketing of deliberately counterfeit excise duty stamps and (or) the accounting and control stamps, -

shall be punished by imprisonment for up to three years with a fine in the amount from five hundred to one thousand monthly calculation indices with the deprivation of the right to hold certain positions or engage in certain activities for a term up to three years or without it.

N o t e .

1. If the damage caused was worth an amount in excess of one hundred monthly calculation indices this shall be considered as material for the purposes of this Article.

2. A person, who voluntarily compensated the damage caused, shall be excused from criminal liability under part one of the present Article, if his/ her actions did not include elements of other crimes.

**Footnote.** Article 208 is in the wording of the Law of the Republic of Kazakhstan dated 16.07.1999 No. 430; as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 209. Economic Contraband**

1. The transfer across the customs border of the Republic of Kazakhstan of goods or other objects in large quantities, except for those indicated in Article 250 of this Code, which is committed without customs' supervision or with concealment from customs, or with fraudulent use of documents or other forms of custom identification, as well as the transfer of prohibited, or restricted for transfer across the customs border, goods, items, or valuables, with regard to which special rules are imposed for transfer in large quantities and without declaration or with false declaration to the customs, -

shall be punished by a fine from five hundred to one thousand monthly calculation indices with confiscation of property or without it, or correctional labor for a term from one to two years, or restraint of liberty for a term up to three years, or imprisonment for the same term with a fine of up to hundred monthly calculation indices or without it.

2. If the same offence is committed:

a) repeatedly;

b) by a person using his official position;

c) with violence against a person carrying out customs supervision;

d) on an especially large scale;

e) by a group of person with pre-planning,

shall be punished by imprisonment for a period of up to five years with confiscation of property.

3. If the offences, specified in the first or second part of this Article are committed as follows:

a) by a person authorized to carry out state duties, or by a person equated to such, where

those functions are associated with the exercise of his official duties;  
b) by an organized group,  
shall be punished by deprivation of liberty for a period from three to eight years or with deprivation of the right to hold certain positions or engage in certain activities for a period up to three years with confiscation of property, and in the cases specified in paragraph a), up to seven years with confiscation of property.

Note. Offences, stipulated by this Chapter shall be considered as having been committed on a large scale, if the value of transferred goods exceeds one thousand monthly calculation indices.

Footnote. Article 209 as amended by the Laws of the Republic of Kazakhstan dated 25.09.2003 No. 404; dated 09.12.2004 No. 10; dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2); dated 30.06. 2010 No. 297-IV (shall be enforced from 01.07.2010); dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 210. Trafficking of Valuable Metal, Precious Stones and Pearls**

Is excluded by the Law of the Republic of Kazakhstan dated 09.07.1998 No. 277.

#### **Article 211. Violation of Rules of Delivery to the Government of Valuable Metal and Precious Stones**

Is excluded by the Law of the Republic of Kazakhstan dated July 9, 1998 No. 277.

#### **Article 212. Violation of Production and Using Rules of State Touch Marks**

Is excluded by the Law of the Republic of Kazakhstan dated July 9, 1998 No. 277.

#### **Article 213. Non-Return of Funds in Domestic and Foreign Currency from Abroad**

A failure by the head of an organization to return from abroad funds in a foreign currency in large amounts, which must in accordance with legislation of the Republic of Kazakhstan be transferred to accounts in a given authorized bank of the Republic of Kazakhstan, - shall be punished by a fine in the amount from ten and up to twenty thousand monthly calculation indices, or by imprisonment for a period up to three years.

Note. The offence, stipulated by this Article shall be recognized as having been committed on a large scale, if an amount of unreturned funds in a foreign currency exceeds five thousand monthly calculation indices.

Footnote. Article 213 as amended by the Law of the Republic of Kazakhstan dated 04.07.2009 No. 167-IV (the order of enforcement see Art. 2); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 214. Evasion of Customs Payments and Levies**

1. Evasion of payment of customs duties, taxes, customs levies, levies for the issue of a license, or other customs payments in large quantities, - shall be punished by a fine from five hundred to seven hundred monthly calculation indices, or correctional labor for up to one year, or by restriction of freedom for up to two years.

2. If the same offence is committed:

a) repeatedly;

b) by an official using his position;

c) by an organized group or a criminal association (criminal organization), shall be punished by a fine from seven hundred to one thousand monthly calculation indices, or correctional labor for a term from one to two years, or restraint of liberty for a term up to three years, or imprisonment for the same period.

Note.

1. Evasion of customs payments shall be considered as having been committed on a large scale if the total value of unpaid customs payments exceeds one thousand monthly calculation indices.

2. A person, who voluntarily repaid the total sum of unpaid taxes, assessed penalties, the sum of fines established by the legislation of the Republic of Kazakhstan shall be excused from criminal liability under part one of the present Article, if his/her actions don't include elements of other crimes.

Footnote. Article 214 as amended by the Laws of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 01.07.2010); dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 215. Illegal Actions in Bankruptcy**

1. Concealing property or material obligations, as well as information concerning the property, its value, location, or other information concerning the property, transferring property into someone else's ownership, disposing of or destroying property, as well as concealment, destruction, or falsification of accounting or other reporting documents which record economic activities, - shall be punished by a fine in the amount from one thousand to one thousand fifteen hundred monthly calculation indices, or correctional labor for a term

from one to two years, or restraint of liberty for a term up to two years with a fine from seven hundred to one thousand monthly calculation indices.

2. Wrongful satisfaction of the property claims of individual creditors by manager or owner of a debtor organization or by individual entrepreneur, who is aware of his/her actual insolvency (bankruptcy), as well as by a person who had the authority to manage the property and affairs of an insolvent debtor in bankruptcy proceedings or rehabilitation proceedings, obviously to the detriment of other creditors if this act caused large damage, -

shall be punished by a fine from seven hundred to one thousand monthly calculation indices, or correctional labor for up to one year, or by restriction of freedom for up to two years, or imprisonment for a term up to three years with a fine in the amount from three hundred to five hundred monthly calculation indices or without it.

**Footnote.** Article 215 as amended by the Laws of the Republic of Kazakhstan dated 05.07.2008 No. 60-IV (the order of enforcement see Art. 2); dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 216. Deliberate Bankruptcy**

Deliberate bankruptcy is the deliberate facilitation of or induction of insolvency, which is committed by either the head or owner of a commercial organization or by an individual entrepreneur for personal gain or the benefit of other persons, which caused considerable damage or other serious consequences, - shall be punished by a fine from seven hundred to one thousand monthly calculation indices, or restriction of freedom for up to one year, or by imprisonment for up to three years with a fine in the amount from three hundred to five hundred monthly calculation indices, or without it.

**Footnote.** Article 216 as amended by the Laws of the Republic of Kazakhstan dated 05.07.2008 No. 60-IV (the order of enforcement see Art. 2), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 216-1. Making Oneself Unable to Pay**

Intentional action (inaction) of a key participant - the individual, the first head of a key participant - the legal entity of the insurance (reinsurance) company, pension fund, bank or persons, permanently, temporarily or by special authorization of the governing body or executive body of the insurance (reinsurance) organizations, pension fund, bank, organization, investment management of pension assets, which led to the bankruptcy that resulted in forced liquidation of the insurance (reinsurance) company, pension fund, bank,-

shall be punished by a fine in an amount between three and six thousand monthly calculation indices, or by restriction of liberty for a period up to one year, or by imprisonment for a period between one year and three years with or without a fine in the amount between two and four hundred monthly calculation indices.

Footnote. Chapter 7 is supplemented by Article 216-1 in accordance with the Law of the Republic of Kazakhstan dated 23.10.2008 No. 72-IV (the order of enforcement see Art. 2); as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 217. False Bankruptcy**

An intentionally false declaration by the head or owner of a commercial organization or by an individual entrepreneur, of insolvency for the purpose of misleading creditors, in order to receive a deferral of payments due to creditors or in order to pay in installments, or to receive a relief from debts, as well as for the purpose of non-payment of debts, if this act caused considerable damage, - shall be punished by a fine in the amount between eight hundred and one thousand monthly calculation indices, or by restriction of liberty for a period up to one year, or by imprisonment for a period up to three years, with or without a fine in an amount from three hundred up to five hundred monthly calculation indices.

Footnote. Article 217 as amended by the Laws of the Republic of Kazakhstan dated 05.07.2008 No. 60-IV (the order of enforcement see Art. 2); dated 18.01.2011 No. 393- IV ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 218. Violation of Accounting Rules of the Republic of Kazakhstan**

Evasion of the authorized body for accounting entity of documenting the information required by the legislation, or making by this person in the accounting records of false information on the economic and financial activities of the organization, as well as the destruction of accounting documents to the expiration date, which caused major damage - shall be punished by a fine of up to three hundred monthly calculation indices or correctional labor for up to one year with a fine of up to one hundred monthly calculation indices.

Footnote. Article 218 as amended by the Laws of the Republic of Kazakhstan dated 28.02.2007 No. 235 (the order of enforcement see Art. 2), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated

09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 219. Submission of Deliberately False Information Concerning Banking Transactions**

Submission of deliberately false information concerning operations under bank accounts of legal entities or physical persons, as well as the issue of guarantees, or other obligations unsecured by the actual financial status of a given bank by employees of a given bank, a guilty party being aware of that fact, if these actions entailed or could have caused considerable damage to a citizen, organization, or the state shall be punished by a fine in the amount of between seven hundred and two thousand monthly calculation indices, or by correctional labor for a period between one year and two years, or by restriction of liberty for a period up to two years with a fine in an amount between two hundred and five hundred monthly calculation indices, with deprivation of the right to hold specified offices or to engage in specified activities for a period up to three years.

**Footnote.** Article 219 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 220. Illegal Use of Monetary Funds of a Bank**

1. The use by employees of a given bank of its own funds and (or) borrowed funds for the issue of deliberately uncollectible loans, or for commission to deliberately unprofitable transactions for a given bank, as well as the granting of baseless guarantees or ungrounded privileged terms to that bank's client or to other entities, if these actions caused considerable damage to a citizen, organization, or the state, - shall be punished by a fine in the amount from five hundred to one thousand monthly calculation indices, or correctional labor for up to two years, or restraint of liberty for a term up to three years, or imprisonment for the same term with a fine of up to three hundred monthly calculation indices or without it, and with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Deliberately incorrect or deliberately untimely transfers by a bank employee of monetary funds, including currency funds to clients' bank accounts, if such an action caused considerable damage to a citizen, organization, or the state, - shall be punished by a fine in an amount between one thousand and up to two thousand monthly calculation indices, or by restriction of liberty for a period up to one year, with a fine in an amount from one hundred up to two hundred monthly calculation indices, or without it, and with deprivation of the right to hold specified offices or to engage in specified activities for a period up to three years.

Footnote. Article 220 as amended by the Laws of the Republic of Kazakhstan dated 23.10.2008 No. 72-IV (the order of enforcement see Art. 2); dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 221. Evasion by a Citizen of Tax and (or) Other Mandatory Contributions to the Budget**

Footnote. Title of Article as amended by the Law of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2).

1. Evasion of tax or other mandatory contributions to the state budget by a citizen due to failure to submit a declaration of income in the cases where the submission of the declaration is mandatory or by way of inclusion into the declaration or other documents connected with the assessment or payment of taxes or other mandatory contributions to the state budget of deliberately false information on income or expenditures or on the property which is subject to taxation, if that offence entailed non-payment of tax or of mandatory payments on a large scale, - shall be punished with a fine in amount of between two hundred and one thousand monthly calculation indices or engagement into community service for a period from one hundred and eighty up to two hundred and forty hours, or correctional labor for a period up to two years, or with deprivation of liberty for a period up to two years, with or without a fine in amount up to two hundred monthly calculation indices.

2. If the same offence is committed repeatedly, it shall be punished by a fine in an amount from five hundred up to three thousand monthly calculation indices, or by correctional labor for a period up to two years, or by imprisonment for a period up to three years, with a fine in an amount up to three hundred monthly calculation indices or without such.

N o t e .

Non-payment of taxes or other mandatory contributions to the state budget by a citizen shall be recognized as having been committed on a large scale, if the amount of unpaid tax or mandatory contributions exceeds five hundred monthly calculation indices.

Footnote. Article 221 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 16.03.2001 No. 163; dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2); dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 222. Evasion of Taxes and (or) Other Mandatory Contributions to the Budget by an Organization**



1. Evasion of tax and (or) other mandatory contributions to the state budget by organizations, by way of non-submission of a declaration of their aggregate annual income in cases where the submission of the declaration is mandatory, or by way of inclusion into the declaration or the documents connected with the assessment and payment of taxes or other obligatory payments to the state budget of deliberately distorted information on income or costs, or by way of concealment of other taxable items or other obligatory payments, or actual location of the organization, if this offence entailed non-payment of tax or obligatory payments on a large scale, - shall be punished by a fine in an amount from seven hundred up to one thousand monthly calculation indices, with deprivation of the right to hold specified offices or to engage in specified activities for a period up to three years or by imprisonment for a period between one year and three years, with deprivation of the right to hold specified offices or to engage in specified activities for a period up to three years, with a fine in an amount between five hundred and one thousand monthly calculation indices.

2. If the same offence is committed repeatedly, it shall be punished by a fine in the amount between three and five thousand monthly calculation indices with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years with confiscation of property or without it, or with imprisonment for a term from three to five years with deprivation of the right to hold certain positions or engage in certain activities for a term up to three years with a fine in the amount from one thousand to two thousand monthly calculation indices, with confiscation of property.

3. Acts stipulated in the first and (or) the second part of this article, and committed by a group of persons by prior conspiracy or by an organized group or on a large scale, - shall be punished by imprisonment for a period from five to seven years with deprivation of the right to occupy certain positions or engage in certain activities for a period up to three years with a fine between three and five thousand monthly calculation indices or with confiscation of property.

N o t e .

Non-payment by an organization of taxes or other mandatory contributions to the state budget shall be considered to have been committed on a large scale, if the amount of unpaid tax or mandatory contributions exceeds five thousand monthly calculation indices.

**Footnote.** Article 222 is in the wording of the Law of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2); as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 222-1. Offences in Relation to the Property, Limited in Disposal on Account of Back Taxes of Taxpayer**

Embezzlement, alienation, concealment, or illegal transfer of property on which the tax authorities imposed a restriction with regards to its disposal, as well as refusal to hand over such property in the cases stipulated by the legislation of the Republic of Kazakhstan, having been committed by a person whose property is limited, as well as the commission by an employee of a loan organization of banking transactions with monetary funds (deposits) in relation to which all credit operations had been suspended by the tax authorities, shall be punished by a fine in an amount of two hundred monthly calculation indices, or by engaging in community service for a period between one hundred eighty and two hundred forty hours, or by imprisonment for a period up to two years.

Footnote. Article 222-1 as amended by the Laws of the Republic of Kazakhstan dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009); dated 18.01.2011 No. 393- IV ( shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 223. Deception of Consumers**

Footnote. Article 223 is excluded by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 224. Receipt of Illegal Remuneration**

1. Illegal receipt by an employee of a state body or a state-owned organization who is not a person authorized to carry out state functions or a person equated to such person, as well as by an employee of a non-state organization who does not exercise managerial functions, of material remuneration, privileges, or services of a material nature, for the performance of work or the rendering of a service which are within the range of his duties, if this offence is accompanied by extortion, - shall be punished by deprivation of the right to occupy certain positions or engage in certain activities for a period up to three years or a fine of up to one hundred monthly calculation indices, or community service for a period of up to one hundred and twenty hours, or correctional labor for up to one year, or by restriction of liberty for the same period.

2. If the same offence is committed repeatedly or associated with the receipt of remuneration on a large scale, it shall be punished by deprivation of the right to occupy certain positions or engage in certain activities for a period up to five years, or correctional labor for a period of one to two years, or restraint of liberty for a period up to two years or imprisonment for the same term, with deprivation of the right to hold certain positions or engage in certain activities for a term up to three years.

Note. Receipt of illegal remuneration shall be considered as having been committed on a large scale, if the amount received by a given person or the value of services rendered to him exceeds three hundred monthly calculation indices.

Footnote. Article 224 as amended by the Laws of the Republic of Kazakhstan dated 25.09.2003 No. 484; dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 225. Registration of Illegal Transactions Relating to the Use of Nature**

Footnote. Article 225 is excluded by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 226. Duress to Complete or to Refuse to Complete a Transaction**

1. Duress to complete a transaction or to refuse to complete it under threat of violence, destruction or damage to someone else's property, as well as distribution of information which may cause considerable damage to the rights and interests of a given victim or his relatives, in the absence of elements of distortion, - shall be punished by restriction of liberty for a period of up to three years, or by imprisonment for a period of up to two years with a fine in an amount of up to one hundred monthly calculation indices, or without it.

2. If the same offence is committed:

a) repeatedly;

b) with the use of violence;

c) by an organized group,

it shall be punished by a fine in an amount between one thousand and three thousand monthly calculation indices or by imprisonment for a period of between two and six years with or without confiscation of property.

Footnote. Article 226 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 226-1. Corporate Raiding**

1. Illegal acquisition of title to a share in a legal entity, or the assets and securities of the legal entity or instituting control over a legal entity as a result of a deliberate distortion of voting results, or impede for free realization of right when the decision of the higher authority is taken by way of incorporating in the minutes of the meeting of the session, to deliberately extract from them inaccurate information concerning the vote, quorum or the voting results or deliberately making result of the voting or the record of the vote uncertain, blocking or limiting the direct access of a shareholder, a participant, a member of a regulatory body or

member of the executive body to voting, failing to report information concerning the meeting or session or reporting inaccurate details of the meeting, session, voting on behalf of a shareholder, participant or member of the regulatory body acting upon a deliberately forged letter of attorney, by way of violation, limitation or prejudice of option right of securities and equally deliberate obstructing when realizing of option right of securities or other illegal methods, leading to substantial breaches of rights and legal interests of private and legal state entity's, - shall be punished by a fine in an amount of five hundred up to one thousand monthly calculation indices or by restriction of liberty for a period up to four years or by imprisonment for a period up to five years with confiscation of property with deprivation of the right to hold specified offices or to engage in specified activities for a period up to two years.

2. If offences specified in part one of this Article are committed:  
a) by a group of person with pre-planning;  
b) repeatedly;  
c) using one's professional position,  
it shall be punished by a fine in an amount between one thousand and two thousand monthly calculation indices or by imprisonment for a period between three years and seven years, with confiscation of property.

3. If the same offence is committed:  
a) by an organized group;  
b) by a person, authorized to carry out state functions, or by persons subordinate to him/her, if they are linked with the use of his/her service position, - shall be punished by imprisonment for a period between seven and ten years, with confiscation of property, with deprivation of the right to hold specified offices or to engage in specified activities for a period up to three years.

**Footnote.** The Code is supplemented by Article 226-1 in accordance with the Law of the Republic of Kazakhstan dated 11.01.2011 No. 385-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 227. Illegal Access to Computer Information, and the Creation, Use, and Distribution of Harmful Programs for Computers**

1. Illegal access to computer information which is protected by Law, namely information on a storage medium, in a computer, computer system, or computer network, and equally violation of the rules for the operation of a computer, computer system or their network of persons who have access to the computer, computer system or their network, if this action entailed destruction, blocking, modification, or the copying of information, or disruption of the work of a given computer, computer system, or computer network, - shall be punished by a fine in an amount of between two hundred and five hundred monthly calculation indices, or

by engagement in community service for a period between one hundred twenty and one hundred eighty hours, or by correctional labor for a period up to one year, or imprisonment for the same period.

2. The same offence committed by a group of persons with pre-planning, or by an organized group, or by a person with the use of his professional position, - shall be punished by a fine in an amount between five hundred and eight hundred monthly calculation indices, or by correctional labor for a period between one to two years, or by imprisonment for a period up to three years.

3. The creation of programs for computers, or the introduction of amendments to existing programs, which deliberately lead to unauthorized destruction, blocking, modification, or the copying of information, or disruption of the work of a given computer, computer system, or computer network, as well as the use or distribution of such programs or storage media carrying such programs, - shall be punished by a fine in the amount of between five hundred and one thousand monthly calculation indices, or by correctional labor for a period of up to two years, or by imprisonment for the same period.

4. Actions stipulated in the third part of this Article which entail serious consequences caused through negligence, - shall be punished by a fine in an amount of one thousand and up to two thousand monthly calculation indices, or by imprisonment for a period up to five years.

**Footnote. Article 227 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 227-1. Illegal Change of Cellular User Identity Code, User Identification Equipment, as well as Creation, Exploitation, Dissemination of Programs for Changing of User Identity Code**

1. Illegal changing of identity code of user terminal of cellular communication without a sanction of the producer or its legal owner, creating the counterpart of the cellular user identification card, - shall be punished by a fine in an amount from two hundred up to five hundred monthly calculation indices, or by engaging in community service for a period from one hundred twenty up to one hundred eighty hours, or by correctional labor for a period up to one year.

2. Illegal creation, exploitation, dissemination of programs, enabling to change user identification code of the cellular user identification code, to create the counterpart of cellular user identification card, - shall be punished by a fine in an amount of five hundred up to eight hundred monthly calculation indices, or by correctional labor for a period from one to two years, or by imprisonment for a period up to two years.

3. If the same offences were committed:  
a) by a group of person with pre-planning;

b ) r e p e a t e d l y ;  
c) is excluded by the Law of the Republic of Kazakhstan dated 12.10.2009 No. 227-IV ( shall be enforced from 01.01.2010).

it shall be punished by a fine in an amount from one thousand up to two thousand monthly calculation indices or by imprisonment for a period from three years with confiscation of property or without it.

Footnote. The Code is supplemented by Article 227-1 in accordance with the Law of the Republic of Kazakhstan dated 08.01.2007 No. 210; as amended by the Laws of the Republic of Kazakhstan dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010); dated 18.01.2011 No. 393- IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 8. Crimes against the Interests of Service in Commercial and Other Organizations**

### **Article 228. Abuse of Authority**

The use by a person, who exercises managerial functions in a commercial or other organization, of his (her) authority against the legitimate interests of that organization and for the purposes of deriving profit and advantages for himself or other persons or organizations, or harm another person or organization, if this caused considerable damage to the rights and legitimate interests of society or the state, it shall be punished by a fine of five hundred to eight hundred monthly calculation indices, or community service for a period of one hundred eighty to two hundred forty hours, or by corrective labor for a period from one to two years, or restrain of liberty for up to four years, or with deprivation of liberty for the same term.

Note. A person who permanently, temporarily or on the basis of a special authorization exercises organizational, managerial or administrative and economic functions of an organization, which is not a state body, a local self-government or an organization in which the share of the state is not less than fifty per cent, shall be recognized as a person, exercising managerial functions of a commercial or other organization by the Articles of this Code.

Footnote. Article 228 as amended by the Laws of the Republic of Kazakhstan dated 25.09.2003 No. 484, dated 07.12.2009 No. 222-IV (the order of enforcement see Article 2), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 01.02.2012 No. 551-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 229. Abuse of Power by Private Notaries, Officers of the Court and Auditors, who are working in the auditor organizations**

**Footnote. The Title as amended by the Law of the Republic of Kazakhstan dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).**

1. The use by a private notary, officer of the court, or auditor, who works in the audit organization, or a head of this organization of their authority against their activities and takes, in order to reap the benefits and advantages for themselves or other persons or organizations, or harm to other persons or organizations, if this action caused considerable damage to the rights and legitimate interests of citizens or organizations, or legally protected interests of society or the state, - shall be punished by a fine in an amount from five hundred to eight hundred monthly calculation indices, or community service for a period of one hundred eighty to two hundred forty hours, or by corrective labor for a period from one to two years, or restrain of liberty for a term up to two years, or imprisonment for the same period with deprivation of the right to occupy certain positions or engage in certain activity for a period up to three years.

2. The same offence committed against a minor or an incapacitated person, or committed repeatedly, - shall be punished by a fine in an amount from seven hundred to one thousand monthly calculation indices, or restriction of liberty up to four years, or by imprisonment for the same period with deprivation of the right to occupy certain positions or engage in certain activity for a term up to three years.

**Footnote. Article 229 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2006 No. 139 (the order of enforcement see Article 2 of the Law of the Republic of Kazakhstan No. 139), dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 230. Excess of power by employees of Private Security Services**

1. Exceeding the lawful authority by the head or an employee of a private security service, which is granted to them in accordance with a license, contrary to the objectives of their activity, if this offence is committed with violence or a threat of violence, - shall be punished by restriction of liberty for a period up to three years, or by imprisonment for a period up to five years with deprivation of the right to occupy certain positions or engage in certain activity for a period up to three years, or without it.

2. The same offence committed with the use of weapons or special means, or which caused serious consequences, - shall be punished by imprisonment for a period from three to

eight years, with deprivation of the right to occupy certain positions or engage in certain activity for a period up to three years.

Footnote. Article 230 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 231. Commercial bribery**

1. Illegal transfer to a person, who exercises managerial functions in a commercial or other organization, money, securities, or other property, as well as illegal provision of the property-related services for the use of his (her) official position, as well as for general patronage or connivance in the interests of the person, committing bribery, - shall be punished by a fine in the amount from five hundred to eight hundred monthly calculation indices, or restriction of liberty for a period up to two years, or imprisonment up to three years.

2. The same offences committed repeatedly or by a group of persons by prior conspiracy, or by an organized group, - shall be punished by a fine from eight hundred to one thousand monthly calculation indices, or restriction of liberty for a period of up to three years, imprisonment for a period up to five years.

3. Illegal acquisition by the person who exercises managerial functions in a commercial or other organization, money, securities, or other property, as well as the use of property-related services for the use of his (her) official position, as well as for general patronage or connivance in the interests of the person carrying out bribery, - shall be punished by a fine of one thousand to two thousand monthly calculation indices, or deprivation of the right to occupy certain positions or engage in certain activity for a period up to two years, or restraint of liberty for a period up to three years, or imprisonment for a period up to five years.

4. If the actions stipulated by the third part of this Article are committed:

- a) by a group of persons by prior conspiracy or by an organized group;
- b) repeatedly;
- c) involving extortion;
- d) on a large scale,

shall be punished by a fine in the amount of two thousand to three thousand monthly calculation indices, or deprivation of the right to occupy certain positions or engage in certain activity for a period up to five years, or imprisonment for a period up to six years with confiscation of property or without it, and with the deprivation of the right to occupy certain positions or engage in certain activity for a period up to three years.

5. Offences, stipulated by the third and fourth parts of this Article, if committed on an especially large scale, - shall be punished by a fine in the amount from three thousand to five thousand monthly calculation indices, or with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or imprisonment for a term



of four to eight years with confiscation of property or without deprivation of the right to hold certain positions or engage in certain activities for a term up to five years.

N o t e .

1. The person who committed the offences stipulated by the first or second part of this Article shall be exempt from criminal liability if there was duress (it took place) in relation to him, or if that person voluntarily informed the bribery authority with the power to initiate criminal proceedings.

2. A transfer or receipt of property, rendering of services in relation to property or the use of such services as a gift or in exchange for remuneration, provided there is no prior collusion for prior committed offences, if the value of the property or services does not exceed two monthly calculation indices, shall not be recognized as a crime by virtue of insignificance and it shall be prosecuted through the disciplinary or administrative procedure.

3. The amount of illegally obtained money, securities and other property is considered to be large by this Article the amount of money, the value of securities or other assets or property benefits is in excess of five hundred monthly calculation indices.

4. Under the particularly large amount of illegally obtained money, securities, other property are recognized by this Article the amount of money, the value of securities or other assets or property benefits, that exceed two thousand monthly calculation index.

**Footnote.** Article 231 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47, dated 07.12.2009 No. 222-IV (the order of enforcement see Article 2), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 232. Dishonest Attitude towards Obligations**

Non-performance or improper performance by the person, who is performing managerial functions in a commercial organization, and fraudulent or neglect performance of their duties, are punishable by a fine of seven hundred to one thousand monthly calculation indices, or restraint of liberty for a term of up to five years, or imprisonment for the same term with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years or without it if this caused death or other grave consequences.

**Footnote.** Article 232 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 9. Crimes against Public Safety and Public Order**

## Article 233. Terrorism

1. To cause an explosion, arson, or commit any other acts which endanger people's lives, cause considerable material damage, or other consequences dangerous for the public, as well as a threat of commission of such offences, shall be punished by deprivation of liberty for a period from four to ten years if these actions are committed with the intention to disrupt public safety, intimidate the population, or to exercise duress on state bodies of the Republic of Kazakhstan, foreign states or international organization to adopt certain decisions.

2. If the same offences are committed:  
a) repeatedly;

b) by the use of weapons or objects used as weapons, explosives or explosive devices that may pose a real threat to the life and health of citizens, - shall be punished by deprivation of liberty for a period from seven to twelve years.

3. If the offences stipulated by the first or second part of this Article are:

a) accompanied with the use of, or a threat to use weapons of mass destruction, radioactive materials and the commission of, or a threat to commit mass poisoning, spread of epidemics or epizootics and equally other actions which may entail mass destruction of people;

b) caused through negligence the death of a person or had other serious consequences, - shall be punished by deprivation of liberty for a period from ten to fifteen years.

4. An attempt upon the life of an individual committed for the purposes of violating public security, intimidation of the population or duress on state authorities of the Republic of Kazakhstan, foreign state or international organization to adopt certain decisions, and also an attempt upon the life of a state or public activist, committed for the same purposes, as well as for the purposes of terminating his state or other political activity or out of revenge for such activity, - shall be punished by deprivation of liberty for a period from fifteen to twenty years or by death penalty, or life imprisonment.

Note.

1. A person who participated in the organization of a terrorism offence shall be exempt from criminal liability, if he, by giving a timely warning to state bodies, or by another method, contributed to the prevention of such an offence of terrorism, unless the actions of that person contained corpus delicti of another crime.

2. Terrorist crimes are crimes which are confessed under Articles 162, 163, 166-1, 167, L 171, 233, 233-1, 233-2, 233-3, 234, 238, 239 of this Code.

**Footnote.** Article 233 is in the wording of the Law of the Republic of Kazakhstan dated 19.02.2002 No.295; as amended by the Laws of the Republic of Kazakhstan, dated 08.07.2005 No. 67 (the order of enforcement see Art. 2), dated 10.07.2009 No. 175-4 (the order of enforcement see Art. 2), dated 14.06.2010 No. 290-4 (the order of enforcement see Art. 2), dated 29.12.2010 No. 372-4 (shall be enforced upon expiry of ten calendar days after

its first official publication), dated 29.11.2011 No. 502-4 (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 233-1. Promotion of Terrorism or Public Appeals for to Commit a Terrorism Offences**

1. Promotion of terrorism or public appeals to commit a terrorism offence, and equal distribution of materials of mentioned contents, - shall be punished by deprivation of liberty for a period from three up to seven years.

2. If the same offences were committed by a person with the use of his professional position or by a head of a public association or with the use of mass media, it shall be punished by deprivation of liberty for a period from five to ten years.

Footnote. Supplemented by Article 233-1 in accordance with the Law of the Republic of Kazakhstan dated 19.02.2002 No.295; as amended by the Law of the Republic of Kazakhstan dated 29.11.2011 No.502-4 (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 233-2. Formation, Leadership of a Terrorist Group and Participation in Its Activity**

1. Formation of a group for the commission of crimes which pursue terrorist objectives (a terrorist group) and its leadership, - shall be punished by deprivation of liberty for a period from eight to fifteen years, with or without confiscation of property.

2. Participation in the activities of a terrorist group or in acts of terrorism committed by the group, - shall be punished by deprivation of liberty for a period from six to twelve years, with or without confiscation of property.

3. Offences, specified in the first or second parts of this Article committed by a person using his professional position or by the head of a public association, - shall be punished by deprivation of liberty for a period from ten to fifteen years, with or without confiscation of p r o p e r t y .

Footnote. Supplemented by Article 233-2 in accordance with the Law of the Republic of Kazakhstan dated 19.02.2002 No.295.

### **Article 233-3. Financing terrorist or extremist activities and other assistance to terrorism or extremism**

1. Deliberate provision or collection of money and (or) other property rights to the property or property benefits, as well as gift, exchange, donation, sponsorship and charity, offering information and other kinds of services, or the provision of financial services to individual, group of individuals or terrorist or extremist organizations for terrorist or

extremist activities, - shall be punished by imprisonment for up to five years.

2. The same offences committed repeatedly shall be punished by imprisonment for a term of three to eight years with confiscation of property.

N o t e .

A person funding the terrorist or extremist activities and providing other assistance to terrorism or extremism under threat of violence and who voluntarily reported it, and actively contributed to the disclosure or suppression of crime shall be exempt from criminal liability if his actions have no elements of a crime.

**Footnote.** Article 233 - 3 is in the wording of the Law of the Republic of Kazakhstan dated 29.11.2011 No. 502 - 4 (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 233-4. Recruitment or training of persons or supply of weapons to a terrorist or extremist**

1. Recruitment or training of persons or supply of weapons to a terrorist or extremist, - shall be punished by imprisonment for a period from six to twelve years with confiscation of property .

2. If the same offence was committed by a person using his or her position or against a minor it shall be punished by imprisonment for a term of eight to fifteen years with confiscation of property .

**Footnote.** The Code is supplemented by the Article 233-4 in accordance with the Law of the Republic of Kazakhstan dated 29.11.2011 No. 502-4 (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 234. Taking of Hostages**

1. Taking or detaining a person as a hostage, committed for the purposes of coercing the state, an organization or a citizen, to commit certain actions, or not to commit a certain action, as a condition of that hostage's release, - shall be punished by imprisonment for a period from three to eight years .

2. If the same offence was committed:

- a) by a group of persons with pre-planning;
- b) repeatedly;
- c) with the use of violence endangering life or health;
- d) with the use of weapons or objects used as weapons;
- e) against an underage person, a guilty party being aware of his age;
- f) against a pregnant woman, a guilty party being aware of that fact;
- g) against a person in a helpless state, a guilty party being aware of that fact;
- h) against two or more persons;

i) for venal purposes or for hire,  
- shall be punished by imprisonment for a period from seven to twelve years.

3. Offences, stipulated by the first or second part of this Article, if they are committed by an organized group, or caused through negligence the death of a person or had other serious consequences, - shall be punished by imprisonment for a period from ten to fifteen years.

N o t e .

A person, who voluntarily or by demand of the state administrative authorities, released a hostage, shall be exempted from criminal liability, unless his actions contain elements of another crime.

### **Article 235. The Creation and Guidance of an Organized Criminal Group or Criminal Association (Criminal Organization), and Participation in a Criminal Association**

1. The creation of an organized criminal group, as well as the leadership, it shall be punished by imprisonment for a period from twelve up to fifteen years.

2. Participation in a criminal association (criminal organization) to commit one or more crimes shall be punished by imprisonment for a period from five up to ten years.

3. Offences stipulated by the first, second or third part of this Article, which are committed by a person with the use of his official position, - shall be punished by imprisonment for a period from eight up to thirteen years with confiscation of property.

Note. Articles 235, 235-1, 235-2, 235-3, 237 of this Code, the person who has ceased to participate in an organized group, a criminal association (criminal organization), transnational groups, transnational criminal community (transnational criminal organizations) or stable armed group (band) and has actively contributed to the disclosure and suppression of crimes being committed by an organized group, a criminal association (criminal organization), transnational groups, transnational criminal organization (transnational criminal organization) or a stable armed group (band) is exempt from criminal liability, if his actions are no elements of a crime .

**Footnote. Article 235 is in the wording of the Law of the Republic of Kazakhstan dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 235-1. Creation and direction of a criminal community (criminal organization), as well as participation in it**

1. Creation or management of a criminal association (criminal organization), as well as the creation of union leaders or other members of organized groups or coordination of criminal offences independently organized groups operating in the commission of one or more offences, - shall be punished by imprisonment for a term of twelve to fifteen years with confiscation of property .

2. Participation of the leaders of organized criminal groups in the community (criminal organization), - shall be punished by imprisonment for a term of eight to twelve years with confiscation of property.

3. Participation in the meeting the leaders, other members of organized groups to coordinate criminal activities including the use of means of communication - shall be punished by imprisonment for a term of twelve to twenty years with confiscation of property.

4. Offences stipulated by the first or second paragraph of this Article, committed by a person using his official position, - shall be punished by imprisonment for a term of twelve to twenty years with confiscation of property.

5. Offences stipulated by the first, second or third paragraph of this article, committed by a person holding a leading position among the leaders of organized groups shall be punished by imprisonment for a term of fifteen to twenty years or life imprisonment with confiscation of property.  
N o t e .

1. Under the coordination of criminal activity should understand their negotiation between organized groups for a joint commission of crimes (networking among leaders or other participants in organized groups, development of plans, the conditions for crime and the criminal division of the spheres of influence, the proceeds of crime.)

2. The person holding the lead is a person endowed with the leaders of organized groups the authority to coordinate criminal activity.

**Footnote. The Code is supplemented by Article 235-1 in accordance with the Law dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 235-2. Creation and management of transnational organized group to commit one or more crimes, as well as participation in it**

1. Creation of transnational organized group in order to commit one or more crimes, as well as its governance, - shall be punished by imprisonment for a term of ten to fifteen years with confiscation of property.

2. Participation in transnational organized group created to commit one or more crimes, - shall be punished by imprisonment for a term of eight to twelve years with confiscation of property.

3. Offences, stipulated by the first or second paragraph of this Article are committed by a person using his official position, - shall be punished by imprisonment for a term of twelve to twenty years with confiscation of property.

**Footnote. The Code is supplemented by Article 235-2 in accordance with the Law of the Republic of Kazakhstan dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 235-3. Creation and management of transnational criminal association (Transnational criminal organization), as well as participation in it**

1. Creation of a transnational criminal group (transnational criminal organizations), as well as guide them, - shall be punished by imprisonment for a term of fifteen to twenty years with confiscation of property.

2. Participation in the transnational criminal community (transnational criminal organizations), - shall be punished by imprisonment for a term of ten to fifteen years with confiscation of property.

3. Offences, stipulated by the first or second paragraph of this Article are committed by a person using his official position, - shall be punished by imprisonment for a term from seventeen to twenty years with confiscation of property.

**Footnote. The Code is supplemented by Article 235-3 in accordance with the Law of the Republic of Kazakhstan dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 235-4. Financing activities of organized groups, criminal association (criminal organization) or transnational organized groups, transnational criminal community (transnational criminal organization) or stable armed group (band), as well as the collection, storage, distribution of property, development financing channels**

1. Financing activities of organized groups, criminal association (criminal organization) or transnational organized groups, transnational criminal community (transnational criminal organizations) or stable armed group (band), - shall be punished by imprisonment for a term from three to six years with confiscation of property.

2. Collection, storage, distribution of assets, and the development of channels of financing committed by members of organized groups, criminal association (criminal organization) or transnational organized groups, transnational criminal groups (transnational criminal organizations) or stable armed group (band), - shall be punished with imprisonment from five to ten years with confiscation of property.

3. Actions envisaged in parts one and two of this Article, if committed by a person using his official position, - shall be punished by imprisonment for a term of seven to twelve years, with deprivation of the right to occupy certain positions or engage in certain activities for a term of seven to ten years with confiscation of property.

**N o t e .**

1. Under the funding of organized groups, criminal association (criminal organization), transnational groups, transnational criminal groups (transnational criminal organizations) or stable armed group (band) to be the provision of property, financial services organized group,

a criminal association (criminal organization), transnational organized group, transnational criminal groups (transnational criminal organizations) or stable armed group (band) for the implementation of criminal activity.

2. The person performing the financing of organized groups, criminal association (criminal organization), transnational groups, transnational criminal groups (transnational criminal organizations) or stable armed group (band) under the threat of violence and voluntarily reported it, exempt from criminal liability if his actions contain elements of another crime.

**Footnote.** The Code is supplemented by Article 235-4 in accordance with the Law of the Republic of Kazakhstan dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 236. The Organization of an Illegal Paramilitary Formation**

1. The creation of an illegal paramilitary formation (union, brigade, squad, or other group), as well as the guidance of such a formation, - shall be punished by imprisonment for a period from two to seven years.

2. Participation in an illegal paramilitary formation (union, brigade, squad, or other group), - shall be punished by restriction of liberty for a period up to three years, or by imprisonment for the same period.

A person who voluntarily terminated his participation in an illegal paramilitary formation, and surrendered his weapons and military equipment, shall be exempt from criminal liability, unless his actions contain elements of another crime.

**Footnote.** Article 236 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363, dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 237. Banditism**

1. The creation of a stable armed group (gang) for the purposes of assault upon the citizens or organizations, as well as the leadership of such a group (gang), - shall be punished by imprisonment for a period from twelve to twenty years with confiscation of property.

2. Participation in a stable armed group (gang) or in assaults committed by it shall be punished by imprisonment for a period from ten to fifteen years with confiscation of property.

3. Offences, stipulated by the first or second part of this Article are committed by a person with the use of his official position, - shall be punished by imprisonment for a period from fifteen to twenty years with confiscation of property.



## **Article 238. Seizure of Buildings, Installations, or Means of Communication**

Footnote. Title is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Seizure of buildings, installations, or means of communication, or their retention, as well as their capture, - shall be punished by restriction of liberty for a period up to five years, or by imprisonment for a period for the same period.

2. The same offences are committed:

a) by a group of persons upon a preliminary collusion;

b) repeatedly;

c) with violence dangerous for the life or health;

d) with the use of weapons or objects used as weapons;

e) for venal purposes or for hire

f) in respect of buildings of state bodies or government agencies shall be punished by imprisonment for a period from seven to twelve years with confiscation of property, or without it.

3. The offence specified in the first or second part of this Article where they are committed by an organized group or entailed due to the negligence death of individual or other grave consequences, - shall be punished with deprivation of liberty for a period from eight to fifteen years with confiscation of property or without it.

Footnote. Article 238 as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 239. Hijacking or Seizure of an Aircraft or Sea craft or a Railway Rolling Stock**

1. Hijacking of an air or sea craft, or a railway rolling stock, as well as the seizure of such a craft or a train with the purposes of hijacking, - shall be punished by imprisonment for a period from two to eight years.

2. The same offences committed:

a) by a group of persons upon a preliminary collusion;

b) repeatedly;

c) with violence which is dangerous for the life or health, or with a threat to apply such violence;

d) with the use of weapons or objects used as weapons, - shall be punished by imprisonment for a period from seven to twelve years.

3. Offences stipulated by the first or second part of this Article if they are committed by

an organized group, or entailed by negligence the death of a person or other serious consequences, - shall be punished by imprisonment for a period from eight to fifteen years.

### **Article 240. Piracy**

1. An attack upon a sea or a river vessel for the purpose of getting possession of someone else's property, which is committed with violence or a threat to apply it, - shall be punished by imprisonment for a period from five to ten years.

2. The same offence committed repeatedly or with the use of weapons or objects used as weapons, - shall be punished by imprisonment for a period from eight to twelve years with confiscation of property.

3. Offences stipulated by the first or second part of this Article, if they are committed by an organized group, or if they entailed by negligence the death of a person or other serious consequences, - shall be punished by imprisonment for a period from ten to fifteen years with confiscation of property.

### **Article 241. Mass Unrest**

1. The organization of mass unrest which is accompanied by violence, arsons, wrecking, destruction of property, the use of firearms, explosives, or explosion devices, as well as by armed resistance to a representative of the state authorities,- shall be punished by imprisonment for a period from four to ten years.

2. Participation in mass unrest stipulated by the first part of this Article, - shall be punished by imprisonment for a period from three to eight years.

3. Exhortations to active non-compliance with legal requirements of representatives of the state authorities, as well as exhortations to mass unrest, as well as to violence against citizens, - shall be punished by restriction of liberty for a period up to two years, or by imprisonment for a period up to three years.

**Footnote. Article 241 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 242. A Deliberately False Communication Concerning an Act of Terrorism**

A deliberately false communication concerning an act of terrorism which is being prepared, - shall be punished by a fine in an amount from two hundred up to five hundred monthly calculation indices, or by restriction of liberty for the period of up to seven years, or by imprisonment for a period up to six years.

**Footnote. Article 242 as amended by the Laws of the Republic of Kazakhstan dated 19.02.2002 No. 295, dated 09.12.2004 No. 10, dated 18.01.2011 No. 393-IV (shall be**

enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 18.01.2012 No. 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 243. Illegal Export of Technologies, Scientific-Technical Information and Services Used in the Creation of Mass Destruction Weapons, Armament, and Military Equipment**

Illegal export of technologies, scientific-technical information and services which may be used in the creation of mass destruction weapons or means of their delivery, as well as armaments, and military equipment, and with regard to which a special export supervision is established, - shall be punished by a fine in an amount from seven hundred up to one thousand monthly calculation indices, or by imprisonment for a period from three to seven years .

Footnote. Article 243 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 244. Violation of the Safety Rules at Atomic Energy Facilities**

1. Violation of the safety rules in deploying, designing, constructing, repairing, or operating atomic energy facilities, if this could entail the death of a person or radioactive contamination of the environment, - shall be punished by a fine in the amount from two hundred to five hundred monthly calculation indices, or restraint of liberty for a term up to three years, or imprisonment for up to three years with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years or without it.

2. The same offence which entailed by negligence the death of a person or radioactive contamination of the environment, or other serious consequences, - shall be punished by imprisonment for a period from five to ten years with deprivation of the right to hold certain positions of to engage in certain of activity for a period up to three years, or without it.

Footnote. Article 244 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 245. Violation of the Safety Rules in the Conducting of Mining or Construction Work**

1. Violation of the safety rules for the conducting of mining or construction work, if it entailed by negligence the cause of severe or medium gravity damage to the health of a

person, - shall be punished by a fine in an amount from five hundred up to one thousand monthly calculation indices, or by correctional labor for a period up to two years, or by restriction of liberty for a period up to two years, or by imprisonment for the same period with deprivation of the right to hold specified offices or to engage in specified activities for a period up to three years, or without it.

2. The same offence which entailed by negligence the death of a person or other serious consequences, - shall be punished by imprisonment for a period up to six years with deprivation of the right to hold specified offices or to engage in specified activities for a period up to three years, or without it.

**Footnote.** Article 245 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 245-1. Poor-quality construction**

1. Delivery and (or) the acceptance of the poor-quality built, incomplete or not in accordance with the contract and project documentation of buildings, highways, tunnels, power plants, residential buildings or other construction projects, as well as their low-quality repairs heads of construction companies, Manufacturers of work and officials in control of the quality of construction, if it is caused by negligence causing serious or moderate harm to human health, - shall be punished by a fine of five hundred to one thousand monthly calculation indices, or by correctional labor for up to two years, or by restriction of liberty for a term up to two years, or by imprisonment for the same term with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years or without it.

2. The same act which negligently caused human death or other grave consequences, - shall be punished by imprisonment for up to five years with confiscation of property, deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years or without it.

3. Actions envisaged in part one of this Article, resulting in the death of two or more persons, - shall be punished by imprisonment for a period from three to eight years with confiscation of property, and with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years or without it.

**Footnote.** The Code is supplemented by Article 245-1 in accordance with the Law of the Republic of Kazakhstan dated 08.01.2007 No. 210, as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 246. Violation of the Safety Rules at Explosion-Hazardous Facilities**

1. Violation of the safety rules at explosion-hazardous facilities or in explosion-hazardous workshops, if it could entail the death of a person or other serious consequences, - shall be punished by a fine in the amount from five hundred to one thousand monthly calculation indices, or correctional labor for up to two years, or restraint of liberty for a term up to three years, or imprisonment for the same term with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years or without it.

2. The same offence which entailed by negligence the death of a person or other serious consequences, - shall be punished by restriction of liberty for a period up to five years, or by imprisonment for a period up to six years.

**Footnote. Article 246 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 246-1. Violation of safety instructions in space activities**

1. Violation of the safety instructions in space activities, entailed by negligence the infliction of serious or moderate harm to human health, - shall be punished by a fine of five hundred to one thousand monthly calculation indices or the salary or other income for a period of five to ten months, or by corrective labor for up to two years, or restraint of liberty for a term up to three years, or imprisonment for the same period, with deprivation of the right to hold certain positions or engage in certain activities for a term up to three years or without it.

2. The same act which negligently caused human death or other grave consequences, - shall be punished by imprisonment for up to six years, with deprivation of the right to hold certain positions or engage in certain activities for a term up to three years or without it.

3. The offence provided in the first paragraph above, resulting in the death of two or more persons, - shall be punished by imprisonment for a term of three to eight years, with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years or without it.

**Footnote. Chapter 9 is supplemented by the Article 246-1 in accordance with the Law of the Republic of Kazakhstan dated 06.01.2012 No. 529-IV (shall be enforced upon expiry of twenty one calendar days after its first official publication).**

## **Article 247. Illegal Handling of Radioactive Materials**

1. Illegal purchase, storage, transportation, use, destruction or burial of radioactive materials, - shall be punished by restriction of liberty for a period up to two years, or by deprivation of liberty for a period up to three years.

2. Illegal marketing of radioactive materials, and also illegal purchase, storage, transportation of radioactive materials for the purpose of marketing, - shall be punished by deprivation of liberty for a period from two to six years with confiscation of property or without it.

3. Offences specified in the first and second parts of this Article, which due to negligence entailed the death of an individual or other grave consequences shall be punished by deprivation of liberty for a period from three to ten years with confiscation of property or without it.

Footnote. Article 247 is in the wording of the Law of the Republic of Kazakhstan dated 19.02.2002 No. 295, as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 248. Stealing or Extortion of Radioactive Materials**

1. Stealing or extortion of radioactive materials, - shall be punished by a fine in an amount from seven hundred up to one thousand monthly calculation indices, or by imprisonment for a period up to five years.

2. The same offences are committed:  
a) by a group of persons upon a preliminary collusion;  
b) repeatedly;  
c) by a person with the use of his official position;  
d) with violence which is not dangerous for the life or health, or with a threat to apply such violence, - shall be punished by imprisonment for a period from four to seven years with confiscation of property, or without it.

3. Offences, stipulated by the first or second part of this Article are committed as follows:  
a) with violence dangerous for the life or health, or with a threat to apply such violence;  
b) by an organized group  
c) excluded by No. 363 dated 21.12.2002, - shall be punished by imprisonment for a period from five to ten years with confiscation of property.

Footnote. Article 248 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363, dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 249. Violation of the Rules for Treatment of Radioactive Materials**

1. Violation of the rules for storage, use, accounting, burial, or transportation of radioactive materials, or other rules for their treatment, if it could entail the death of a person or other serious consequences, - shall be punished by a fine in an amount from five hundred

up to one thousand monthly calculation indices, or by restriction of liberty for a period up to one year.

2. The same offence which entailed by negligence the death of a person or other serious consequences, - shall be punished by imprisonment for a period up to seven years.

**Footnote. Article 249 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 250. Contraband of Objects Withdrawn from Circulation, or Objects the Circulation of Which is Limited**

1. The transfer across the customs border of the state, which is committed without customs supervision or with concealment from it, or with fraudulent use of documents or means of custom identification, or the transfer which is accompanied by non-declaration or fraudulent declaration of drugs, or psychotropic, powerful, toxic, poisonous, radioactive materials, or explosives, as well as armament, military equipment, explosion devices, firearms and ammunition, nuclear, chemical, biological, or others of mass destruction weapons, or materials and equipment which may be used for the creation of mass destruction weapons, - shall be punished by imprisonment for a period up to five years with confiscation of property, or without it.

2. The same offence is committed:

- a) repeatedly;
- b) by an official with the use of his service position;
- c) with violence against a person exercising customs supervision,
- d) by a group of persons by prior agreement;
- e) in respect of narcotic drugs or psychotropic substances in large amount, shall be punished by imprisonment for a period from seven to twelve years with confiscation of property, or without it.

3. Offences stipulated by the first or second part of this Article which are committed by an organized group, - shall be punished by imprisonment for a period from ten to fifteen years with confiscation of property.

4. Offences stipulated by the first, second or third paragraph of this article related to narcotic drugs or psychotropic substances, committed on a large scale shall be punished by imprisonment for a term of fifteen to twenty years with confiscation of property or life imprisonment with confiscation of property.

**Footnote. Article 250 as amended by the Laws of the Republic of Kazakhstan dated**

31.05.2002 No. 327, dated 08.07.2005 No. 67 (the order of enforcement see Art. 2), dated 27.06.2008 No. 50-IV (the order of enforcement see Art. 2), dated 30.06.2010 No. 297-IV (shall be enforced from 01.07.2010).

## **Article 251. Illegal Purchase, Transfer, Sale, Storage, Transportation, or the Carrying of Weapons, Ammunition, Explosives, or Explosion Devices**

1. Illegal purchase, transfer, sale, storage, transportation, or the carrying of firearms (except for smooth-bore hunting guns), ammunition, explosives or explosion devices, - shall be punished by restriction of liberty for a period up to five years, or by imprisonment for the same period with a fine in an amount from two hundred up to five hundred monthly calculation indices, or without it.

2. The same offences committed by a group of persons upon a preliminary collusion, or committed repeatedly, - shall be punished by imprisonment for a period from three to eight years.

3. Offences stipulated by the first or second part of this Article, which are committed by an organized group, - shall be punished by imprisonment for a period from five to ten years.

4. Illegal carrying or sale of knives, Finnish daggers, or other cold steel weapons, except for cases in which the carrying of cold steel knives is associated with hunting business, - shall be punished by community service for a period from one hundred and eighty to two hundred forty hours, or by corrective labor for up to two years, or restraint of liberty for up to one year, or imprisonment for the same term with a fine of up to two hundred monthly calculation indices or without it.

N o t e .

A person who voluntarily surrendered objects indicated in this Article shall be exempted from criminal liability, unless his actions contain elements of another crime.

Footnote. Article 251 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47, dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 252. Illegal Manufacture of Arms**

1. Illegal Manufacture or repair of firearms, or spare parts for it, as well as illegal Manufacture of ammunition, explosives, or explosion devices, - shall be punished by imprisonment for a period up to five years.

2. The same offence committed by a group of persons upon a preliminary collusion, or committed repeatedly, - shall be punished by imprisonment for a period from three to eight years.

3. Offences, stipulated by the first or second part of this Article are committed by an



organized group, - shall be punished by imprisonment for a period from five to ten years.

4. Illegal Manufacture of gas weapons, cold steel weapons, including projectile weapons, - shall be punished by a fine from two hundred to five hundred monthly calculation indices, or community service for a period of one hundred eighty to two hundred forty hours, or by corrective labor for up to two years, or restraint of liberty for a term up to two years, or by deprivation of liberty for the same period. N o t e .

A person who voluntarily surrendered objects indicated in this Article shall be exempted from criminal liability, unless his actions contain elements of another crime.

Footnote. Article 252 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47, dated 21.12.2002 No. 363, dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 253. Negligent Storage of Fire Arms**

Negligent storage of firearms which created the conditions for their use by another person, if this entailed serious consequences, - shall be punished by correctional labor for a period up to two years, or by restriction of liberty for the same period.

Footnote. Article 253 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363, dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 254. Improper Execution of Obligations Associated with the Protection of Arms, Ammunitions, Explosives, or Explosion Devices**

1. Improper execution of the obligations of a person to whom the protection of firearms, ammunition, explosives, or explosion devices, was delegated, if this entailed their stealing or destruction, or the emergence of other serious consequences, - shall be punished by restraint of liberty for a term not exceeding two years, or imprisonment for the same term, with disqualification to hold certain positions or engage in certain activities for a term up to three years or without it.

2. Improper execution of obligations associated with the protection of mass destruction weapons, or materials or equipment which may be used in the creation of mass destruction weapons, if this entailed serious consequences or created a threat of their emergence, - shall be punished by imprisonment for a term from two to seven years with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Footnote. Article 254 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 255. Stealing or Extortion of Arms, Ammunition, Explosives, or Explosion Devices**

1. Stealing or extortion of firearms, spare parts to it, ammunition, explosives, or explosion devices, shall be punished by imprisonment for a period up from three to seven years.

2. Stealing or extortion of mass destruction weapons, as well as of materials or equipment which may be used in the creation of mass destruction weapons, shall be punished by imprisonment for a period from five to ten years.

3. Offences, stipulated by the first or second part of this Article are committed:

- a) by a person with the use of his official position;
- b) repeatedly;

c) with violence which is not dangerous for the life or health, or with a threat of such violence;

d) by a group of persons upon a preliminary collusion, shall be punished by imprisonment for a period from five to twelve years with confiscation of property, or without it.

4. Offences, stipulated by the first, second, or third part of this Article are committed:

- a) by an organized group;

b) with violence which is dangerous for the life or health, or with a threat of such violence;

- c) is excluded dated 21.12.2002 No. 363;

It shall be punished by imprisonment for a period from eight to fifteen years with confiscation of property.

Footnote. Article 255 as amended by the Law of the Republic of Kazakhstan dated December 21, 2002 No. 363.

## **Article 256. Violation of Fire Safety Rules**

1. Violation of fire safety rules by a person who is responsible for complying with them, if it entailed by negligence the causation of severe or medium gravity damage to a man's health, or considerable damage to a citizen, organization, or the state, - shall be punished by a fine in an amount from one hundred up to two hundred monthly calculation indices, or by correctional labor for a period up to two years, or by restriction of liberty for a period up to two years, or by imprisonment for a period up to three years with deprivation of the right to hold certain positions or without it.

2. Offences, stipulated by the first part of this Article are committed by an organized group shall be punished by by restraint of liberty for a term up to five years, or imprisonment

f o r                      u p                      t o                      s e v e n                      y e a r s .  
N o t e .

As a major damage in this Article recognizes the damage caused to an individual by the amount of five hundred times the monthly calculation index, or damage to the organization or the state in the amount of one thousand times the monthly calculation index, established by the legislation of the Republic of Kazakhstan at the time of the crime.

Footnote. Article 272 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363, dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 257. Hooliganism**

1. Hooliganism, that is a particularly audacious violation of public order, expressing a clear disrespect for society, accompanied by the use of violence against citizens or threat of its use, as well as destruction or damage to property of others, or committing indecent acts and                      o u t s t a n d i n g                      c y n i c i s m                      -

shall be punished by a fine in the amount from two hundred to five hundred of monthly calculation indices, or by community service for a period from one hundred twenty to one hundred eighty hours, or by corrective labor for a period from six months to one year, or by restriction of freedom for up to two years, or by imprisonment for the same period.

2.     T h e     s a m e     a c t ,     i f     i t     i s :

a) committed by a group, and the group of persons by previous concert or by an organized g r o u p ;

b) associated with resistance to authorities or to any other person acting for the protection of public order or suppress violations of public order;

a)     c o m m i t t e d     r e p e a t e d l y                      -

shall be punished by a community service for a period from one hundred eighty to two hundred forty hours, or by corrective labor for a period from one to two years, by restriction of liberty for up to five years, or imprisonment for the same period.

3. Hooliganism, committed with the use or attempted to use of fire, gas guns, knives, brass knuckles and other bladed weapons or other items specifically adapted to cause harm, -

shall be punished by a restraint of liberty for a period from three to seven years, or by imprisonment                      f o r                      t h e                      s a m e                      p e r i o d .

Footnote. Article 257 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363, dated 09.12.2004 No. 10, dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 258. Vandalism**

Vandalism is a desecration of buildings or other structures by inscriptions or drawings, or any other actions, offending public morals, as well as voluntary waste in transport or in other public places -

shall be punished by a fine in the amount from one hundred to five hundred of monthly calculation indices, or by community service for a period of one hundred twenty to one hundred eighty hours, or by corrective labor for a period from six months to one year, or by restriction of liberty for up to one year.

**Footnote. Article 258 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Chapter 10. CRIMES AGAINST PUBLIC HEALTH AND MORALS**

### **Article 259. Illegal manufacture, processing, purchase, storage, transportation, transfer or sale of narcotic drugs or psychotropic substances**

**1. Is excluded by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

1-1. Illegal purchase, transportation or storage without a purpose of selling of narcotics or psychotropic substances in large scale - shall be punished by imprisonment for a period from three to seven years.

2. Illegal purchase, transportation and storage in order to sale, manufacture, processing, transfer or sale of narcotics or psychotropic substances - shall be punished by imprisonment for a period from five to ten years with confiscation of property .

2-1. Illegal purchase, transportation and storage in order to sale, manufacture, processing, transfer or sale of narcotics or psychotropic substances in large amount - shall be punished by imprisonment for a period from six to twelve years with confiscation of property.

3. Illegal purchase, transportation and storage in order to sale, manufacture, processing, transfer or sale of narcotic drugs or psychotropic substances, committed:

- a) by a group of persons by previous concert;
- b) repeatedly ;

c) in respect of narcotic drugs or psychotropic substances in large scale;

- d) by an official using his/her official position, -

shall be punished by imprisonment for a period from ten to fifteen years with confiscation of property .

4. Illegal purchase, transportation and storage in order to sale, manufacture, processing, transfer or sale of narcotic drugs or psychotropic substances, committed:

- a) by an organized group or criminal community (criminal organization);
- b) in educational institutions;
- c) in relation to a minor -

shall be punished by imprisonment for a period from fifteen to twenty years with confiscation of property or life imprisonment with confiscation of property.

N o t e .

1. A person, who voluntarily surrendered by narcotic drugs or psychotropic substances or voluntarily go to the hospital for medical care due to the use of drugs for non-medical purposes, and actively contributed to the disclosure and suppression of crimes related to illegal trafficking in narcotic drugs or psychotropic substances, the exposure of individuals, who committed them, the detection of property obtained by criminal means, shall be exempted from criminal responsibility under this Article and Article 250 (related to narcotic drugs or psychotropic substances) of this Code.

2. The size of narcotic drugs and psychotropic substances is defined by Summary Table toify drugs, psychotropic substances and precursors to small, large and extra large size, which are found in illicit trafficking, and attached to the Law of the Republic of Kazakhstan "On narcotic drugs, psychotropic substances, precursors and measures to combat their trafficking a n d a b u s e " .

*Footnote. Article 259 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47, dated 31.05.2002 No. 327, dated 27.06.2008 No. 50-IV (the order of enforcement see Article 2), dated 18.01.2011 No. 393 - IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).*

## **Article 260. Theft or extortion of narcotic drugs and psychotropic substances**

1. Theft or extortion of narcotic drugs or psychotropic substances - shall be punished by imprisonment for a period from three to seven years.

2. The same acts, committed:

- a) by a group of persons by previous concert;

- b) repeatedly;

- c) by a person using his/her official position;

- g) with violence, not dangerous to life or health, or the threat of such violence - shall be punished by imprisonment for a period from six to ten years with confiscation of p r o p e r t y .

3. Acts stipulated in the first or second paragraph of this Article, if they are committed:

- a) by an organized group;

b) in respect of narcotic drugs or psychotropic substances in large amount;  
c) with violence dangerous to life or health, or the threat of such violence - shall be punished by imprisonment for a period from ten to fifteen years with confiscation of property.

4. Acts stipulated in the first, second or third paragraph of this Article, committed in respect of narcotic drugs or psychotropic substances in large amount - shall be punished by imprisonment for a period from fifteen to twenty years with confiscation of property or life imprisonment with confiscation of property.

**Footnote. Article 260 as amended by the Law of the Republic of Kazakhstan dated 27.06.2008 No. 50-IV (the order of enforcement see Art. 2).**

### **Article 261. Inducement to use narcotic drugs or psychotropic substances**

1. Inducement to use narcotic drugs or psychotropic substances - shall be punished by restriction of freedom for up to three years or by imprisonment for up to four years.

2. The same act, committed:  
a) by a group of persons by previous concert;  
b) repeatedly;  
c) (is excluded - by the Law of the Republic of Kazakhstan dated 27.06.2008 No. 50-IV (the order of enforcement see Article 2));  
d) (is excluded - by the Law of the Republic of Kazakhstan dated 27.06.2008 No. 50-IV (the order of enforcement see Article 2)), - shall be punished by imprisonment for a period from three to eight years.

3. Acts stipulated in the first or second paragraph of this Article, if they are committed:  
a) in respect of a minor, or two or more persons;  
b) by the use of violence or threat of violence - shall be punished by imprisonment for a period from seven to ten years.

4. Acts stipulated in the first, second or third paragraph of this Article, if they resulted in the death of the victim or other grave consequences - shall be punished by imprisonment for a period from fifteen to twenty years with confiscation of property or by life imprisonment with confiscation of property.

**Footnote. Article 261 as amended by the Laws of the Republic of Kazakhstan dated 27.06.2008 No. 50-IV (the order of enforcement see Art. 2), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 262. The illegal cultivation of plants, prohibited to cultivation and contained drugs**

1. Planting or cultivation of plants, prohibited to cultivation and the cultivation of the varieties of hemp, poppy and other plants containing narcotic substances - shall be punished by a fine in the amount from five hundred to seven hundred monthly calculation indices or by imprisonment for up to two years.

2. The same acts, committed:

a) by a group of persons by previous concert;

b) repeatedly;

c) in a large scale -

shall be punished by imprisonment for a period from three to eight years.

**Footnote. Article 262 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 263. Illegal trafficking of toxic substances, and materials, tools, or equipment, used for the manufacture or processing of narcotic drugs, psychotropic or toxic substances**

1. Illegal manufacture, processing, purchase, storage, transportation, transfer with intent to sell, as well as the illegal sale of poisonous substances which are not narcotic drugs or psychotropic substances, or tools or equipment for their manufacturing or processing - shall be punished by imprisonment for a term not exceeding five years.

2. Illegal manufacturing, purchase, storage, transportation, transfer with intent to sell, as well as the illegal sale of materials, tools or equipment used for the manufacture or processing of narcotic drugs or psychotropic substances - shall be punished by imprisonment for up to six years.

3. Acts, stipulated in the first or second paragraph of this Article, committed by a person using his official position or by a group of persons by previous concert or repeatedly - shall be punished by imprisonment for a period from five to eight years.

4. Acts stipulated in the first or second paragraph of this Article, committed by an organized group - shall be punished by imprisonment for a period from seven to ten years with confiscation of property.

**Footnote. Article 263 is in the wording of the Law of the Republic of Kazakhstan dated 05.05.2000 No. 47, as amended by the Law of the Republic of Kazakhstan dated 27.06.2008 No. 50-IV (the order of enforcement see Article 2).**

### **Article 264. Organization or maintaining the premises for use of drugs or psychotropic substances, or the provision of facilities for the same purpose**

1. Organization or maintaining the premises for the use of narcotic drugs or psychotropic substances, or the provision of facilities for the same purpose - shall be punished by imprisonment for a period from three to seven years with confiscation of property.

2. The same act committed by a person, using his/her official position or repeatedly, or by an organized group shall be punished by imprisonment for a period from seven to twelve years with confiscation of property.

**Footnote. Article 264 as amended by the Law of the Republic of Kazakhstan dated 27.06.2008 No. 50-IV (the order of enforcement see Article 2).**

### **Article 265. Violation of rules for handling of narcotic drugs, psychotropic or toxic substances**

1. Violation of the rules for production, manufacture, processing, purchase, storage, recording, release, transport, import, export, transfer or destruction of narcotic drugs, psychotropic or toxic substances, if this act is committed by a person whose duties include the compliance with these rules -

shall be punished by a fine in the amount from two hundred to five hundred of monthly calculation indices, or by correctional labor for up to one year, or by imprisonment for up to one year with deprivation of the right to occupy certain positions or engage in certain activities for a period up to three years or without it.

2. The same act that caused the theft of narcotics, psychotropic or toxic substances or causing other significant harm - shall be punished by correctional labor for up to two years, or restraint of liberty for a period up to two years, or by imprisonment for up to three years with deprivation of the right to occupy certain positions or engage in certain activities for a period up to three years.

**Footnote. Article 265 as amended by Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47, dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 266. Illegal medical and pharmaceutical activities and illegal issuance or forgery of prescriptions or other documents granting the right to receipt narcotic drugs or psychotropic substances**

1. Employment of medical or pharmaceutical activity by a person without a certificate and (or) licenses for this activity, if it is caused by the infliction of serious harm to human health by negligence -

shall be punished by a fine of one hundred to five hundred of monthly calculation indices,



or correctional labor for up to two years, or deprivation of the right to hold certain posts or practice certain activities for up to two years.

2. The same act committed by an official - shall be punished by a fine in the amount from three hundred to one thousands of monthly calculation indices, or by correctional labor for up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period up to three years.

3. The act provided in the first part of this Article and caused the death of a person - shall be punished by restriction of freedom for up to three years or by imprisonment for the same period, with disqualification to hold certain positions or engage in certain activities for a period up to three years.

4. The act, provided in the first part of this Article, which caused the death of the person, and committed by an official - shall be punished by restriction of freedom for up to three years or by imprisonment for the same period with a fine in the amount from fifty to two hundred of monthly calculation indices with the deprivation of the right to occupy certain positions or engage in certain activities for a period up to three years.

5. Unlawful issuance or forgery of prescriptions or other documents, granting the right to receipt narcotic drugs or psychotropic substances - shall be punished by imprisonment for a period up to five years with deprivation of the right to occupy certain positions or engage in certain activities for a period up to three years or without it.

Footnote. Article 266 is in the wording of the Law of the Republic of Kazakhstan dated 07.07.2006 No. 171 (the order of enforcement see Art. 2), as amended by the Laws of the Republic of Kazakhstan dated 27.06.2008 No. 50-IV (the order of enforcement see Article 2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 267. Violation of sanitary-epidemiological rules**

1. Violation of sanitary-epidemiological rules, which negligently caused the mass disease or poisoning of people - shall be punished by a fine in the amount from two hundred to five hundred of monthly calculation indices, or by deprivation of the right to occupy certain positions or engage in certain activities for a period up to three years, or by restraint of liberty for a period up to two years, or by imprisonment for the same period.

2. The same act that resulted to the death of a person - shall be punished by restraint of liberty for a period up to five years, or by imprisonment for the same period.

Footnote. Article 267 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 268. Concealing the information about the circumstances, endangering the life or health people**

1. Concealment or misrepresentation of information on the events, facts or phenomena that endanger the human life or health or to the environment, and committed by a person who is obliged to provide the population with such information - shall be punished by a fine in the amount from five hundred to seven hundreds of monthly calculation indices or by imprisonment for up to two years with the deprivation of the right to occupy certain positions or engage in certain activities for a period up to three years or without it.

2. The same actions which negligently caused the harm to human health or other grave consequences,

shall be punished by a fine in the amount from seven hundred to one thousands of monthly calculation indices, or by restriction of freedom for up to four years, or by imprisonment for the same period with the deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years or without it.

Footnote. Article 268 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 269. Issue or sale of goods, and execution of works or services that do not meet the safety requirements**

1. Issue or sale of the goods, execution of works or services that do not meet the safety requirements of life or health of consumers, as well as the illegal grant or use of an official document, certifying the conformity of goods, works or services to the safety requirements, if these action caused the negligent harm to human health - shall be punished by a fine in the amount from five hundred to seven hundreds of monthly calculation indices, or by restriction of freedom for up to three years with the deprivation of the right to occupy certain positions or engage in certain activities for a period up to three years or without it.

2. The same acts, if they are:

- a) committed in respect of goods, works and services for minors;
- b) caused by negligence the injury of two or more persons;
- c) resulted in the death of a person -

shall be punished by a fine in the amount from seven hundred to one thousands of

monthly calculation indices, or by restriction of freedom for up to three years, or by imprisonment for up to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a period up to three years or without it.

3. Acts stipulated in the first or second paragraph of this Article, which negligently caused the death of two or more persons - shall be punished by imprisonment for a period from four to eight years.

**Footnote. Article 269 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 269-1. Organization of an illegal gambling business**

1. Illegal opening or maintenance of a gambling establishment or the organization of the activity in the gambling business, as well as the provision of facilities to open obviously illegal gambling establishment or the organization of gambling business - shall be punished by a fine in the amount from five hundred to one thousands of monthly calculation indices, or by community service for a period from one hundred eighty to two hundred forty hours, or by imprisonment for up to two years with a fine of up to fifty monthly calculation indices or without it, with confiscation of property.

2. The same acts committed:

- a) by using the minor or his/her participation in gambling;
- b) by a group of persons by previous concert;
- c) with the generation of income in a large scale;
- d) by a person, using his/her official position -

shall be punished by a fine in the amount from one thousand to three thousands of monthly calculation indices or by imprisonment for up to five years with a fine of up to two hundred monthly calculation indices or without it, with confiscation of property.

3. Acts stipulated in the first or second paragraph of this Article, if they are committed by:

- a) an organized group;
- b) profit-making on a large scale;
- c) a person authorized to perform state functions, or his/her equivalent person individually or by proxy, contrary to the prohibition imposed by law, if such actions related to the provision the benefits and privileges to these activities or protection in any other form - shall be punished by a fine in the amount from three thousand to ten thousands of monthly calculation indices or by imprisonment for a period from four to seven years with a fine in the amount from two hundred to five hundred monthly calculation indices or without it, with confiscation of property.

Note. Income on a large scale in this Article shall be the income, the sum of which exceeds one thousand monthly calculation indices, and the income on an especially large

scale is the income, the sum of which exceeds five thousand monthly calculation indices.

Footnote. The Code is supplemented by Article 269-1 in accordance with the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 270. Involvement in prostitution**

1. Involvement in prostitution through violence or threat of violence, the use of the dependent position, blackmail, destruction or damage to property or by deception - shall be punished by a fine in the amount from two hundred to five hundred or by imprisonment for up to five years.

2. The same act, if committed by an organized group or repeatedly - shall be punished by imprisonment for a period from three to seven years.

Footnote. Article 270 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47, dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 271. Organization or maintaining brothels for prostitution and pandering**

1. Organization or maintaining brothels for prostitution, as well as pandering with a mercenary motive - shall be punished by a fine in the amount from five hundred to one thousands of monthly calculation indices or by imprisonment for up to three years.

2. The same acts committed by an organized group or repeatedly - shall be punished by imprisonment for up to five years.

Footnote. Article 271 as amended by the Laws of the Republic of Kazakhstan dated 10.12.2009 No. 227-IV (shall be enforced from 01.01.2010), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 272. Organization or maintaining the premises for intoxication with drugs or other means**

1. Organization or maintaining the premises for intoxication with medicines or other drugs and substances, which are non-narcotic drugs or psychotropic substances, as well as providing the facilities for that purpose - shall be punished by a fine in the amount from two hundred to five hundreds of monthly calculation indices, or by restriction of freedom for up to two years, or by imprisonment for the same term.

2. Actions, stipulated in the part one of this Article, and committed by an organized group

shall be punished by imprisonment for a period from two to five years.

Footnote. Article 272 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363, dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 273. Illegal Distribution of Pornographic Materials or Objects**

Illegal Manufacture for the purposes of distribution or advertisement, or distribution and advertisement of pornographic materials or objects, as well as illegal trade in publications, cinema or video materials, pictures, or other objects of a pornographic character, - shall be punished by a fine in an amount from five hundred up to one thousand monthly calculation indices, or by correctional labor for a period up to two years, or by imprisonment for a period up to two years with confiscation of pornographic materials or objects, as well as a means of their production or reproduction.

Footnote. Article 273 as amended by the Law of the Republic of Kazakhstan dated 21.12.2002 No. 363, dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 273-1. Manufacture and distribution of materials or objects with pornographic images of minors or their attraction to participate in entertainment pornographic events**

1. Production, storage or moving across the State border of the Republic of Kazakhstan for distribution, public display or advertising or distribution, public display or advertising materials or objects with pornographic images of minors, - shall be punished by imprisonment for a period from three to six years with confiscation of pornographic materials or objects, and the means of their production or reproduction.

2. Involvement of minors as performers to participate in entertainment events pornographic by a person who has reached the age of eighteen, - shall be punished by imprisonment for a term from five to seven years with confiscation of pornographic materials or objects, and the means of their production or reproduction.

3. Offences, stipulated by the first or second paragraph of this Article are committed:

a) by the parent, teacher, or other person who by the Law charged with the education of a m i n o r ;

b) in respect of a person known to be under the age of fourteen;

c) a group of persons by prior conspiracy or by an organized group, - shall be punished by imprisonment for a term of five to eight years, with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years or without it, with

confiscation of pornographic materials or objects, and the means of their production or reproduction .

Footnote. The Code is supplemented by Article 273-1 in accordance with the Law of the Republic of Kazakhstan dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 274. Illegal Distribution of Works Propagating the Cult of Cruelty and Violence**

Illegal Manufacture for the purposes of distribution or advertisement, or distribution, advertisement, or demonstration of cinema and video materials or other works which propagate the cult of cruelty and violence, as well as illegal trade in publications, cinema or video materials propagating the cult of cruelty and violence, - shall be punished by a fine in an amount from five hundred up to eight hundred monthly calculation indices, or by correctional labor for a period up to one year, or by imprisonment for a period up to two years , with confiscation of works propagating the cult of cruelty and violence, as well as a means of their production or reproduction.

Footnote. Article 274 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 275. Outrage upon Bodies of the Deceased or Places of Their Burial**

1. Violation of the bodies of the deceased or destruction, damaging, or desecration of places of burial, tombs, or the cemetery buildings which are intended for ceremonies in relation to burial or commemoration, - shall be punished by a fine in an amount from one hundred up to five hundred monthly calculation indices, or by engaging in community service for a period from one hundred twenty up to one hundred eighty hours, or by restriction of liberty for the period of up to three years or by deprivation of liberty for the same period.

2. The same offences are committed:

- a) repeatedly ;
- b) by a group of persons upon a preliminary collusion or by an organized group;
- c) for motives of national, racial, or religious hatred or enmity;
- d) with a violence or a threat to apply it;

It shall be punished by restriction of liberty for a period up to five years, or by imprisonment for the same period.

Footnote. Article 275 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47, dated 09.12.2004 No. 10, dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 275-1. Illegal removal of organs and tissues of the corpse man**

1. On the lawful removal of body organs or tissues for transplantation or other use of, or the commission on transactions in organs and tissues of human body, - shall be punished by imprisonment for up to five years with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years or without it.

2. The same offences are committed:

- a) by a group of persons, group of persons by prior conspiracy or by an organized group;
- b) repeatedly;
- c) with the use of his official position, it shall be punished by imprisonment for a term of five to seven years with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years or without it.

**Footnote.** The Chapter is supplemented by Article 275-1 in accordance with the Law of the Republic of Kazakhstan dated March 2, 2006 No. 131.

## **Article 276. Cruel Treatment of Animals**

1. Cruel treatment of animals which entailed their death or injury, if this offence is committed for motives of hooliganism, or with the use of sadistic methods, or in the presence of small children, - shall be punished by a fine of one hundred to two hundred monthly calculation indices, or correctional labor for up to one year, or by restriction of liberty for up to one year.

2. The same offence committed by a group of persons, or by a group of persons upon a preliminary collusion, or by an organized group, or committed repeatedly, - shall be punished by a fine of five hundred to eight hundred monthly calculation indices or correctional labor for up to two years, or restraint of liberty for a term up to two years.

**Footnote.** Article 276 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363, dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 11. ECOLOGICAL CRIMES**

### **Article 277. Violation of ecological requirements to the economic and another activity**

Violation of ecological requirements during the use of natural resources, engineering, allocation, construction and reconstruction, putting into operation and operation of enterprises, buildings and other objects, operations of industrial facilities, energy industry, transport and

communications, objects of agricultural appointment and amelioration, construction of the cities and other inhabited localities, military and defense objects, military and space activity by the persons, who are responsible for the observance of these requirements, if it resulted in a considerable pollution of the environment, an infliction of harm to the health of a person, mass mortality of the plant or the animal world and other grave consequences, - shall be punished by the deprivation of liberty for a period up to five years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

### **Article 278. Violation of ecological requirements during the production and use of potentially dangerous for ecology chemical, radioactive and biological substances**

1. Violation of ecological requirements during the production, transportation, keeping, burial, use or other handling of potentially dangerous for ecology chemical, radioactive and biological substances, if these offences created a threat of an infliction of a considerable harm to the health of a person or the environment,- shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the restraint of liberty for a period up to three years, or with the deprivation of liberty for a period up to two years.

2. The same offence, that resulted in a pollution, poisoning or the contamination of the environment, an infliction of harm to the health of a person or mass mortalities of the plant or the animal world, and equally committed in the territory with the environmental emergency, - shall be punished with the deprivation of liberty for a period up to five years.

3. The offences specified in the first or second parts of the present article, which negligence resulted in mass disease of people or the death of a person, - shall be punished with the deprivation of liberty for a period from three to eight years.

**Footnote. Article 278 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 279. Violation of safety rules during the handling of microbiological or other biological agents or toxins**

1. Violation of ecological requirements during the storage, destruction or burial of microbiological or other biological agents either toxins or their illegal importation in the Republic of Kazakhstan for the recycling, keeping or burial, if it created a threat of an infliction of a considerable harm to the health of a person or the environment, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the restraint of liberty for a period up to three years, or with the deprivation of liberty for a period up to two years.

2. The same offence, that resulted in a pollution, poisoning or contamination of the



environment, an infliction of harm to the health of a person or the mass mortality of the plant or animal world, and equally committed in the territory with the environmental emergency, shall be punished by the deprivation of liberty for a period up to five years.

3. The offences are specified by the first or second parts of the present article, which negligence resulted in mass disease or the death of a person, - shall be punished with the deprivation of liberty for a period from three to eight years.

**Footnote. Article 279 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 280. Violation of veterinary rules and the rules, which are established for the disease and plant pests' control**

1. Violation of veterinary rules, that resulted in spreading of epizootics or other grave consequences, - shall be punished by a fine ranging from five hundred to one thousand monthly calculation indices, or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to three years, or with the deprivation of liberty for a period up to three years.

2. Violation of the rules, which are established for the disease and plant pest control, that resulted in grave consequences, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the corrective labor for a period up to one year, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for a period up to two years.

**Footnote. Article 280 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 281. Pollution, clogging and depletion of waters**

1. Pollution, clogging, depletion of surface or underground waters, ice cellars, sources of public water supply or other change of their natural properties, if these offences resulted in an infliction of a considerable harm to the plant or animal world, fish resources, forest management or agriculture, - shall be punished by a fine ranging from one hundred to two hundred monthly calculation indices, or with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to five years, or with the corrective labor for a period up to one year, or with the restraint of liberty for a period up to one year.

2. The same offences that resulted in an infliction of harm to the health of a person or the mass mortality of the plant or animal world, and equally committed in the natural areas of preferential protection or in the territories with the environmental emergency, - shall be punished by the deprivation of liberty for a period up to five years.

3. The offences specified in the first or second parts of the present article that negligence resulted in a death of a person, - shall be punished with the deprivation of liberty for a period up to five years.

Footnote. Article 281 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 282. Pollution of Atmosphere**

1. Violation of rules of pollutant emissions in the atmosphere or work instructions of installations, buildings and other objects, if this offence resulted in the pollution or another change of natural properties of air, which is connected with an infliction of a particularly large-scale damage, - shall be punished by a fine ranging from one hundred to two hundred monthly calculation indices, or with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to five years, or with the corrective labor for a period up to one year, or with the restraint of liberty for a period up to one year.

2. The same offence, that resulted in an infliction of harm to the health of a person, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to three years, or with the deprivation of liberty for the same period.

3. If the offences specified in the first or second parts of the present article, negligently resulted in the death of a person, they shall be punished by the deprivation of liberty for a period up to five years.

Footnote. Article 282 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 283. Pollution of the marine environment**

1. Pollution of the marine environment from the sources which are situated on the shore or as a result of violation of rules of burial or emission of substances and consumables from the transport facilities or erected artificial structures in the sea, which are harmful to the health of a person and to marine life resources or which prevent from the legitimate use of marine environment, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to five years, or with the corrective labor for a period up to

two years, or with the restraint of liberty for a period up to one year.

2. The same offence, that resulted in a considerable harm to the health of a person, the plant or animal world, fish resources, environment, recreation zones or other protected by the law interests, - shall be punished by the deprivation of liberty for a period up to three years with a fine ranging from fifty to one hundred monthly calculation indices.

3. The offences specified in the first or second parts of the present article that negligence resulted in a death of a person, - shall be punished by the deprivation of liberty for a period up to five years .

**Footnote. Article 283 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 284. Violation of the legislation of continental shelf of the Republic of Kazakhstan and of exclusive economic zone of the Republic of Kazakhstan**

1. Illegal erection of buildings on the continental shelf of the Republic of Kazakhstan, illegal creation of safety zones around it or in the exclusive economic zone of the Republic of Kazakhstan, and equally violation of rules of construction, operation, protection and liquidation of erected buildings and security facilities of marine navigation, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years, or with the corrective labor for a period up to two years.

2. Research, exploration, exploitation of natural resources of the continental shelf of the Republic of Kazakhstan or the exclusive economic zone of the Republic of Kazakhstan, which are conducted without a proper permission are punished by a fine ranging from five hundred to seven hundred monthly calculation indices, or with the corrective labor for a period up to two years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

**Footnote. Article 284 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 285. Deterioration of the land**

1. Poisoning, pollution or another deterioration of the land by the harmful products of economic or another activity as a result of violation of the rules of handling with toxic chemicals, fertilizers, plant growth stimulants and other dangerous chemical, radioactive or biological substances during its keeping, use, transportation or burial, that resulted in an infliction of harm to the health of a person or the environment, deterioration of natural

properties of the land, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years, or with the corrective labor for a period up to two years.

2. The same offences which are committed in the territory with the environmental emergency, - shall be punished by the restraint of liberty for a period up to three years or with the deprivation of liberty for the same period.

3. The offences specified in the first or second parts of the present article that through negligence resulted in a death of a person, - shall be punished by the deprivation of liberty for a period up to five years.

**Footnote. Article 285 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10; dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 286. Violation of rules of protection and subsurface resources use**

1. Violation of rules of protection and subsurface use during the engineering, allocation, building, putting into operation and operation of mining enterprises or subsurface facilities, which are not connected with the extraction of natural resource, and equally unwarranted building on areas of natural resources occurrence, if these offences resulted in an infliction of a considerable damage, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years, or with the corrective labor for a period up to two years.

2. Violation of general ecological requirements at all stages of subsurface management, if it resulted in a mass mortality of the plant or the animal world, an infliction of a large-scale damage to the state, harm to the health of the population, - shall be punished by the deprivation of liberty for a period up to five years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

3. The offence specified in the second part of the present article, that negligence resulted in mass disease of people or a death of a person is punished by the deprivation of liberty for a period from three to eight years.

**Footnote. Article 286 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10; dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 287. Illegal extraction of fish resources and other water animals and plants**

**Footnote. Title is amended by the Law of the Republic of Kazakhstan dated 21.01.2010 No. 242-IV (the order of enforcement see Art.2).**

1. Illegal extraction of fish resources and other water animals or plants, if this offence is committed :

a) with an infliction of a considerable damage;  
b) with the use of explosives and chemical substances, electric current or other ways of mass annihilation of fish resources and other water animals and plants,- shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to one year, or with the deprivation of right to hold specific posts or to practice a specific activity for a period up to three years with confiscation of property, which appears to be the object of criminal offences, an instrument or means of committing a crime, an item, which is withdrawn from circulation.

2. The same offence is committed:

a) by more than once;  
b) with regard to sturgeon species of fish;  
c) in the places of spawning or on migratory paths to them;  
d) by a person with the appropriation of his corporate opportunities;  
e) by a group of persons with the previous concert;  
f) with the use of self-propelled floating vehicle;  
g) in the natural areas of preferential protection and in the territories with the environmental emergency, - shall be punished by a fine ranging from five hundred to seven hundred monthly calculation indices or with the deprivation of liberty for a period up to two years with the deprivation of right to hold specific posts or to practice a specific activity for a period up to three years or without it, with confiscation of property of a convicted person, as well as the property, which appears to be the object of criminal activities, a tool or means of committing a crime, an item, which is withdrawn from the circulation.

3. The offences specified in the first and second parts of the present article, which are committed with an infliction of a large-scale damage or an organized group, shall be punished by the deprivation of liberty for a period from two to five years with confiscation of property of a convicted person, as well as the property, which appears to be the object of criminal activities, a tool or means of committing a crime, an item, which is withdrawn from the circulation .

**Footnote.** Article 287 is in the wording of the Law of the Republic of Kazakhstan dated 09.12.2004 No. 10; as amended by the Laws of the Republic of Kazakhstan dated 21.01.2010 No. 242-IV (the order of enforcement see Art. 2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## Article 288. Illegal hunting

1. Illegal hunting, if this offence is committed:

a) is excluded by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

b) with the use of motor vehicle or aircraft, explosives, gas and other methods of mass annihilation of animals;

c) is excluded by the Law of the Republic of Kazakhstan dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

d) in the natural areas of preferential protection and in the territories with the environmental emergency, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the corrective labor for a period up to two years, or with the restraint of liberty up to one year with confiscation of property, which appears to be the object of criminal activities, a tool or means of committing a crime, an item, which is withdrawn from the circulation.

2. The same offence, which is committed more than once, by a person with the appropriation of his corporate opportunities or by a group of persons with the previous concert or by an organized group, - shall be punished by a fine ranging from five hundred to seven hundred monthly calculation indices or with the deprivation of liberty for a period up to two years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it, with confiscation of property, which appears to be the object of criminal activities, a tool or means of committing a crime, an item, which is withdrawn from the circulation.

3. The offences specified in the first or second parts of the present article, which are committed with an infliction of a large-scale damage or by an organized group, - shall be punished by the deprivation of liberty for a period from two to five years with confiscation of property of a convicted person, as well as the property, which appears to be the object of criminal activities, a tool or means of committing a crime, an item, which is withdrawn from the circulation.

N o t e .

A considerable damage in the articles of the present chapter is admitted as an extent of damage by one hundred and manifold exceeding a monthly calculation index, which is established by the legislation of the Republic of Kazakhstan by the time of committing a crime. A large-scale damage is admitted as damage by three hundred and manifold exceeding a monthly calculation index, which is established by the legislation of the Republic of Kazakhstan by the time of committing a crime. A particularly large-scale damage is admitted as damage by fifty thousand and manifold exceeding a monthly calculation index, which is established by the legislation of the Republic of Kazakhstan by the time of committing a crime.

Footnote. Article 288 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 289. Violation of rules of wild life protection**

Mass destruction or mortality of animal world as a result of the violation of rules of its protection during the implementation of industrial processes and the operation of transport facilities, use of plant-protecting agents, mineral fertilizers and other products, as well as the order of use and the protection of hunting areas and fishery waters, that caused a large-scale damage, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the corrective labor for a period up to two years, or with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

Footnote. Article 289 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 290. Illegal treatment with rare and endangered species of plants and animals (or) their parts and derivatives, as well as with plants and animals and (or) their parts and derivatives, the withdrawal of which is prohibited**

Illegal extraction, purchase, storage, sale, importation, exportation, transmission, transportation, and equals the destruction of rare and endangered species of plants and animals and (or) their parts and derivatives, as well as the plants and animals and (or) their parts and derivatives, upon which the ban is imposed for the use, or their habitat areas, - shall be punished by the restraint of liberty for a period up to three years or with the deprivation of liberty for the same period with confiscation of property of a convicted person, as well as the property, which appears to be the object of criminal activities, a tool or means of committing a crime, an item which is withdrawn from the circulation.

Footnote. Article 290 is in the wording of the Law of the Republic of Kazakhstan dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 291. Illegal felling of trees and bushes**

1. Illegal felling, and equally a damage up to the degree of growth cessation of trees and bushes in a forest area, as well as the trees and bushes, which are not part of the forest area, if these offences caused a considerable damage, - shall be punished by a fine ranging from one hundred to two hundred monthly calculation indices or with the corrective labor for a period from six months to one year with confiscation of property of a convicted person, as well as the property, which appears to be the object of criminal activities, a tool or means of committing a crime, an item which is withdrawn from the circulation.

2. The same offences are committed:

a) by more than once;

b) by a person with the appropriation of his corporate opportunities;

c) with an infliction of a large-scale damage, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices or with the corrective labor for a period from one year to two years, or with the deprivation of right to hold specific posts or to practice a specific activity for a period up to three years with confiscation of property of a convicted person, as well as the property, which appears to be the object of criminal activities, a tool or means of committing a crime, an item which is withdrawn from the circulation.

3. The offences specified by the first or second parts of the present article, which are committed in natural areas of preferential protection or by an organized group, - shall be punished by a fine ranging from five hundred to seven hundred monthly calculation indices or with the deprivation of liberty for a period up to three years with confiscation of property of a convicted person, as well as the property, which appears to be the object of criminal activities, a tool or means of committing a crime, an item, which is withdrawn from the circulation.

**Footnote.** Article 291 is in the wording of the Law of the Republic of Kazakhstan dated 09.12.2004 No. 10; as amended by the Laws of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 292. Destruction or damage of forests**

1. Destruction or damage of forests, as well as the plantation, which is not part of forest area, as a result of negligent handling of fire or another source of increased danger, if this offence caused a large-scale damage, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same period.

2. Intentional destruction or damage of forests, and equally the plantation, which is not part of the forest area, by means of arson, or another generally dangerous method or as a result of contamination with harmful substances, waste products, emissions or garbage, - shall



be punished with the deprivation of liberty for a period from three to eight years.

Footnote. Article 292 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 293. Violation of regime of natural areas of preferential protection**

1. Violation of regime of natural areas of preferential protection, that resulted in an infliction of a considerable damage, - shall be punished by a fine ranging from one hundred to two hundred monthly calculation indices, or with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years, or with the corrective labor for a period from six months to one year.

2. Intentional damage or destruction of state objects of nature-reserved fund in the natural areas of preferential protection, that resulted in an infliction of a considerable damage, - shall be punished with the restraint of liberty for a period up to three years or with the deprivation of liberty for the same period.

Footnote. Article 293 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 294. Non-adoption of measures in liquidation of consequences of ecological pollution**

Evasion of conduct or improper conduct of decontamination or other rehabilitative measures in areas, which are subject to ecological pollution, by persons, who are imposed with a duty to take such measures, that resulted in a death of a person or mass diseases of people, or other grave consequences for the environment, - shall be punished by a fine ranging from five hundred to one thousand monthly calculation indices or with the deprivation of liberty for a period up to five years with the deprivation of the right to hold specific posts or to practice a specific activity for the same period.

## **Chapter 12. TRANSPORT CRIMES**

### **Article 295. Violation of traffic safety rules and the operation of railway, air or water transport**

1. The Violation of traffic safety rules or the operation of the railway, air, marine or the river transport of a person, due to the carrying out work or the position which is held by the

one who is obliged to follow the regulations, if this offence negligently resulted in the infliction of a serious or a medium gravity harm to the health of a person, - shall be punished by the corrective labor for a period from six months to two years, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for a period up to two years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

2. The same offence which negligence resulted in a death of a person, - shall be punished by the deprivation of liberty for a period up to seven years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

3. The offence specified in the first part of the present article, that negligence resulted in death of two or more persons, - shall be punished by the deprivation of liberty for a period from four to ten years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

4. The offence specified in the first part of the present article, if it didn't result in, but knowingly produced a threat of oncoming consequences, which are specified by the first, second or third parts of this Article, - shall be punished by a fine in the amount up to one thousand monthly calculation indices, or by the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years, or with the corrective labor for a period up to one year, or with the restraint of liberty for a period up to one year or with the deprivation of liberty for the same period with the deprivation of right to hold specific posts or to practice a specific activity for a period up to two years or without it.

Note. Under the transport, all kinds of railway, marine, river and air transport, including marine and river small craft are regarded.

Footnote. Article 295 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 296. Violation of traffic regulations and the operation of transport facilities by the persons who operate the transport facilities**

1. The violation by a person, who operates a car, trolley bus, tramway or another motor vehicle of traffic regulations or the operation of transport facilities, that negligently resulted in an infliction of serious harm to the health of a person, - shall be punished with the restraint of liberty for a period up to two years, or with the deprivation of liberty for a period up to two years with the deprivation of right to operate the transport facility for a period up to three years or without it.

2. The same offence that negligently resulted in a death of a person, - shall be punished by the deprivation of liberty for a period up to five years with the deprivation of right to operate

the transport facility for a period up to three years.

3. The offence specified by the first part of the present article, that negligently resulted in death of two or more persons, - shall be punished by the deprivation of liberty for a period from five to ten years.

Note. Under other motor vehicles in this Article, the tractors, motorcycles and other self-propelled vehicles are regarded.

Footnote. Article 296 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 297. Abandonment of the place of the road traffic accident**

Abandonment of the place of the road traffic accident by a person, who operates the transport facility and who violated the traffic regulations or the operation of the transport facilities, in case of oncoming consequences, which is specified by the article 296 of this Code, - shall be punished by the restraint of liberty for a period up to two years, or with the deprivation of liberty for a period up to two years with the deprivation of right to hold specific posts or to practice a specific activity for a period up to two years or without it.

Note. The person, who left the place of the road traffic accident on account of the rendering of assistance to the injured persons, shall be acquitted of the criminal liability according to this Article.

Footnote. Article 297 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 298. The inferior repair of transport facilities and their release for service with technical faults, permission to operate the transport facility by a person in a state of intoxication**

1. The inferior repair of the transport facilities, means of the communication, warning devices either the connection or other transport equipment, and equally the release of service knowingly technically out of repair transport facilities of a person, who is responsible for the technical state of the transport facilities, if these offences negligently resulted in an infliction of a serious harm to the health, - shall be punished by a fine ranging from four hundred to seven hundred monthly calculation indices, or with the involvement in the community service for a period from one hundred eighty to two hundred forty hours, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same period with the deprivation of right to hold specific posts or to practice a specific activity for a period up to three years or without it.

2. The permission to the operation of the transport facility of a person, being in a state of

alcohol, drug or other intoxication, which is committed by the proprietor or owner of a transportation facility, if it negligently resulted in an infliction of a serious harm to the health, - shall be punished by a fine ranging from four hundred to seven hundred monthly calculation indices, or with the involvement in the community service for a period from one hundred eighty to two hundred forty hours, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same period with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

3. The offences specified by the first or second parts of the present article which negligence resulted in a death of a person, - shall be punished by the deprivation of liberty for a period up to five years.

4. The offences are specified in the first or second parts of the present article, that negligence resulted in death of two or more persons, - shall be punished by the deprivation of liberty for a period from four to ten years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

**Footnote. Article 298 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 299. Intentional disablement of the transport facilities or means of the communication**

1. Intentional destruction, damage or another way of disablement of the state of the transport facility for the operation, means of communication, warning devices either the connection or other transport equipment, and equally the blocking of transportation services, if these offences negligently resulted in an infliction of a serious or a medium gravity harm to the health of a person, or an infliction of a large-scale damage, or the disorder of the ordinary operation of the transport and the connection, - shall be punished by a fine ranging from four hundred to seven hundred monthly calculation indices, or with the restraint of liberty for a period up to four years, or with the deprivation of liberty for the same period.

2. The same offences, which negligence resulted in a death of a person, - shall be punished by the deprivation of liberty for a period from three to eight years.

3. The offences specified in the first part of the present article, that negligence resulted in a death of two or more persons, - shall be punished by the deprivation of liberty for a period from six to ten years.

**N o t e .**

The large-scale damage in the articles of a present chapter is admitted to be the damage, inflicted to a citizen in the amount, hundredfold exceeding a monthly calculation index, or the damage, inflicted to the organization or the state in the amount, five hundredfold exceeding a

monthly calculation index, established by the legislation of the Republic of Kazakhstan at the moment of committing a crime.

Footnote. Article 299 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 300. Violation of the rules, providing safe work of the transport**

1. Violation by a passenger, a pedestrian or another participant of the traffic (except for the persons, specified in the articles 295, 296 of this Code) traffic safety rules or the transport facilities operation, if this offence negligently resulted in an infliction of serious harm to the health of a person, - shall be punished by a fine in the amount up to seven hundred monthly calculation indices, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same period.

2. The same offence, which negligence resulted in a death of a person, - shall punished with the restraint of liberty for a period up to four years or with the deprivation of liberty for the same period.

3. The offence is specified by the first part of the present article, that negligence resulted in death of two or more persons, - shall be punished by the deprivation of liberty for a period from three to eight years.

Footnote. Article 300 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 301. The unwarranted and unnecessary stops of the train**

The unwarranted and unnecessary stop of the train by the conductor's valve or by means of the disconnecting air brake line or by another way, if it resulted in a death of a person or other grave consequences, - shall be punished with the deprivation of liberty for a period from two to eight years.

### **Article 302. Violation of the rules operating in the transport**

1. Violation of the order safety rules and traffic safety rules operating in the transport by persons who carry out administrative functions in the road, building and other organizations and by those who are responsible for the road operation and the road buildings, their equipment, and also for the traffic management, that inflicted a serious or medium gravity harm to the health, which is committed by a person, who was enforced during one year with

the administrative sanction for the commission of the same offence, - shall be punished by a fine ranging from one hundred to five hundred monthly calculation indices or with the restraint of liberty for a period up to one year with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

2. The same offence, that resulted in a death of a person or other grave consequences, - shall be punished with the restraint of liberty for a period up to five years or with the deprivation of liberty for the same period with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

**Footnote. Article 302 is in the wording of the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 303. Violation of safety rules during the construction, operation or the repair of the main pipelines**

1. Violation of safety rules during the construction, operation or the repair of the main pipelines, if this offence negligently resulted in an infliction of serious harm to the health of a person or the infliction of large-scale damage, - shall be punished by the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same period with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

2. The same offence, which negligence resulted in a death of a person, - shall be punished by the deprivation of liberty for a period up to five years.

3. The offence specified in the first part of the present article, that negligence resulted in death of two or more persons, - shall be punished with the deprivation of liberty for a period from four to ten years.

**Footnote. Article 303 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 304. Intentional damage or the destruction of the pipelines**

1. Intentional damage or the destruction of the pipelines, including oil and gas pipelines, - shall be punished with the restraint of liberty for a period up to two years with the deprivation of liberty for the same period with the confiscation of property, which appeared to be the instrument or the means of a crime.

2. The same offence is:

- a) negligently resulted in serious or medium gravity harm to the health of a person;
- b) committed more than once;
- c) committed by a group of persons with the previous concert, - shall be punished with the

deprivation of liberty for a period from two to five years with the confiscation of property, which appeared to be the instrument or the means of a crime.

3. The offence specified in the first part of the present article:

- a) that resulted in the pollution of the environment;
- b) that resulted in an infliction of a large-scale damage;
- c) which is committing by an organized group;
- d) that negligently resulted in a death of a person,

it shall be punished by the deprivation of liberty for a period from seven to ten years with the confiscation of property of a convicted person or without it, as well as the property, which appeared to be the instrument or the means of a crime.

**Footnote.** Article 304 is in the wording of the Law of the Republic of Kazakhstan dated 06.10.2010 No. 343-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 304-1. Negligent damage or the destruction of the pipelines**

1. The Damage or the destruction of the pipelines, including oil and gas pipelines, which was negligently committed, that resulted in a deviation from the established operating regime or that produced a credible threat of an infliction of harm to the health of people or the environment, - shall be punished by a fine ranging from three hundred to six hundred monthly calculation indices.

2. The same offence is resulted in:

- a) negligent infliction of serious or medium gravity harm to the health of a person;
- b) the pollution of the environment;
- c) an infliction of a large-scale damage;
- d) a negligent death of a person, - shall be punished with the restraint of liberty for a period up to two years or with the deprivation of liberty for the same period.

**Footnote.** The Code is supplemented by Article 304-1 in accordance with the Law of the Republic of Kazakhstan dated 06.10.2010 No. 343-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 305. Failure to render assistance to those who were in distress by the captain of a ship**

1. Failure to render assistance to the people, who were in distress on the sea or on another waterway by the captain of a ship, if this assistance could be rendered without a serious danger for a ship, its crew and the passengers, - shall be punished by a fine ranging from two hundred to seven hundred monthly calculation indices, or with the restraint of liberty for a

period up to three years, or with the deprivation of liberty for a period up to two years with the deprivation of right to hold specific posts or to practice a specific activity for a period for a period up to three years or without it.

2. Non-adoption of proper measures by a captain of one of the ship which fell aboard or on the waterway, for the salvage of another ship, that negligently resulted in a loss of a ship or other grave consequences, if these measures could be assumed without a serious danger for a ship, its crew and the passengers, - shall be punished with the deprivation of right to hold specific posts or to practice a specific activity for a period up to three years or with the corrective labor for a period up to two years.

**Footnote. Article 305 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 306. Violation of international flight rules**

1. Nonobservance of specified in the permission routes, landing areas, air gate, flight altitude or another violation of international flight rules,- shall be punished by a fine ranging from five hundred to one thousand monthly calculation indices, or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for a period up to three years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or without it.

2. The same offences that resulted in a death of a person or other grave consequences, - shall be punished by the deprivation of liberty for a period from three to ten years.

**Footnote. Article 306 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Chapter 13. CORRUPTION AND OTHER CRIMES AGAINST INTERESTS OF STATE SERVICE AND STATE ADMINISTRATION**

**Footnote. The Title of Chapter 13 is in the wording of the Law of the Republic of Kazakhstan dated 25.09.2003 No. 484.**

### **Article 307. Abuse of official powers**

1. Abuse of official powers by a person, who is empowered to fulfill state functions, or equated to his person contrary to the interests of service with a view of deriving profits and benefits for himself or other persons or organizations or an infliction of harm to other persons



or organizations, if it resulted in a considerable infringement of rights and legitimate interests of citizens and organizations are protected by the law interests of the society and the state, - shall be punished by a fine ranging from five hundred to one thousand monthly calculation indices or with the deprivation of right to hold specific posts or to practice a specific activity for a period up to three years, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same period.

2. The same offence, which is committed by an office holder, - shall be punished by a fine ranging from one thousand to two thousand monthly calculation indices or with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to five years, or with the deprivation of liberty for a period up to four years.

3. The same offence, which is committed by a person, who holds a senior public position, - shall be punished by a fine ranging from two thousand to four thousand monthly calculation indices or with the deprivation of liberty for a period up to six years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to five years or  
w i t h o u t i t .

4. The offences specified in the first, second or the third parts of the present article, that resulted in grave consequences or committed on behalf of an organized group or a criminal community (criminal organization), - shall be punished by the deprivation of liberty for a period from four to eight years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to seven years with the confiscation of property.

#### N o t e .

1. Office holders, parliament and maslikhat deputies, judges and all public servants belong to the persons, who are empowered to fulfill state functions, in accordance with the legislation of the Republic of Kazakhstan of the state service.

2. The persons, who are empowered to fulfill state functions, equate to:

1) The persons, who are elected to the local government bodies;

2) The citizens, who are registered in accordance with the established by the law order as Presidential candidates of the Republic of Kazakhstan, Parliament and Maslikhat deputies of the Republic of Kazakhstan, as well as the members of elective bodies of the local  
g o v e r n m e n t ;

3) The employees, who permanently or temporarily work with the local government bodies, whose remuneration of labor shall be carried out from the funds of the state budget of  
t h e R e p u b l i c o f K a z a k h s t a n ;

4) The persons who fulfill administrative functions in the state organizations and the organizations, in the charter capital of which state's portion comprises more than fifty percent , including the national managing holding companies, national holding companies, national companies, national institutes of development, whose shareholder is the state, their subsidiary organizations, more than fifty percent of voting shares (equity share) of which belong to them , as well as juridical persons, more than fifty percent of voting shares (equity share) belong to

the within-named subsidiary organizations.

3. The persons are admitted to be the office holders, who permanently, temporarily or according to the special empowerment fulfill the functions of the representative of an organizational-regulatory or administrative functions in the public bodies, local government bodies, and also in the Armed Forces of the Republic of Kazakhstan, in other military forces and military formations of the Republic of Kazakhstan.

4. The persons who hold senior public positions, are regarded as persons who hold positions, which are established by the Constitution of the Republic of Kazakhstan, constitutional and other laws of the Republic of Kazakhstan for the direct fulfillment of the functions of the state and powers of the public bodies, and equally persons, who hold political posts of public officers according to the legislation of the Republic of Kazakhstan of the state service.

5. Crimes are admitted to be the corruption crimes, which are specified by the item d) of the third part of article 176, by the item d) of the third part of article 177, by the item c) of the second part of article 192, by the item a) of the third part of article 193, by the item a) of the third part of article 209, by the item b) of the third part of article 226-1, of article 307, by the item c) of the fourth part of article 308, of articles 310 - 315, of article 380, by the item c) of the second part of article 380-1, of article 380-2 of this Code.

**Footnote.** Article 307 is in the wording of the Law of the Republic of Kazakhstan dated 25.09.2003 No. 484; as amended by the Laws of the Republic of Kazakhstan dated 21.07.2007 No. 308; dated 07.12.2009 No. 222-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 01.02.2012 No. 551-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 307-1. Unlawful disclosure or other unlawful**

use of data and the information about operations with money and (or) other property  
Unlawful disclosure or other unlawful use of data and information about operations with money and (or) other property received from the subjects of financial monitoring by the officials of state bodies, if it involved a substantial violation of the rights and lawful interests of individuals or organizations, or the legitimate interests of society or the state, - shall be punished by a fine in the amount from five hundred to one thousand monthly calculation indices or imprisonment for up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period up to three years.

**Footnote.** Chapter 13 is supplemented by Article 307-1 in accordance with the Law of the Republic of Kazakhstan dated 21.06.2012 No. 19-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 308. Abuse of authority or official powers**

1. Abuse of authority or official powers, that is a commission of offences by a person, who is empowered to fulfill state functions, or equated to his person, clearly going beyond his rights and powers and that resulted in a considerable infringement of rights and legitimate interests of citizens either organizations or protected by the Law interests of the society or the state, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices or with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years, or with the restraint of liberty for a period up to three years, or with the deprivation of liberty for the same period.

2. The same offence, which is committed by an office holder, - shall be punished by a fine ranging from three hundred to seven hundred monthly calculation indices or with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to five years, or with the deprivation of liberty for a period up to five years.

3. The same offence, which is committed by a person, who holds a senior public position, - shall be punished by a fine ranging from five hundred to one thousand monthly calculation indices or with the deprivation of liberty for a period from four to eight years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to five years or without it.

4. The offences specified in the first, second or third parts of the present article, that resulted in grave consequences or which are committed:

- a) with the violent use or the threat to use it;
- b) with the use of weapons or special items;

c) with a view of deriving profits or benefits for yourself either other persons or organizations or an infliction of harm to other persons or organizations, - shall be punished by the deprivation of liberty for a period from five to ten years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to seven years with confiscation of property.

**Footnote.** Article 308 is in the wording of the Law of the Republic of Kazakhstan dated 25.09.2003 No. 484; as amended by the Laws of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 309. Appropriation of powers of an office holder**

Appropriation of the powers of an office holder of a public officer, who is not an office holder and the commission on account of it offences by him, that resulted in a considerable

infringement of rights and legitimate interests of citizens or organizations, - shall be punished by a fine ranging from fifty to one hundred monthly calculation indices, or with the involvement in the community service for a period from one hundred twenty to one hundred eighty hours, or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to one year.

Footnote. Article 309 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 310. Illegal participation in the entrepreneurial activity**

1. The establishment by a person, who is empowered to fulfill state functions, or an equated to him part of the organization which implements entrepreneurial activity, or the participation in the management of such organization personally or through an authorized delegate contrary to the prohibition, which is established by the Law, if these offences are connected with the granting to a such organization allowances and benefits or with the patronage in another form, - shall be punished by a fine ranging from two hundred to four hundred monthly calculation indices with the deprivation of right to hold specific posts or to practice a specific activity for a period up to five years with the involvement in the community service for a period of one hundred eighty to two hundred forty hours, or with the restraint of liberty for a period up to one year, or with the deprivation of liberty for the same p e r i o d .

2. The offences specified in the first part of the present article, which are committed by an office holder, - shall be punished by a fine ranging from two thousand to four thousand monthly calculation indices with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to seven years or with the deprivation of liberty for a p e r i o d u p t o t w o y e a r s .

3. The offences specified in the first part of this Article, which are committed by a person, who holds a senior public position, - shall be punished by a fine ranging from four thousand to six thousand monthly calculation indices or with the deprivation of liberty for a period up t o f o u r y e a r s .

4. The commission of offences by an office holder that resulted in the delegation of powers owing to the licensing of non-governmental organizations, including public associations, - shall be punished by a fine ranging from two thousand to four thousand m o n t h l y c a l c u l a t i o n i n d i c e s .

Footnote. Article 310 is in the wording of the Law of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Art.2); as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten

calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 310-1. Obstruction of legal entrepreneurial activity**

1. Restriction of rights and legitimate interests of a sole proprietor or a commercial organization depending on the legal organizational form or a of ownership, and equally restrictive of the independence or other illegal intervention in the activity of a sole proprietor or a commercial organization, if these offences are committed by a person, who is empowered to fulfill state functions, or equated to him person with the use of his official powers contrary to the interests of service with a view of deriving profits and benefits for himself either other persons or organizations or an infliction of harm to other persons or organizations, if it resulted in a large-scale damage towards the interests of citizens or organizations are protected by the law interests of the society or the state, - shall be punished by a fine ranging from five hundred to one thousand monthly calculation indices, or with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years, or with the involvement in the community service for a period up to one hundred hours, or with the corrective labor for a period up to six months, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same period.

2. The same offences are committed:

- a) by an office holder;
- b) by a group of persons with the previous concert;
- c) by an organized group, - shall be punished by a fine ranging from one thousand to two thousand monthly calculation indices, or with the deprivation of right to hold specific posts or to practice a specific activity for a period up to five years, or with the involvement in the community service for a period from one hundred hours to one hundred and fifty hours, or with the corrective labor for a period from six months to one year, or with the restraint of liberty for a period from two to three years, or with the deprivation of liberty for a period up to three years.

3. The offences are specified by the first or second parts of the present article, which are committed:

- a) by a person, who holds a senior position in public office;
- b) in a particularly large scale;
- c) on behalf of an organized group or a criminal community (criminal organization), - shall be punished by a fine ranging from two thousand to five thousand monthly calculation indices, or with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to five years, or with the involvement in the community service for a period from one hundred fifty hours to two hundred forty hours, or with the corrective labor for a period from one year to two years, or with the restraint of liberty for a period from three

to seven years, or with the deprivation of liberty for the same period with confiscation of property .

N o t e .

1. The damage is admitted to be a large-scale damage in the present article, which is inflicted to a citizen in the amount of hundredfold exceeding a monthly calculation index, or a damage, which is inflicted to an organization or the state in the amount of one thousand fold exceeding a monthly calculation index.

2. The damage is admitted to be a particularly large-scale damage, which is inflicted to a citizen in the amount of one thousand fold exceeding a monthly calculation index, or a damage, which is inflicted to an organization or the state in the amount up to ten thousand fold exceeding a monthly calculation index, which is established by the legislation of the Republic of Kazakhstan at the moment of committing a crime.

**Footnote.** The Code is supplemented by Article 310-1 in accordance with the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 311. Acceptance of a bribe**

1. Acceptance of a bribe by a person, who is empowered to fulfill state functions, or equated to his person, personally or through an intermediary in the form of money, securities, other property, property rights or benefits of the property kind for himself or other persons for the act (or omission) in favor of a bribe giver or represented by him persons, if such acts (omissions) are the part of the official powers of a person, who is empowered to fulfill state functions, or equated to him person or by the virtue of the official position may assist such acts (omissions), and equally for the general patronage or connivance in the service, - shall be punished by a fine ranging from seven hundred to two thousand monthly calculation indices, or with the restraint of liberty for a period up to five years, or with the deprivation of liberty for the same period with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to five years with confiscation of property or without it.

2. The same offence, which is committed by an office holder, and equally acceptable of a bribe for the illegal acts (omissions), - shall be punished with the deprivation of liberty for a period from three to seven years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to seven years with confiscation of property.

3. The offences are specified in the first or second parts of the present article, which are committed by a person, who holds a senior public position, - shall be punished by the deprivation of liberty for a period from five to ten years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to seven years with confiscation of property .

4. The offences specified in the first, second or third parts of the present article, if they are

c o m m i t t e d :

- a) by means of extortion;
- b) by a group of persons with the previous concert or an organized group;
- c) on a large scale;
- d) more than once, - shall be punished with the deprivation of liberty for a period from seven to twelve years with confiscation of property.

5. The offences specified in the first, second, third or the fourth parts of the present article, if they are committed in a particularly large scale, - shall be punished by the deprivation of liberty for a period from ten to fifteen years with confiscation of property.

N o t e .

1. A bribe in a large amount is admitted as an amount of money, the value of securities, other property or benefits of property kind, which exceed five hundred monthly calculation i n d i c e s .

2. Acceptance of property, property rights or other property benefit as a present without a preliminary agreement for the earlier committed legal acts (omissions) by a person, who is empowered to fulfill state functions, or an equated to him personally for the first time is not considered to be a crime by virtue of insignificance and is not subject to a disciplinary or an administrative measures, if the value of a present hasn't exceeded two monthly calculation i n d i c e s .

3. A bribe in a particularly large amount is admitted as an amount of money, the value of securities, other property or a benefit of property kind, which exceed two thousand monthly c a l c u l a t i o n i n d i c e s .

4. In the context of a present article and the article 312 of this Code, the office holders are referred to the office holders, within named in the notes to the article 307 of this Code, as well as the office holders of foreign states and international organizations.

**Footnote. Article 311 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 25.09.2003 No. 484; dated 21.07.2007 No. 308; dated 07.12.2009 No. 222-IV (the order of enforcement see Art.2); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 312. Giving a bribe**

1. Giving a bribe to a person, who is empowered to fulfill state functions, or equated to his person, personally or through an intermediary, - shall be punished by a fine ranging from seven hundred to two thousand monthly calculation indices or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to three years, or with the deprivation of liberty for the same period.

2. Giving a bribe to an office holder, and equally giving a bribe for the commission of knowingly illegal acts (omissions), - shall be punished by a fine ranging from one thousand to

three thousand monthly calculation indices or with the restraint of liberty for a period up to five years, or with the deprivation of liberty for the same period.

3. Giving a bribe to a person, who holds a senior public position, - shall be punished by the deprivation of liberty for a period from five to ten years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to seven years with confiscation of property.

4. The offences specified in the first, second or the third parts of the present article, if they are committed:

- a) by a group of persons with the previous concert or an organized group;
- b) in a large amount;
- c) more than once, - shall be punished with the deprivation of liberty for a period from seven to twelve years with confiscation of property.

5. The offences specified in the first, second, third or the fourth parts of this Article, if they are committed in a particularly large scale, - shall be punished by the deprivation of liberty for a period from ten to fifteen years with confiscation of property.

N o t e .

1. A delivery of a present for the first time, in the amount or in the value, which doesn't exceed two monthly calculation indices, to a person who is empowered to fulfill state functions, or an equated to him person for the earlier committed by him legal acts (omissions) shall not entail criminal liability, if acts (omissions) which are committed by a person, who is empowered to fulfill state functions, or an equated to him person, were not stipulated by the preliminary agreement.

2. The person, who gave a bribe, shall be acquitted of criminal liability, if there had been an extortion of a bribe with regard to him on the part of a person, who is empowered to fulfill state functions, or an equated to his person or if this person willingly informed the agency who has right to initiate a criminal case about giving a bribe.

**Footnote.** Article 312 is in the wording of the Law of the Republic of Kazakhstan dated 21.07.2007 No. 308; as amended by the Laws of the Republic of Kazakhstan dated 07.04.2009 No. 149-IV; dated 07.12.2009 No. 222-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 313. Mediation in bribery**

1. Mediation in bribery, that is an assistance to a bribe taker or a bribe giver in achieving or performing the agreement of acceptance and giving a bribe between them, - shall be punished by a fine ranging from seven hundred to two thousand monthly calculation indices, or with the corrective labor for a period up to one year, or with the restraint of liberty for a



period up to two years, or with the deprivation of liberty for the same period.

2. The same offence which is committed more than once either by an organized group or by a person with the appropriation of his corporate opportunities, - shall be punished by a fine ranging from one thousand to three thousand monthly calculation indices, or with the restraint of liberty for a period up to six years, or with the deprivation of liberty for the same period.

Footnote. Article 313 as amended by the Laws of the Republic of Kazakhstan dated 21.07.2007 No. 308; dated 07.12.2009 No. 222-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 314. Official forgery**

1. Official forgery, that is an entering by a person, who is empowered to fulfill state functions, or an equated to his person, in the official documents knowingly false statements, and equally making amendments in the specified documents, which distort their actual content, or issuance of knowingly false or counterfeit documents, if these offences are committed with a view of deriving profits and benefits for himself either other persons or organizations or an infliction of harm to other persons or organizations, - shall be punished by a fine ranging from seven hundred to two thousand monthly calculation indices or with the involvement in the community service for a period from one hundred eighty to two hundred forty hours, or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same period.

2. The same offences which are committed by an office holder, - shall be punished by a fine ranging from two thousand to four thousand monthly calculation indices or with the deprivation of liberty up to three years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to five years.

3. The offences specified in the first part of the present article, if they are committed by a person, who holds a senior public position, - shall be punished by a fine ranging from four thousand to six thousand monthly calculation indices or by the deprivation of liberty up to six years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to seven years.

Footnote. Article 314 is in the wording of the Law of the Republic of Kazakhstan dated 25.09.2003 No. 484; as amended by the Laws of the Republic of Kazakhstan dated 21.07.2007 No. 308; dated 07.12.2009 No. 222-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 315. Inaction in the service**

1. Inaction in service, failure by a person empowered to fulfill state functions, or a delegate, to perform his official duties with a view to derive profits and benefits for himself or other persons or organizations or an infliction of harm to other persons or organizations, - shall be punished by a fine ranging from seven hundred to two thousand monthly calculation indices or with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years, or with the restraint of liberty for a period up to two years, or by the deprivation of liberty for the same period if it resulted in considerable infringement of rights and legitimate interests of the citizens or organizations or the interests of society or the state protected by law.

2. The same offence which is committed by an office holder, - shall be punished by a fine ranging from two thousand to four thousand monthly calculation indices or by the deprivation of liberty up to three years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to five years.

3. The same offence, which is committed by a person, who holds a senior public position, - shall be punished by a fine ranging from four thousand to six thousand monthly calculation indices or by the deprivation of liberty for a period up to five years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to five years or without it.

4. The offences are specified by the first, second or third parts of the present article, that resulted in grave consequences, - shall be punished by the deprivation of liberty for a period from four to eight years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to seven years with confiscation of property.

**Footnote.** Article 315 is in the wording of the Law of the Republic of Kazakhstan dated 25.09.2003 No. 484; as amended by the Laws of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 316. Negligence**

1. Negligence, that is failure to perform or improper performance of the duties of an office holder as a result of unconscientious or negligent attitude towards the office, - shall be punished by a fine in the amount up to two hundred monthly calculation indices, or with community service for a period from one hundred eighty to two hundred forty hours, or with corrective labor for a period up to one year, or with restraint of liberty for a period up to one year if it resulted in a considerable infringement of the rights and legitimate interests of

citizens, organizations or the interests of society or the state protected by law.

2. The same offence that negligently resulted in a death of a person or other grave consequences, - shall be punished by the deprivation of liberty for a period up to five years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

Footnote. Article 316 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 14. CRIMES AGAINST THE ORDER OF ADMINISTRATION**

### **Article 317. Desecration over the state symbols of the Republic of Kazakhstan**

Desecration over the state symbols of the Republic of Kazakhstan - shall be punished by a fine ranging from one to two thousand monthly calculation indices, or with the restraint of liberty for a period up to one year, or by the deprivation of liberty for the same period.

Footnote. Article 317 is in the wording of the Law of the Republic of Kazakhstan dated 28.06.2012 No. 24-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 317-1. Public insult and another infringement on the honor and dignity of the First President of the Republic of Kazakhstan-Leader of the Nation, profanation of portraits of the First President of the Republic of Kazakhstan - Leader of the Nation, obstruction of the legal activity of the First President Of the Republic of Kazakhstan - Leader of the Nation**

1. Public insult and another infringement on the honor and dignity of the First President of the Republic of Kazakhstan-Leader of the Nation, profanation of portraits of the First President of the Republic of Kazakhstan - Leader of the Nation, - shall be punished by a fine ranging from two hundred to seven hundred monthly calculation indices, or the involvement in the community service for a period from one hundred eighty to two hundred forty hours, or with the corrective labor for a period up to one year, or with the restraint of liberty for a period up to one year, or with the deprivation of liberty for the same period.

2. The same offences, which are committed with use of mass media, - shall be punished by a fine ranging from five hundred to one thousand monthly calculation indices, or with the corrective labor for a period from one year to two years, or with the restraint of liberty for a period up to three years, or by the deprivation of liberty for the same period.

3. The influence of any form on the First President of the Republic of Kazakhstan -

Leader of the Nations or cohabiting with him members of his family with a view of obstruction of his legal activity, - shall be punished with the restraint of liberty for a period up to five years or with the deprivation of liberty for the same period.

Footnote. The Code is supplemented by Article 317-1 in accordance with the Law of the Republic of Kazakhstan dated 14.06.2010 No. 290-IV (the order of enforcement see Art.2); as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 317-2. Violation of integrity warranties of the First President of the Republic of Kazakhstan-Leader of the Nation**

Violation of any form of integrity warranties of the First President of the Republic of Kazakhstan - Leader of the Nation and cohabiting with him members of the family, including the warranties of the integrity of the property, accommodation and office facilities, privately owned or official transport facilities, correspondence, used by them means of communication, warranties of bank secrecy and integrity of bank accounts, as well as the integrity of belonging to them documents, - shall be punished by the restraint of liberty for a period up to five years or by the deprivation of liberty for the same period.

Footnote. The Code is supplemented by Article 317-2 in accordance with the Law of the Republic of Kazakhstan dated 14.06.2010 No. 290-IV (the order of enforcement see Art.2).

### **Article 318. Infringement on the honor and dignity of the President of the Republic of Kazakhstan and the obstruction of his activity**

1. Public insult and another infringement on the honor and dignity of the President of the Republic of Kazakhstan, - shall be punished by a fine ranging from two hundred to seven hundred monthly calculation indices, or with the involvement in the community service for a period from one hundred eighty to two hundred forty hours, or with the corrective labor for a period up to one year, or with the restraint of liberty for a period up to one year, or with the deprivation of liberty for the same period.

2. The same offence, which is committed with the use of mass media, - shall be punished by a fine ranging from five hundred to one thousand monthly calculation indices, or with the corrective labor for a period from one year to two years, or with the restraint of liberty for a period up to three years, or with the deprivation of liberty for the same period.

3. The influence of any form on the President of the Republic of Kazakhstan or his close relatives with a view to impede the fulfillment of his duties, - shall be punished with the restraint of liberty up to five years or with the deprivation of liberty for the same period.

Note. Public performances, which contain critical statements about the policy which is

conducted by the President of the Republic of Kazakhstan, shall not entail criminal liability according to this Article.

Footnote. Article 318 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 319. Infringement on the honor and dignity of the deputy and the obstruction of his activity**

1. Public insult of the parliamentary deputy of the Republic of Kazakhstan during the performance of his deputies' duties or on account of their fulfillment, - shall be punished by a fine ranging from one hundred to five hundred monthly calculation indices, or with the involvement in the community service for a period up to one hundred eighty hours, or with the corrective labor for a period up to one year, or with the restraint of liberty for the same period.

2. The same offence, which is committed with the use of mass media, - shall be punished by a fine ranging from three hundred to eight hundred monthly calculation indices, or with the corrective labor for a period from one year to two years, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for a period up to two years.

3. The influence of any form on the deputy of the Parliament of the Republic of Kazakhstan or his close relatives with a view to impede the fulfillment of his duties, - shall be punished with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to three years, or with the deprivation of liberty for the same period.

Note. Public performances, which contain critical statements about the activity of parliamentary deputy, shall not entail criminal liability according to the present article.

Footnote. Article 319 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 319-1. Obstruction of the activity of the Constitutional Council of the Republic of Kazakhstan**

1. The Intervention of any form in the activity of the Constitutional Council of the Republic of Kazakhstan with a view of the obstruction of the implementation its authority, - shall be punished by a fine ranging from two hundred to three hundred monthly calculation indices, or with the restraint of liberty for a period up to one year, or with the deprivation of liberty for a period up to two years.

2. The same offence, which is committed by a person with the appropriation of his

corporate opportunities, - shall be punished by a fine ranging from three hundred to five hundred monthly calculation indices or with the deprivation of liberty for a period up to three years with the deprivation of the right to hold specific posts or to practice a specific activity for the same period or without it.

**Footnote.** The Code is supplemented by Article 319-1 in accordance with the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 320. Insult of the representative of authority**

1. Public insult of the representative of authority during the fulfillment of his official duties or on account of their fulfillment, - shall be punished by a fine ranging from one hundred to four hundred monthly calculation indices, or with the involvement in the community service for a period up to one hundred eighty hours, or with the corrective labor for a period up to one year, or with the restraint of liberty for the same period.

2. The same offence, which is committed with the use of mass media, - shall be punished by a fine ranging from three hundred to seven hundred monthly calculation indices, or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to one year, or with the deprivation of liberty for the same period.

N o t e .

1. Representative of authority in the present article and other articles of this Code is admitted to be an office holder of the state body, who is vested with regulatory powers in the established by the law order with regard to the persons, who are not officially dependent on him .

2. Public performances, which contain critical statements about the employment activity of the representative of authority, shall not entail criminal liability according to the present article .

**Footnote.** Article 320 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 321. Use of force with regard to a representative of authority**

1. Use of force, which is not dangerous for the life or health, or the threat to use force with regard to a representative authority or his relatives on account of the fulfillment of his official duties, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the restraint of liberty for a period up to five years, or with the deprivation of liberty for the same period.

2. Use of force, which is dangerous for the life or health, with regard to persons,

within-named in the first part of this Article, - shall be punished with the deprivation of liberty for a period from five to ten years.

Footnote. Article 321 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 321-1. Obstruction of a public prosecutor and his failure to perform his legal duties**

Offences causing a public prosecutor to fail to perform supervision, and equally the obstruction of his activities, - shall be punished by a fine in the amount up to five hundred monthly calculation indices, or with the involvement in the community service for a period from one hundred eighty to two hundred forty hours, or with the restraint of liberty for a period up to one year, or with the deprivation of liberty for the same period, if it resulted in considerable infringement of the rights and legitimate interests of citizens or organizations or the interests of society or the state protected by law.

Footnote. The Code is supplemented by Article 321-1 in accordance with the Law of the Republic of Kazakhstan dated 09.08.2002 No. 346; as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 322. Disclosure of information of security measures, which are used with regard to an office holder, who holds a senior public position**

1. Disclosure of information of security measures, which are used with regard to an office holder, who holds a senior public position, as well as his relatives, by a person, to whom this information was entrusted or became known on account of his employment activity, - shall be punished by a fine ranging from two hundred to four hundred monthly calculation indices or with the restraint of liberty for a period up to one year.

2. The same offence that resulted in grave consequences, - shall be punished with the deprivation of liberty for a period up to five years.

Footnote. Article 322 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 323. Purchase or sale of official documents and state awards**

Illegal purchase or sale of official documents, which enfranchise or release from the responsibilities, and also the state awards of the Republic of Kazakhstan or the USSR, - shall be punished by a fine ranging from one hundred to two hundred monthly calculation indices, or with the corrective labor for a period up to one year, or with the restraint of liberty for a period up to one year.

Footnote. Article 323 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 324. The Stealing or damaging of the documents, stamps, seals**

1. The stealing of citizen's passport, identify card or other important personal document, - shall be punished by a fine ranging from one hundred to two hundred monthly calculation indices, or with the corrective labor for a period up to one year, or with the restraint of liberty for a period up to one year.

2. The stealing, destruction, damage or concealment of official documents, stamps or seals, which are committed with mercenary or other personal interests, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to one year, or with the deprivation of liberty for the same period.

Footnote. Article 324 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 325. Forgery, production or sale of counterfeit documents, stamps, seals, blank forms, state awards**

1. Forgery of identifying card or other official document which enfranchise or release from the responsibilities, or the sale of a such document, and equally a production or sale of forged stamps, seals, blank forms, the state awards of the Republic of Kazakhstan and the USSR, - shall be punished with the restraint of liberty for a period up to two years or with the deprivation of liberty for the same period.

2. The same offences, which are committed more than once or by a group of persons with pre-planning, - shall be punished with the deprivation of liberty for a period up to four years.

3. The use of the knowingly counterfeit document, - shall be punished by a fine ranging from one hundred to five hundred monthly calculation indices, or with the involvement in the community service for a period from one hundred eighty to two hundred forty hours, or with the corrective labor for a period up to one year, or with the restraint of liberty for a period up



t o o n e y e a r .

Footnote. Article 325 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 326. Evasion of military service**

1. Evasion of induction of military service without a legal basis for the exemption from this service, - shall be punished by a fine ranging from two hundred to one thousand monthly calculation indices, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same period.

2. The same offence is committed:

- a) by means of an infliction of harm to the health of himself;
- b) by means of malingering;
- c) by means of forgery or another false pretense, - shall be punished with the deprivation of liberty for a period up to five years.

N o t e .

Draftee shall be acquitted of criminal liability, if he willingly appeared at the induction center before the transfer of the case to the court by the agency of investigation.

Footnote. Article 326 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 327. Arbitrariness**

1. Arbitrariness, that is unwarranted, contrary to the established by the legislation order, implementation of one's own actual or suppositional right, which is disputed by another person or organization, that inflicted a considerable harm to the rights or legitimate interests of citizens either organization or protected by the Law interests of the society or the state, - shall be punished by a fine ranging from two hundred to one thousand monthly calculation indices, or the involvement in the community service for a period from one hundred eighty to two hundred forty hours, or with the corrective labor for a period from one year to two years, or with the restraint of liberty for a period up to one year.

2. The same offence which is committed with the violent use or with the threat to use it shall be punished with the restraint of liberty for a period up to three years or with the deprivation of liberty for a period up to five years.

3. The offences are specified by the first or second parts of the present article, which are committed by a group of persons with the previous concert or that resulted in grave

consequences, - shall be punished with the deprivation of liberty for a period from two to  
s e v e n y e a r s .

Footnote. Article 327 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 328. Unwarranted appropriation of title of a representative of authority or an office holder, who holds a senior public position**

1. Unwarranted appropriation of the title of a representative of authority or an office holder, who holds a senior public position, which is connected with the commission of a crime on the grounds of it shall be punished by the restraint of liberty for a period up to three years or with the deprivation of liberty for a period up to two years.

2. Unwarranted appropriation of the title of an office holder, who holds a position which is established by the Constitution of the Republic of Kazakhstan, with a view of obtaining of official powers, - shall be punished with the restraint of liberty for a period up to five years or with the deprivation of liberty for the same period.

Footnote. Article 328 is amended by the Law of the Republic of Kazakhstan dated July, 8 2005. No. 67 (the order of enforcement see Art.2).

### **Article 329. Illegal Raising of the State Flag**

The illegal raising of the State Flag of the Republic of Kazakhstan on a trade ship, - shall be punished by a fine ranging from one hundred to one thousand monthly calculation indices.

Footnote. Article 329 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 330. Intentional illegal crossing of the State border of the Republic of Kazakhstan**

1. Intentionally illegal crossing of the State border of the Republic of Kazakhstan without specifying documents and the proper permission, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices or with the deprivation of liberty for a  
p e r i o d u p t o t w o y e a r s .

2. If the same offence is committed by a group of persons with pre-planning or an organized group, or with the use of violence or threat thereof, it shall be punished with deprivation of liberty for a period up to five years.

Footnote. Article 330 as amended by the Laws of the Republic of Kazakhstan dated

22.02.2002 No. 296; dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 330-1. Failure to comply with a decision to deport**

Failure by a foreigner or a person without citizenship to comply with a decision which was taken in respect of his deportation from the Republic of Kazakhstan, - shall be punished by a fine ranging from one hundred to five hundred monthly calculation indices or with the deprivation of liberty for a period up to one year if he was served during the one year with an administrative sanction for the commission of the same offence.

Footnote. Article 330-1 is in the wording of the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 330-2. Organisation of illegal migration**

1. Organization of illegal migration by means of providing transport facilities or counterfeit documents, either accommodation or another lodgment, as well as rendering of other services to the citizens, foreigners and persons without citizenship for illegal entry, departure, transportation through the territory of the Republic of Kazakhstan, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices or with the deprivation of liberty for a period up to two years.

2. The same offences which are committed by an organized group or with the appropriation of his corporate opportunities, - shall be punished with the deprivation of liberty for a period up to five years.

Footnote. The Code is supplemented by Article 330-2 in accordance with the Law of the Republic of Kazakhstan dated 22.02.2002 No. 296; as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 330-3. Repeated violation of rules of involvement and use of foreign labor in the Republic of Kazakhstan**

1. Repeated acceptance of employment by an employer of foreigners and persons without citizenship, who reside in the territory of the Republic of Kazakhstan without the proper permission of the authorized agency, - shall be punished by a fine ranging from five hundred to seven hundred monthly calculation indices or the involvement in the community service for a period from one hundred to two hundred and forty hours.

2. Repeated violation of foreign labor use rules by an employer in the Republic of Kazakhstan, - shall be punished by a fine ranging from seven hundred to nine hundred

monthly calculation indices or the involvement in the community service for a period from one hundred forty to two hundred forty hours.

Footnote. The Code is supplemented by Article 330-3 in accordance with the Law of the Republic of Kazakhstan dated 22.02.2002 No. 296; as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 331. Illegal change of the State border of the Republic of Kazakhstan**

1. Withdrawal, transportation or the destruction of the border marks with a view of illegal change of the State border of the Republic of Kazakhstan, - shall be punished by the restraint of liberty for a period up to two years or with the deprivation of liberty for the same period.

2. The same offences, which are committed more than once or that resulted in grave consequences, - shall be punished by the deprivation of liberty for a period up to four years.

Footnote. Article 331 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 332. Illegal use of emblems and symbols of the Red Crescent and the Red Cross**

Illegal use of emblems and distinctive symbols of the Red Crescent and the Red Cross, and equals the name of the Red Crescent and the Red Cross, - shall be punished by a fine ranging from one hundred to one thousand monthly calculation indices, or with the involvement in the community service for a period from one hundred eighty to two hundred forty hours, or with the restraint of liberty for a period up to one year.

Footnote. Article 332 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 333. Violation of and failure to comply with the rules of communication lines security, and objects subject to state protection**

1. Violation of the rules of communication lines security that resulted in damage of the cable line of the long distance communication, - shall be punished by a fine ranging from one hundred to five hundred monthly calculation indices or with the restraint of liberty for a period up to one year if it resulted in an interruption of communication.

2. Violation of the requirements providing security of the objects, which are subject to the state protection, buildings of the state bodies and the state institutions, that resulted in their

seizure or an infliction of other grave consequences, - shall be punished with the restraint of liberty for a period up to three years or with the deprivation of liberty for the same period.

Footnote. Article 333 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 334. Violation of the order of organization and holding of meetings, rallies, picket line, street processions and demonstrations**

1. Violation of the order of organization or holding of meetings, rallies, picket line, street processions or demonstrations, which is committed by an organizer of meeting, rally, picket line, street procession or a demonstration, if this offence resulted in the disorder of transport work, which inflicted a considerable harm to the rights and legitimate interests of citizens and organizations, - shall be punished by a fine ranging from one hundred to eight hundred monthly calculation indices, or with the involvement in the community service for a period from one hundred and twenty to one hundred and eighty hours, or with the restraint of liberty for a period up to one year.

2. Organization or holding of illegal meetings, rallies, picket line, street processions and demonstrations, which is committed by an organizer of meeting, rally, picket line, street procession or a demonstration, and equally an active participation in illegal meetings, rallies, picket line, street processions or demonstrations, if these offences resulted in the consequences, which are specified by the first part of this Article, - shall be punished by a fine ranging from two hundred to one thousand monthly calculation indices, or with the involvement in the community service for a period from one hundred eighty to two hundred forty hours, or with the restraint of liberty for a period up to one year, or with the deprivation of liberty for the same period.

Footnote. Article 334 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 335. Conduct of a prohibited strike, obstruction of the work of enterprise, organization in the conditions of state of emergency**

Conduct of a prohibited strike in the conditions of the state of emergency, and equally the obstruction of the work of organization under these conditions, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the restraint of liberty for a period up to one year, or with the deprivation of liberty for the same period.

Footnote. Article 335 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 336. Illegal interference of public associations' members in the activity of the state bodies**

1. Obstruction of legal activity of state bodies or an appropriation of functions of the state bodies or their office holders by the members of public associations, and equally creation of organization of political parties in the state bodies, if these offences resulted in a considerable infringement of rights and legitimate interests of citizens are protected by the law interests of the society and the state, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the corrective labor for a period up to one year, or with the restraint of liberty for a period up to one year.

2. The same offences, which are committed by a chief of a public association, -shall be punished by a fine ranging from five hundred to seven hundred monthly calculation indices, or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to one year, or with the deprivation of liberty for the same period with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to t o t h r e e y e a r s .

Footnote. Article 336 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 337. Creation or participation in the activity of illegal public and other associations**

1. Creation or conduct of a religious or a public association, whose activity is connected with the violence over the citizens or another infliction of harm to their health, or with the endorsement of citizens to the refusal from the fulfillment of civil duties or to the commission of other illegal offences, and equally the creation or conduct of a party on a religious basis either a political party or a trade union, which are sponsored from the prohibited by the laws of the Republic of Kazakhstan sources, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to six years, or with the deprivation of liberty for the same period with the deprivation of right to hold specific posts or to practice a specific activity for a period up to three years.

2. Creation of a public association, declaring or implementing a racial, national, ancestral,

social, state or religious intolerance in practice or extremism, urging to the violent overthrow of the constitutional order, to undermine the security of the state or the violation of territorial integrity of the Republic of Kazakhstan, and equally the conduct of a such association, - shall be punished with the corrective labor for a period up to two years, with the restraint of liberty for a period up to three years, or with the deprivation of liberty for a period from three to seven years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

3. Active participation in the activity of associations, which are specified in the first or second parts of this Article, - shall be punished by a fine ranging from one hundred to three hundred monthly calculation indices, or with the corrective labor for a period up to one year, or with the restraint of liberty for a period up to six years, or with the deprivation of liberty for the same period.

**Footnote.** Article 337 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 08.07.2005 No. 67 (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 337-1. Organization of the activities of a public or religious association or another organization following a court decision to prohibit their activities or to dissolve them on account of their incitement of extremism**

1. Organization of the activity of a public or a religious association or another organization, in respect of which there is a court decision which took legal effect about the prohibition of their activity or the liquidation on account of the implementation of extremism by them, - shall be punished by a fine in the amount up to three hundred monthly calculation indices or with the deprivation of right to hold specific posts or to practice a specific activity for a period from one year to five years, or with the restraint of liberty for a period up to six years, or with the deprivation of liberty for the same period.

2. Participation in the activity of a public or a religious association or another organization, in respect of which there is a court decision which took legal effect about the prohibition of their activity or the liquidation on account of the implementation of extremism by them, - shall be punished by a fine in the amount up to two hundred monthly calculation indices or with the deprivation of right to hold specific posts or to practice a specific activity for a period from one year to five years, or with the restraint of liberty for a period up to six years, or with the deprivation of liberty for the same period.

Note. A person, that willingly stopped to participate in the activity of a public or a religious association or other organization, in respect of which there is a court decision which

took legal effect about the prohibition of their activity or liquidated on account of the implementation of extremism by them, shall be acquitted of criminal liability, if his offences do not have another corpus delicti.

Footnote. The Code is supplemented by Article 337-1 in accordance with the Law of the Republic of Kazakhstan dated 08.07.2005 No. 67 (the order of enforcement see Art.2); as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 338. Rendering assistance to the political parties and trade unions of foreign states**

Financing, granting of the accommodation or the property, and equally rendering of other assistance to the political parties or the trade unions of other states, if these offences resulted in a considerable infringement of rights and legitimate interests of citizens or an organization or protected by the law interests of the society or the state, - shall be punished by a fine ranging from three hundred to one thousand monthly calculation indices, or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to one year, or with the deprivation of liberty for the same period.

Footnote. Article 338 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 15. CRIMES AGAINST PUBLIC JUSTICE AND THE ORDER OF FULFILMENT OF PUNISHMENTS**

### **Article 339. Obstruction of the administration of public justice and the conduct of preliminary investigation**

1. The intervention of any form in the activity of the court with a view of the obstruction of the administration of public justice, - shall be punished by a fine ranging from two hundred to three hundred minimum calculation indices, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same period.

2. The intervention of any form in the activity of a public prosecutor, an investigator or a person who carries on an investigation, with a view of obstruction of a comprehensive, full-scale and impartial investigation of a case, - shall be punished by a fine ranging from one hundred to two hundred minimum calculation indices, or with the involvement in the



community service for a period from one hundred eighty to two hundred forty hours, or with the restraint of liberty for a period up to one year.

3. The offences are specified by the first or second parts of the present article, which are committed by a person with the appropriation of his corporate opportunities, - shall be punished by a fine ranging from five hundred to seven hundred monthly calculation indices, or with the deprivation of liberty for a period up to three years with the deprivation of the right to hold specific posts or to practice a specific activity for the same period or without it.

**Footnote.** Article 339 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 340. Infringement on the life of a person, administering public justice or the preliminary investigation**

Infringement on the life of a judge, a juror, a public prosecutor, an investigator, a person who carries on an investigation, a defense counsel, an expert member, an officer of justice, an officer of the court, and equally their relatives on account of the consideration of cases or the documents in the court, the conduct of preliminary investigation or the execution of sentence, the court decision or other judicial act, which is committed with a view of the obstruction of the legal activity of within named persons or out of revenge for such activity, - shall be punished by the deprivation of liberty for a period from ten to twenty years, or with the life imprisonment.

**Footnote.** Article 340 as amended by the Laws of the Republic of Kazakhstan dated 16.01.2006 No. 122 (shall be enforced from January, 1 2007); dated 10.07.2009 No. 175-IV (the order of enforcement see Art.2).

### **Article 341. Threat or coercive actions on account of the administration of public justice or the conduct of preliminary investigation**

1. Threat of murder, an infliction of harm to health, a damage or a destruction of property with regard to a judge, a juror, and equally their relatives on account of the consideration of cases or the documents in the court, - shall be punished by a fine ranging from five hundred to seven hundred monthly calculation indices or with the deprivation of liberty for a period up to three years.

2. The same offence, which is committed with regard to a public prosecutor, an investigator, a person who carries on an investigation, a defense counsel, an expert member, an officer of justice, an officer of the court, and equally their relatives on account of the conduct of a preliminary investigation, the consideration of a case or the documents in the court or the execution of sentence, the court decision or other judicial act, - shall be punished

by a fine ranging from two hundred to five hundred monthly calculation indices, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same p e r i o d .

3. The offences are specified by the first or second parts of the present article, which are committed with the violent use that was not dangerous for the life or health, - shall be punished with the deprivation of liberty for a period up to five years.

4. If the offences specified in the first or second parts of this Article, are committed with the use of violence that endangered life or health, they shall be punished by the deprivation of liberty for a period from five to ten years.

**Footnote. Article 341 as amended by the Laws of the Republic of Kazakhstan dated 16.01.2006 No. 122 (shall be enforced from 01.01.2007); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 342. Contempt of court**

1. Contempt of a court, that manifested in the insult to the participants of the court proceedings is punished by a fine ranging from one hundred to two hundred monthly calculation indices, or the involvement in the community service for a period from one hundred eighty to two hundred forty hours, or with the restraint of liberty for a period up to o n e y e a r .

2. The same offence, that manifested in the insult to a judge and (or) a juror is punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the corrective labor for a period from one year to two years, or with the restraint of liberty for a p e r i o d u p t o t w o y e a r s .

**Footnote. Article 342 as amended by the Laws of the Republic of Kazakhstan dated 16.01.2006 No. 122 (shall be enforced from 01.01.2007); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 343. Calumny with regard to a judge, a juror, a public prosecutor, an investigator, a person who carries on an investigation, an expert member, an officer of justice, an officer of the court**

1. The Calumny with regard to a judge, or a juror on account of the consideration of cases or the documents in the court, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the corrective labor for a period from one year to two years, or with the restraint of liberty for a period up to two years, or with the

deprivation of liberty for the same period.

2. The same offence, which is committed with regard to a public prosecutor, an investigator, a person, carrying on an investigation, an expert member, an officer of justice, an officer of the court on the account of the conduct of the preliminary investigation, carrying out the forensic examination or with the execution of the sentence, the court decision or other judicial act, - shall be punished by a fine ranging from one hundred to two hundred monthly calculation indices, or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same p e r i o d .

3. The offences are specified by the first or second parts of the present article, which are connected with the accusation of a person in committing a serious or especially grave crime, - shall be punished with the deprivation of liberty for a period up to four years.

**Footnote.** Article 343 as amended by the Laws of the Republic of Kazakhstan dated 16.01.2006 No. 122 (shall be enforced from 01.01.2007); dated 04.07.2006 No. 151; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 344. Bringing to the criminal liability knowingly innocent person**

1. Bringing to the criminal liability knowingly innocent person, - shall be punished by the deprivation of liberty for a period up to five years.

2. The same offence, which is connected with the accusation of a person in committing a serious or especially grave crime, - shall be punished by the deprivation of liberty for a period from three to ten years.

#### **Article 345. Knowingly illegal relief from the criminal liability**

Knowingly illegal relief from the criminal liability of a person suspected or accused of committing a crime, by a public prosecutor, an investigator or a person who carries on an investigation, - shall be punished by the deprivation of liberty for a period from two to seven years.

#### **Article 346. Knowingly illegal detention, placement in the detention or detention in the custody**

1. Knowingly illegal detention, - shall be punished with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same period with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years o r w i t h o u t i t .

2. Knowingly illegal placement in the detention or the detention in the custody, - shall be punished by the deprivation of liberty for a period up to four years.

3. The offences are specified by the first or second parts of this Article that resulted in grave consequences, - shall be punished by the deprivation of liberty for a period from three to eight years.

Footnote. Article 346 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 347. Compulsion of evidence**

1. Completion of a suspected, an accused, an injured person, a witness to the evidence, and equally the impeding to a person in a willing evidence, a submission of an application of a committed crime or the compulsion to the refusal from evidence, or the compulsion of expert witness to counsel by means of the use of threats, blackmailing offences or other illegal offences on the part of an investigator or a person, carrying on an investigation, - shall be punished by the deprivation of liberty for a period up to three years.

2. It is excluded by the Law of the Republic of Kazakhstan dated 21.12.2002 No. 363.

Footnote. Article 347 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 347-1. Investigative tortures**

Footnote. The Code is supplemented by Article 347-1 in accordance with the Law of the Republic of Kazakhstan dated 21.12.2002 No. 363; it is excluded by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 348. Falsification of evidence and of special investigative materials**

Footnote. The Title is amended by the Law of the Republic of Kazakhstan dated 07.12.2009 No. 221-IV (the order of enforcement see Art.2).

1. Falsification of evidence in a civil case of a person who participates in a case, or by his representative, - shall be punished by a fine ranging from five hundred to eight hundred monthly calculation indices, or with the corrective labor for a period from one to two years, or with the restraint of liberty for a period up to two years.

1-1. Falsification of special investigative materials by a member of agency, who carries out the investigative activities, - shall be punished with the deprivation of liberty for a period up to two years with the deprivation of the right to hold specific posts or to practice a specific

activity for a period up to two years.

1-2. Falsification of evidence with regard to the cases of the administrative violations, which is committed by an office-holder, who is empowered to make an administrative report, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices with the deprivation of the right to hold specific posts for a period up to three years or with the restraint of liberty for a period from two to five years with the deprivation of the right to hold specific posts for a period up to three years.

2. Falsification of evidence during criminal justice process by a person, who carries on an investigation, an investigator, a public prosecutor, an expert, who takes part in legal proceedings or by a defense counsel, - shall be punished by the deprivation of liberty for a period up to three years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

3. Falsification of evidence in a criminal case of a serious or especially grave crime that equally resulted in grave consequences, - shall be punished with the deprivation of liberty for a period from three to seven years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

**Footnote.** Article 348 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 07.12.2009 No. 221-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 349. Provocation of the corrupt business practices or corruption crime**

1. The Provocation of the corrupt business practices, that is an attempt of delivering to a person, who fulfills the administrative functions in a commercial or other organizations, without his consent money, property amenities or benefits with a view of the artificial creation of the evidence of committing a crime or blackmailing offences, - shall be punished by a fine ranging from one hundred to three hundred monthly calculation indices or with the deprivation of liberty for a period up to five years with the confiscation of property or without it.

2. The Provocation of corruption crime, that is the same offence, which is committed with regard to a person, who is empowered to fulfill state functions, or equated with him person, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years or with the deprivation of liberty for a period up to seven years with the confiscation of property or without it.

**Footnote.** Article 349 is in the wording of the Law of the Republic of Kazakhstan dated 25.09.2003 No. 484; as amended by the Law of the Republic of Kazakhstan dated 09.11.2011

No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 350. Knowingly illegal sentencing, decision or another judicial act**

1. Knowingly illegal sentencing by a judge (judges), decision or another judicial act, - shall be punished by a fine ranging from five hundred to seven hundred monthly calculation indices or with the deprivation of liberty for a period up to five years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

2. The same offence, which is connected with illegal sentencing of the court to the deprivation of liberty or that resulted in other grave consequences, - shall be punished with the deprivation of liberty for a period from two to seven years with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

Footnote. Article 350 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 351. Knowingly false denunciation**

1. Knowingly false denunciation of committing a crime, - shall be punished by a fine ranging from one hundred to two hundred monthly calculation indices, or with the involvement in the community service for a period from one hundred eighty to two hundred forty hours, or with the corrective labor for a period from one year to two years, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same p e r i o d .

2. The same offence, which is connected with the accusation of a person in committing corruption, serious or especially grave crime, or with the creation of artificial evidence of accusation, with the mercenary motives, - shall be punished with the deprivation of liberty for a p e r i o d u p t o s i x y e a r s .

3. The offences are specified by the first or second parts of the present article, which are committed in the interests of an organized group or the criminal community (criminal organization), - shall be punished by the deprivation of liberty for a period from three to eight y e a r s .

Footnote. Article 351 as amended by the Laws of the Republic of Kazakhstan dated 25.09.2003 No. 484; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 352. Knowingly false testimonies, the report of expert, specialist or an incorrect translation**

Footnote. The Title is in the wording of the Law of the Republic of Kazakhstan dated 18.01.2012 No. 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Knowingly false testimonies of a witness, an injured person or a report of expert, specialist in the court or during the conduct of investigation or the preliminary investigation, and equally knowingly incorrect translation which is made by the translator in the same cases, as well as during the implementation of the court orders, - shall be punished by a fine ranging from one hundred to two hundred monthly calculation indices, or with the involvement in the community service for a period from one hundred eighty to two hundred forty hours, or with the corrective labor for a period up to two years, or with the restraint of liberty for a period up to one year.

2. The same offences which are connected with the accusation of a person in committing corruption, serious or especially grave crime, which are connected with the artificial creation of evidence of accusation, and which are equally committed with a mercenary motive, - shall be punished with the deprivation of liberty for a period from three to eight years.

Footnote. Article 352 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 25.09.2003 No. 484; dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.01.2012 No. 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 353. Refusal to testify by a witness or an injured person**

Refusal to testify by a witness or an injured person in the court or during the conduct of investigation or the preliminary investigation, - shall be punished by a fine ranging from fifty to one hundred monthly calculation indices, or with the involvement in the community service for a period from one hundred twenty to one hundred eighty hours, or with the corrective labor for a period up to one year, or with the restraint of liberty for a period up to one year.

Note. The person shall not be a subject to the criminal liability for the refusal to testify against himself, a marital partner or his relatives, as well as the priesthood for the refusal to testify against those who reposed trust on them during the confession.

Footnote. Article 353 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten

calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 354. Tampering and the compulsion of false evidence or the evasion of evidence, a false report or an incorrect translation**

1. Tampering of a witness, an injured person with a view of the false evidence given by them or the expert with a view of the false report or the false evidence, and equally of a translator with the view of an incorrect translation, - shall be punished by a fine in the amount up to one thousands of monthly calculation indices, or with the restraint of liberty for a period up to three years, or with the deprivation of liberty for the same period.

2. Compulsion of a witness, an injured person, to the false evidence, of an expert to the false report or a translator to the incorrect translation, and equally the compulsion of within named persons to the evasion of evidence, which is connected with the blackmailing offences, a threat of murder, an infliction of harm to the health, the destruction of property of these persons or their relatives, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the restraint of liberty for a period up to three years, or with the deprivation of liberty for the same period.

3. The offence is specified by the second part of the present article, which is committed with the violent use that is not dangerous for the life or health of within named persons, - shall be punished with the deprivation of liberty for a period up to five years.

4. The offences are specified by the first or second parts of the present article, which are committed by the organized group or with the violent use, that is dangerous for the life and health of within named persons, and which is equally connected with the accusation of committing the corruption, serious or especially grave crime, - shall be punished with the deprivation of liberty for a period from two to eight years.

Footnote. Article 354 as amended by the Laws of the Republic of Kazakhstan dated 25.09.2003 No. 484; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 355. Disclosure of the investigation information or of the preliminary investigation**

Disclosure of the investigation information or the preliminary investigation by a person, who is warned in accordance with the procedure established by the law about the inadmissibility of its disclosure, if it is committed without a consent of a public prosecutor, an investigator or a person who carries on an investigation, - shall be punished by a fine ranging from one hundred to two hundred monthly calculation indices, or with the corrective labor for a period from one to two years, or with the restraint of liberty for a period up to one year.



Footnote. Article 355 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 356. Disclosure of the information about the security measures, used with regard to persons, who are subject to the state protection**

Footnote. The Title is amended by the Law of the Republic of Kazakhstan dated 07.04.2009 No. 149-IV.

1. Disclosure of the information about the security measures, used with regard to persons, who are subject to the state protection, if this offence is committed by a person, to whom a specified information was entrusted and became known on account of his official activities, - shall be punished by a fine ranging from two hundred to four hundred monthly calculation indices, or with the restraint of liberty for a period up to two years.

2. The same offence that resulted in grave consequences, - shall be punished with the deprivation of liberty for a period up to five years.

Footnote. Article 356 as amended by the Laws of the Republic of Kazakhstan dated 07.04.2009 No. 149-IV; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 357. Illegal acts in relation to property, subjected to the inventory either to the arrest or being liable to the confiscation**

1. The embezzlement, the disposition, the concealment or the illegal disposal of the property, subjected to the inventory, to the arrest or upon which the restriction is applied in the order, which is committed by a person, to whom this property is entrusted, and equally the implementation of bank transactions by the employee of a credit organization with monetary funds (deposits), which are arrested or by which the debit operations are stopped, - shall be punished by a fine ranging from one hundred to two hundred monthly calculation indices, or with the involvement in the community service for a period from one hundred eighty to two hundred forty hours, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same period.

2. Concealment or the appropriation of the property, which is liable to the confiscation under the court verdict, and equally another evasion of the fulfillment which took legal effect under the court verdict about the imposition of the confiscation of the property, - shall be punished by a fine ranging from seven hundred to one thousand monthly calculation indices or with the deprivation of liberty for a period up to three years with a fine in the amount up to fifty monthly calculation indices.

Footnote. Article 357 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 358. Escape from the place of confinement, from the detention or from the custody**

1. Escape from the place of confinement, from the detention or from the custody, which is committed by a person, enduring the punishment or being in the preliminary detention, - shall be punished with the deprivation of liberty for a period up to three years.

2. If the same offence is committed:

- a) by a group of persons with pre-planning;
- b) with the use of violence endangering the life or health of another, or with the threat to use such violence;
- c) with the use of a weapon or items used as weapon, it shall be punished with the deprivation of liberty for a period up to seven years.

N o t e .

A person who willingly returned within a seven day time period from the moment of escaping from the place of confinement or custody, shall be acquitted of criminal liability for the escape, if he did not commit another crime and if the escape was not related to offences specified in items b) and c) of the second part of this Article.

### **Article 359. Evasion of punishment in the form of imprisonment**

A convicted person who is permitted to have a short-term departure outside of the place of confinement and who does not return upon the expiry of the permitted period of departure, and equally a convicted person, who invokes a right of transportation without an escort or without surveillance, which is committed with a view to evade serving his punishment in the form of imprisonment, - shall be punished with deprivation of liberty for a period up to two years.

### **Article 360. Insubordination to the legal requirements of the administration of the criminal executive institution**

1. The malicious insubordination to the legal requirements of the administration of the criminal executive institution by a person, enduring the punishment in the places of confinement, - shall be punished with the deprivation of liberty for a period from two to five years .

2. The same offence which is committed more than once, - shall be punished with the

deprivation of liberty for a period from four to seven years.

3. The organization of the group insubordination to the legal requirements of administration of the institution, providing the isolation from the society, and equally the participation in the group insubordination, which is connected with the violent use or the intentional infliction of any injury to himself or that resulted in other grave consequences, - shall be punished by the deprivation of liberty for a period from five to ten years.

Footnote. Article 360 is in the wording of the Law of the Republic of Kazakhstan dated 10.12.2009 No. 228-IV (the order of enforcement see Art.2); as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 361. The threat of violent use with regard to an officer, who provides the isolation from the society, or his relatives, and also a convicted person or infringement on their health or life**

1. The threat of violent use with regard to an officer who provides the isolation from the society, or the marital partner or the close relatives on account of his implementation of employment activity, and also with regard to a convicted person with a view to impede his improvement or out of revenge for the rendered assistance by him in the administration of the institution is punished with the deprivation of liberty for a period from two to five years.

2. The violent use, that is not dangerous for the life or health, towards the persons, who are specified in the first part of this Article, shall be punished by the deprivation of liberty for a period from three to seven years.

3. The Offences are specified by the first and second parts of the present article, which are committed by the group of persons with the previous concert or with the violent use, which is dangerous for the life and health are punished with the deprivation of liberty for a period from seven to ten years.

4. The infringement on the life of an officer who provides the isolation from the society, or his marital partner or the close relatives on account of his implementation of employment activity, and also with regard to a convicted person with a view to impede his improvement or out of revenge for the rendered assistance by him in the administration of the institution, - shall be punished with the deprivation of liberty for a period from ten to twenty years or with the life imprisonment.

Footnote. Article 361 is in the wording of the Law of the Republic of Kazakhstan dated 10.12.2009 No. 228-IV (the order of enforcement see Art.2).

### **Article 362. Failure to comply with a court verdict, court decision or another judicial act**

1. A malicious failure to comply with a court verdict which took legal effect, with a decision of the court or other judicial act, and equally delaying their fulfillment, - shall be punished by a fine in the amount up to two hundred monthly calculation indices, or with community service for a period from one hundred twenty to one hundred eighty hours, or with the restraint of liberty for a period up to one year.

2. The same offences which are committed by a representative of authority, a public officer, an employee of local government body, and equally by an employee of public institution, a commercial and another organization, - shall be punished by a fine ranging from two hundred to four hundred of monthly calculation indices, or with the deprivation of the right to hold specific posts or to practice a specific activity for a period up to five years, or with the involvement in the community service for a period from one hundred eighty to two hundred forty hours, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same period.

3. Malicious violation of the rules of the administrative supervision, which is established by the court over the persons who are discharged from the places of confinement, and equally the unwarranted abandonment by a supervised of abiding place or non-arrival of a supervised at the stated time to the selected abiding place after the discharge from the places of confinement with a view of the evasion of the administrative supervision, - shall be punished by the corrective labor for a period from one to two years or with the restraint of liberty for a period up to one year, or with the deprivation of liberty for the same period.

Footnote. Article 362 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 363. Concealment of a crime**

Previously unpledged concealment of a serious or especially grave crime, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same period.

N o t e .

The person shall not be a subject to the criminal liability for the previously unpledged concealment of a crime, which is committed by a marital partner or by a close relative.

Footnote. The Article 363 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## Article 363-1. Hiding a crime

1. The Intentional hiding of the crime of a small or a medium gravity from the registration, which is committed by an office holder of prosecuting agency by means of the false pretense, the persuasion, the threat or other illegal offences with regard to a person who makes an application or a message of credibly imminent or a committed crime, or by means of the destruction or the concealment by any other way of the appeal of within named person, - shall be punished by a fine ranging from two hundred to five hundred monthly calculation indices with the deprivation of the right to hold specific posts for a period up to three years or with the restraint of liberty for a period from two to five years with the deprivation of the right to hold specific posts for a period up to three years.

2. The same offences are:  
a) resulted in hiding of a serious crime;  
b) committed by the group of persons  
- shall be punished by the deprivation of liberty up to five years with the deprivation of the right to hold specific posts for the same period.

3. The same offences are:  
a) resulted in hiding of especially grave crime or grave consequences;  
b) committed by the group of persons with the previous concert, - shall be punished with the deprivation of liberty for a period from three to seven years with the deprivation of the right to hold specific posts for a period up to five years.

4. The offences are specified by the first or second or third parts, which are committed by an officeholder who holds a responsible public position, either by a chief of the prosecuting agency or on the instruction of these persons, - shall be punished by the deprivation of liberty for a period from four to ten years with the deprivation of the right to hold specific posts for a period up to five years.

**Footnote.** The Code is supplemented by Article 363-1 in accordance with the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## Article 364. Failure to report about the crime

Failure to report about a credible imminent or a committed especially grave crime, - shall be punished by a fine ranging from one hundred to two hundred monthly calculation indices, or with the restraint of liberty for a period up to one year.

N o t e .

A Marital partner and a close relative of a person who committed a crime shall not be subject to the criminal liability according to the present article, and also the priesthood for the failure to report about the crimes, which are committed by the persons, who reposed trust on

them during the confession.

Footnote. Article 364 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 365. Impeding to the legal activity of defense attorneys and other persons in the protection of rights, liberties and legitimate interests of a person and citizen, as well as the rendering of legal assistance towards the individual and juridical persons**

1. The Impeding to the legal activity of defense attorneys and other persons in the protection of rights, liberties and legitimate interests of a person and citizen during the criminal procedure, and equally the rendering of legal assistance towards the individual and juridical persons or other violation of self-sufficiency and independence of such activity, if these offences did a considerable harm towards the rights, liberties and legitimate interests of a person and citizen, the rights or legitimate interests of the juridical persons, protected by the law interests of the society or the state, - shall be punished by a fine ranging from two hundred to three hundred monthly calculation indices, or with the restraint of liberty for a period up to two years, or with the deprivation of liberty for the same period.

2. The offences are specified by the first part of the present article, which are committed by a person with the appropriation of his corporate opportunities, - shall be punished by a fine ranging from five hundred to seven hundred monthly calculation indices or with the deprivation of liberty for a period up to three years with the deprivation of the right to hold specific posts or to practice a specific activity for the same period or without it.

Footnote. Article 365 is in the wording of the Law of the Republic of Kazakhstan dated 11.12.2009 No. 230-IV (shall be enforced from 01.01.2010); as amended by the Laws of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 16. MILITARY CRIMES**

### **Article 366. The Notion of a military crime**

Military Crimes specified by the present chapter are admitted to be crimes against the established order on line of military duty, committed by military servants, doing military service under the draft or under the contract with the Armed Forces of the Republic of Kazakhstan, in other military forces and military formations of the Republic of Kazakhstan, and also by citizens, being in reserve, during the military trainings.

## **Article 367. Insubordination or other failure to comply with an order**

1. Insubordination, that is direct refusal to fulfill an order of a commander, and equally another intentional failure to fulfill by a command subordinate of an order of a commander, given in accordance with established order, having inflicted a considerable harm towards interests of service, - shall be punished by the restriction in the military service for a period up to two years, or the keep in the military detention facility for a period up to three months, or with the deprivation of liberty for a period up to two years.

2. The same offence, committed by a group of persons, group of persons with previous concert or organized group that equally resulted in grave consequences, - shall be punished with the deprivation of liberty for a period up to five years.

3. The offences, specified by the first or second parts of this Article, committed in military situation, - shall be punished with the deprivation of liberty for a period from five to twenty years, and under aggravating circumstances, with life imprisonment.

3-1. The offences, specified by the first or second parts of the present article, committed in war time, - shall be punished with the deprivation of liberty for a period from ten to twenty years, and under aggravating circumstances, with death penalty or life imprisonment.

4. Failure to fulfill an order as a consequence of the negligent or unconscientious attitude towards service, that resulted in grave consequences, - shall be punished by the restriction in military service for a period up to one year, or the keep in the military detention facility for a period up to three months, or with the deprivation of liberty for a period up to one year.

5. The offence specified in the fourth part of the present article, committed in wartime or in military situation, - shall be punished with the deprivation of liberty for a period from three t o t e n y e a r s .

**Footnote. Article 367 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 175-IV (the order of enforcement see Art.2); dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 368. Resistance to Commander or Enforcement of him to the misconduct in office**

1. Resistance to commander, and equally to another person, performing imposed on him duties of military service, or coercion of him to the misconduct in office, inherent in the violence or with the threat to use it, - shall be punished by the restriction in military service for a period up to two years or the keep in the military detention facility for a period up to three months, or with the deprivation of liberty for a period up to two years.

2. The same offences are committed:

a) by a group of persons, group of persons with previous concert or organized group;

b) with a weapon employment;  
c) with an infliction of serious or medium gravity harm to health or other grave consequences, - shall be punished by the deprivation of liberty for a period from three to ten years.

3. The offences specified in the first or second parts of the present article, committed in military situation are punished with the deprivation of liberty for a period from five to twenty years or with life imprisonment.

4. The offences, specified by the first or second parts of the present article, committed in war time, - shall be punished by the deprivation of liberty for a period from ten to twenty years or with death penalty or life imprisonment.

**Footnote. Article 368 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 175-IV (the order of enforcement see Art.2); dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 369. Coercive actions with regard to a commander**

1. Battery, infliction of light harm to health or the use of other violence with regard to a commander is committed during the discharge of duties of military service or on account of the discharge of these duties, - shall be punished by the restriction in military service for a period up to two years, then keep in the military detention facility for a period up to three months, with the deprivation of liberty for a period up to two years.

2. The same offences are committed:

a) by a group of persons, group of persons with previous concert or organized group;  
b) with a weapon employment;  
c) with an infliction of serious or medium gravity harm to health or other grave consequences, - shall be punished by the deprivation of liberty for a period from three to ten years.

3. The offences, specified by the first or second parts of the present article, committed in military situation, - shall be punished by the deprivation of liberty for a period from five to twenty years or with life imprisonment.

4. The Offences, specified by the first or second parts of the present article, committed in war time, - shall be punished by the deprivation of liberty for a period from ten to twenty years or with death penalty or life imprisonment.

**Footnote. Article 369 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 175-IV (the order of enforcement see Art.2); dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**



## **Article 370. Violation of statutory rules of interrelations between military servants without the relations of subordination between them**

1. Violation of statutory rules of interrelations between military servants without the relations of subordination between them, that resulted in battery, infliction of light harm to health or other violence or connected with the humiliation of honor and dignity or with the mockery towards the injured person, - shall be punished by the restriction in military service for a period up to two years or the keep in the military detention facility for a period up to t h r e e m o n t h s .

2. The same offence is committed:

- a) by more than once;
- b) with regard to two or more persons;
- c) by a group of persons, group of persons with previous concert or organized group;
- d) with a weapon employment;
- e) with an infliction of serious or medium gravity harm to health, - shall be punished by the deprivation of liberty for a period up to five years.

3. The offences, specified by the first or second parts of this Article that resulted in grave consequences, - shall be punished by the deprivation of liberty for a period from five to ten y e a r s .

**Footnote.** Article 370 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 09.12.2004 No. 10; dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 371. Criminal insult of a military servant**

1. Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see Art. 2).

2. Criminal insult of a commander by a command subordinate, and equally of a command subordinate by a commander, during the discharge of duties of military service or on account of the discharge of these duties, - shall be punished by the restriction in the military service for a period up to one year, they keep in the military detention facility for a period up to two months, or with the deprivation of liberty for a period up to one year.

**Footnote.** Article 371 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 372. Unwarranted abandonment of the unit or duty area**

1. Unwarranted abandonment of the unit or duty area, and equally a failure to appear within a period without reasonable excuses at service is committed in peacetime, if unwarranted absence lasted for more than one month, - shall be punished with the deprivation of liberty for a period up to three years.

2. The Offences, specified by the first part of this Article, committed in wartime, if unwarranted absence lasted for more than one day, - shall be punished with the deprivation of liberty for a period from five to ten years.

3. Unwarranted abandonment of the unit or duty area in military situation notwithstanding the duration, - shall be punished with the deprivation of liberty for a period from five to fifteen years.

**Footnote.** Article 372 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 373. Abandonment of post**

1. Abandonment of the post, that is unwarranted abandonment of the unit or duty area with the view of evasion of military service, and equally a failure to appear with the same purpose of service, - shall punished with the deprivation of liberty for a period up to five years.

2. Abandonment of the post with a weapon, entrusted with the service, and equally abandonment of post, committed by a group of persons with previous concert or organized group, - shall be punished by the deprivation of liberty for a period from three to seven years.

3. The same offence, committed in military situation, - shall be punished with the deprivation of liberty for a period from ten to twenty years or with the life imprisonment.

4. The same offence, committed in wartime, - shall be punished by the deprivation of liberty for a period from ten to twenty years or with death penalty or life imprisonment.

**N o t e .**

Military servant, committed an abandonment of post, specified by the first part of the present article, may be acquitted of criminal responsibility by the court, if abandonment of post happened to be the consequence of the concatenation of grave circumstances and if he willingly appeared for further military service.

**Footnote.** Article 373 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 10.07.2009 No. 175-IV (the order of enforcement see Art. 2); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 374. Evasion of military service by means of self-injury or by another method**

1. Evasion of military servant from the discharge of duties of military service by means of simulation of disease or infliction of an injury to himself (self-injury) or another harm to his health, or forgery of the documents, or by another false pretense, - shall be punished by a fine from fifty to one hundred monthly calculation indices or with the restriction in military service for a period up to one year, they keep in the military detention facility for a period up to two months, or with the deprivation of liberty for a period up to one year.

2. The same offence, committed to the view of complete exemption from discharge of duties of military service, - shall be punished with the deprivation of liberty for a period up to **f i v e** **y e a r s** .

3. The offences, specified by the first or second parts of the present article, committed in military situation, - shall be punished with the deprivation of liberty for a period from ten to **twenty** **years** **or** **with** **life** **imprisonment** .

4. The offences, specified by the first or second parts of the present article, committed in war time, - shall be punished by the deprivation of liberty for a period from ten to **twenty** **years** **or** **with** **death** **penalty** **or** **life** **imprisonment** .

**Footnote. Article 374 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 N 363; dated 10.07.2009 No. 175-IV (the order of enforcement see Art.2); dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 375. Violation of rules of combat alert**

1. Violation of rules of combat alert (combat service) of timely detection and holding off a sudden attack on the Republic of Kazakhstan or maintenance of its security, if this offence resulted or could have resulted in infliction of harm towards the security interests of government, - shall be punished by the restriction in military service for a period up to two years, or the keep in the military detention facility for a period up to three months, or with the deprivation of liberty for a period up to two years.

2. The same offence that resulted in grave consequences, - shall be punished with the deprivation of liberty for a period from three to ten years.

3. The offences, specified by the first or second parts of the present article, committed in war time, - shall be punished with the deprivation of liberty for a period from ten to **twenty** **years** **or** **with** **death** **penalty** **or** **life** **imprisonment** .

**N o t e .**

Military servant committed this offence for the first time is specified by the first part of

this Article, under mitigating circumstances may be acquitted of criminal responsibility by the court .

Footnote. Article 375 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10; dated 10.07.2009 No. 177-IV (the order of enforcement see Art. 2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 376. Violation of rules of frontier guard duty**

1. Violation of rules of frontier guard duty by a person, being part of the border squad or performing other duties of frontier guard duty, if this offence resulted or could have resulted in the infliction of harm towards the security interests of government, - shall be punished by the restriction in military service for a period up to two years, or the keep in the military detention facility for a period up to three months, or with the deprivation of liberty for a period up to two years .

2. The same offence that resulted in grave consequences, - shall be punished with the deprivation of liberty for a period up to five years.

Note. Military servant, committed this offence for the first time, specified by the first part of the present article, under mitigating circumstances may be acquitted of criminal responsibility .

Footnote. Article 376 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV ( shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 377. Violation of statutory rules of guard (night watch) duty**

1. Violation of statutory rules of guard (night watch) duty by a person, being part of guard (watch), if this offence resulted in infliction of harm to protected by guard (watch) objects or oncoming of other harmful consequences, - shall be punished by the restriction in military service for a period up to two years, or the keep in the military detention facility for a period up to three months, or with the deprivation of liberty for a period up to two years.

2. The same offence that resulted in grave consequences, - shall be punished with the deprivation of liberty for a period up to seven years.

Note. Military servant committed this offence for the first time is specified by the first part of this Article, under mitigating circumstances may be acquitted of criminal responsibility .

Footnote. Article 377, as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV ( shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 378. Violation of statutory rules of internal service or patrol work in military reservation**

1. Violation of statutory rules of internal service by a person, being a part of a day duty of unit (except for guard and watch) and equally violation of statutory rules of patrol work in military reservation, published orders and commands in elaboration of these rules by a person, being part of patrol duty, if they resulted in harmful consequences, warning of which was a part of this person's duty, - shall be punished by the restriction in military service for a period up to two years or the keep in the military detention facility for a period up to three months.

2. The same offences that resulted in grave consequences, - shall be punished by the deprivation of liberty for a period up to five years.

Note. Military servant, committed the offences for the first time, specified by the first part of this Article, under mitigating circumstances may be acquitted of criminal responsibility.

Footnote. Article 378 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 379. Violation of rules of service of guard of public order and maintenance of public security**

Violation by a person, being part of military duty on guard of public order and maintenance of public security, the rules of service, if this offence resulted in grave consequences, - shall be punished by the deprivation of liberty for a period up to five years.

Footnote. Article 379 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2).

## **Article 380. Abuse of authority**

1. Abuse of authority by a commander or office holder or of official position contrary to the interests of service to the view of deriving profits or benefits for himself or other persons and organizations or infliction of harm to other persons or organizations, if it is resulted in considerable infringement of rights and legitimate interests of citizens and organizations are protected by the law interests of society or government, then it shall be punished by the restriction in military service for a period up to two years or the keep in the military detention facility for a period up to three months or with the deprivation of liberty for a period up to f o u r y e a r s .

2. The same offence that resulted in grave consequences, - shall be punished with the deprivation of liberty for a period from four to seven years.

3. The offences, specified by the first or second parts of the present article, committed in military situation, - shall be punished by the deprivation of liberty for a period from seven to fifteen years.

4. The Offences, specified by the first or second parts of the present article, committed in war time, - shall be punished by the deprivation of liberty for a period from ten to twenty years or with death penalty or life imprisonment.

**Footnote.** Article 380 is in the wording of the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 380-1. Abuse of authority or power**

1. Abuse of authority or power, that is commission of acts by a commander or office holder, clearly going beyond his rights and powers, that resulted in considerable infringement of rights and legitimate interests of citizens and organizations are protected by the law interests of society or government, - shall be punished by the restriction in military service for a period up to two years or the keep in the military detention facility for a period up to three months or with the deprivation of liberty for a period from two to five years.

2. If the same offence, that resulted in grave consequences, is committed:

- a) with the use of violence or the threat to use it;
- b) with the use of a weapon or special items;
- c) with a view to derive profits or benefits for him or other persons and organizations or to inflict harm to other persons or organizations,

it shall be punished with deprivation of liberty for a period from five to ten years.

3. The offences specified in the first or second parts of the present article, committed in a military context, - shall be punished by deprivation of liberty for a period from seven to fifteen years.

4. The offences specified in the first or second parts of this Article, committed in war time, - shall be punished by the deprivation of liberty for a period from ten to twenty years or with death penalty or life imprisonment.

**Footnote.** The Code is supplemented by Article 380-1 in accordance with the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 380-2. Administrative dereliction**

1. Administrative dereliction, that is breach of official duties by a commander or office holder with the view of deriving profits or benefits for himself or other persons and organizations or infliction of harm to other persons or organizations, if it resulted in considerable infringement of rights and legitimate interests of citizens and organizations are

protected by the law interests of society or government, - shall be punished by the restriction in military service for a period up to two years or with the deprivation of liberty for a period up to three years.

2. The same offence that resulted in grave consequences, - shall be punished by the deprivation of liberty for a period from four to eight years.

3. The offences, specified by the first or second parts of the present article, committed in military situation, - shall be punished with the deprivation of liberty for a period from five to ten years.

4. The offences, specified by the first or second parts of the present article, committed in war time, - shall be punished with the deprivation of liberty for a period from ten to twenty years.

**Footnote.** The Code is supplemented by Article 380-2 in accordance with the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 381. Habitual negligence towards service**

1. Habitual negligence of a commander or official holder towards service, inflicted a considerable harm, - shall be punished by the restriction in military service for a period up to two years, or keep in the military detention facility for a period up to three months, or with the deprivation of liberty for a period up to two years.

2. The same offence that resulted in grave consequences, - shall be punished with the deprivation of liberty for a period up to seven years.

3. The offences, specified by the first or second parts of the present article, committed in wartime or in military situation, - shall be punished with the deprivation of liberty for a period from three to ten years.

Note. Military servant, committed the offences for the first time, specified by the first part of this Article, under mitigating circumstances may be acquitted of criminal responsibility.

**Footnote.** Article 381 as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 382. Abandonment of a warship in distress**

1. Abandonment of a warship in distress by a captain, who didn't fulfill thoroughly his official duties, and equally by a person from crew personnel of a ship without the appropriate command of a captain, - shall be punished by the restriction in military service for a period up to two years, or the keep in the military detention facility for a period up to three months, or with the deprivation of liberty for a period up to two years.

2. The same offence, committed in wartime or in military situation, - shall be punished by

the deprivation of liberty for a period from five to ten years.

Footnote. Article 382 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 383. Surrender or leaving to a rival means of warfare**

Surrender to a rival by a commander entrusted to his military forces, and equally that wasn't caused by a military situation leaving of defenses', combat equipment and other means of warfare to a rival, if specified actions were not committed to the view of assistance to a rival, - shall be punished with the deprivation of liberty for a period from ten to twenty years or with death penalty or life imprisonment.

Footnote. Article 383 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 384. Voluntary surrender into captivity**

Voluntary surrender into captivity owing to cowardice or faint-heartedness, - shall be punished with the deprivation of liberty for a period from five to ten years.

Footnote. Article 384 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 385. Pillage**

Stealing of the belongings on the battlefield, lying with the murdered and wounded men (pillage), - shall be punished with the deprivation of liberty for a period from five to ten years.

Footnote. Article 385 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 386. Violation of security information of military kind or loss of documents, containing security information of military kind**

1. Loss of documents or items, containing security information of military kind, without containing the state secret by a person, to whom these documents or items were entrusted by service, if the loss was the result of the violence of statutory rules of handling with specified documents or items, - shall be punished by the restriction in military service for a period up to one year, or the keep in the military detention facility for a period up to two months, or with the deprivation of liberty for a period up to one year.



2. Disclosure of secret information of a military kind, without containing a state secret, by a person, to whom this information was entrusted or became known by the service, - shall be punished by the restriction in military service for a period up to two years or with the deprivation of liberty for the same period.

3. The offences, specified by the first or second parts of the present article that resulted in the infliction of large-scale damage or oncoming of other grave consequences, - shall be punished by the deprivation of liberty for a period from five to ten years.

**Footnote.** Article 386 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 387. Intentional destruction or damage of military property**

1. Intentional destruction or damage of weapon, ammunition, and means of conveyance, military equipment or other military property, - shall be punished by the restriction in military service for a period up to two years, or the detention in a military detention facility for a period up to three months, or with the deprivation of liberty for a period up to two years.

2. The same offences that resulted in grave consequences, - shall be punished with the deprivation of liberty for a period up to five years.

**Footnote.** Article 387 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 388. Negligent destruction or damage of military property**

Negligent destruction or damage of weapon, ammunition, means of conveyance, or items of military equipment, that resulted in grave consequences, - shall be punished by the restriction in military service for a period up to one year, or the keep in the military detention facility for a period up to three months, or with the deprivation of liberty for a period up to one year.

**Footnote.** Article 388 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 389. Loss of military property**

Violation of rules of preservation of weapon entrusted for official use, ammunition or items of military equipment, if it resulted in their loss, - shall be punished by the restriction in military service for a period up to two years or the keep in the military detention facility for a

period up to three months, or with the deprivation of liberty for a period up to two years.

Footnote. Article 389 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 390. Violation of rules of weapon handling and also substances and items, posing a danger for the wider public**

1. Violation of rules of weapon handling, ammunition, radioactive materials, explosive items or other substances and items, posing aened danger for the wider public, if it negligently resulted in infliction of serious or medium gravity harm to health of a person, destruction of military property or other grave consequences, - shall be punished by the restriction in military service for a period up to two years, or the keep in the military detention facility for a period up to three months, or with the deprivation of liberty for a period up to t w o y e a r s .

2. The same offence that negligence resulted in death of a person, - shall be punished by the deprivation of liberty for a period up to five years.

3. The offence, specified by the first part of this Article that negligence resulted in death of two or more persons, - shall be punished with the deprivation of liberty for a period from f i v e t o t e n y e a r s .

Footnote. Article 390 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 391. Violation of driving rules or operation of motor vehicles**

1. Violation of driving rules or operation of combat, special or transport vehicle, that negligently resulted in infliction of serious harm to the health of a person, - shall be punished by the restriction in military service for a period up to two years, or the keep in the military detention facility for a period up to three months, or with deprivation of liberty for a period up to three years, with or without the deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

2. The same offence that negligently resulted in the death of a person, - shall be punished by deprivation of liberty for a period up to five years, with or without deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

3. If the offence specified in the first part of the present article negligently resulted in death of two or more persons, it shall be punished by the deprivation of liberty for a period from five to ten years, with or without deprivation of the right to hold specific posts or to hold

a specific activity for a period up to three years.

Footnote. Article 391 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10; dated 10.07.2009 No. 177-IV (the order of enforcement see Art.2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 392. Violation of flight or preparation for flights rules**

Violation of flight or preparation for flights rules, and equally violation of operations procedure of military aircrafts, that negligently resulted in death of a person or had other grave consequences, - shall be punished with the deprivation of liberty for a period from three to ten years, with or without deprivation of the right to hold specific posts or to practice a specific activity for a period up to three years.

### **Article 393. Violation of ship navigation rules**

Violation of navigation rules or rules of operation of military ships, that negligently resulted in death of a person or had other grave consequences, - shall be punished by the deprivation of liberty for a period from three to ten years, with or without deprivation of the right to hold specific posts or to participate in a specific activity for a period up to three years or without it.

*P r e s i d e n t                      o f*

*the Republic of Kazakhstan*