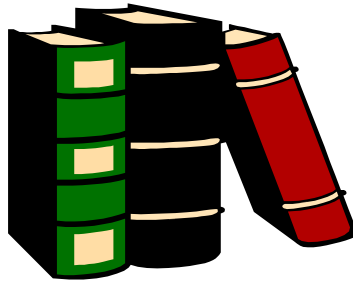




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LAW ON AMENDMENTS TO THE CRIMINAL CODE OF REPUBLIKA SRPSKA

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LAW ON AMENDMENTS TO THE CRIMINAL CODE OF REPUBLIKA SRPSKA

Article 1

In the Criminal Code of Republika Srpska (“Official Gazette” of Republika Srpska 49/03, 108/04, 37/06, 70/06, 73/10 and 1/12), the title of the Article and Article 3a, shall be amended to read:

“No punishment without guilt Article 3a

No one can be punished, or can be pronounced warning sanctions if he is not guilty of the committed offence.”

Article 2

Article 12a shall be deleted.

Article 3

Article 18 shall be amended to read:

“(1) The perpetrator shall not be guilty, who, at the time of the perpetration of the criminal offence, was not aware of a legally prescribed element of the criminal offence or wrongly believed that there existed circumstances which, if they truly existed, would have made his conduct permissible.

(2) If the perpetrator referred to in paragraph 1 of this Article was under a mistake of fact due to negligence, he shall be guilty of the criminal offence perpetrated out of negligence when the law prescribes punishment for that criminal offence committed out of negligence.”

Article 4

In Article 24, paragraph 3 shall be deleted.

Article 5

In Article 35, paragraph 3, number “500” shall be replaced with number “300”.

Article 6

In Article 36, paragraph 3, the words: “whereby it may not exceed the prescribed punishment for that offence” shall be replaced with words: “however the imprisonment in that case may not exceed two years”.

Article 7

In Article 37, paragraph 3 shall be amended to read:

“(3) If a criminal offence was perpetrated out of hatred as provided in Article 147, paragraph 25 of this Code, the court shall take it into consideration as an aggravating circumstance, unless the hatred is a qualifying circumstance of that criminal offence.”

Article 8

In Article 39, paragraph 1, item 5), the number “500” shall be replaced with number “300”.

Article 9

In Article 41, paragraph 2, the word “accused” shall be replaced with word “discovered” [*Translator’s remark: N/A to English text in our database*].

Article 10

In Article 42, paragraph 2, item 4), the number “50,000” shall be replaced with number “100,000”.

Article 11

Article 42a shall be amended to read:

“(1) Continued criminal offence consists of a number of identical criminal offences or offences of the same type perpetrated in temporal connection by the same perpetrator and which represents a whole in the legal sense due to existence of at least two of the following circumstances: sameness of damaged party, same type of the subject of the offence, use of the same situation or same permanent relation, concurrence of the place or space of perpetration of the offence or unique premeditation of the perpetrator.

(2) Criminal offences against the personal assets may exceptionally constitute the continued criminal offence only if they were perpetrated against the same person.

(3) Offences that by their character do not allow joining into one offence cannot constitute the continued criminal offence.

(4) If the continued criminal offence includes different forms of the same offence, the continued criminal offence shall be legally qualified as the most serious of those criminal offences.

(5) If the continued criminal offence includes the offences whose legal elements are certain monetary amounts, the amount equal to the sum of amounts acquired by individual offences is acquired by continued criminal offence, if that is included in unique premeditation of the perpetrator.

(6) Punishment harsher than specified punishment for criminal offence established as the continued criminal offence can be pronounced, however it can not exceed the double measure of the specified punishment or the highest measure of that type of punishment.

(7) Criminal offence that is not included in the continued criminal offence shall in final court judgment constitute the separate criminal offence or shall be included in the separate continued criminal offence.”

Article 12

Article 47 shall be amended to read:

“(1) A suspended sentence may be imposed when a perpetrator has been sentenced to imprisonment for a term not exceeding two years and when the court, on the grounds of circumstances referred to in paragraph (3) of this Article, assesses that it can be justifiably expected from the perpetrator that he shall not perpetrate the criminal offences in the future even without the execution of punishment he is threatened with.

(2) The suspended sentence cannot be imposed for criminal offences for which a punishment of imprisonment for a term of at least three years is specified.

(3) In deciding whether to impose a suspended sentence, the court shall, taking into account the purpose of the suspended sentence, pay special attention to the personality of the perpetrator, his conduct in the past, his behaviour after the perpetration of the criminal offence, the degree of culpability and other circumstances under which the criminal offence has been perpetrated.”

Article 13

Article 48 shall be amended to read:

“(1) The court shall revoke the suspended sentence if the convicted person perpetrates one or more criminal offences for which a punishment of imprisonment for a term of two years or a more severe punishment had been imposed before the probation period expired.

(2) If the convicted person perpetrates one or more criminal offences during the probation period for which the punishment of imprisonment for a term not exceeding two years or a fine has been imposed, the court shall decide, upon consideration of all circumstances related to the criminal offences perpetrated as well as to the perpetrator, particularly the possible similarity of the perpetrated offences, their significance and motives from which the offences have been perpetrated, whether to revoke the suspended sentence. In taking such decision, the court is bound by the prohibition on imposing a suspended sentence if a punishment of imprisonment for a term exceeding two years referred to in paragraph 1 of this Article needs to be imposed on the perpetrator for the criminal offence for which the suspended sentence was imposed and for new criminal offences.

(3) In the event of revocation of the suspended sentence, the court shall impose one compound punishment both for the previously perpetrated and the new criminal offence, pursuant to the provisions of Article 43 of this Code, taking the revoked suspended sentence as an already fixed punishment.

(4) In the event that the court does not revoke a suspended sentence, it may impose a suspended sentence or a punishment of imprisonment for a newly perpetrated criminal offence. If the court decides that a suspended sentence should be imposed for the newly perpetrated criminal offence as well, the court shall apply provisions set forth under Article 43 of this Code to impose one compound sentence both for the previously perpetrated and the new criminal offence and it shall also determine one

compound probation period in accordance with Article 47, paragraph 1 of this Code commencing on the day the new sentence became effective. If the court imposes a punishment of imprisonment for the new criminal offence, the period of time spent serving that punishment of imprisonment shall not be deducted from the probation period established by the suspended sentence for the previously perpetrated criminal offence.”

Article 14

Article 49 shall be amended to read:

“(1) The court shall revoke a suspended sentence in case that, after it was imposed, it learned that the perpetrator had perpetrated a criminal offence prior to the imposition of the suspended sentence, and it is felt by the court that there would have not been enough grounds for the imposition of a suspended sentence had the existence of that offence been known. In such a case, the provision set forth under Article 48, paragraph 3 of this Code shall be applied.

(2) If the court does not revoke a suspended sentence, it shall apply the provision set forth under Article 48, paragraph 4 of this Code.”

Article 15

In Article 51, paragraph 1, after the words: “If a convicted person perpetrates a criminal offence during this period,” the words: “which entails the revocation of the suspended sentence” shall be added.

Article 16

In Article 56, item 5, after the word “items”, a comma and new items 6, 7 and 8 shall be added to read:

“(6) Prohibition to approach or contact certain person;
(7) Mandatory psychiatric and social treatment;
(8) Removal from joint household.”

Article 17

In Article 60, paragraph 1 shall be amended to read:

“(1) The security measure of ban on carrying out a certain occupation, activity or duty fully or in part may be imposed to a perpetrator who abused his occupation, activity or duty for perpetration of the criminal offence if there is a danger that he shall, by carrying out that occupation, activity or duty, perpetrate a new criminal offence.”

Article 18

After Article 62, new articles 62a, 62b and 62v shall be added to read:

“Ban on Approaching or Contacting with a Person

Article 62a

(1) The court may for a period of time prohibit a perpetrator of a criminal offence with elements of violence approaching or contacting damaged person to a certain distance, to prohibit him access to a space around the place of living or place of work, i.e. further communication with the damaged person, if it reasonably can be expected that further carrying out of such activities be perpetrator of the criminal offence would be dangerous for the damaged person.

(2) By security measure referred to in paragraph 1 of this Article the perpetrator of the criminal offence may be prohibited from approaching or contacting another person, if such conduct of the perpetrator would constitute psychiatric harassment of the damaged person.

(3) Security measure of prohibition to approach or contact certain person can be executed, under conditions set forth in paragraph 1 of this Article, along with serving the punishment of imprisonment or with community service, or with suspended sentence.

(4) Security measure referred to in paragraph 1 of this Article shall last as long as the reasons for which it was pronounced last, for the maximum of three years, provided that the time served in prison, i.e. the institution for guarding and treatment shall not be included in duration of this measure.

(5) If the perpetrator during the community service, which was pronounced as substitution for punishment of imprisonment, violates the prohibition to approach or contact referred to in paragraphs 1 and 2 of this Article, the court shall pass the decision on execution of punishment of imprisonment.

(6) If the perpetrator in the duration of the probation period ordered by the suspended sentence violates the prohibition to approach or contact referred to in paragraphs 1 and 2 of this Article, the court shall revoke the suspended sentence and pronounce the established punishment.

Mandatory psychiatric and social treatment

Article 62b

(1) The court may pronounce against a perpetrator of a criminal offence with elements of violence the mandatory psychiatric and social treatment, if it finds on the basis of the previous life of the perpetrator and psychiatric characteristics of his/her personality that there is danger that he/she shall repeat such or similar offence and that the psychiatric and social treatment is required for the elimination of this danger.

(2) Under the conditions referred to in paragraph 1 of this Article, the measure of the mandatory psychiatric and social treatment may be executed along with serving the punishment of imprisonment or with community service, or with suspended sentence.

(3) The measure referred to in paragraph 1 of this Article shall last as long as the reasons for which it was pronounced last, however not longer than the expiry of the serving the punishment of imprisonment or execution of the community service or expiry of the probation period along with the suspended sentence, and it shall be executed in the institution for execution of the punishment of imprisonment or in other appropriate institution.

(4) Under the conditions referred to in paragraph 2 of this Article, the mandatory psychiatric and social treatment may be executed outside the appropriate institution after the sentenced person is conditionally released. If the sentenced person fails to

continue with the psychiatric and social treatment, the conditional release shall be revoked.

(5) If the perpetrator of a criminal offence does not undergo the psychiatric and social treatment during a probation period, the court shall act pursuant to the Article 50 of this Code.

Removal from joint household

Article 62v

(1) The court may pronounce against a perpetrator of a criminal offence with elements of violence against the person with whom he/she lives in the joint household the security measure of removal from the joint household if there is a high degree of danger that the perpetrator shall repeat the violence against the member of the joint household and that for the elimination of this danger his/her removal from the joint household is necessary.

(2) Security measure referred to in paragraph 1 of this Article shall last as long as the reasons for which it was pronounced last, however not longer than execution of the community service or expiry of the probation period along with the suspended sentence, and in the time of its duration the time the perpetrator had spend in the correctional institution or medical treatment institution.

(3) If the perpetrator during the community service, which was pronounced as substitution for punishment of imprisonment, violates the security measure referred to in paragraph 1 of this Article, the court shall pass the decision on execution of punishment of imprisonment.

(4) If the sentenced person fails to comply with the security measure or violates it, the conditional release shall be revoked.

(5) The perpetrator of this criminal offence against whom this security measure has been pronounced shall be obliged to leave immediately after the sentence becomes final, in presence of the police official, the apartment, house or other living space that constitutes the joint household with the victim.”

Article 19

In Article 112, paragraph 2, after the words: “or continued”, the comma and the words: “and if the consequence caused by that offence takes effect later, the statute of limitations of the criminal prosecution shall last from the day the consequence took effect” shall be added.

After the paragraph 6, new paragraph 7 shall be added to read:

“(7) The statute of limitation for the criminal offences against the gender integrity, marriage and family perpetrated against the persons under the age of 18 shall run from the day of majority of the damaged person.”

Article 20

In Article 147, paragraph 3 shall be amended to read:

“(3) An *official person* means: a person elected or appointed to legislative, executive and judicial office within Republika Srpska, local self government unit and other governmental and public institutions or services which perform particular administrative, expert and other duties, within the rights and responsibilities of the

authority who has founded them; a judge of the Constitutional Court, a judge, a prosecutor and an attorney general; a person who continuously or occasionally executes official duty in the mentioned public bodies or institutions; notary public, executor or arbiter, an authorized person in a business enterprise or another legal person who has been legally entrusted with the execution of public authorities, who performs certain duties within the scope of the relevant authority on the basis of law or contract on arbitration; and other persons who are performing official duties on the basis of the authority stipulated by law or other regulations based on the law or other regulations originating from the law and a person who was actually entrusted with execution of certain official duties. When an official person has been indicated as the perpetrator of a particular criminal offence, persons referred to in this may be considered the perpetrators of such offences provided that it does not follow from the characteristics of a particular criminal offence or particular prescript that their perpetrator may only be one of the specified persons.”

Paragraph 6 shall be amended to read:

“(6) *A foreign official person* means a member, functionary or official of a legislative or executive body of a foreign state, a person who is a judge, juror, member, functionary or other official person of a court of a foreign country or an international court, prosecutor, member, functionary or other official person of an international organization or of its bodies, as well as a person who is an arbiter in a foreign or international arbitration.”

Paragraph 25 shall be amended to read:

“(25) Criminal offence perpetrated out of hatred represents a criminal offence that is entirely or partly perpetrated due racial, national or ethnic origin, language, religious beliefs, skin colour, sex, sexual orientation, social origin, health status or gender identity of a person.”

After paragraph 25, new paragraph 26 shall be added to read:

“(26) When the action of the criminal offence is specified with a continuous verb, the criminal offence is perpetrated if the action was taken one or more times.”

Article 21

In Article 149, paragraph 1, item 2), after the words: “unscrupulous vengeance”, a comma and word “hatred” shall be added and the words: “or out of hatred” shall be deleted.

Article 22

In Article 153, paragraph 3, the words: “according to Article 150 or 151 of this Code” shall be replaced with words: “with punishment of imprisonment of at least five years”.

Article 23

In Article 155, paragraph 3, the number “1” shall be replaced with number “2”.

Article 24

In Article 156, paragraph 2, after the words: “or if permanent and grave damage to his health or disfigurement took place” shall be added the words: “or the offence was perpetrated out of hatred”.

Paragraph 3 shall be deleted.

Paragraph 6 shall be amended to read:

“(6) Whoever commits the acts referred to in Paragraphs 1 through 3 in a fit of passion after having been provoked without his own fault into the state of intense irritation by the victim’s attack, serious abuse or serious insult, shall be punished for the criminal offence referred to in paragraphs 1 and 2 by imprisonment for a term not exceeding three years, and for the criminal offence referred to in paragraph 3 by imprisonment for a term between six months and five years.”

Current paragraphs 4, 5 and 6 shall become paragraphs 3, 4 and 5, respectively.

Article 25

The title of and the Article 168 shall be amended to read:

“Abuse, torture and other inhuman and degrading treatment Article 168

(1) Whoever abuses another person or treats him in a manner that degrades human dignity shall be punished by an imprisonment for a term not exceeding two years.

(2) Whoever by applying force, threat or other illicit manner inflicts on another person serious pain or serious suffering for such purposes as to obtain from him or a third person a confession, statement or information or to have him or a third person intimidated or illegally punished, or does that for any other reason based on any form of discrimination, shall be punished by imprisonment for a term between six months and five years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article is perpetrated by and official in exercise of duty, he shall be punished for the criminal offence referred to in paragraph 1 of this Article by imprisonment for a term between six months and five years, and for the criminal offence referred to in paragraph 2 of this Article by imprisonment for a term between one year and ten years.”

Article 26

In Article 193, paragraph 2, after the words: “or if at the same occasion the victim was raped by several perpetrators”, the words: “or the rape was perpetrated out of hatred” shall be added, and the words: “minimum five” shall be replaced with words: “for a term between three and fifteen”.

Paragraph 3 shall be amended to read:

“(3) If any criminal offence under paragraphs 1 and 2 of this Article results in the death of the victim, the perpetrator shall be punished by imprisonment term of minimum ten years.”

Paragraphs 4 and 5 shall be deleted.

Current paragraph 6 shall become paragraph 4.

Article 27

In Article 194, paragraph 1, the words: “one and eight” shall be replaced with words: “one to ten”.

Paragraph 3 shall be amended to read:

“(3) If any criminal offence under paragraphs 1 and 2 of this Article results in the death of the victim, the perpetrator shall be punished by imprisonment for a minimum term of ten years.”

Paragraph 4 shall be deleted.

Article 28

The title of the Article 198 (“**Trafficking in Human Beings for the Purpose of Prostitution**”) shall be amended to read: (“**Soliciting to Prostitution**”).

Paragraphs 2, 3 and 4 of the same Article shall be deleted.

In paragraph 5, the words: “enticed, incited, lured or forced” shall be replaced with words: “induced, incited or enticed”.

Current paragraph 5 shall become paragraph 2.

Article 29

After Article 198, new articles 198a, 198b and 198v shall be added to read:

“Human Trafficking Article 198a

(1) Whoever, by force or threat of force or other forms of coercion, abduction, fraud or deception, abuse of relationship of trust, dependence or vulnerability, difficult circumstances of another person, by giving or receiving of money or other benefits, recruits, transports, transfers, delivers, sells, purchases, intermediates in sale, harbours, receives or keeps a person for the purpose of the use or exploitation of that person’s labour, perpetration of a criminal offence, prostitution, use for pornographic purposes, establishment of slavery or similar relationship, forced marriage, forced sterilization, for the purpose of the removal of organs or body parts, for the use in armed forces or of some other type of exploitation, shall be punished by imprisonment for a term of not less than three years.

(2) Whoever seizes, holds or counterfeits or destroys personal identification documents with the purpose of perpetrating criminal offences referred to in paragraph 1 of this Article, shall be punished by imprisonment for a term between two and twelve years.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article was perpetrated as member of an organized group, the perpetrator shall be punished by imprisonment for a term of not less than five years.

(4) Whoever uses, or enables other person to use sexual services or other forms of exploitation, and was aware that it concerns the victim of the human trafficking, shall be punished by imprisonment for a term between six months and five years.

(5) If the offence referred to in paragraphs 1, 2, 3 and 4 of this Article are perpetrated by an official person in the exercise of duty, shall be punished by imprisonment for a minimum term of eight years.

(6) If due to the criminal offence referred to in paragraphs 1 and 3 of this Article caused grievous bodily harm, serious health damage, or the death of one or more persons, the perpetrator shall be punished by imprisonment for a minimum term of ten years.

(7) The consent of the victim to any form of exploitation referred to in paragraph 1 of this Article shall bear no relevance to the existence of the criminal offence of human trafficking.

(8) Items, vehicles and facilities used for the perpetration of the offence referred to in this Article shall be seized.

Trafficking in Minors Article 198b

(1) Whoever recruits, transports, transfers, delivers, sells, purchases, intermediates in sale, harbours, keeps or receives a person younger than 18 years of age with the purpose of use or exploitation of that person's labour, perpetration of a criminal offence, prostitution or other uses of sexual exploitation, pornography, establishment of slavery or similar relationship, forced marriage, forced sterilization, illegal adoption or similar relationship, for the purpose of the removal of organs or body parts, for the use in armed forces or of some other type of exploitation, shall be punished by imprisonment for a term of not less than five years.

(2) Whoever perpetrates the offence referred to in paragraph 1 of this Article by use of force, serious threat or other forms of coercion, by deception, abduction, blackmail, abuse of office, abuse of relationship of trust, dependence of vulnerability, difficult circumstances of another person, by giving money or other benefits, shall be punished by imprisonment for a term of not less than eight years.

(3) Whoever uses, or enables other person to use sexual services or other forms of exploitation of a minor, and was aware that it concerns the victim of the human trafficking, shall be punished by imprisonment for a term of not less than five years.

(4) Whoever seizes, holds or counterfeits or destroys personal identification documents with the purpose of perpetrating criminal offences referred to in paragraphs 1 and 2 of this Article, shall be punished by imprisonment for a term between three and fifteen years.

(5) If the criminal offence referred to in paragraphs 1, 2, 3 and 4 of this Article was perpetrated as member of an organized group, the perpetrator shall be punished by imprisonment for a term of not less than ten years.

(6) If the offence referred to in paragraphs 1, 2, 3 and 4 of this Article are perpetrated by an official person in the exercise of duty, shall be punished by imprisonment for a minimum term of eight years.

(7) If due to the criminal offence referred to in paragraphs 1 and 3 of this Article caused grievous bodily harm, serious health damage, or the death of one or more persons, the perpetrator shall be punished by imprisonment for a minimum term of ten years.

(8) The consent of the minor to any form of exploitation referred to in paragraph 1 of this Article shall bear no relevance to the existence of this criminal offence.

(9) Items, vehicles and facilities used for the perpetration of the offence referred to in this Article shall be seized.

**Organizing of a Group or of an Organized Criminal Group for the Purpose of
Perpetration of Criminal Offences of Human Trafficking or Trafficking in
Minors
Article 198v**

(1) Whoever organizes a criminal group, association or organized criminal group for the purpose of perpetration of the criminal offences referred to in articles 198a and 198b of this Code, shall be punished by imprisonment for a term between three and fifteen years.

(2) Whoever becomes the member of a group or association offences referred to in paragraph 1 of this Article or otherwise assists the group or association, shall be punished by imprisonment for a term between one and ten years.”

Article 30

Article 208 shall be amended to read:

“(1) Whoever by violence, insolent or arrogant behaviour violates peace, life and health or mental health of a member of his family or family household, and by that brings about the physical or psychological integrity of a passive subject, shall be punished by a fine or imprisonment for a term between three months and three years.

(2) If during the commission of the criminal offence referred to in paragraph 1 of this Article, weapons, dangerous implements or other instruments suitable to inflict grave bodily injuries or harm person’s health have been used, the perpetrator shall be punished by imprisonment for a term between six months and five years.

(3) If the commission of the criminal offence referred to in paragraphs 1 and 2 of this Article has resulted in grievous bodily injury of the family member or impaired his health or if the criminal offence referred to in paragraphs 1 and 2 of this Article has been committed against a minor or in minor’s presence, the perpetrator shall be punished by imprisonment for a term between two and ten years.

(4) If the commission of the criminal offence referred to in paragraphs 1, 2 and 3 of this Article has resulted in the death of the family member, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.

(5) Whoever kills a member of family or member of household, whom he has abused previously, shall be punished by imprisonment for a term not less than ten years.

(6) Whoever violates the protective measures against the domestic violence ordered by the court on the basis of the law shall be punished by imprisonment for a term between three months and three years.

(7) For the purpose of this Chapter, family members or members of household shall be also understood to mean spouses or ex-spouses, their children and children of each of them, unwed partners or former unwed partners, their children and children of each of them, in-laws up to the second degree of kinship regardless of the fact that the marriage union has ended, parents of current and former wed or unwed partners, relatives from full adoption in direct line without limitation, and in indirect line up to the fourth degree of kinship, as well as the relatives from partial adoption, persons linked by relation of guardianship, persons who live or lived in the same family household regardless of kinship, and persons who together have a child or have conceived a child, even though they had never lived in the same household.”

Article 31

Article 226 shall be amended to read:

“(1) Whoever knowingly disobeys regulations pertaining to entering into or termination of employment contract, on salary and other payments from the labour relation, on working hours, breaks, leaves, annual leaves or absence, protection of women, youth and disabled persons, protection of women due to pregnancy or parenthood, protection of elderly employees, on a ban on overtime or night work or payment of regulated remuneration, and thus denies or restricts a right the employee is entitled to, shall be punished by a fine or imprisonment for a term up to three years.

(2) If the offence referred to in paragraph 1 of this Article had for a consequence unjustified non-payment of five salaries in part or in whole, or the loss of rights arising from the unpaid benefits, and it is established that there were funds for payment, the perpetrator shall be punished by imprisonment for a term between six months and five years.

(3) Whoever terminates the employment of a female employee because of her pregnancy, or requests from the female employee to give a statement confirming that in such case she would give her notice or accept the termination of employment by consent, shall be punished by punishment referred to in paragraph 2 of this Article.”

Article 32

In Article 249, paragraph 3 shall be amended to read:

“(3) Whoever commits criminal offence under paragraphs 1 and 2 of this Article out of hatred, shall be punished by punishment referred to in paragraph 2 of this Article.”

Article 33

After Article 264, new Article 264a shall be added to read:

“Abuse in the Procedure of Public Procurement Article 264a

(1) The responsible person in an enterprise or in other entity of economic business that has the capacity of a legal person, or an entrepreneur who in the procedure of public procurement submits a bid based on false data, or agrees in an illicit manner

with other bidders, or undertakes other illicit actions with intention to thus influence the decision making of the purchaser in any stage of the procedure of public procurement, shall be punished imprisonment for a term between six months and five years.

(2) If the offence referred to in paragraph 1 of this Article was perpetrated in the procedure of public procurement value of which exceeds the amount of three million convertible marks, the perpetrator shall be punished imprisonment for a term between one year and ten years.

(3) The perpetrator who voluntarily discloses that the bid is based on a false data or on an illicit agreement with other bidders, or that he undertook other illicit actions with intention to influence the decision making of the purchaser before he makes the decision of the selection of the bid, may be punished more leniently or be acquitted.”

Article 34

In Article 305, after paragraph 1, the mark of the paragraph 2: “(1)”, shall be replaced with mark: “(2)”.

Article 35

In Article 307, paragraph 1, the word “their” shall be replaced with word “her” *[Translator’s remark: N/A to English text in our database].*

Article 36

Article 351 shall be amended to read:

“(1) An official or responsible person who demands or accepts a gift or any other benefit or who accepts the promise of a gift or other benefit for himself or for other person in order to perform, within his official authorizations or in connection to his official authorizations, an official act, which must not be performed by him, or not to perform an official act, which must be performed by him, shall be punished by imprisonment for a term between two and ten years.

(2) An official or responsible person, who demands or accepts a gift or any other benefit or who accepts the promise of a gift or a benefit for himself or for other person in order to perform, within his authorizations or in connection to his authorizations, an act, which must be performed by him, or not to perform an act, which must not be performed by him, shall be punished by imprisonment for a term between one and eight years.

(3) An official or responsible person, who demands or accepts a gift or any other benefit after the performance or failure to perform an official duty referred to in paragraphs 1 and 2 of this Article in connection with the performance or failure to perform, shall be punished by imprisonment for a term between three months and three years.

(4) A foreign official or responsible person who perpetrates the offence referred to in paragraphs 1 to 3 of this Article shall be punished with a punishment for that offence.

(5) The accepted gift or material gain acquired by perpetration of offences referred to in this Article shall be forfeited.”

Article 37

Article 352 shall be amended to read:

“(1) Whoever makes, offers or promises a gift or any other benefit to an official or responsible person in order that he performs, within his official authorizations or in connection to his official authorizations, an official act which must not be performed by him, or abstains from performing an official act which must be performed by him, or whoever mediates in the bribing of the official or responsible person, shall be punished by imprisonment for a term between six months and five years.

(2) Whoever makes, offers or promises a gift or any other benefit to an official or responsible person in order that he performs, within his official authorizations or in connection to his official authorizations, an official act which must be performed by him, or abstains from performing an official act which must be not performed by him, or whoever mediates in the bribing of the official or responsible person, shall be punished by imprisonment for a term up to three years.

(3) Provisions of paragraphs 1 and 2 of this Article shall apply also when the bribe is given, offered or promised to the foreign official or responsible person.

(4) The perpetrator of the offence referred to in paragraphs 1 and 3 of this Article who reported the offence before it was been discovered, may be acquitted.

(5) Given gift, i.e. other benefit that is seized from the person who received the bribe may be in the case referred to in paragraph 4 of this Article returned to the person who gave the bribe.”

Article 38

The title and Article 353 shall be amended to read:

“Trading in Influence Article 353

(1) Whoever demands or accepts a reward or any other benefit for himself or for another person, directly or through a third party for interceding that that an official act be or not be performed by taking advantage of his official or social position or his actual or presumed influence, shall be punished by imprisonment for a term between one year and five years.

(2) Whoever, directly or through a third party, offers or gives a reward or any other benefit for interceding that that an official act be or not be performed by taking advantage of his official or social position or his actual or presumed influence, shall be punished by imprisonment for a term up to three years.

(3) Whoever intercedes that that an official act, which must not be performed, be performed, or that that an official act, which must be performed, be not performed by taking advantage of his official or social position or his actual or presumed influence, shall be punished by imprisonment for a term between one year and eight years.

(4) Whoever, directly or through a third party, promises, offers or gives a reward or any other benefit for interceding that that an official act, which must not be performed, be performed, or that that an official act, which must be performed, be not performed by taking advantage of his official or social position or his actual or presumed influence, shall be punished by imprisonment for a term between six months and five years.

(5) If a reward or any other benefit has been demanded or received in return for interceding referred to in paragraph 3 of this Article, the perpetrator shall be punished by imprisonment for a term between two and twelve years.

(6) A foreign official or responsible person who perpetrates the offence referred to in paragraphs 1 to 4 of this Article shall be punished for that offence.

(7) A reward or material gain acquired by perpetration of offences referred to in this Article shall be forfeited.”

Article 39

Article 361a shall be deleted.

Article 40

The title and Article 369 shall be amended to read:

“Obstruction of Justice Article 369

(1) Whoever calls another person to resistance or non-execution of court decisions, or otherwise obstructs the conduct of court proceedings, shall be punished by imprisonment for a term up to three years and a fine.

(2) Whoever uses physical force, threats or in other way obstructs or prevents a judge, prosecutor or deputy prosecutor in exercise of judge or prosecutor’s duties shall be punished by imprisonment for a term between six months and five years.

(3) If, in perpetration of the offences referred to in paragraph 2 of this Article, the perpetrator inflicts bodily injuries to the persons referred to in paragraph 2 of this Article, shall be punished by imprisonment for a term between one year and ten years.

(4) If the offence referred to in paragraph 2 of this Article was perpetrated by threat of murder, abduction, use of weapons or within a group, the perpetrator shall be punished by imprisonment for a term between two and twelve years.

(5) If, by the criminal offence referred to in paragraph 2 of this Article, a death of some of abovementioned persons is caused, the perpetrator shall be punished by imprisonment for a term of minimum eight years.”

Article 41

In Article 387, paragraph 2, the word: “light” shall be replaced with word: “light”
[Translator’s remark: N/A to English text in our database].

Article 42

Article 387a shall be deleted.

Article 43

In Article 398, paragraph 1, the words: “two years and five years” shall be replaced with words: “three months and three years”.

Article 44

In Article 399, paragraph 1, the words: “two years” shall be replaced with words: “six months”.

In paragraph 2, the word: “three” shall be replaced with word: “one”.

In paragraph 3, the words: “two years” shall be replaced with words: “three months”.

In paragraph 4, the word “five” shall be replaced with word “three”.

In paragraph 5, the word “five” shall be replaced with word “three”.

Paragraph 7 shall be deleted.

Current paragraph 8 shall become paragraph 7.

Article 45

In Article 430, after paragraph 2, new paragraph 3 shall be added to read:

“(3) The cut down tree and the means used to cut it down shall be forfeited.

Article 46

The Legislative Committee of the Republika Srpska National Assembly is hereby authorized to determine the consolidated text of this Law.

Article 47

This Law shall enter into force on the eighth day after it is published in the “Official Gazette of Republika Srpska”.