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Penal Code

N° 4573

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF COSTA RICA

DECREES:

The following

PENAL CODE

BOOK ONE

General Provisions

TITLE I

CRIMINAL LAW

SECTION I

Preliminary Rules Principle

of legality.

Article 1.- No one may be punished for an act that the criminal law does not typify as punishable or subjected to penalties or security measures that it has not previously established.

Article sheet

Prohibition of analogy.

ARTICLE 2.

No penalty may be imposed by analogical application of the criminal law.

Article sheet

Supplementary value of this Code.

ARTICLE 3.

The general provisions of this Code shall also apply to punishable acts provided for in special laws, provided that these do not establish anything to the contrary.

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Article sheet

SECTION II

Application in the Territoriality

Space.

Article 4.

Costa Rican criminal law shall apply to whoever commits a punishable act in the territory of the Republic, except for the exceptions established in international treaties, conventions and rules accepted by Costa Rica. For the purposes of this provision, the territory of the Republic shall be understood to be, in addition to the natural or geographical territory, the territorial sea, the air space that covers it and the continental platform. Costa Rican vessels and aircraft shall also be considered national territory.

Article sheet

Extraterritoriality. ARTICLE

5.

Costa Rican criminal law shall also apply to punishable acts committed abroad, when:

1) 2) Are committed against the internal or external security of the State, as well as against its economy; and 2) Are committed against the public administration, by officials in its service, whether or not they are Costa Rican.

Article sheet

Possibility of initiating proceedings for punishable acts committed abroad.

ARTICLE 6.

Proceedings may be initiated for punishable acts committed abroad and in that case Costa Rican law may be applied when:

- 1) Produce or may produce their results, in whole or in part, in the national territory;
- 2) Have been committed by persons in the service of Costa Rica and have not been tried in the place of commission of the act, by virtue of diplomatic or functional immunity; and
- 3) Perpetrated against any Costa Rican or their rights.
- 4) Have been committed by a Costa Rican.

(The above paragraph was added by Article 1, point 2, paragraph a) of the Law for Strengthening Legislation against Terrorism, No. 8719 of March 4, 2009).

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Article sheet

Application of criminal law for acts of terrorism

Article 6 bis.

In the cases of the crimes typified in Article 112 (4), Article 215 (7) and (8), and Articles 246, 246 bis, 250 ter, 251, 258, 259, 260, 274, 274 bis, 374, 284 bis of this Code, as well as in Article 69 bis of Law No. 8204, Comprehensive Reform of the Law on Narcotic Drugs, Psychotropic Substances, Drugs for Unauthorized Use, and Related Activities, of December 26, 2001, and its reforms, shall be applied. No. 8204, Comprehensive Reform of the Law on Narcotics, Psychotropic Substances, Drugs of Unauthorized Use, and Related Activities, of December 26, 2001, and its reforms, the Costa Rican criminal law shall be applied on the occasion of those crimes, to the persons with respect to whom extradition is not applicable, in accordance with the regulations in force.

For extradition purposes, these offenses shall not be considered political offenses or offenses connected with a political offense, nor offenses inspired by political motives.

(Thus added by article 1°, point 2., paragraph b) of the Law for Strengthening Legislation against Terrorism, No. 8719 of March 4, 2009).

Article sheet

Article 7- International crimes

Regardless of the provisions in force in the place of the commission of the punishable act and the nationality of the perpetrator, those who commit acts of piracy, terrorism or its financing, or acts of genocide; counterfeit coins, credit titles, bank bills and other bearer effects will be punished in accordance with Costa Rican law; illicitly traffic in arms, ammunition, explosives or related materials; take part in the trafficking of slaves, women or children; commit sexual offenses against minors, or engage in the trafficking of narcotics or obscene publications. Likewise, those who commit the crimes of illicit enrichment; receiving, legalization or concealment of goods; legislation or administration for their own benefit; irregular overpricing; falseness in the receipt of goods and services contracted; irregular payment of administrative contracts; influence peddling; transnational bribery, and influence against the Public Treasury, contemplated in Law No. 8422, Law Against the Public Treasury, will also be punished.° 8422, Law against Corruption and Illicit Enrichment in the Public Function, of October 6, 2004, and the crimes of improper bribery; bribery itself; aggravated corruption; acceptance of gifts for a fulfilled act; corruption of judges; criminalization of the corruptor; incompatible negotiations; embezzlement; embezzlement; and embezzlement and misappropriation of private funds contemplated in this Code, as well as other punishable acts against human rights and international humanitarian law, provided in the treaties signed by Costa Rica, in this Code and other special laws.

(As amended by Article 38 of the Law on the Liability of Legal Entities for Domestic Bribery, Transnational Bribery and Other Offences, No. 9699 of June 10, 2019)

Article sheet

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When the aforementioned crimes may be prosecuted. ARTICLE 8.

In order for the crimes referred to in Article 5 to be prosecutable in Costa Rica, only the action of the State is required. In the cases contemplated in articles 6 and 7, it is necessary that the offender is in the national territory. In addition, in the cases of article 6, it will be preceded by the simple complaint of the offended party and in the cases of article 7, the criminal action may only be initiated by request of the competent bodies.

[Article sheet](#)

Foreign sentences in the crimes mentioned above are not considered res judicata. ARTICLE 9.

Foreign criminal sentences pronounced on the crimes indicated in Articles 4 and 5 shall not have the value of res judicata; however, the sentence or part of it that the defendant has served by virtue of such sentences shall be credited to the sentence imposed in accordance with the national law, if both are similar in nature, and if they are not, the former shall be prudently mitigated.

[Article sheet](#)

Foreign judgments with res judicata value. ARTICLE

10.

In the cases indicated in articles 6 and 7, the foreign criminal sentence of acquittal will have the value of res judicata for all legal effects. In all cases, the conviction will have the same value to determine the phenomena of recidivism and habitualness.

[Article sheet](#)

SECTION III

Time Application

Time of validity of the criminal law.

ARTICLE 11.

Punishable acts shall be judged in accordance with the laws in force at the time of their commission.

[Article sheet](#)

Law subsequent to the commission of a punishable act.

If a new law is enacted after the commission of a punishable act, it shall be governed by the law that is more favorable to the defendant in the particular case being tried.

(Sinalevi Note: By circular No. 178-2017 and published in the Judicial Bulletin No. 45 of March 9, 2018, the table of conducts for traffic accidents was published. Adjustment to fines by application of more favorable sanction, article 12 Penal Code, same as transcribed below:

	ARTÍCULO	INCISO	CONDUCTA	SANCIÓN MAS FAVORABLE
1	143	d)	Adelantamiento en curvas, intersecciones, cruces de ferrocarril, puentes, túneles, pasos a desnivel, por el espaldón, por el lado derecho	¢306.850,21
2	143	e)	Invasión carril adjunto, línea de barrera (artículo 100 L.T)	¢306.850,21
3	143	f)	Giro en U, y giro a la izquierda donde haya señalamiento vertical y horizontal	¢306.850,21
4	144	d)	Señal de alto	¢207.359,54
5	144	e)	Semáforo	¢207.359,54
6	145	l)	Adelantamiento aprovechando la prioridad de vehículos de emergencia	¢103.679,77
7	145	m)	Circule en aceras	¢103.679,77
8	145	n)	Adelantamiento a un vehículo que se haya detenido frente a zona de paso de peatones	¢103.679,77
9	146	b)	Irrespeto a señales de tránsito fijas	¢51.316,25
10	146	c)	Irrespeto a prioridades de paso (Art. 105 L.T.)	
11	146	d)	Reglas de Circulación en Rotondas	¢51.316,25
12	146	e)	Reglas de uso del carril central	¢51.316,25
13	146	f)	Señalamiento de maniobra - uso de direccionales (Art. 108 L.T)	¢51.316,25
14	146	m)	Retroceso	¢51.316,25
15	146	n)	Normas de estacionamiento, establecidas en el artículo 110 L.T.	¢51.316,25
16	147	a)	Genérica – Daños	¢21.992.68
17	147	i)	Normas de adelantamiento	¢21.992.68
18	147	aa)	Condenatoria peatón	¢21.992.68

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Article sheet

Law issued prior to the completion of the sentence.

ARTICLE 13.

If the promulgation of the new law, the application of which is more favorable to the defendant, occurs before the completion of the sentence, the competent court shall modify the sentence in accordance with the provisions of the new law.

Article sheet

Temporary law.

ARTICLE 14.

Acts committed during the validity of a law intended to govern temporarily shall always be judged in accordance with the terms of such law.

Article sheet

Regarding security measures. ARTICLE

15.

Regarding security measures, the law in force at the time of the sentence and those issued during its execution shall be applied.

Article sheet

SECTION IV

Application to Individuals

Mandatory nature of the criminal law and exceptions.

ARTICLE 16.

The application of the criminal law is mandatory for all inhabitants, with the exception of:

1) Foreign heads of state who are in the national territory and diplomatic agents of other states and other persons who enjoy criminal immunity, according to international conventions accepted by Costa Rica; and 2) Public officials who, according to the Political Constitution, enjoy immunity.

Article sheet

SECTION V

APPLICATION BY SUBJECT MATTER

Special law for minors.

Article 17.-This Code shall apply to persons eighteen years of age or older.

(Thus amended by Article 2 of the "Comprehensive Reform of the Organic Law of the Juvenile Guardianship Jurisdiction" Law 7383 of March 16, 1994).

Article sheet

TITLE II

THE PUNISHABLE ACT

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SECTION I

Form, Time and Place of the Punishable

Event Form of the punishable event.

ARTICLE 18.

The punishable act may be committed by action or omission. When the law punishes the act in consideration of the result produced, whoever does not prevent it will be liable if he could have done so, according to the circumstances, and if he should have legally avoided it.

[Article sheet](#)

Time of the punishable act.

ARTICLE 19.

The act is deemed to have been performed at the time of the action or omission, even if the time of the result is different.

[Article sheet](#)

Place of the punishable act.

ARTICLE 20.

The act is considered committed:

- a) In the place where the criminal activity of the perpetrators or participants took place, in whole or in part; and
- b) At the place where the result occurred or should have occurred.

In omissive crimes, the act is considered to have been carried out where the omitted action should have taken place.

[Article sheet](#)

SECTION II

Competition of Offenses and Apparent Competition

of Norms Ideal Competition.

ARTICLE 21.

There is ideal concurrence when a single action or omission violates several legal provisions that are not mutually exclusive.

[Article sheet](#)

Material
competition.

ARTICLE 22.

There is material concurrence when the same agent commits several offenses separately or jointly.

[Article sheet](#)

Apparent competition of rules.

ARTICLE 23.

When the same conduct is described in several legal provisions that exclude each other, only one of them shall be applied, as follows: the special rule prevails over the general one, the one that fully contains another is preferred to it, and the one that the law has not expressly or tacitly subordinated to another is applied instead of the accessory one.

[Article sheet](#)

SECTION III

TENTATIVE

When it exists.

Article 24.- There is an attempt when the execution of a crime is initiated by acts directly aimed at its consummation and this does not occur due to causes independent of the agent. The penalty corresponding to the attempt shall not be applied when the consummation of the crime is absolutely impossible.

(Text modified by resolution of the Constitutional Chamber No. 1588-98 of 16:27 hours of March 10, 1998).

[Article sheet](#)

SECTION IV

Causes of Justification

Compliance with the
law.

ARTICLE 25.

A person who acts in compliance with a legal duty or in the legitimate exercise of a right does not commit a crime.

(Corrected by Errata published in La Gaceta No. 234 of November 24, 1971).

[Article sheet](#)

Consent of the entitled party. ARTICLE

26.

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A person does not commit a crime if he harms or endangers a right with the consent of a person who validly

can give it.
[Article sheet](#)

State of necessity. ARTICLE

27.

A person who, faced with a situation of danger to his own or another's legal property, injures another, in order to avoid a greater harm, does not commit a crime, provided that the following requirements are met:

- a) That the danger is actual or imminent;
- b) That it was not caused voluntarily; and c) That it is not otherwise avoidable.

If the owner of the property to be saved has the legal duty to bear the risk, the provisions of this article shall not apply.

[Article sheet](#)

Legitimate self-defense.

Article 28.-No crime is committed by anyone who acts in defense of the person or rights of himself or of others, provided that the following circumstances concur:

- a) Unlawful assault; and
- b) Reasonable necessity of the defense used to repel or prevent the aggression.

It shall be understood that this cause of justification is applicable to anyone who carries out violent acts against a stranger who, without any right and with danger to the inhabitants or occupants of the building or its dependencies, is inside the building, regardless of the damage caused to the intruder.

(Thus amended by Article 1 of Law No. 5743 of August 4, 1975).

[Article sheet](#)

Excess in the defense.

ARTICLE 29.

If in the cases of the preceding articles, the agent has incurred in excess, the act shall be punished in accordance with article 79. Excesses arising from an excitement or disturbance that the circumstances make excusable are not punishable.

[Article sheet](#)

SECTION V

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Guilt

There is no sorrow
without guilt.

ARTICLE 30.

No one may be punished for an act expressly typified in the law if he or she has not committed it with malice, guilt or premeditation.

[Article sheet](#)

Meaning of fraud. ARTICLE

31.

The person who intends to commit the act typified, as well as the person who accepts it, foreseeing it at least as possible, is guilty of malice.

[Article sheet](#)

Preterintention.

ARTICLE 32.

A person acts with premeditation who performs a conduct from which a more serious result is derived and of the same kind as the one he intended to produce, provided that this second result can be imputed to him by way of fault.

[Article sheet](#)

Act of God or force majeure.

ARTICLE 33.

The person who performs the typical act due to an act of God or force majeure is not guilty.

[Article sheet](#)

Mistake of fact.

ARTICLE 34.

A person is not guilty who, in carrying out the act, is mistaken about some of the requirements necessary for the crime to exist, according to its description. However, if the error is due to negligence, the act will be punished only when the law establishes a penalty for its commission as such. The same rules shall apply with respect to whoever erroneously assumes the concurrence of circumstances that would justify the act performed.

[Article sheet](#)

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Error of law.

ARTICLE 35.

A person is not guilty who, due to an invincible error, believes that the act he is committing is not subject to punishment. If the error is not invincible, the penalty foreseen for the act may be mitigated, in accordance with the provisions of article 79.

[Article sheet](#)

Due obedience.

Article 36.- A person who acts in virtue of obedience is not guilty, provided that the following requirements are met:

- a) The order must emanate from an authority competent to issue it and must be in the forms required by law;
- b) The agent is hierarchically subordinate to the person issuing the order; and
- c) That the order does not have the character of an obvious punishable offense.

[Article sheet](#)

More serious penalty due to the special consequence

of the act. ARTICLE 37.

If the law establishes a more serious penalty for a special consequence of the act, it shall be applied only to the perpetrator or participant who has acted at least culpably with respect to it.

[Article sheet](#)

Coercion or threat. ARTICLE

38.

A person is not guilty who acts under duress or threat of a serious actual evil, whether or not caused by the action of a third party, when a different conduct could not reasonably be required of him.

[Article sheet](#)

SECTION VI

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Recidivism

Recidivism and its appreciation.

ARTICLE 39.

A recidivist is a person who commits a new crime, after having been sentenced by a final judgment of a court in the country or abroad, if the act is punishable in the Republic and provided that it is not a political crime, amnestied or committed during the criminal minority. Nor will the crime committed abroad be taken into account if, due to its nature, extradition is not appropriate.

[Article sheet](#)

Habituality.

Article 40.- A person shall be declared a habitual offender who, after having been convicted in the country or abroad for two or more intentional crimes, commits another one and it is proven that he/she is inclined to commit a crime. Political or fiscal crimes shall not be taken into account for the declaration of habitual criminality.

(This article was amended by resolution of the Constitutional Chamber No. 796-92 of March 24, 1992, which clarifies resolution No. 88-92 of 11:00 a.m. January 17, 1992).

[Article sheet](#)

Professionalism.

Article 41.-A person shall be declared a professional delinquent who has made of his delinquent conduct a way of life.

(This article was amended by resolution of the Constitutional Chamber No. 796-92 of March 24, 1992, which clarifies resolution No. 88-92 of 11:00 a.m. January 17, 1992).

[Article sheet](#)

TITLE III

THE

AUTHOR

SECTION I

Imputability and its Forms

Inimputability.

ARTICLE 42.

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A person is unimputable who, at the time of the act or omission, does not possess the capacity to understand the unlawful nature of the act or to determine himself in accordance with that understanding, due to illness.

mental, or serious disturbance of consciousness, whether or not caused by the accidental or involuntary use of alcoholic beverages or intoxicating substances.

(Corrected by Errata published in La Gaceta No. 234 of November 24, 1971).

Article sheet

Diminished imputability.

ARTICLE 43.

A person is considered to act with diminished imputability who, as a result of the causes referred to in the preceding article, only incompletely possesses, at the time of the act or omission, the capacity to understand the unlawful nature of the act or to determine himself in accordance with such understanding.

Article sheet

Provoked disturbance.

ARTICLE 44.

When the agent has provoked the disturbance of conscience referred to in the preceding articles, he shall be liable for the act committed for the malice or guilt in which he was at the time of being placed in such a state, and the respective penalty may be aggravated if the purpose of the agent had been to facilitate its realization or to procure an excuse.

Article sheet

SECTION II

Authors and

Accomplices Author

and co-authors.

ARTICLE 45.

The perpetrator of the punishable act typified as such is the one who carries it out by himself or by making use of another or others, and co-perpetrators are those who carry it out jointly with the perpetrator.

Article sheet

Instigators.

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ARTICLE 46.

Instigators are those who intentionally determine another to commit the punishable act.

Article sheet

Accomplices.

ARTICLE 47.

Accomplices are those who provide the perpetrator or perpetrators with any aid or cooperation for the commission of the punishable act.

Article sheet

Commencement and scope of the liability of the participants.

ARTICLE 48.

The participants shall be liable from the moment the act has been initiated, according to the provisions of Article 19. If the act is more serious than the one they intended, those who have accepted it as a probable consequence of the action undertaken shall be liable for it.

Article sheet

Communicability of the circumstances.

ARTICLE 49.

The personal qualities constituting the infraction are also imputable to the participants who do not possess them, if they were known to them. The relationships, circumstances and personal qualities whose effect is to diminish or exclude the penalty, will only have influence with respect to the participants in whom they concur. The material circumstances, which aggravate or mitigate the act will only be taken into account with respect to those who, knowing them, provided their assistance.

Article sheet

TITLE IV

PENALTIES

SECTION I

TYPES OF PENALTIES

Types of penalties

Article 50- Penalties. The penalties established by this Code are:

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- 1) Principal offenses: imprisonment, warning, fine and disqualification.
- 2) Accessory: special disqualification.
- 3) Provision of public utility services.
- 4) House arrest with electronic monitoring.
- 5) Drug treatment under restorative court supervision.

(Thus amended by Article 48 of the Restorative Justice Act, No. 9582 of July 2, 2018).

Article sheet

Prison and security measures.

Article 51.-Prison sentences and security measures shall be served in the places and in the manner determined by a special law, in such a way that they have a rehabilitative effect on the convicted person. Its maximum limit is fifty years.

(As amended by Article 1 of Law No. 7389 of April 22, 1994)

(Sinalevi's Note: By resolution of the Constitutional Chamber No. 9877 of July 3, 2015, the effects of the reform to Articles 51 and 76 of the Penal Code, made by Law No. 7389 of April 22, 1994, continue, all subject to the final decision of the Constitutional Chamber on the conformity with the law of the Constitution of those norms).

Article sheet

Disqualification.

ARTICLE 52.

The penalty of expulsion, applicable only to foreigners, consists of expulsion from the territory of the Republic, with prohibition to return to it, for the duration of the sentence. It extends from six months to ten years.

Article sheet

Fine.

Article 53- Fine. The penalty of fine obliges the convicted person to pay a sum of money to the institution designated by law, within fifteen days after the sentence has become final.

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When a penalty of days' fine is imposed, the judge, in a reasoned judgment, shall first set the number of days' fine to be paid by the convicted person, within the limits established for each crime and misdemeanor, according to the seriousness of the act, the circumstances of manner, time and place, as well as the characteristics of the perpetrator, directly related to the criminal or misdemeanor conduct. This penalty may not exceed three hundred and sixty days fine.

In said sentence, in a reasoned manner, the judge shall determine the amount of money corresponding to each day fine, according to the economic situation of the convicted person, taking into account his standard of living, all his daily income and reasonable expenses to meet both his needs and those of his family. Each day fine may not exceed fifty percent (50%) of the sentenced person's daily income. The prosecutor or the judge, as the case may be, with the collaboration of the Social Work Office of the Judiciary, must make the necessary inquiries to determine the real economic situation of the accused and his or her ability to pay.

(As amended by Article 4 of the Law against street sexual harassment, No. 9877 of August 10, 2020).

Article sheet

Enforcement of the fine.

ARTICLE 54.

By subsequent resolution the Judge may, in view of the economic situation of the convicted person, agree to a term or authorize the payment of the fine in installments, provided that the fine is guaranteed by real or personal guarantees; the Judge shall have the power to prudentially dispense with such guarantees. These benefits may be revoked for non-payment or when the economic condition of the convicted person improves significantly.

Article sheet

Amortization of the fine.

Article 55.- The Institute of Criminology, after studying the psychological, psychiatric and social characteristics of the inmate, may authorize the convicted person who has served at least half of the sentence, or the defendant, to deduct or pay the fine or prison sentence that remains to be served or that may be imposed, by working for the Public Administration, autonomous institutions of the State or private enterprise. For this purpose, one day of ordinary work is equivalent to one day of fine and every two days of ordinary work is equivalent to one day of imprisonment. Work of any kind, performed in the social adaptation center and outside of it, shall be computed in the same manner. The respective salary shall be paid in whole or in part to satisfy the fine imposed. The inmate will enjoy the benefits that the State and its institutions grant to workers, although there will be no labor relationship between the employer and the inmate employee.

(Thus amended by Article 1 of Law No. 7398 of May 3, 1994)

(By resolution of the Constitutional Chamber No. 6829-93 of December 24, 1993, it indicated that Article 55, which establishes the reduction of the sentence, is not unconstitutional, but that the administrative practice of granting it to defendants with the same amplitude as to convicted persons is unconstitutional).

Article sheet

Failure to pay the fine penalty

Article 56.-If the convicted person has the capacity to pay, but does not pay the fine or fails to pay the installments within the established terms, the penalty shall be converted into one day of imprisonment for each day of fine, without prejudice to the power of the sentencing judge to enforce it ex officio, in the property of the convicted person or his guarantor, by means of seizure and auction.

When the convicted person lacks the ability to pay, is unable to cover the amount of the fine in installments or is unable to procure it, the judge shall order that each day's fine be converted into a day of rendering useful services for the benefit of the State or public welfare institutions.

When the penalties of fine and imprisonment are imposed jointly, the latter shall be increased by that which corresponds to the fine converted, as the case may be.

(As amended by Article 1, paragraph c) of Law No. 8250 of May 2, 2002)

Article sheet

Provision of public utility services

Article 56 bis - Provision of public utility services. The provision of public utility services consists of the free service for community and socio-educational purposes to be provided by the convicted person in favor of public institutions and associations or foundations that make up the network created for the purposes of compliance with this article. It may be imposed as a principal penalty or, failing that, as a substitute penalty for imprisonment, when the requirements of this article are met.

The Ministry of Justice and Peace will promote the articulation of institutional networks and with the civil society to guarantee the control, follow-up and availability of places where public utility services may be performed. Likewise, it will keep a registry of the entities authorized for such purposes and will periodically inform the Judicial Power. In the event that these entities favor non-compliance with the sentence or hinder the control of its execution, they will be excluded from the network of beneficiaries of the public utility service and from the registry.

In the event that a prison sentence has been imposed, and when the conditional execution of the sentence is not applicable, the sentencing court may replace it by the rendering of public utility services, when the following requirements are met:

- a) That the prison sentence imposed is not more than five years.
- b) That in the commission of the crime no weapons have been used in the proper sense, with the exception of the provisions of Law No. 7530, Weapons and Explosives Law, of July 10,

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1995.

- c) That the crime was not committed with serious physical violence against the victim.
- d) That the sentenced person does not have a criminal record for intentional crimes punishable by more than six months.
- e) That they do not involve crimes processed under organized crime proceedings, crimes against the duties of public office, sexual crimes, intentional homicide or femicide.
- f) That the sentenced person has the willingness to restore the damage caused to the victim or community, through public utility work for socio-educational or community purposes, the willingness to continue a life project outside the crime and the commitment to comply with the conditions imposed by the judicial and penitentiary authority for compliance.

The service shall be rendered for the number of hours and within the term determined by the sentencing judge, considering the damage caused and the personal circumstances of the convicted person. This penalty may not exceed one thousand hours per year.

It will be up to the prison authority, through the community program, to define the place, schedule and plan of compliance, without interfering with the working or educational day of the convicted person. In addition, it must report quarterly to the court of execution of the sentence, on compliance with the sanction.

In the event of non-compliance, the prison authority will immediately inform the sentencing court, which will give a five-day hearing to the defense and the Public Prosecutor's Office, and will convene an oral hearing. An appeal with suspensive effect may be lodged against the decision within five days before the sentencing court. Unjustified noncompliance in the provision of the service shall entitle the court of execution of the sentence to revoke it, whereupon the sentenced person shall serve the prison sentence originally imposed. For such purposes, every eight hours of public utility service is equivalent to one day of imprisonment.

For cases processed under the restorative justice procedure, as well as the accreditation of the entities and the monitoring of the provision of the public utility service, shall be governed in accordance with the provisions of the Restorative Justice Act.

(So added the paragraph by Article 48 of the Law on Restorative Justice, No. 9582 of July 2, 2018) (So added by Article 3 (a) (a) of Law No. 8250 of May 2, 2002).

(As amended by the sole article of Law No. 9525 of March 7, 2018)

Article sheet

Article 56 ter- Drug treatment under restorative judicial supervision. Drug treatment under restorative judicial supervision consists of applying as an alternative penalty a therapeutic approach for the biopsychosocial care of addictions to drugs and psychoactive substances, once it is determined that the crime committed by the accused is associated with a problematic consumption of drugs and/or alcohol, through the application of the restorative procedure, whose term shall not exceed the amount of the main penalty.

The competent jurisdictional authority must exercise control over the execution of this alternative punishment by means of verification hearings, follow-up according to the objectives established by the therapeutic team in charge, to evaluate progress, relapses or recommendations for modification of the treatment.

In case of serious and unjustified non-compliance, the jurisdictional authority shall revoke the alternative penalty and order the enforcement of the principal penalty. For this purpose, one day of inpatient treatment is equivalent to one day of imprisonment and two days of outpatient treatment is equivalent to one day of imprisonment.

(So added by Article 49 of the Restorative Justice Act, No. 9582 of July 2, 2018).

Article sheet

Article 57.- Absolute disqualification

Absolute disqualification extending from six months to twelve years, except for that indicated in subsection 6) of this article, which extends from four years to fifty years, causes the convicted person to the following:

- 1) Loss of employment, position or public commissions held, including that of popular election.
- 2) Inability to obtain the aforementioned public offices, jobs or commissions.
- 3) Deprivation of active and passive political rights.
- 4) Incapacity to exercise the profession, trade, art or activity he/she performs.
- 5) Incapacity to exercise parental authority, guardianship, conservatorship or judicial administration of property.

(Sinalevi's Note: By means of Article 2 paragraph VI) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, the previous paragraph will be amended. In accordance with transitory III of the aforementioned law said modification will come into force as of October 1, 2022, so as of that date the new text will be the following: " 5) Incapacity to exercise the attributes of parental responsibility, guardianship, safeguarding or judicial administration of assets.").

- 6) Incapacity to exercise or obtain employment, position, profession, trade, art or activity that places him/her in a power relationship with one or more minors.

(Thus amended by Article 1 of the law "Reforming the Penal Code, Law No. 4573, to promote the Protection of Sexual Integrity and the Fundamental Rights and Freedoms of Minors"; Law No. 8874 of September 24, 2010).

Article sheet

House arrest with electronic monitoring

Article 57 bis.-House arrest with electronic monitoring is a criminal sanction in substitution of imprisonment and will have the purpose of promoting the social reintegration of the sentenced person based on the personal and social conditions regulated for the fixing of the sentence. In order to facilitate the social reintegration of the sentenced person, the enforcement authorities will promote virtual distance education through the use of the Internet.

When passing sentence, the judge shall have the power to apply it, provided that the following conditions are met:

- 1) That the sentence imposed does not exceed six years of imprisonment.
- 2) Not for crimes processed under the special procedure of organized crime, according to Article 2 of Law No. 8754, Law against Organized Crime, of July 22, 2009, nor for sexual crimes against minors, nor for crimes in which firearms have been used.
- 3) That it is a primary offender.
- 4) That according to the personal circumstances of the convicted person, it reasonably appears that he/she does not constitute a danger and that he/she will not evade serving the sentence.

In this case, twenty-four hours after the sentence has become final, the convicted person must report to the office defined for this purpose by the General Directorate for Social Adaptation, which will evaluate his case and determine his placement within the program, his obligations, control and technical assistance for compliance.

The competent judge may authorize restricted departures for reasons of work, health, education or family obligations, subject to a report issued by the National Institute of Criminology. It is the obligation of the convicted person not to alter, damage or dispose of the device, to report any failure or involuntary alteration and to abide by the conditions imposed. In case of non-compliance with the above provisions, the competent judge may vary or revoke this modality of serving the sentence and order imprisonment.

(Thus added by Article 9 of Law No. 9271 of September 30, 2014, "Electronic monitoring mechanisms in criminal matters").

Article sheet

Special disqualification

Article 58- Special disqualification, the duration of which shall be the same as that of absolute disqualification, shall consist of the deprivation or restriction of one or more of the rights or functions referred to in absolute disqualification.

(As amended by Article 3 of the Law on Improving the Budgetary Control Process by Correcting Regulatory and Practical Deficiencies in the Public Administration, No. 10053 of October 25, 2021)

Article sheet

SECTION II

Conditional Execution Sentence. Cases

of application.

ARTICLE 59.

When sentencing, the Judge shall have the power to apply the conditional sentence when the penalty does not exceed three years and consists of imprisonment or deportation.

Article sheet

Requirements.

ARTICLE 60.

The granting of a suspended sentence will be based on the analysis of the personality of the convicted person and his life prior to the crime, in the sense that his conduct has conformed to social norms, and on his behavior after the crime, especially his repentance and demonstrated desire to repair as far as possible the consequences of the act, the motives, the nature of the act and the circumstances surrounding it. It is an indispensable condition for its granting that the offender be a primary offender. The Court will grant the benefit when from the consideration of these elements it can be reasonably supposed that the convicted person will behave correctly without the need to execute the sentence. The Judge's decision will be reasoned and in any case, must require a report from the Institute of Criminology where it is determined, if that is the case, the degree of possible rehabilitation of the convict.

(Corrected by Errata published in La Gaceta No. 234 of November 24, 1971).

Article sheet

Conditions.

ARTICLE 61.

When granting the conditional sentence, the Judge may impose on the convicted person such conditions as he may determine, in accordance with the report issued by the Institute of Criminology; these conditions may be varied if the Institute so requests.

Article sheet

Term.

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ARTICLE 62.

The judge, when granting the conditional sentence, shall fix the term of the sentence, which may not be less than three nor more than five years from the date on which the sentence becomes final.

[Article sheet](#)

Revocation.

ARTICLE 63.

The conditional sentence will be revoked:

1) If the convicted person fails to comply with the conditions imposed; and 2) If he/she commits a new felony punishable by imprisonment of more than six months, during the probationary period.

[Article sheet](#)

SECTION III

Probation and Parole

Who may request parole. ARTICLE 64.

Any person sentenced to imprisonment may apply to the competent Judge, and the latter may optionally grant conditional release, when he has served half of the sentence imposed in an enforceable sentence; in this case the Judge will ask the Institute of Criminology, for better information and resolution, the criminological diagnosis and prognosis of the convict and a report stating whether or not the applicant has complied with the basic treatment prescribed. The Institute of Criminology may also request conditional release at any time, if the Judge had denied the benefit when the prisoner requested it, and for this purpose shall attach the documents referred to in this article.

[Article sheet](#)

Requirements.

ARTICLE 65.

Parole may be granted when the following requirements are met:

1) That the applicant has not been previously convicted of a common crime punishable by a sentence of more than six months; and 2) That the Institute of Criminology reports on the good conduct, services rendered, occupation and trades acquired by the convicted person that allow him to lead a regular life of lawful work; and accompanies a study of his personality, his social environment, as well as a favorable opinion on the appropriateness of the measure.

[Article sheet](#)

Conditions.

Article 66- The judge, when granting parole, may impose on the convicted person such conditions as he may determine, in accordance with the report on the matter issued by the National Institute of Criminology; these may be varied at any time, if so requested by said Institute.

Likewise, the judge, at the request of the convicted person, the defense or the Public Prosecutor's Office, may order, among the conditions, permanent localization with an electronic mechanism.

(Thus amended by Article 4 of Law No. 9271 of September 30, 2014, "Electronic monitoring mechanisms in criminal matters").

Article sheet

Revocation.

ARTICLE 67.

Parole will be revoked or modified as appropriate:

1) If the released person does not comply with the conditions set by the Judge;
and 2) If the released person commits, during the probationary period, which may not exceed the time remaining to serve the sentence, a new punishable offense punishable by imprisonment for more than six months.

Article sheet

SECTION IV

Provisions Common to Conditional Execution Sentence and Conditional Release Effects of

revocation and completion of term.

ARTICLE 68.

When the conditional sentence or conditional release has been revoked, the beneficiary must deduct the part of the sentence that has not been served. Once the term of the conditional sentence or the amount to be deducted in the case of conditional release has elapsed without having been revoked, the sentence will be extinguished in its entirety.

Article sheet

SECTION V

Switching

Case in which it may be

applied. ARTICLE 69.

When a primary offender is sentenced to imprisonment for a term not exceeding one year, the Judge may commute the sentence to a fine, the amount of which shall be fixed according to the economic conditions of the convicted person.

[Article sheet](#)

SECTION VI

Rehabilitation

When rehabilitation may or may not be granted.

ARTICLE 70.

The convicted person may apply for rehabilitation after half of the term of the sentence of disqualification imposed by final judgment has elapsed; the judge shall reinstate the convicted person in the exercise of his rights. A recidivist, habitual or professional offender may not be rehabilitated until six years after the sentence or security measure has expired. For rehabilitation to be granted, it is necessary that the person requesting it has observed good conduct and satisfied the civil liability, unless he justifies the impossibility of doing so. In any case, the judge will request a report from the Institute of Criminology on the behavior of the applicant. The rehabilitation will be revoked by the commission of a new crime.

[Article sheet](#)

SECTION VII

Fixation of Penalties

Fixing Mode.

Article 71.-The Judge, in a reasoned sentence, shall fix the duration of the sentence to be imposed in accordance with the limits indicated for each crime, taking into account the seriousness of the act and the personality of the participant.

To appreciate them, the following will be taken into account:

- a) The subjective and objective aspects of the punishable act;
- b) The significance of the injury or hazard;
- c) Circumstances of manner, time and place;
- d) The quality of the determining motives;
- e) The other personal conditions of the perpetrator or of the victim to the extent that they have influenced the commission of the crime; and

f) The agent's conduct subsequent to the crime.

g) That the sentenced person is a woman who is in a state of vulnerability, due to poverty, being responsible for the care and maintenance of dependent family members, disability or being a victim of gender violence, when this state has influenced the commission of the punishable act.

(The above paragraph was added by Article 1 of Law No. 9628 of November 19, 2018)

The psychological, psychiatric and social characteristics, as well as those related to education and background, will be requested to the Institute of Criminology, which may include in its report any other aspect that may be of interest for the better information of the Judge.

(Corrected by Errata published in La Gaceta N° 234 of November 24, 1971)

Article sheet

Concurrence of mitigating and aggravating factors.

Article 72- When aggravating and mitigating circumstances concur in the same punishable act, the judge shall assess them by their number and importance, in accordance with the preceding article.

When any of the circumstances set forth in paragraph g) of the preceding article are present and the sentenced woman does not have a criminal record, the trial court may reduce the sanction, even below the minimum amount provided for in the criminal type.

(As amended by article 2° of law no. 9628 of November 19, 2018)

Article sheet

Penalty for the crime and attempt.

ARTICLE 73.

The consummated crime shall have the penalty determined by law, fixed within its extremes, in accordance with article 71. Attempt shall be punished with the penalty established for the consummated crime, reduced or not at the Judge's discretion. Attempt is not punishable in the case of misdemeanors.

Article sheet

Penalties for the perpetrator, instigator and

accomplice. ARTICLE 74.

Perpetrators and instigators shall be punished with the penalty prescribed by law for the crime. The accomplice shall be

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The penalty foreseen for the crime shall be imposed, but it may be reduced at the Judge's discretion, in accordance with the provisions of Article 71 and the degree of participation.

[Article sheet](#)

Penalty for ideal competition.

ARTICLE 75.

In the case of ideal competition, the judge will apply the penalty corresponding to the most serious crime and may even increase it.

[Article sheet](#)

Penalty for material competition.

Article 76.- For the material concurrence, the penalties corresponding to all the crimes committed shall be applied, not exceeding three times the highest and in no case more than fifty years of imprisonment. The judge may apply the penalty corresponding to each punishable act, provided that this is more favorable to the defendant.

(As amended by Article 2 of Law No. 7389 of April 22, 1994)

(Sinalevi's Note: By resolution of the Constitutional Chamber No. 9877 of July 3, 2015, the effects of the reform to Articles 51 and 76 of the Penal Code, made by Law No. 7389 of April 22, 1994, continue, all subject to the final decision of the Constitutional Chamber on the conformity with the law of the Constitution of those norms).

[Article sheet](#)

Penalty for a continuing

offense. ARTICLE 77.

When the crimes in competition are of the same kind and affect patrimonial legal property, provided that the agent pursues the same purpose, the penalty foreseen for the most serious crime shall be applied, increased by up to the same amount.

[Article sheet](#)

Penalty applicable to repeat offenders

Article 78.-A repeat offender shall be subject to the penalty corresponding to the last act committed. Misdemeanors or contraventions whose sanction consists of imprisonment shall be judged, like other crimes, respecting the guarantees and guiding principles of due process.

(As amended by Article 1, paragraph d) of Law No. 8250 of May 2, 2002)

[Article sheet](#)

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Non-invincible mistake of law and excess in the causes of justification.

ARTICLE 79.

In the cases of non-invincible error referred to in Article 35 or in those of unjustified excess of Article 29, the penalty may be discretionally mitigated by the Judge.

[Article sheet](#)

TITLE V

EXTINCTION OF THE CRIMINAL ACTION AND PENALTY

SINGLE SECTION

Causes that extinguish the criminal action and the penalty.

(Repealed by Article 26 of the Judicial Reorganization Law; No. 7728 of December 15, 1997, except for cases that must continue to be processed in accordance with the Code of Criminal Procedures of 1973. See observations to the present law).

[Article sheet](#)

Private action crimes

(Repealed by Article 26 of the Judicial Reorganization Law; No. 7728 of December 15, 1997, except for cases that must continue to be processed in accordance with the Code of Criminal Procedures of 1973. See observations to the present law).

[Article sheet](#)

Article 81 bis.- *(Originally added by Article 2 of Law No. 5761 of August 7, 1975. Subsequently repealed by Article 26 of the Judicial Reorganization Law No. 7728 of December 15, 1997, except for cases that must continue to be processed in accordance with the Code of Criminal Procedures of 1973).*

(Note by Sinalevi: Article 51 of the General Law on AIDS; No. 7771 of April 29, 1998 adds a subsection d) to the present article, indicating that the crimes contemplated in said Law are of public action and may only be prosecuted at private request. This matter is currently regulated in Article 18 of the Criminal Procedural Code No. 7594 of April 10, 1996. This affecting law No. 7771 was amended in its entirety by law No. 9797 of December 02, 2019, leaving the original law with only fifty articles and not including the present reform).

[Article sheet](#)

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Statute of limitations for criminal action

(Repealed by Article 26 of the Judicial Reorganization Law; No. 7728 of December 15, 1997, except for cases that must continue to be processed in accordance with the Code of Criminal Procedures of 1973. See observations to the present law).

Article sheet

General rules

(Repealed by Article 26 of the Judicial Reorganization Law; No. 7728 of December 15, 1997, except for cases that must continue to be processed in accordance with the Code of Criminal Procedures of 1973. See observations to the present law).

Article sheet

Statute of limitations.

Article 84.-The penalty prescribes:

- 1) For a period equal to the sentence, plus one third, but not exceeding twenty-five years or less than three years, in the case of imprisonment, banishment or interdiction of rights;
- 2) In three years, in the case of fine days imposed as a consequence of the offenses; and
- 3) In one year in the case of contraventions.

Article sheet

Prescription of penalties of different kinds. ARTICLE

85.

The statute of limitations for sentences of different types or of different durations imposed in the same sentence shall be served separately within the term indicated for each one.

Article sheet

Moment from which the statute of limitations runs.

ARTICLE 86.

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The statute of limitations begins to run from the day the sentence becomes final, or from the revocation of the suspended sentence or parole, or from the day a sentence is to be served after the expiration of a previous sentence, or from the breach of the sentence. [Article file](#)

Interruption of the statute of limitations in
progress. ARTICLE 87.

The statute of limitations is interrupted and the time that has elapsed will be without effect, in the event that the defendant appears or is found, or when he commits a new crime before completing the statute of limitations period.

[Article sheet](#)

Ex officio declaration and separate statute of limitations in case of several offenses.

(Repealed by Article 26 of the Judicial Reorganization Law; No. 7728 of December 15, 1997, except for cases that must continue to be processed in accordance with the Code of Criminal Procedures of 1973. See observations to the present law).

[Article sheet](#)

Amnesty.

ARTICLE 89.

Amnesty, which may only be granted by the Legislative Assembly for political or related crimes, extinguishes the criminal action as well as the penalty imposed.

[Article sheet](#)

Pardon.

Article 90.-The pardon, applicable to common crimes, implies the total or partial pardon of the sentence imposed by an enforceable judgment, or its commutation for another more benign sentence, and does not include accessory penalties. The pardon may only be granted by the Council of Government, which, prior to its decision, will hear the opinion of the Institute of Criminology. It will also consult the Supreme Court of Justice only when the request for pardon is based on a criticism of the judicial sentence. Said bodies shall issue their opinion within a term not to exceed thirty calendar days, and if they do not answer within said term, the Council of Government may resolve as appropriate.

(Thus amended by Article 1 of Law No. 6726 of March 10, 1982).

[Article sheet](#)

Judicial recommendation for pardon.

ARTICLE 91.

The judges may, in a final sentence, recommend the granting of a pardon.

[Article sheet](#)

Marriage of the accused or convicted person to the offended party.

(Repealed by Article 3 of Law No. 8590 of July 18, 2007).

[Article sheet](#)

Judicial Pardon.

Article 93.-The sentence is also extinguished by the pardon granted by the judges to the convicted person in the following cases, subject to a report issued by the Institute of Criminology on his personality:

- 1) To whoever, being responsible for false testimony, retracts his statement and manifests the truth in time so that it can be appreciated in the sentence;
- 2) A person who, by means of a complaint or statement made, accuses himself of an intentional crime that he has not committed to save his ascendant, descendant, spouse, sibling, benefactor, or his concubine or concubine with whom he has had a marital life for at least two continuous years immediately prior to the commission of the act;
- 3) To whoever has incurred in the crimes of concealment, theft, robbery, fraud, damage or minor injuries, when requested by the offended party who has the same ties of kinship or relationship with the offender referred to in the preceding paragraph;
- 4) Whoever has caused an abortion to save his own honor or has caused it for that purpose to an ascendant or descendant by blood or sister;
- 5) To a woman who has caused her own abortion if the pregnancy is the result of rape;
- 6) To those who in case of mercy killing, it is proven that they acceded to repeated requests of the victim and the purpose was also to accelerate an inevitable death;
- 7) *(Repealed by Article 3 of Law No. 8590 of July 18, 2007).*
- 8) *(Repealed by Article 3 of Law No. 8590 of July 18, 2007).*

9) Whoever, out of motives of piety, has declared before the Civil Registry as his son a person who is not his son or has usurped the civil status of another or by any act makes it uncertain, alters or suppresses it;

10) To the perpetrators of contraventions, after a warning by the judging authority; and

11) To whoever insults another if the insult was provoked or to whoever retracts his insulting statement before answering the complaint or at the time of answering it. To those who reciprocally injure each other. Judicial pardon is not applicable when the insult involves an imputation to a public official, on the occasion of his functions.

12) To whoever is accused by the Public Prosecutor's Office as a perpetrator in the trafficking of substances or drugs regulated by the Law on Psychotropic Substances, Drugs of Unauthorized Use and Related Activities, No. 7093 who gives correct information, which allows the discovery of the crime and its perpetrators, beyond his participation in it or also when he spontaneously informs the authorities of what he knows about the commission of the above mentioned crimes and does so in sufficient time to prevent the commission of the same.

(The above paragraph was added by Article 2 of Law No. 7233 of May 8, 1991).

Article sheet

ARTICLE 94.

When there are several defendants, the Judge may grant pardon to one of them, to several or to all those responsible for the criminal act, provided that they are included in the cases of the preceding articles.

Article sheet

The pardon cannot be conditional or for a term.

ARTICLE 95.

The pardon granted by the judges may not be conditional or for a term and may only be granted once. In any case, for its granting, the judges shall require a report from the Institute of Criminology. The benefits indicated in this title do not affect civil liability or confiscation.

Article sheet

ARTICLE 96.

The granting of amnesty, pardon, rehabilitation, judicial pardon, conditional sentence and parole do not affect civil liability or confiscation. The extinction of the criminal action and the penalty will not produce effects with respect to the obligation to repair the damage caused, nor will it prevent the confiscation of the instruments of the crime.

Article sheet

TITLE VI

SECURITY MEASURES SECTION I

General Provisions Principles of

legality. ARTICLE 97.

Security measures shall only be applied to persons who have committed a punishable act, when the report issued by the Institute of Criminology indicates the possibility of their reoffending.

Article sheet

Mandatory application.

Article 98.-The judge shall impose the corresponding security measure:

- 1) When the perpetrator of a crime has been declared unimputable or his imputability has been diminished;

(This subsection was interpreted by resolution of the Constitutional Chamber No. 322 of February 1992, in the sense that the imposition of a security measure by a Mayor, based on this subsection, is unconstitutional under the provisions of Article 39 of the Constitution).

- 2) When, due to mental illness, the execution of the sentence imposed is interrupted;

- 3) *(This paragraph was annulled by resolution of the Constitutional Chamber No. 88-92 of January 17, 1992).*

- 4) *(This paragraph was annulled by resolution of the Constitutional Chamber No. 88-92 of January 17, 1992).*

- 5) *(This paragraph was annulled by resolution of the Constitutional Chamber No. 1588-98 of March 10, 1998).*

- 6) When drug or alcohol addiction is habitual and has determined the offender's criminal conduct; and

(The Constitutional Chamber, by resolution No. 010404 of July 31, 2013, annulled the previous paragraph "only insofar as they incorporate as grounds for the imposition of security measures, prostitution and homosexuality", terms present in its previous wording).

- 7) In other cases expressly indicated in this Code.

Article sheet

Enforcement of security measures for persons over 17 and under 21 years of age

(Repealed by Article 3 of the Comprehensive Reform Law of the Organic Law of the Juvenile Guardianship Jurisdiction; Law No. 7383 of March 16, 1994).

Article sheet

Duration, non-extinguishability by amnesty or pardon, no suspension but possibility of resumption of security measures.

Article 100.- Curative security measures are of indeterminate duration.

Every two years, the Court shall decide on the maintenance, modification or termination of the security measure imposed, without prejudice to doing so at any time, by means of reports from the Institute of Criminology.

Security measures are not extinguished by amnesty or pardon.

Nor can they be conditionally suspended. The breach of a security measure implies the possibility of resuming the treatment to which the subject was subjected.

(Thus amended by resolution of the Constitutional Chamber No. 88-92 of January 17, 1992).

Article sheet

SECTION II

CLASSIFICATION AND APPLICATION OF SECURITY MEASURES

Classes.

Article 101.- The following are curative measures:

- 1.- Admission to a psychiatric hospital.
- 2.- Admission to a special educational treatment facility. 3.- To undergo psychiatric treatment.

(Thus amended by Article 69 (now 82) of the Law on Equal Opportunities for Persons with Disabilities No. 7600 of May 2, 1996).

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Article sheet

Application.

Article 102.- The security measures shall be applied as follows:

a) Mentally ill persons, habitual drug addicts, alcoholics and subjects of diminished imputability who have attempted suicide will be interned in suitable psychiatric services or special educational treatment establishments.

(As amended by Article 69 (now 82) of the Law on Equal Opportunities for Persons with Disabilities; No. 7600 of May 2, 1996).

b) Canceled.

(The Constitutional Chamber, by Resolution No. 1588-98 of March 10, 1998, declared unconstitutional the previous paragraph of this article, which, as amended by Resolution No. 88-92 of January 17, 1992, provided as follows: "Perpetrators of impossible crimes shall be sent to agricultural colonies or work establishments where they shall be subject to a special regime").

c) Probation will be ordered in cases of conditional sentence, as well as in cases in which another security measure is suspended and the Judge orders it to be applied for a prudent period of time.

The Institute of Criminology will periodically report to the Judge on the conduct of persons under probation;

(The first paragraph of this paragraph was amended by resolution of the Constitutional Chamber No. 88-92 of 11:00 a.m. January 17, 1992).

d) *(This paragraph was annulled by resolution of the Constitutional Chamber No. 88-92 of January 17, 1992).*

e) The prohibition to frequent certain places is a special preventive measure and shall be imposed on a person convicted of a crime committed under the influence of alcohol or narcotic drugs.

(The Constitutional Chamber, by resolution No. 010404 of July 31, 2013, annulled the previous paragraph "only insofar as they incorporate as grounds for the imposition of security measures, prostitution and homosexuality", terms present in its previous wording).

Article sheet

TITLE VII

CIVIL CONSEQUENCES OF THE PUNISHABLE ACT

SINGLE SECTION

What effects does it have.

Article 103.- All punishable acts shall result in civil reparation, which shall be determined in the sentence of conviction; the latter shall order:

- 1) The restitution of the goods or, failing that, the payment of the respective value;
- 2) Reparation of any damage; and compensation for damages caused both to the offended party and to third parties; and
- 3) Confiscation.

Article sheet

Civil liability of the imputable person.

ARTICLE 104.

In cases of inimputability, the liability of the incapable person subsists, provided that his food or the expenses occasioned by his internment are insured, and his parents, guardians, curators or trustees who could have avoided the damage or neglected their guardianship duties will be subsidiarily liable for this liability. The same rule shall apply in the case of semi-incompetent persons.

Article sheet

Reparation for loss due to the victim's fault.

ARTICLE 105.

When the victim has contributed by his own fault to the production of the damage, the Judge may equitably reduce the amount of the civil reparation.

Article sheet

Solidarity of the participants.

Article 106.-The action of the participants of a punishable act is joint and several, as to the civil reparation.

They are also jointly and severally liable with the perpetrators of the punishable act for the payment of damages:

- 1) Natural or juridical persons who own land, maritime or air transportation companies of persons or goods;
- 2) Legal persons whose managers, administrators or legal representatives are responsible for the punishable acts;

- 3) Natural or juridical persons owners of establishments of any nature, in which a punishable act is committed by their administrators, employees and other workers in their service;
- 4) Those who by lucrative title participate in the effects of the punishable act, in the amount in which they have benefited; and
- 5) Those stipulated by special laws.

The State, autonomous or semi-autonomous public institutions and municipalities shall be subsidiarily liable for the payment of damages derived from punishable acts committed by their officials in the performance of their duties.

Article sheet

Transmission of the civil reparation.

ARTICLE 107.

The obligation of civil reparation weighs on the succession of the offender and encumbers the relict property, transmitting the same to his heirs as to the inherited property; and the right to demand it will be held by the heirs of the offended party.

Article sheet

Civil redress in the event that an appeal for review is successful in favor of the defendant, who has suffered prolonged pretrial detention and is found not guilty.

Article 108.- The accusers or slanderous accusers shall also be obliged to pay civil reparations. The State, in a subsidiary manner, and the accusers or private accusers shall also be obligated when the innocence of the defendant is declared by virtue of an appeal for review, or when the defendant is acquitted after having been remanded in custody.

(Text modified by resolution of the Constitutional Chamber No. 5027-97 of August 27, 1997).

The judicial or administrative authorities shall also be civilly liable, without prejudice to the criminal action, when, in spite of the defendant's claims, they prolong the prison sentence, if the prison sentence has been paid in accordance with the rules established for its payment, and the sentence has been served.

Article sheet

Extinction of civil reparation and civil effects of the foreign conviction. ARTICLE 109.

The obligations corresponding to civil reparation are extinguished by the means and in the form of

The rules for fixing the damages and prejudices, as well as the determination of the subsidiary or joint and several civil reparation, will be established in the Code of Civil Procedures. With the exception of the provisions of article 9 of this Code, the sentence issued by foreign courts will produce in Costa Rica all its civil effects, which will be governed by the national law.

[Article sheet](#)

Confiscation.

ARTICLE 110.

The crime produces the loss in favor of the State of the instruments with which it was committed and of the things or values derived from its commission, or which constitute for the agent a benefit derived from the same crime, except for the right that the offended party or third parties may have over them.

Excluded from this provision are vehicles involved in the commission of acts typified in article 254 bis(*) of the Penal Code.

(As amended by Article 246 of the Law on Traffic on Public Roads and Road Safety, No. 9078 of October 4, 2012).

() (Note from Sinalevi: In accordance with the amendment made by the Law on computer and related crimes, No. 9048 of July 10, 2012, which changed the numbering of the articles of the Penal Code, paragraph 254 bis, which punishes reckless driving, is now 261 bis).*

[Article sheet](#)

Book Two

Offenses

TITLE I

CRIMES AGAINST LIFE

SECTION I

Homicide

Simple homicide

Article 111.-Whoever has killed a person shall be punished with imprisonment from twelve to eighteen years.
years.

(As amended by Article 1 of Law No. 7398 of May 3, 1994)

[Article sheet](#)

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValor2=5027

Qualified homicide

Article 112.- A prison term of twenty to thirty-five years shall be imposed on whoever kills:

- 1) To his or her ascendant, descendant or spouse, siblings by blood, his or her concubine, if they have procreated one or more children in common and have led a marital life, at least during the two years prior to the perpetration of the act.
- 2) To one of the members of the Supreme Powers and on the occasion of their functions.
- 3) To a person under twelve years of age.
- 4) An internationally protected person, in accordance with the definition set forth in Law No. 6077, Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of August 11, 1977, and other provisions of international law.
- 5) With malice aforethought or overkill.
- 6) By means of insidiously delivered poison.
- 7) By a means suitable to create a common danger.
- 8) To prepare, facilitate, consummate or conceal another crime or to ensure its results or to procure, for oneself or for another, impunity or for not having achieved the proposed end by attempting another crime.
- 9) By price or promise of remuneration.
- 10) To a member of the police forces of the State, municipal and other public police forces, whose competence is provided by law, provided it is in the exercise, for cause or by reason of their functions.

(The above paragraph was added by Article 1 of the Law "Qualification of crimes committed against the integrity and life of police officers in the performance of their duties"; Law No. 8977 of August 3, 2011).

- 11) To a person for hate motives because of his or her belonging to an age, racial, ethnic or religious group, of their nationality, political opinion, migratory status, sexual orientation, gender identity or expression, disability or genetic characteristics.

(The preceding paragraph was added by the sole article of Law No. 10175 of April 25, 2022)

(As amended by Article 1, point 1., paragraph a) of the Law on Strengthening Legislation against Terrorism, No. 8719 of March 4, 2009)

Article sheet

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValor2=5027

Specially attenuated homicides.

Article 113.-The penalty shall be imposed from one to six years:

- 1) Whoever has killed a person when the agent is in a state of violent emotion that the circumstances make excusable. The maximum penalty may be increased by the judge without exceeding ten years if the victim is one of those included in the first paragraph of the preceding article;
- 2) Whoever with intent to injure causes the death of another; and
- 3) To a mother of good reputation who, in order to conceal her dishonor, kills her child within three days of its birth.

(Note by Sinalevi: By means of Article 1 of Law No. 5061 of August 23, 1972, this article was interpreted in the sense that: ". the penalty indicated is imprisonment").

Article sheet

Attempted suicide

(This article was annulled by resolution of the Constitutional Chamber No. 14192-2008 of September 24, 2008).

Article sheet

Instigation or aiding suicide

ARTICLE 115.

The person who instigates another to commit suicide or helps him to commit suicide, if the suicide is consummated, shall be punished with imprisonment from one to five years. If the suicide does not occur, but the attempt produces serious injuries, the penalty shall be from six months to three years.

Article sheet

ARTICLE 116.

A prison term of six months to three years shall be imposed on anyone who, motivated by a feeling of pity, kills a seriously or incurably ill person at the serious and insistent request of the latter, even if there is a family relationship.

Article sheet

Manslaughter

Article 117.- Culpable homicide

Imprisonment of six months to eight years shall be imposed on whoever through fault kills another. In assessing the punishment of the person responsible, the court shall take into account the degree of guilt and the number of victims, as well as the magnitude of the damage caused. In any case, the perpetrator of the culpable homicide shall also be disqualified for one to five years from the exercise of the profession, trade, art or activity in which the act occurred.

A prison sentence of one year to ten years and disqualification from driving any type of vehicle for a period of three to seven years shall be imposed on whoever, through fault and by means of a motor vehicle, has caused the death of a person, while the perpetrator is under category A of the Traffic on Public Roads and Road Safety Law, or under the influence of alcoholic beverages, with a concentration of alcohol in blood higher than zero point seventy-five grams (0.75 g) per liter of blood or with a concentration of alcohol in air higher than zero point thirty-eight milligrams (0.38 mg) per liter.

The same penalty shall apply in cases in which the perpetrator of the act is a professional driver or a driver whose driver's license was issued for the first time in a period of less than three years, with respect to the day in which the presence of alcohol was detected, when the concentration of alcohol in blood is higher than zero point fifty grams (0.50 g) of alcohol per liter of blood or when the concentration of alcohol in air is higher than zero point twenty-five milligrams (0,25 mg) per liter, or when the perpetrator is under the influence of toxic drugs, narcotics, psychotropic substances or other substances that produce states of alteration and similar enervating or depressive effects, in accordance with the definitions, scope and characteristics established by the Ministry of Health.

In the case of a driver who is a repeat offender of any of the conducts mentioned in the preceding paragraphs, the minimum penalty of disqualification from driving any type of vehicle shall be five years and the maximum penalty may be up to nine years.

When a prison sentence of three years or less is imposed, the court may substitute the prison sentence with a pecuniary fine which may not be less than one base salary, nor more than three base monthly salaries, corresponding to the "Administrative Assistant One", which appears in the List of Positions of the Judicial Branch, in accordance with the ordinary budget law of the Republic, approved in the month of November prior to the date on which the traffic infraction is committed, associated to an alternative measure of rendering public utility service, which may be from three hundred and eighty hours to one thousand eight hundred hours of service, in the places and in the manner provided by the competent jurisdictional authority.

(As amended by Article 246 of the Law on Traffic on Public Roads and Road Safety, No. 9078 of October 4, 2012).

Article sheet

SECTION II

Abortion

Abortion with or without consent.

Article 118.- Whoever causes the death of a fetus shall be punished:

1) With imprisonment from three to ten years, if he acts without the consent of the woman or if she is under fifteen years of age. This penalty shall be from two to eight years, if the fetus(*) had reached six months of intrauterine life;

() (Note by Sinalevi: In the wording of this clause, the lack of the negation adverb "no" to give meaning to its objective is evident. The way it appears in the original text lacks logic, since the penalty is less for a more serious act. Note that the subsequent clause does contain the indicated adverb).*

2) With imprisonment from one to three years, if he acts with the consent of the woman. This penalty shall be from six months to two years, if the fetus had not reached six months of intrauterine life. In the above cases, the respective penalty shall be increased if the act results in the death of the woman.

Article sheet

Procured abortion.

ARTICLE 119.

The woman who consents to or causes her own abortion shall be punished with imprisonment from one to three years. This penalty shall be from six months to two years, if the fetus had not reached six months of intrauterine life.

Article sheet

Honorary abortion. ARTICLE

120.

If the abortion has been committed to conceal the woman's dishonor, either by the woman herself or by third parties with her consent, the penalty shall be three months to two years imprisonment.

Article sheet

Abortion with impunity.

An abortion performed with the consent of the woman by a physician or by an authorized obstetrician, when the intervention of the former has not been possible, is not punishable if it has been performed with the purpose of avoiding a danger to the life or health of the mother and this could not have been avoided by other means.

(Sinalevi Note: By Executive Decree No. 42113 of December 12, 2019, the Technical Standard for the Medical Procedure Linked to Article 121 of the Penal Code is Officialized, which can be consulted in the database of the National System of Legislation in Force or in the following [link](#)).

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Article sheet

ARTICLE 122.

Anyone who culpably causes an abortion shall be punished with a sixty to one hundred and twenty day fine.

Article sheet

SECTION III

INJURIES

Very serious injuries.

Article 123.-A prison term of three to ten years shall be imposed on anyone who causes an injury that causes intellectual, sensory or physical dysfunction or severe emotional disorder that results in permanent incapacity for work, loss of sense, loss of an organ, loss of a limb, impossibility to use an organ or a limb, loss of speech or loss of the capacity to engender or conceive.

(Thus amended by Article 69 (now 82) of the Law on Equal Opportunities for Persons with Disabilities; No. 7600 of May 2, 1996).

Article sheet

Torture

Article 123 bis.- *(Repealed by Article 2 of Law No. 10213 of May 5, 2022) (Thus added by the sole article of Law No. 8189 of December 18, 2001).*

Article sheet

Serious injuries

ARTICLE 124.

A prison term of one to six years shall be imposed if the injury produces a persistent debilitation of health, a sense, an organ, a limb or a function, or if it has rendered the offended party unable to engage in his usual occupations for more than one month, or if it has left an indelible mark on his face.

Article sheet

Minor injuries

Article 125.- Imprisonment from three months to one year shall be imposed on whoever causes damage to the body or health of another, which determines incapacity for his usual occupations for more than five days and up to one month.

(As amended by Article 1, paragraph e) of Law No. 8250 of May 2, 2002)

Article sheet

Qualifying circumstance.

Article 126.-If in the case of the three preceding articles any of the circumstances of aggravated homicide concur, imprisonment of five to ten years shall be imposed if the injury is very serious; four to six years if it is serious; and nine months to one year if it is minor.

(Thus amended by Article 1 of Law No. 6726 of March 10, 1982).

Article sheet

Mitigating circumstance.

Article 127.-If the injury is caused while the person who causes it is in a state of violent emotion that the circumstances make excusable, imprisonment shall be imposed from six months to four years, if the injury is very serious; from three months to two years, if it is serious; and from one to six months, if it is minor.

(Thus amended by Article 1 of Law No. 6726 of March 10, 1982).

Article sheet

Culpable injuries

Article 128.- Culpable injuries

A prison term of up to one year, or a fine of up to one hundred days, shall be imposed on anyone who through fault causes injuries to another person as defined in Articles 123, 124 and 125. In order to determine the appropriate penalty for the person responsible, the court shall take into account the degree of fault, the number of victims and the magnitude of the damage caused.

In any case, the perpetrator of culpable injury shall also be disqualified for six months to two years from exercising the profession, trade, art or activity in which the act occurred.

A prison sentence of three months to three years and disqualification from driving vehicles of any kind, from one year to three years, shall be imposed on anyone who through fault and by means of a vehicle has caused injuries to a person, being the perpetrator under the conducts established in category A of the Law on Traffic on Public Roads and Road Safety or under the influence of alcoholic beverages, with a blood alcohol concentration higher than zero point seventy-five grams (0.75 g) per each

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liter of blood or with an alcohol concentration in air higher than zero point thirty-eight milligrams (0.38 mg) per liter.

The same penalty shall apply in cases in which the perpetrator of the act is a professional driver or a driver whose driver's license was issued for the first time in a period of less than three years, with respect to the day in which the presence of alcohol was detected, when the concentration of alcohol in blood is higher than zero point fifty grams (0.50 g) of alcohol per liter of blood or when the concentration of alcohol in air is higher than zero point twenty-five milligrams (0,25 mg) per liter, or when the perpetrator is under the influence of toxic drugs, narcotics, psychotropic substances or other substances that produce states of alteration and similar enervating or depressive effects, in accordance with the definitions, scope and characteristics established by the Ministry of Health.

In the case of a driver who is a repeat offender of any of the conducts mentioned in the preceding paragraphs, the minimum penalty of disqualification from driving any type of vehicle shall be three years and the maximum penalty may be up to seven years.

When a prison sentence of three years or less is imposed, the court may replace the prison sentence with a pecuniary fine, which may not be less than one base salary nor more than three base monthly salaries, corresponding to the "Administrative Assistant One" appearing in the List of Positions of the Judicial Branch, in accordance with the ordinary budget law of the Republic, approved in the month of November prior to the date on which the traffic infraction is committed, associated with an alternative measure of rendering public utility service, which may be of two hundred hours up to nine hundred and fifty hours of service, in the places and in the manner provided by the competent jurisdictional authority.

(As amended by Article 246 of the Law on Traffic on Public Roads and Road Safety, No. 9078 of October 4, 2012).

Article sheet

Consented injuries. ARTICLE

129.

Injuries caused to the injured person with his consent are not punishable when the purpose of the action is to benefit the health of others.

Article sheet

Venereal

contagion.

ARTICLE 130.

Whoever, knowing that he suffers from a venereal disease, infects another, shall be punished with imprisonment from one to three years. This act may only be prosecuted at private request.

Article sheet

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Neglect of animals

Article 130 Bis.- The penalty shall be from three to six months of imprisonment for whoever whips or releases a dangerous animal, with evident carelessness. When physical harm is caused to another person as a consequence of this conduct, the penalty shall be six months to one year of imprisonment, provided that the conduct does not constitute the crimes of injury or homicide.

(Thus added by Article 3(b) of Law No. 8250 of May 2, 2002).

(Thus amended by resolution of the Constitutional Chamber No. 13852-08 of September 17, 2008).

Article sheet

SECTION IV

DUEL

Article 131.- *(Repealed by Article 4 of Law No. 8250 of May 2, 2002).*

Regular Duel

article file.

Article 132.- *(Repealed by Article 4 of Law No. 8250 of May 2, 2002).*

Article sheet

Irregular duel.

Article 133.- *(Repealed by Article 4 of Law No. 8250 of May 2, 2002).*

Article sheet

Vilipendio for chivalrous cause.

Article 134.- *(Repealed by Article 4 of Law No. 8250 of May 2, 2002).*

Article sheet

Provocation for immoral purposes.

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Article 135.- *(Repealed by Article 4 of Law No. 8250 of May 2, 2002).*

Article sheet

Irregular combatant.

Article 136.- *(Repealed by Article 4 of Law No. 8250 of May 2, 2002).*

Article sheet

Duel with malice aforethought.

Article 137.- *(Repealed by Article 4 of Law No. 8250 of May 2, 2002).*

Article sheet

Arranged duel to the death.

(Repealed by Article 4 of Law No. 8250 of May 2, 2002).

Article sheet

SECTION V

Homicide or injury in a quarrel(*)

() (The title of this section was modified by Article 2 of Law No. 6726 of March 10, 1982).*

Brawl

Article 139.- A fine of five to forty days or imprisonment of two to six months shall be imposed on anyone who takes part in a quarrel involving two or more persons.

(Thus amended by resolution of the [Constitutional Chamber No. 03903-1994 of August 3, 1994](#), which declared unconstitutional the modification made by Article 1 of Law No. 6726 of March 10, 1982, and ordered that the original version of this numeral return to its previous wording, but also indicating as unconstitutional and eliminating the former second paragraph).

Article sheet

SECTION VI(*)

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ASSAULT WITH WEAPONS

(*) (Sinalevi's Note: By means of Article 2 of Law No. 6726 of March 10, 1982, the position of this section was modified to the current one).

Assault with weapons.

Article 140.- Whoever assaults another with any weapon or blunt object, even if it does not cause injury, or whoever threatens with a firearm, shall be punished with imprisonment from two to six months.

If any of the circumstances foreseen for aggravated homicide or homicide in a state of violent emotion concur, the penalty shall be increased or decreased by one third, respectively, at the Judge's discretion.

Article sheet

Qualified aggression.

ARTICLE 141.

If the aggression consists of firing a firearm at a person without manifest homicidal intent, the penalty shall be six months to one year's imprisonment. This penalty shall be applied even if a minor injury is caused. If any of the circumstances foreseen for aggravated homicide or homicide in a state of violent emotion concur, the respective penalty shall be increased or decreased at the judge's discretion.

Article sheet

SECTION VII(*)

ABANDONMENT OF PERSONS

(*) (Sinalevi's Note: By means of Article 2 of Law No. 6726 of March 10, 1982, the position of this section was modified to the current one).

Abandonment of incapable persons and cases of aggravation.

Article 142.-Whoever places in serious danger the health or life of someone, by placing him in a state of physical helplessness, either by abandoning to his fate a person incapable of fending for himself, and whom he must support or care for, or whom the same perpetrator has incapacitated, shall be punished with imprisonment from six months to three years.

The penalty shall be imprisonment for three to six years, if the abandonment results in serious damage to the body or health of the victim. If death occurs, the penalty shall be six to ten years imprisonment.

Article sheet

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValue2=5027

Article 142 bis - Abandonment of the elderly and cases of aggravation

Whoever, having the duty of care, abandons an elderly person in a vulnerable condition, endangering his life or his physical or psychological integrity, shall be punished with a penalty of ten to one hundred days fine or one to six months imprisonment.

The penalty shall be three to six years of imprisonment, if the abandonment results in serious damage to the body or health of the victim, provided that the specific conduct is not framed or adjusted to a more serious criminal offense.

If the abandonment results in the death of the victim, the penalty shall be six to ten years of imprisonment, provided that the specific conduct does not fall within the framework of a more serious criminal offense.

(Thus added by the sole article of the Law that penalizes the abandonment of the elderly, No. 9857 of June 15, 2020).

(As amended by the sole article of Law No. 10217 of May 5, 2022)

Article sheet

Abandonment for cause of

honor. ARTICLE 143.

The mother who abandons a newborn of not more than three days old, to hide her dishonor, shall be punished with imprisonment from one month to one year. If the abandonment results in serious harm or death, the penalty shall be imprisonment from one to four years.

Article sheet

Omission of assistance.

Article 144.-Whoever finds lost or helpless a minor under ten years of age or a person injured or threatened with any danger and omits to render the necessary aid according to the circumstances, when he can do so without personal risk, shall be punished with a fine equal to half the minimum wage established by Law No. 7337, of May 5, 1993. The judge may increase this sanction up to double, considering the personal conditions of the perpetrator, his economic possibilities, the effects and the seriousness of the action.

(Thus amended by Article 69 (now 82) of the Law on Equal Opportunities for Persons with Disabilities; No. 7600 of May 2, 1996).

Article sheet

TITLE II

CRIMES AGAINST HONOR

SINGLE SECTION

SLANDER, LIBEL, SLANDER, SLANDER, DEFAMATION

Injury.

Article 145.-Whoever offends by word or deed the dignity or decorum of a person, either in his presence or by means of a communication addressed to him, shall be punished with ten to fifty days' fine.

The penalty shall be a fine of fifteen to seventy-five days if the offense was committed in public.

Article sheet

Defamation.

ARTICLE 146.

It shall be punished with twenty to sixty days fine whoever dishonors another or spreads species suitable to affect his reputation.

Article sheet

Slander.

ARTICLE 147.

Whoever falsely attributes to a person the commission of a criminal act shall be punished with a fine of fifty to one hundred and fifty days.

Article sheet

Offense to the memory of a deceased

person. ARTICLE 148.

Whoever offends the memory of a dead person with injurious or defamatory expressions shall be punished with ten to fifty days' fine. The right to accuse for this crime includes the spouse, children, parents, grandchildren and blood brothers and sisters of the deceased.

Article fact sheet

Proof of the truth.

Article 149.-The perpetrator of insult or defamation is not punishable, if the imputation consists of a true statement and this has not been made out of a pure desire to offend or in a spirit of slander.

However, the accused will only be able to prove the truth of the accusation:

- 1) If the charge is related to the defense of a current public interest; and
- 2) If the complainant requests proof of the accusation against him, provided that such proof does not affect the rights or secrets of third parties.

The perpetrator of libel and slanderous defamation may prove the truth of the imputed fact, except in the case of offenses of private action or instance and that these have not been promoted by their owner.

(Note by Sinalévi: Regarding the incompatibility of this article with the first paragraph of Article 13 of the American Convention on Human Rights, see Judgment of the Inter-American Court of Human Rights of July 2, 2004. H.U. vs. C.R.)

Article sheet

Prejudiciality.

ARTICLE 150.

If the imputed fact is the object of a pending proceeding, the trial for libel or slanderous defamation shall be suspended until a judgment is rendered therein, which shall become res judicata as to the existence or non-existence of the fact.

Article sheet

Exclusion of crime.

ARTICLE 151.

Unfavorable judgments of literary, artistic, historical, historical, scientific or professional criticism; the unfavorable concept expressed in fulfillment of a duty or exercising a right, provided that the manner of preceding or the lack of reserve when there should have been, do not demonstrate an offensive purpose, are not punishable as offenses to honor.

Article sheet

Publication of offenses.

Article 152.-Any person who publishes or reproduces, by any means, offenses to the honor of another shall be punished as a perpetrator of the same.

(Note by Sinalevi: Regarding the incompatibility of this article with the first paragraph of Article 13 of the American Convention on Human Rights, see Judgment of the Inter-American Court of Human Rights of July 2, 2004. H.U. vs. C.R.)

Article sheet

Defamation of a legal person. ARTICLE

153.

Whoever spreads false facts concerning a juridical person or its officers by reason of the exercise of their positions that may seriously damage public confidence or the credit they enjoy shall be punished with a fine of thirty to one hundred days.

Article sheet

Offenses on trial.

ARTICLE 154.

The offenses contained in the pleadings submitted or in the statements or speeches made by the litigants, attorneys or defenders before the Courts, and concerning the object of the trial, shall be subject only to the corresponding disciplinary corrections.

Article sheet

Reparatory publication.

ARTICLE 155.

A sentence of conviction for offenses to honor committed publicly shall order, if the offended party so requests, the publication of the verdict at the expense of the convicted party. This provision is also applicable in case of retraction.

Article sheet

TITLE III SEXUAL

OFFENSES SECTION

I

Rape, Statutory Rape, and Rape, Statutory Rape, and Rape, Statutory Rape, and Rape Abuse

Violation

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Article 156.- It shall be punished with imprisonment from ten to sixteen years, whoever gains access or has carnal access orally, anally or vaginally, with a person of either sex, in the following cases:

- 1) When the victim is under thirteen years of age.
- 2) When it takes advantage of the victim's vulnerability or the victim is unable to resist.
- 3) When corporal violence or intimidation is used.

The same penalty shall be imposed if the action consists of introducing one or more fingers, objects or animals into the victim's vagina or anus, or forcing the victim to introduce them herself.

(Thus amended by Article 1 of the Law "Strengthening the Fight against Sexual Exploitation of Minors through the amendment and addition of several articles to the Penal Code, Law No. 4573, and amendment of several articles of the Code of Criminal Procedure, Law No. 7594"; Law No. 8590 of July 18, 2007).

Article sheet

Qualified rape

Article 157.- Imprisonment shall be from twelve to eighteen years, when:

- 1) The perpetrator is the victim's spouse or a person linked to the victim in an analogous relationship of cohabitation.
- 2) The perpetrator is an ascendant, descendant, sister or brother of the victim, up to the third degree by consanguinity or affinity.
- 3) The perpetrator is an uncle, aunt, niece, nephew, cousin or cousin of the victim, up to the third degree by consanguinity or affinity.
- 4) The perpetrator is a guardian or the person in charge of the victim's education, guardianship or custody.
- 5) Serious damage is caused to the victim's health.
- 6) Pregnancy occurs.
- 7) The conduct is committed with the concurrence of one or more persons.
- 8) The perpetrator carries out the conduct by taking advantage of a relationship of power resulting from the exercise of his position, and the conduct is carried out by religious ministers, spiritual guides, members of the Public Force or members of the Supreme Powers.

(Thus amended by Article 1 of the Law "Strengthening the Fight against Sexual Exploitation of Minors through the amendment and addition of several articles to the Penal Code, Law No. 4573, and amendment of several articles of the Code of Criminal Procedure, Law No. 7594"; Law No. 8590 of July 18, 2007).

Article sheet

Aggravated Rape.

(Repealed by Article 3 of the Law "Strengthening the Fight Against Sexual Exploitation of Minors through the reform and addition of several articles to the Penal Code, Law No. 4573, and reform of several articles of the Code of Criminal Procedure, Law No. 7594"; Law No. 8590 of July 18, 2007).

Article sheet

Sexual relations with minors

Article 159.- Sexual relations with minors. Shall be punished with imprisonment, whoever gains access or has carnal access orally, anally or vaginally, with a minor, provided that it does not constitute the crime of rape, in the following cases:

- 1) With a prison sentence of three to six years, when the victim is older than thirteen and younger than fifteen years of age, and the perpetrator is five or more years older than the victim's age.
- 2) With a prison sentence of two to three years, when the victim is older than fifteen and younger than eighteen, and the perpetrator is seven or more years older than his age.
- 3) With a prison sentence of four to ten years, provided that the perpetrator is an ascendant, uncle, aunt, brother or sister, cousin or cousin by blood or affinity, guardian or guardian of the victim, or is in a position of trust or authority with respect to the victim or his or her family, whether or not there is a family relationship.

The same assumptions will operate if the action consists of the introduction of one or more fingers, objects or animals through the vaginal or anal canal.

(Thus amended by Article 1° of Law No. 9406 of November 30, 2016, "Strengthening the legal protection of girls and female adolescents in situations of gender-based violence associated with abusive relationships").

Article sheet

Paid sexual acts with underage persons

Article 160.- Whoever pays, promises to pay or give in exchange an economic or other advantage to a minor or to a third party, so that the minor performs sexual or erotic acts, shall be punished with the following penalties:

- 1) Imprisonment from four to ten years, if the offended person is under thirteen years of age.

- 2) Imprisonment from three to eight years, if the offended person is older than thirteen but younger than fifteen.
- 3) Imprisonment from two to six years, if the offended person is older than fifteen years but younger than eighteen years.

(Thus amended by Article 1 of the Law "Strengthening the Fight against Sexual Exploitation of Minors through the amendment and addition of several articles to the Penal Code, Law No. 4573, and amendment of several articles of the Code of Criminal Procedure, Law No. 7594"; Law No. 8590 of July 18, 2007).

Article sheet

Sexual abuse of minors and incapacitated persons

Article 161.- **Sexual abuse against minors and incapable persons.** Shall be punished with imprisonment from three to eight years, whoever abusively performs acts for sexual purposes against a minor or incapable person or forces him/her to perform them to the agent, to himself/herself or to another person, provided that it does not constitute the crime of rape.

The penalty shall be four to ten years imprisonment when:

- 1) The offended person is under fifteen years of age.

(Thus amended by Article 1° of Law No. 9406 of November 30, 2016, "Strengthening the legal protection of girls and female adolescents in situations of gender-based violence associated with abusive relationships").

- 2) The perpetrator takes advantage of the vulnerability of the offended person, or the offended person is unable to resist, or physical violence or intimidation is used.
- 3) The perpetrator is an ascendant, descendant, sister or brother of the victim.
- 4) The perpetrator is the victim's uncle, aunt, niece, nephew, cousin or cousin.
- 5) The perpetrator is the victim's stepmother, stepfather, stepsister or stepbrother.
- 6) The perpetrator is the guardian or person in charge of the victim's education, guardianship or custody.
- 7) The perpetrator carries out the conduct against any of the relatives of his spouse or cohabitant, as indicated in paragraphs 3) and 4) above.
- 8) The perpetrator takes advantage of a relationship of trust or authority with the victim or the victim's family, whether or not there is a family relationship.

(Thus amended by Article 1° of Law No. 9406 of November 30, 2016, "Strengthening the legal protection of girls and female adolescents in situations of gender-based violence associated with abusive relationships").

(Thus amended by Article 1 of the Law "Strengthening the Fight against Sexual Exploitation of Minors through the amendment and addition of several articles to the Penal Code, Law No. 4573, and amendment of several articles of the Code of Criminal Procedure, Law No. 7594"; Law No. 8590 of July 18, 2007).

Article sheet

Article 161 bis.- Provision common to sexual crimes against minors.

When a sexual crime is committed where the victim is a minor, the judges are empowered to impose, in addition to the penalties set forth in each case, those of absolute disqualification to the extent they deem appropriate, according to the seriousness of the act and within the limits set for this penalty.

The disqualification shall be in force for the entire term established in the conviction, without the possibility of it being diminished by the benefits that, in accordance with the criminal procedural legislation, may be granted to the convicted person.

(Thus added by Article 2 of the law "Reforming the Penal Code, Law No. 4573, to promote the Protection of Sexual Integrity and the Fundamental Rights and Freedoms of Minors"; Law No. 8874 of September 24, 2010).

Article sheet

Sexual abuse against persons of legal age

Article 162- Sexual abuse against persons of legal age. Whoever in an abusive manner performs acts for sexual purposes against a person of legal age, or forces him/her to perform them to the agent, to himself/herself or to another person, provided that it does not constitute the crime of rape, shall be punished with imprisonment for a term of two to four years.

The penalty shall be three to six years imprisonment when:

- 1) The perpetrator takes advantage of the vulnerability of the offended person, or the offended person is unable to resist, or physical violence or intimidation is used.
- 2) The perpetrator is an ascendant, descendant, sister or brother of the victim.
- 3) The perpetrator is the victim's uncle, aunt, niece, nephew, cousin or cousin.
- 4) The perpetrator is the victim's stepmother, stepfather, stepsister or stepbrother.
- 5) The perpetrator is the guardian or the person in charge of the victim's education, guardianship or custody.
- 6) The perpetrator carries out the conduct against any of the relatives of his spouse or cohabitant, as indicated in paragraphs 3) and 4) above.
- 7) The perpetrator takes advantage of his or her relationship of trust with the victim or his or her family, whether or not there is a family relationship.

(Thus amended by the sole article of the law to reinstate the penalty for sexual abuse of adults, No. 9584 of July 4, 2018).

Article sheet

Article 162 bis.-Sex tourism

Whoever promotes or carries out programs, campaigns or advertisements, making use of any means to project the country nationally and internationally as a tourist destination accessible for commercial sexual exploitation or prostitution of persons of any sex or age, shall be punished with imprisonment for a term of four to eight years.

(Thus added by Article 79 of the Law against Trafficking in Persons and Creation of the National Coalition against the Smuggling of Migrants and Trafficking in Persons (CONATT), No. 9095 of October 26, 2012).

Article sheet

SECTION II

RAPTO

Own Rapture.

Article 163.- A prison term of two to four years shall be imposed on anyone who, for libidinous purposes, abducts or retains a woman, when there is deception or any of the circumstances provided for in Article 156.

Article sheet

Improper

abduction.

ARTICLE 164.

Shall be punished with imprisonment from six months to three years, whoever abducts for libidinous purposes an honest woman over twelve and under fifteen years of age, with her consent.

Article sheet

Abduction for the purpose of

marriage. ARTICLE 165.

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When the abduction has been carried out for the purpose of marriage and the marriage could be celebrated, the penalties provided for in the preceding articles shall be reduced by half. The same reduction shall apply when the perpetrator

restores her liberty to the abductee or places her in a safe place at the disposal of her family without having attempted any dishonest act.

[Article sheet](#)

Kidnapping as a crime of public action.

ARTICLE 166.

The crime of kidnapping is of public action if the circumstances of articles 157 and 158 concur.

[Article sheet](#)

SECTION III

Corruption, Pimping, Ruffianry

Corruption

Article 167- Corruption. Shall be punished with imprisonment from four to nine years, whoever maintains or promotes the corruption of a minor or incapable person, for erotic, pornographic or obscene purposes, in public or private exhibitions or shows, even if the minor or incapable person consents to it.

The penalty shall be six to twelve years of imprisonment, if the actor, using social networks or any other computer or telematic means, or other means of communication, seeks encounters of a sexual nature for himself, for another or for groups, with a minor or incapable person; uses these persons to promote corruption or forces or instigates them to perform sexual acts, premature, even if the victim consents to participate in them or to see them executed.

(Thus amended by Article 8 of the Law for the prevention of harassment of minors by electronic or virtual means (GROOMING), No. 10020 of September 9, 2021).

[Article sheet](#)

Article 167 bis- Seduction or encounters with a minor or incapacitated person by electronic means. Whoever, by any means, establishes communications of sexual or erotic content, whether or not they include images, videos, texts or audios, with a minor or incapable person, shall be punished with imprisonment of two to four years.

The same penalty shall be imposed on anyone who, by impersonating the identity of a third party or by using a false identity, by any means, attempts to establish communications of sexual or erotic content, whether or not images, videos, texts or audios are included, with a minor or incapable person.

The penalty shall be from three to five years, in the conducts described in the two preceding paragraphs, when the actor procures a personal encounter in some physical place with a minor or incapable person.

(So added by Article 2 of Law No. 9135 of April 24, 2013)

(Thus amended by Article 8 of the Law for the prevention of harassment of minors by electronic or virtual means (GROOMING), No. 10020 of September 9, 2021).

Article sheet

Aggravated corruption

Article 168- Aggravated Corruption. In the case of the crime of corruption, contained in Article 167 of this law, the penalty shall be six to twelve years imprisonment when:

- 1) The victim is under thirteen years of age.
- 2) The fact is executed for profit.
- 3) The act is executed with deceit, violence, abuse of authority or any other means of intimidation or coercion.
- 4) The perpetrator is an ascendant, descendant, sister or brother of the victim.
- 5) The perpetrator is the victim's uncle, aunt, niece, nephew, cousin or cousin.
- 6) The perpetrator is the victim's stepmother, stepfather, stepsister or stepbrother.
- 7) The perpetrator is the guardian or person in charge of the victim's education, guardianship or custody.
- 8) The perpetrator carries out the conduct against any of the relatives of his spouse or cohabitant, as indicated in paragraphs 4), 5) and 6) above.
- 9) The perpetrator takes advantage of his or her relationship of trust with the victim or the victim's family, whether or not there is a family relationship.

(Thus amended by Article 8 of the Law for the prevention of harassment of minors by electronic or virtual means (GROOMING), No. 10020 of September 9, 2021).

Article sheet

Article 168 bis.- The owner, manager or person in charge of a travel agency, lodging establishment, airline, tour operator or ground transportation that promotes or facilitates the commercial sexual exploitation of persons under eighteen years of age shall be disqualified from the exercise of commerce for a period of three to ten years.

(Thus added by Article 21 of the Incentive Law for Corporate Social Responsibility in Tourism, No. 8811 of May 12, 2010).

Article sheet

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Pimping.

Article 169.-Whoever promotes prostitution of persons of any sex or induces them to engage in it or keeps them in it or recruits them for that purpose, shall be punished with imprisonment for a term of two to five years. The same penalty shall be imposed on whoever keeps another person in sexual servitude.

(Thus amended by Article 1 of the "Law against Sexual Exploitation of Minors"; Law No. 7899 of August 3, 1999).

Article sheet

Aggravated pimping

Article 170.

The penalty shall be four to ten years of imprisonment, when one of the actions provided for in the preceding article is carried out and any of the following circumstances also concur:

- 1) The victim is under eighteen years of age.
- 2) There is deception, violence, abuse of authority, a situation of need of the victim or any means of intimidation or coercion.
- 3) The perpetrator is an ascendant, descendant, sister or brother of the victim.
- 4) The perpetrator is the victim's uncle, aunt, niece, nephew, cousin or cousin.
- 5) The perpetrator is the victim's stepmother, stepfather, stepsister or stepbrother.
- 6) The perpetrator is a guardian, or in charge of the victim's education, guardianship or custody.
- 7) The perpetrator carries out the conduct against any of the relatives of his spouse or cohabitant, as indicated in paragraphs 3) and 4) above.
- 8) The perpetrator takes advantage of his or her relationship of trust with the victim or his or her family, whether or not there is a family relationship.

(As amended by Article 1 of Law No. 8590 of July 18, 2007).

Article sheet

Rufianería

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Article 171.

It shall be punished with imprisonment from two to eight years, whoever, coercively, makes himself be maintained, even partially, by a person engaged in prostitution, exploiting the profits from such activity.

The penalty will be:

- 1) Imprisonment from four to ten years, if the offended person is under thirteen years of age.
- 2) Imprisonment from three to nine years, if the offended person is older than thirteen, but younger than eighteen.

(As amended by Article 1 of Law No. 8590 of July 18, 2007).

Article sheet

Article 172 - Trafficking in persons. Whoever, through the use of technology or any other means, resorting to threat, use of force or other forms of coercion, abduction, fraud, deception, abuse of power, abuse of a situation of vulnerability, or granting or receiving payments or benefits to obtain the consent of a person having authority over another, promotes, facilitates, favors or executes, the recruitment, transfer, transporting, harboring, concealing, holding, delivering or receiving one or more persons within or outside the country, for the purpose of forced labor or services and other forms of labor exploitation, servitude, slavery or practices similar to slavery, servile or forced marriage, irregular adoption, forced begging, forced pregnancy and forced abortion, and the execution of any form of sexual exploitation.

The penalty of imprisonment shall be from eight to sixteen years, if any of the following circumstances apply:

- a) The victim is under eighteen years of age, elderly or disabled.
- b) The perpetrator is the spouse, cohabitant or relative of the victim up to the third degree of consanguinity or affinity.
- c) The perpetrator takes advantage of a relationship of authority or trust with the victim or the victim's family, whether or not there is a family relationship.
- d) The perpetrator takes advantage of the exercise of his profession or the function he performs.
- e) The victim suffers serious damage to his or her health, death, or death by suicide as a consequence of the above-described human trafficking action.
- f) The punishable act has been committed by a criminal group composed of two or more members.

Shall be punished with the penalty set forth in the first paragraph of this numeral, whoever promotes, facilitates, favors or executes, the recruitment, transfer, transport, lodging, concealment, concealment, transport, concealment, concealment, concealment, concealment, concealment,

concealment, concealment, concealment, concealment or concealment, of

retention, delivery or reception of one or more persons within or outside the country, for the illicit extraction or illicit transplantation of human organs, tissues, cells or fluids.

In the case of minors, the modes of execution described in the first paragraph of this article need not be used for the commission of the offense.

(As amended by Article 1 of Law No. 9545 of April 24, 2018)

Article sheet

Article 173- Manufacture, production or reproduction of pornography. Whoever manufactures, produces or reproduces, disseminates or uses images, voice or personal data, by any means, of child pornographic material shall be punished with imprisonment from five to nine years.

The same penalty shall be imposed on anyone who instigates or forces a minor or incapacitated person to send pornographic material of any kind, by any electronic means.

Whoever transports or brings into the country, by any means, this type of material shall be punished with imprisonment from four to seven years.

For the purposes of this Code, child pornographic material shall be understood as any written, visual or auditory representation produced by any means, of a minor, his or her image or voice, altered or modified, engaged in explicit sexual activities, real or simulated, or any representation of the genital parts of a minor for sexual purposes.

(Thus amended by Article 8 of the Law for the prevention of harassment of minors by electronic or virtual means (GROOMING), No. 10020 of September 9, 2021).

Article sheet

Article 173 bis.- Article 173 bis - Possession of pornographic material. Whoever possesses pornographic material in which a minor or incapable person appears shall be punished with imprisonment from two to five years.

The same penalty shall be imposed on anyone who possesses child pornographic material in local or remote storage on any electronic device.

(Thus added by article 1° of law No. 8590 of July 18, 2007)

(Thus amended by Article 8 of the Law for the prevention of harassment of minors by electronic or virtual means (GROOMING), No. 10020 of September 9, 2021).

Article sheet

Article 174- Dissemination of pornography. Whoever delivers, trades, disseminates, distributes, distributes or exhibits pornographic material to minors or incapable persons, shall be punished with imprisonment from four to eight years.

A penalty of five to nine years shall be imposed on anyone who exhibits, disseminates, distributes, distributes, finances or markets, by any means and in any capacity, pornographic material in which a minor or incapacitated person appears, or possesses it for these purposes.

(Thus amended by Article 8 of the Law for the prevention of harassment of minors by electronic or virtual means (GROOMING), No. 10020 of September 9, 2021).

Article sheet

Article 174 bis.- **Virtual pornography and pseudo pornography.** A prison sentence of six months to two years shall be imposed on anyone who possesses, produces, sells, distributes, exhibits or facilitates, by any means, pornographic material in which minors have not been used:

- a) Employ an adult person pretending to be an underage person performing sexual activities.
- b) Employ an image, caricature, drawing or representation, of any kind, that appears or simulates a minor performing sexual activities.

(So added by Article 3 of Law No. 9177 of November 1, 2013)

Article sheet

Participation of third parties related to the victim by kinship or who abuse their authority or position.

ARTICLE 175.

Ascendants or descendants by consanguinity or affinity, spouse, siblings and any persons who, abusing their authority or position, cooperate by any direct act to the perpetration of the crimes corresponding to this Section and whose participation has not been expressly typified, shall be punished with the penalty of the perpetrators.

Article sheet

Article 175 bis.- Sanction to owners, lessors, administrators or possessors of establishments.

The owner, lessor, possessor or administrator of an establishment or place that is destined for or benefits from trafficking in persons, smuggling of migrants or related activities shall be punished with imprisonment of three to five years.

(Thus added by Article 78 of the Law against Trafficking in Persons and Creation of the National Coalition against Smuggling of Migrants and Trafficking in Persons (CONATT), No. 9095 of October 26, 2012).

Article sheet

Section IV- Sexual Harassment in Public Spaces or Publicly Accessible Spaces

(The above section was added by Article 5 of the Law against sexual street harassment, No. 9877 of August 10, 2020).

Article 175 ter- Exhibitionism or masturbation in public spaces, of public access or in a paid means of transport of persons

Whoever, in a public space, of public access or in a means of paid transportation of persons, masturbates himself, exhibits or shows his genitals with sexual connotation to another person, without his consent, shall be punished with imprisonment from six months to one year or from thirty to forty-five days fine, provided that the conduct does not constitute a crime with a greater penalty.

(Thus added by Article 5 of the Law against Sexual Harassment in the Street, No. 9877 of August 10, 2020)

Article sheet

Article 175 quater- Persecution or cornering. Whoever, in a public space, of public access or in a paid means of transportation of persons, pursues or corrals with sexual connotation another person, without his consent, shall be punished with imprisonment of eight months to one year or thirty to forty-five days fine, provided that the conduct does not constitute a crime with a greater penalty.

(Thus added by Article 5 of the Law against Sexual Harassment in the Street, No. 9877 of August 10, 2020)

Article sheet

Article 175 quinquies- Production of audiovisual material. Whoever, in a public space, of public access or in a means of paid transportation of persons, records, captures or produces audio, visual or audiovisual material with sexual connotation of another person, without his consent, shall be punished with a prison sentence of ten months to eighteen months or thirty to forty-five days fine, provided that the conduct does not constitute a crime with a higher prison sentence.

The penalty shall be eighteen months to three years imprisonment or forty-five to sixty days fine, in case such material was sent, shown or transmitted to a third person, whether for profit or not, provided that the conduct does not constitute a crime with a higher penalty of imprisonment.

(Thus added by Article 5 of the Law against Sexual Harassment in the Street, No. 9877 of August 10, 2020)

Article sheet

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Article 175 sexies- Aggravating circumstances. The extremes of the penalties of deprivation of liberty and days of fine provided for in articles 175 ter, 175 quater and 175 quinquies of the present section, shall be increased by one third when one of the following circumstances concur:

- a) The conduct is committed by two or more persons.
- b) To the detriment of a minor.
- c) To the detriment of a person over sixty-five years of age.
- d) To the detriment of a person with a disability.

(Thus added by Article 5 of the Law against Sexual Harassment in the Street, No. 9877 of August 10, 2020)

Article sheet

(Note from Sinalevi: In accordance with the sole transitory provision of the Law against street sexual harassment, No. 9877 of August 10, 2020, the provisions of this numeral, which was added by Article 5 of the aforementioned law, shall enter into force within one year of its publication, that is to say, on August 27, 2021. Within this non-extendable term, the Ministry of Justice and Peace, in coordination with the National Institute of Women (Inamu), shall design and put into operation a specialized program for the execution of the accessory penalties applicable to the crimes provided for in articles 175 ter Exhibitionism or masturbation in public spaces or public access or in a means of paid transportation of persons; 175 quater Pursuit or cornering and 175 quinquies Production of audiovisual material, of section IV of title 111 of Law 4573, Penal Code, of May 4, 1970).

Article 175 septies- Accessory penalties. The crimes provided for in this section shall be punished, in addition, with accessory penalties to be applied together with the prison sentence or fine, and shall consist of:

- a) Submit the person to an addiction treatment program for the control of the consumption of alcohol, narcotic or psychotropic substances or enervating drugs, when such addiction is related to the sanctioned conduct or its circumstances.
- b) Submit the person to a specialized program for offenders, aimed at controlling violent behavior, reeducation and awareness of toxic masculinities, gender equity and respect for women's human rights.

For the purpose of executing these sentences, the National Institute of Women (INAMU) and the Ministry of Justice and Peace shall send each year to the Supreme Court of Justice the list of accredited institutions, public and private, to which the competent judicial authority may refer for the enforcement of these sentences.

Expenses incurred for such treatment shall be borne by the State, unless the convicted person has sufficient resources to cover them.

(Thus added by Article 5 of the Law against Sexual Harassment in the Street, No. 9877 of August 10, 2020)

Article sheet

TITLE IV
CRIMES AGAINST THE FAMILY
SECTION I
Illegal Marriages

Illegal marriage.

Article 176.- Those who contract marriage, knowing both that there is an impediment that causes its absolute nullity, shall be punished with imprisonment from six months to three years.

(Thus amended by Article 1 of Law No. 6726 of March 10, 1982)

Article sheet

Concealment of the

impediment. ARTICLE 177.

Whoever contracts marriage when, knowing that there is an impediment that causes absolute nullity, conceals this circumstance from the other contracting party, shall be punished with imprisonment from two to six years.

Article sheet

Simulation of marriage.

ARTICLE 178.

Whoever by deception simulates marriage with a person shall be imprisoned from two to five years.

Article sheet

Responsibility of the official. ARTICLE

179.

The public official who knowingly authorizes a marriage of those included in the preceding articles, shall be punished with the penalty determined therein increased by one third in the judgment of the

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judge. If he acts through fault, the penalty shall be fifteen to sixty days' fine.

Article sheet

Non-observance of formalities.

ARTICLE 180.

A fine of fifteen to sixty days, loss of office and the impossibility to obtain another one, from six months to two years, shall be imposed on any public official who, outside the cases provided for in the preceding article, proceeds to celebrate a marriage without having observed all the formalities required by law, even if the marriage is not annulled.

Article sheet

Responsibility of the guardian

Article 181.- A fine of fifteen to ninety days shall be imposed on the guardian who, prior to the approval of his accounts, marries or consents to the marriage of his children or descendants with the person he has or has had under guardianship, unless the father, mother or legal representative of the latter has authorized the marriage in his will.

(Thus amended by Article 3 of the Law "Reforming Articles 14 and 64 of the Family Code, Article 38 of the Civil Code, Article 181 of the Penal Code and repealing subsection 3) of Article 15, Article 19 and subsection c) of Article 65 of the Family Code to prevent the marriage of minors under 15 years of age" No. 8571 of February 8, 2007).

Article sheet

Article 181 bis.- Simulated marriage

Shall be punished with imprisonment from two to five years, the persons who give their consent to marry, knowing that the marriage is not intended to fulfill the purposes set forth in the Family Code, or when one of the contracting parties gives the other, by himself or through an intermediary person, a patrimonial benefit in order to give his consent to marry. The same penalty shall be imposed on witnesses and notaries public who fraudulently participate, in their capacity as such, in the celebration of simulated marriages.

When the marriage is celebrated to obtain immigration benefits of any kind, in favor of one of the parties, the prison sentence for both parties, notaries public and witnesses, who fraudulently participate in the celebration of simulated marriages, will be from three to six years.

(Thus added by article 2° of Law No. 8781 of November 11, 2009)

Article sheet

SECTION II

Attempts against filiation and marital status

Supposition, suppression and alteration of filiation or status(*)

(*) (Modified by Article 7 of the Law "Reform of the Family Code, Organic Law of the National Child Welfare Agency, General Law on Migration and Foreigners, Organic Law of the TSE and the Civil Registry and Criminal Code, to regulate the adoption of persons"; Law No. 7538 of August 22, 1995).

Article 182.

Violators of the registration process.

Shall be punished with imprisonment from three to eight years, whoever:

- a) Have a non-existent person registered in the Civil Registry.
- b) Insert, in a birth certificate, false facts that alter the civil data or the filiation of a newborn person.
- c) By concealment, substitution or exposure, it leaves a newborn person without civil data, or without filiation or takes uncertain or alters that which corresponds to him/her.

(Thus amended by Article 7 of the Law "Reform of the Family Code, Organic Law of the National Child Welfare Agency, General Law on Migration and Foreigners, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons" No. 7538 of August 22, 1995).

Article sheet

Specific mitigations. ARTICLE

183.

In the cases of subsections 2) and 3) of the preceding article, if the act has been committed to conceal the dishonor of the mother, the penalty shall be from one month to three years imprisonment. In the case of paragraph 2), if the act has been committed exclusively for the purpose of protecting the minor, the penalty shall be from one month to two years imprisonment.

Article sheet

Evasion of adoption procedures

Article 183 bis.-Infringers of the adoption process. A

prison term of three to eight years shall be imposed:

a) Anyone who promotes or facilitates the departure of minors from the country, in contravention of the migratory provisions that regulate it and in violation of Costa Rican provisions on adoption.

b) A pregnant woman who gives birth abroad, in violation of Costa Rican provisions on adoption.

In the cases of paragraphs a) and b) above, if the offenses have been committed by a public official in the performance of his duties, the penalty shall be five to ten years of imprisonment, without prejudice to the appropriate administrative sanctions.

(Thus added by Article 7 of the Law "Reform of the Family Code, Organic Law of the National Child Welfare Agency, General Law on Migration and Foreigners, Organic Law of the TSE and the Civil Registry and Criminal Code, to regulate the adoption of persons"; Law No. 7538 of August 22, 1995).

Article sheet

SECTION III

ABDUCTION OF A MINOR OR INCOMPETENT PERSON

Simple abduction of a minor or person without volitional or cognitive capacity.

Whoever removes a minor or a person without volitional or cognitive capacity from the power of his parents, guardians, curators, tutors or persons in charge shall be punished with five to ten years of imprisonment; the same penalty shall be applied against whoever retains one of these persons against their will.

When parents, guardians, curators, tutors or persons in charge are the ones who abduct or retain a minor or a person without volitional or cognitive capacity, they shall be punished with imprisonment from six months to two years.

(Thus amended by Article 2 of the law "Reform of the Penal Code to Stiffen Penalties for Abduction and Homicide of Children, Adolescents and Persons with Disabilities", Law No. 8387 of October 8, 2003).

Article sheet

Article 184 bis.-Penalty for illegitimate possession of minors for adoption. Whoever illegitimately has in his charge minors subject to adoption shall be punished with imprisonment of three to six years.

(Thus added by Article 8 of the Law "Reform of the Family Code, Organic Law of the National Child Welfare Agency, General Law on Migration and Foreigners, Organic Law of the TSE and the Civil Registry and Criminal Code, to regulate the adoption of persons"; Law No. 7538 of August 22, 1995).

Article sheet

Article 184 Ter.- Aggravated abduction of a minor or person without volitional or cognitive capacity. The penalties for the crime typified in Article 184 of this Law shall be from twelve to twenty years of imprisonment, in any of the following circumstances: 1. If the abduction lasts more than three days. 2. If the act is committed by two or more persons. 3. If the act is committed with the intention of making a profit.

(Thus added by article 1, paragraph b) of article 1 of the law "Reform of the Penal Code to Stiffen Penalties for Abduction and Homicide of Children, Adolescents and Persons with Disabilities"; law No. 8387 of October 8, 2003).

Article sheet

SECTION IV

BREACH OF FAMILY DUTIES

Failure to comply with the food duty.

Article 185.- Imprisonment from one month to two years or a fine equal to half the minimum wage established by Law No. 7337 of May 5, 1993, shall be imposed on the parent, adopter, tutor or guardian of a minor under eighteen years of age or of a person who cannot fend for himself, who deliberately, whether or not there is a civil judgment, omits to provide the indispensable means of subsistence to which he is obliged.

The judge may increase this penalty up to double, considering the personal conditions of the perpetrator, his economic possibilities, the effects and seriousness of the action.

The same penalty shall be imposed on those obliged to provide food.

The liability of the perpetrator is not excluded by the fact that other persons have provided means of subsistence.

The same penalty shall be imposed on the child with respect to the helpless parents and on the spouse with respect to the other spouse, whether separated or not, or divorced when obligated, and on the sibling with respect to the incapable sibling.

(Thus amended by Article 69 (now 82) of the Law on Equal Opportunities for Persons with Disabilities; Law No. 7600 of May 2, 1996).

Article sheet

Aggravated noncompliance.

ARTICLE 186.

the maximum penalty prescribed in the preceding article shall be increased by one third when the perpetrator, in order to evade compliance with the maintenance obligation, transfers his assets to third parties, resigns from his job or uses any other fraudulent means.

Article sheet

Failure to comply with attendance duties.

ARTICLE 187.

Whoever fails or neglects the duties of protection, care and education incumbent upon him/her with respect to a minor under eighteen years of age, so that the latter is in a situation of material or moral abandonment, shall be punished with imprisonment from six months to one year or from twenty to sixty days fine, and also with incapacity to exercise parental authority from six months to two years. To the same penalty shall be subject the spouse who does not protect and has in a state of material abandonment the other spouse. In this case and in those provided for in Articles 185 and 186, the one who pays the maintenance owed and gives reasonable assurance, in the judgment of the Judge, of the subsequent fulfillment of his obligations, will be exempted from the penalty.

(Sinalevi's Note: By means of Article 2 paragraph VI) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be amended. Pursuant to transitory III of the aforementioned law said amendment will come into effect as of October 1, 2022, so that as of that date the new text will be as follows: "Article 187- Failure to comply with attendance duties. Whoever breaches or neglects the duties of protection, care and education incumbent upon him/her with respect to a minor under eighteen years of age, so that the latter is in a situation of material or moral abandonment, shall be punished with imprisonment from six months to one year or from twenty to sixty days fine and, in addition, with incapacity to exercise the attributes of parental responsibility from six months to two years.

The same penalty shall apply to the spouse who does not protect and has the other spouse in a state of material abandonment. In this case and in those provided for by Articles 185 and 186, the person who pays the maintenance owed and gives reasonable assurance, in the judge's judgment, of the subsequent fulfillment of his or her obligations shall be exempt from punishment."

Article sheet

Breach or abuse of parental authority.

ARTICLE 188.-Whoever fails to comply with or abuses the rights granted by the exercise of parental authority, guardianship or curatorship, as the case may be, to the evident detriment of the ward or incompetent child, shall be punished with imprisonment from six months to two years and also loss and incapacity to exercise the respective rights or positions, from six months to two years.

(Sinalevi's Note: By means of Article 2 paragraph VI) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be amended. Pursuant to transitory III of the aforementioned law said amendment will come into force as of October 1, 2022, so that as of that date the new text will be as follows: "Article 188- Non-compliance or abuse of the attributes of parental responsibility. The person who fails to comply with or abuses the rights granted to him/her by the law shall be punished with imprisonment from six months to two years and, in addition, loss and incapacity to exercise the respective rights or positions from six

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months to two years.

the exercise of the attributes of parental responsibility, guardianship or safeguarding, as the case may be, with evident prejudice to the ward or incompetent child").

Article sheet

SECTION V Protection of minors and incapacitated persons

Article 188 Bis.- Imprisonment of fifteen to one hundred days shall be imposed in the following cases:
Presence of minors in unauthorized places.

- 1) Whoever, as owner, manager, businessman or police authority, should prevent the entry of minors or incapable persons in places not authorized for them, tolerates or allows them to enter. Sale of dangerous objects to minors or incapable persons
- 2) Whoever sells weapons, explosive material or poisonous substance to a minor or incompetent person. Procurement of weapons or dangerous substances
- 3) Whoever delivers, entrusts, allows to carry or places weapons, explosive materials or poisonous substances within the reach of a minor or incapacitated person or of another person who does not know or cannot handle or use them.

Dispensing or procuring alcoholic beverages and tobacco to minors or incapable persons.

- 4) A penalty of six months to three years imprisonment shall be imposed on the owner or manager of a commercial establishment who serves or dispenses alcoholic beverages or tobacco to minors or incapable persons.

(As amended by Article 28 of Law No. 9047 of June 25, 2012, "Law on the Regulation and Commercialization of Beverages with Alcoholic Content").

(Thus added by Article 3 (c) of Law No. 8250 of May 2, 2002).

Article sheet

TITLE V

CRIMES AGAINST LIBERTY

SECTION I

Crimes Against Individual Freedom

Plagiarism.

ARTICLE 189.

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValor2=5027

Whoever reduces a person to servitude or to another analogous condition or keeps him in it shall be punished with imprisonment from four to twelve years.

Article sheet

Article 189 bis - Forced labor or services. Whoever induces, maintains or subjects one or more persons to perform labor or services under force, deceit, coercion or threat shall be punished with imprisonment of six to ten years.

The prison sentence shall be from eight to sixteen years if the victim is a person under eighteen years of age or is in a situation of vulnerability or disability.

In no case shall consent granted by the victim exempt from criminal liability.

(Thus added by Article 80 of the Law against Trafficking in Persons and Creation of the National Coalition against Smuggling of Migrants and Trafficking in Persons (CONATT), No. 9095 of October 26, 2012).

(As amended by article 2° of law no. 9545 of April 24, 2018)

Article sheet

Concealment of detainees by authorities. ARTICLE

190.

The authorities who order and the agents who execute the concealment of a detainee, refuse to present him to the respective Court or in any other way circumvent the guarantee of Article 37 of the Constitution, shall incur the same penalty and also the loss of their job, position, commission or incapacity to obtain it from six months to two years.

Article sheet

Non-profit deprivation of liberty.

ARTICLE 191.

It shall be punished with imprisonment from six months to three years to the one who, without profit motive, deprives another of his personal liberty.

Article sheet

Aggravated forms.

Article 192.- Aggravated deprivation of liberty

The penalty of imprisonment shall be from four to ten years when depriving another of his personal liberty, if any of the following circumstances apply:

- 1) When the victim is a person under eighteen years of age or is in a situation of vulnerability or disability.
- 2) By means of coercion, deception or violence.
- 3) Against the spouse, cohabitant or relative up to the third degree of consanguinity or affinity, or a public official.
- 4) When it lasts more than twenty-four hours.
- 5) When the perpetrator takes advantage of a relationship of authority or trust with the victim or the victim's family, whether or not there is a family relationship.
- 6) When the perpetrator takes advantage of the exercise of his profession or the function he performs.
- 7) With serious damage to the victim's health.

(Thus amended by Article 74 of the Law against Trafficking in Persons and Creation of the National Coalition against Smuggling of Migrants and Trafficking in Persons (CONATT), No. 9095 of October 26, 2012).

(Note by Sinalevi: By Article 1 of Law No. 5061 of August 23, 1972, this article was interpreted in the sense that the penalty indicated is imprisonment).

Article sheet

Article 192 bis.- Abduction of a minor or person with a disability

Whoever removes a minor or a person with cognitive or physical disability from the power of his parents, guardians, curators, tutors or persons in charge shall be sentenced to ten to fifteen years' imprisonment. The penalty shall be twenty to twenty-five years' imprisonment if the victim is inflicted with serious or very serious injuries, and thirty-five to fifty years' imprisonment if the victim dies.

When parents, guardians, curators, curators, tutors or persons in charge are the ones who abduct or retain a minor, disabled or incapable of resisting, they shall be punished with imprisonment of twenty to twenty-five years.

(Thus added by Article 75 of the Law against Trafficking in Persons and Creation of the National Coalition against Smuggling of Migrants and Trafficking in Persons (CONATT), No. 9095 of October 26, 2012).

Article sheet

SECTION II

Crimes Against Freedom of Determination

Coercion.

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Article 193.- Coercion

Whoever by means of serious threat or physical or moral violence compels a person to do, not to do or tolerate something to which he is not obliged, shall be punished with imprisonment for a term of three to five years.

(Thus amended by Article 74 of the Law against Trafficking in Persons and Creation of the National Coalition against Smuggling of Migrants and Trafficking in Persons (CONATT), No. 9095 of October 26, 2012).

Article sheet

ARTICLE 194. *(Repealed by Section 2 of Law No. 6726 of March 10, 1982).*

Article file

Aggravated Threats.

Article 195.-The following shall be sanctioned with imprisonment from fifteen to sixty days or from ten to sixty days' fine whoever makes use of unjust and serious threats to alarm or threaten a person, if the act is committed with firearms, or by two or more persons gathered together, or if the threats are anonymous or symbolic.

(As amended by Article 1, paragraph f) of Law No. 8250 of May 2, 2002)

Article sheet

TITLE VI

OFFENSES AGAINST PRIVACY SECTION I

Breach of Secrets Breach

of correspondence.

Article 196.- Violation of correspondence or communications. Whoever, with danger or damage to the intimacy or privacy of another, and without his authorization, seizes, accesses, modifies, alters, suppresses, intercepts, opens, delivers, sells, forwards or diverts from its destination documentation or communications addressed to another person, shall be punished with imprisonment for a term of one to three years.

The same sanction indicated in the preceding paragraph shall be imposed on whoever, with danger or damage to the privacy of another, uses or disseminates the content of private communications or documents that lack public interest.

The same penalty shall be imposed on whoever promotes, incites, instigates, promises or pays a patrimonial benefit to a third party to execute the conducts described in the two preceding paragraphs.

The penalty shall be from two to four years of imprisonment if the conducts described in the first paragraph of this article are carried out by:

- a) The persons in charge of the collection, delivery or safeguarding of the documents or communications.
- b) The persons in charge of administering or supporting the computer or telematic system or network, or who by reason of their functions have access to such system or network, or to the electronic, optical or magnetic containers.

(As amended by article 1 of Law No. 9135 of April 24, 2013)

Article sheet

Article 196 bis.- Violation of personal data. Whoever for his own benefit or that of a third party, with danger or damage to privacy or intimacy and without the authorization of the owner of the data, seizes, modifies, interferes with, accesses, copies, transmits, publishes, disseminates, collects, disables, intercepts, retains, sells, buys, diverts for a different purpose for which they were collected or gives unauthorized treatment to the images or data, shall be punished with imprisonment for a term of one to three years, intercepts, retains, sells, buys, diverts for a different purpose for which they were collected or gives unauthorized treatment to the images or data of a natural or legal person stored in computer or telematic systems or networks, or in electronic, optical or magnetic containers.

The penalty shall be two to four years imprisonment when the conducts described in this rule:

- a) Are carried out by persons in charge of administering or supporting the computer or telematic system or network, or who by reason of their functions have access to such system or network, or to the electronic, optical or magnetic containers.
- b) The violated information corresponds to a minor or incompetent person.
- c) Conduct affecting data revealing a person's ideology, religion, beliefs, health, racial origin, sexual preference or sexual life.

The publication, dissemination or transmission of information of public interest, public documents, data contained in public records or public databases of unrestricted access does not constitute a crime when it has been accessed in accordance with the procedures and limitations of law.

Nor does the collection, copying and use by financial entities supervised by Sugef of information and data contained in databases of legitimate origin in accordance with the procedures and limitations of law constitute a crime."

(Thus added by Law No. 8148 of October 24, 2001 and subsequently amended as indicated by Article 1° of Law No. 9135 of April 24, 2013)

Article sheet

Theft, diversion or suppression of correspondence.

Article 197.-Whoever takes possession of a letter or other private document, even if it is not closed, or whoever suppresses or diverts from its destination a correspondence not addressed to him,

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shall be punished with imprisonment from one to three years.

(Thus amended by Article 31 of the "Law on the Registration of Private Documents and Intervention of Communications"; Law No. 7425 of August 9, 1994).

Article sheet

Undue capture of verbal manifestations.

Article 198.-Whoever records, without his consent, the words of another or others, not intended for the public, or who, by means of technical procedures, listens to private statements that are not addressed to him, shall be punished with imprisonment of one to three years, except as provided for in the Law on registration, seizure and examination of private documents and interception of communications. The same penalty shall be imposed on anyone who installs devices, instruments, or parts thereof, for the purpose of intercepting or impeding oral or written communications, whether or not they achieve their purpose.

(As amended by Article 31 of the "Law on the Registration of Private Documents and Intervention of Communications"; Law No. 7425 of August 9, 1994).

Article sheet

Abuse of function or office.

(Repealed by Article 31 of the "Law on the Registration of Private Documents and Intervention of Communications"; Law No. 7425 of August 9, 1994).

Article sheet

Aggravations

In the cases of the three preceding Articles, imprisonment from two to six years shall be imposed if the action is perpetrated:

a) b) By public officials, in connection with the exercise of their functions. b) By whoever executes the act, taking advantage of his connection with a public or private company or institution in charge of communications.

c) When the author publishes the information obtained or even without doing so, it is of a private nature, all in the Judge's judgment.

(As amended by Article 31 of the "Law on the Registration of Private Documents and Intervention of Communications"; Law No. 7425 of August 9, 1994).

Article sheet

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Improper use of correspondence.

ARTICLE 201.

Whoever unduly uses in any form, letters, papers, recordings, telegraphic, telephonic, telegraphic, cablegraphic or any other type of dispatches that have been stolen or reproduced, shall be punished with imprisonment from six months to one year.

[Article sheet](#)

Propagation.

ARTICLE 202.

A penalty of thirty to sixty days' fine shall be imposed, if the act could cause harm, on anyone who, being legitimately in possession of correspondence, papers or recordings not intended for publicity, makes them public without due authorization, even if they have been addressed to him. The penalty shall be a fine of thirty to one hundred days if the information disseminated is of a private nature, even if it does not cause harm.

[Article sheet](#)

Disclosure of secrets.

ARTICLE 203.

Whoever, having knowledge by reason of his status, office, employment, profession or art, of a secret whose disclosure may cause harm, discloses it without just cause, shall be punished with imprisonment from one month to one year or from thirty to one hundred days' fine. In the case of a public official or a professional, disqualification shall also be imposed for the exercise of public offices and professions, or of titular professions, from six months to two years.

The penalty shall be four to six years imprisonment, when it concerns information of the entities or companies supervised by the superintendencies of the National Financial System, or of the clients of such entities or companies, when such information is protected by secrecy, confidentiality or prohibition of disclosure. If the disclosure is made by a public official or professional, in addition to the penalty indicated in this paragraph, disqualification shall be imposed for the exercise of public or professional positions and offices for one to three years.

(The above paragraph was added by Article 6 of Law No. 9746 of October 16, 2019)

[Article sheet](#)

SECTION II

VIOLATION OF DOMICILE

Violation of domicile.

Article 204.-Whoever enters another's dwelling or business house, in its dependencies, or in an enclosure inhabited by another, either against the express or presumed will of whoever has the right to exclude him, either clandestinely or by deceit, shall be punished with imprisonment from six months to two years.

The penalty shall be from one to three years, if the act was committed with force in things, with scaling of walls, with violence to persons, with ostentation of weapons, or by more persons.

(Thus amended by Article 1 of Law No. 6726 of March 10, 1982).

Article sheet

Illegal search.

ARTICLE 205.

Imprisonment from six months to three years and disqualification from the exercise of public offices and positions for one to four years shall be imposed on the agent of the authority or the public official who raids a home without the formalities prescribed by law or outside the cases determined by law.

(Thus amended in accordance with the partial annulment ordered by resolution of the Constitutional Chamber No. 4368 of April 29, 2009).

Article sheet

SECTION III

Disruption of Religious Acts and Desecration

Disruption of acts of worship.

ARTICLE 206.

Whoever impedes or disturbs a religious or funeral ceremony shall be punished with ten to thirty days' fine.

Article sheet

Desecration of cemeteries and corpses.

ARTICLE 207.

Shall be punished with imprisonment from one to six months or a fine of twenty to fifty days:

- 1) Whoever violates or vilifies the place where a dead person or his ashes are buried;
- 2) Whoever desecrates, outrages or conceals a corpse or its ashes;
- (3) Whoever mutilates or destroys a corpse or scatters its ashes, unless it is a dissection carried out for didactic or scientific purposes authorized by the relatives of the deceased or of a corpse that is not claimed within seven days.

[Article sheet](#)

TITLE VII

CRIMES AGAINST PROPERTY

SECTION I

THEFT

Simple theft.

Article 208. Theft

Whoever illegitimately takes possession of a movable thing, totally or partially belonging to another, shall be punished with imprisonment from one month to three years.

(Thus amended by Article 19 of the Law for the Protection of Victims, Witnesses and other participants in Criminal Proceedings; Law No. 8720 of March 4, 2009).

[Article sheet](#)

Aggravated theft.

Aggravated theft

A prison term of one year to three years shall be applied, if the value of the stolen property does not exceed five times the base salary(*), and from one to ten years, if it exceeds that amount, in the following cases:

- 1) When the theft involves heads of livestock, poultry, products or elements that are in use for agricultural and livestock exploitation.
- 2) If it is committed by taking advantage of the facilities resulting from a disaster, a public commotion or a particular misfortune of the injured party.
- 3) If use is made of a lock pick, false key or other similar instrument, or of the real key that has been stolen, found or retained.
- 4) If it is passenger luggage, in any kind of vehicles or in the parking lots or terminals of

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transportation companies.

5) If it is of vehicles left on public roads or in places of public access.

6) If it is of things of scientific, artistic, cultural, security or religious value, when, due to the place where they are located, they are destined to the service, utility or reverence of an undetermined number of persons, or are released to the public trust.

7) If committed by two or more persons.

(Thus amended by Article 19 of the Law for the Protection of Victims, Witnesses and other participants in Criminal Proceedings No. 8720 of March 4, 2009).

() On the interpretation of the term "base salary", see comments to the law.)*

Article sheet

Mitigated thefts.

ARTICLE 210.

Imprisonment from one month to one year or from ten to sixty days fine shall be imposed if the act consists in the seizure of food or objects of little value to provide for one's own or a relative's need, without prejudice to the provisions of article 27.

Article sheet

Theft of use.

ARTICLE 211.

Anyone who takes a thing for the sole purpose of making momentary use of it and then returns it without any damage whatsoever shall be punished with imprisonment of one to five months. If the thing stolen for the aforementioned purpose is a motor vehicle, the penalty shall be from six months to three years. The penalty shall be imprisonment from one to three years, when the theft of a vehicle was for the purpose of committing another crime, without prejudice to the incrimination of the perpetrated act.

Article sheet

SECTION II

Theft

Simple theft.

ARTICLE 212.-Whoever illegitimately takes possession of a movable thing, totally or partially belonging to another, shall be punished with the following penalties:

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1.-With imprisonment from six months to three years, when the theft was committed with force and the amount does not exceed three times the basic salary (*).

With imprisonment from one to six years, if the circumstance foreseen in the preceding paragraph occurs and the amount of the stolen property exceeds three times the base salary.

3. With imprisonment of three to nine years, when the act is committed with violence against persons.

(Thus amended by Article 1, paragraph g) of Law No. 8250 of May 2, 2002)

() On the interpretation of the term "base salary", see the following observations*

(As amended by Article 1 of Law No. 7337 of May 5, 1993).

Article sheet

Aggravated robbery.

Article 213.- Imprisonment from five to fifteen years shall be imposed in the following cases:

1) If the robbery is perpetrated by perforating or breaking a wall, a fence, a roof, a floor, a door or a window, an inhabited place, or its outbuildings;

2) If committed with weapons; and

3) If any of the circumstances of paragraphs 1), 2), 4), 5), 6) and 7) of Article 209 apply.

The cases of aggravation and mitigation for the crime of theft shall also be aggravating and mitigating for robbery, and the penalty shall be set by the judge, in accordance with Article 71.

(Thus amended by Article 1 of Law No. 6726 of March 10, 1982).

Article sheet

SECTION III

Extortion Simple

extortion.

Article 214.- Extortion

A prison sentence of four to eight years shall be imposed on anyone who, in order to obtain a profit, forces another person, by intimidation or serious threats, to make a property disposition detrimental to himself or to a third party.

The penalty shall be five to ten years of imprisonment when the conduct is carried out by means of any computer, telematic, electronic or technological manipulation.

(Thus amended by Article 1 of Law No. 9048 of July 10, 2012, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

Article sheet

Kidnapping for ransom.

Article 215.- A prison term of ten to fifteen years shall be imposed on anyone who kidnaps a person for ransom for profit, political, political-social, religious or racial purposes.

If the passive subject is voluntarily released within three days after the commission of the act, without any harm occurring to him and without the kidnappers having obtained their purpose, the penalty shall be six to ten years of imprisonment.

The penalty shall be imprisonment for a term of fifteen to twenty years:

1. If the author achieves his purpose.
2. If the act is committed by two or more persons.
3. If the kidnapping lasts more than three days.
4. If the kidnapped person is a minor, pregnant woman, disabled, sick or elderly.
5. If the kidnapped person suffers physical, moral, psychological or economic damage, due to the way in which the kidnapping was carried out or due to the means used in its consummation.
6. If violence has been used against third parties who have tried to help the kidnapped person at the time of the act or afterwards, when trying to free him/her.
- 7) When the kidnapped person is a public official, diplomat or consul accredited in Costa Rica or passing through the national territory, or any other internationally protected person in accordance with the definition established in Law No. 6077, Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including diplomatic agents, of August 11, 1977, and other provisions of international law, and political or political-social conditions are required to release him/her.

(Thus amended by Article 1, point 1, paragraph b) of the Law for Strengthening Legislation against Terrorism, No. 8719 of March 4, 2009).

- 8) When the kidnapping is carried out to demand a measure or concession from the national public authorities, from another country or from an international organization.

(Thus amended by Article 1, point 1, paragraph b) of the Law for Strengthening Legislation against Terrorism, No. 8719 of March 4, 2009).

The penalty shall be twenty to twenty-five years of imprisonment if the kidnapped person is seriously or very seriously injured, and thirty-five to fifty years of imprisonment if he or she dies.

(As amended by the sole article of Law No. 8127 of August 29, 2001)

Article sheet

Kidnapping of a person under twelve years of age or a disabled person in a state of defenselessness.

Article 215 bis.- Whoever removes a person under twelve years of age or a person suffering from a disability that prevents him from defending himself, from the power of his parents, guardians, curators, tutors or persons in charge, shall be punished with imprisonment from ten to fifteen years.

The penalty shall be twenty to twenty-five years of imprisonment if the kidnapped person is inflicted with serious or very serious injuries, and thirty-five to fifty years of imprisonment if he or she dies.

(Thus added by the sole article of the Law Adding a new article 215 BIS to the Penal Code to create the crime of Kidnapping of Minors and Disabled Persons, in order to provide justice to Costa Rican children; Law No. 8389 of October 9, 2003).

Article sheet

SECTION IV

SWINDLES AND OTHER FRAUDS

Scam.

Article 216.-Whoever induces or maintains another person in error, by means of the simulation of false facts or by means of the distortion or concealment of true facts, using them to obtain an antijuridical patrimonial benefit for himself or for a third party, injures the patrimony of another, shall be punished as follows:

With imprisonment from two months to three years, if the amount of the defrauded amount does not exceed ten times the base salary(*).

With imprisonment from six months to ten years, if the amount of the defrauded amount exceeds ten times the base salary.

The preceding penalties shall be increased by one third when the aforementioned acts are committed by a person who is an attorney-in-fact or administrator of a company that obtains, totally or partially, its resources from the savings of the public, or by a person who, personally or through a

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registered or unregistered entity of any nature, has obtained its resources, totally or partially, from the savings of the public.

(Thus amended by Article 1 of Law No. 7337 of May 5, 1993).

() On the interpretation of the term "base salary", see comments to the law.)*

Article sheet

Stellionate.

Article 217.-The penalty indicated in the preceding article shall be imposed, according to the amount of the defrauded amount, in the following cases:

- 1) Whoever, receiving a consideration, sells or encumbers litigious goods, or seized or encumbered goods, keeping silent or concealing such circumstance;
- 2) Whoever renders impossible, uncertain or litigious the right over an asset or the fulfillment of an obligation related to it, granted to another for a price or as a guarantee, either by any legal act related to the same asset, even if it does not involve alienation, or by removing it, concealing it or damaging it;
- 3) To the owner of a movable thing who deprives of it the person who has it legitimately in his possession, or damages it or renders it useless, thus frustrating, in whole or in part, the right of another. The same penalty shall be applicable to a third party who acts with the consent and for the benefit of the owner; and 4) To the debtor, depositary or owner of a seized or pledged property who abandons, deteriorates or destroys it, with intent to prejudice the seizer or creditor, or who, after being warned, does not present it before the judge.

(Thus amended by Article 1 of Law No. 6726 of March 10, 1982).

Article sheet

Article 217 bis.- Computer fraud

A prison term of three to six years shall be imposed on anyone who, to the detriment of a natural or legal person, manipulates or influences the entry, processing or result of the data of an automated information system, either by using false or incomplete data, the improper use of data, programming, using any computer operation or technological device, or by any other action that affects the processing of the system data or results in false, incomplete or fraudulent information, using any computer operation or technological artifice, or by any other action that affects the processing of the data of the system or that results in false, incomplete or fraudulent information, with which it seeks or obtains a patrimonial or undue benefit for itself or for another.

The penalty shall be five to ten years of imprisonment, if the conducts are committed against public information systems, banking and financial entity information systems, or when the perpetrator is an employee in charge of administering or supporting the computer or telematic system or network, or who by reason of his duties has access to such system or network, or to the electronic, optical or magnetic containers.

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(Thus added by Law "Addition of Articles 196 BIS, 217 BIS and 229 BIS to the Penal Code, Law No. 4573 to repress and punish computer crimes"; Law No. 8148 of October 24, 2001. Subsequently amended as indicated by Article 1° of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; Law No. 9048 of July 10, 2012.).

Article sheet

Simulation fraud.

Article 218.-The penalty indicated in Article 216 shall be imposed, depending on the amount, on whoever, to the detriment of another in order to obtain any undue benefit, makes a simulated contract, act, management or judicial writing, or exceeds false receipts or becomes the surety of a debt and has previously had himself seized, with the purpose of evading payment of the bond.

(Thus amended by Article 1 of Law No. 6726 of March 10, 1982).

Article sheet

Fraud in the delivery of things.

ARTICLE 219.

The penalty indicated in Article 216 shall be imposed, in accordance with the amount of the damage, on whoever defrauds in the substance, quality or quantity of the things to be delivered or of the materials to be used, in the case of precious stones or metals, archaeological or artistic objects, or objects subject to official control.

(Thus amended by Article 1 of Law No. 6726 of March 10, 1982).

Article sheet

Insurance fraud.

ARTICLE 220.

Whoever, with the purpose of obtaining for himself or for another the undue collection of an insurance or other illegal benefit, destroys, damages or causes the disappearance of an insured thing, shall be punished with imprisonment of six months to three years and with thirty to one hundred days' fine. If he succeeds in his purpose, the penalty shall be that contemplated in Article 223. The same penalties shall apply to the insured who with the same purpose causes an injury or aggravates the consequences of injuries caused by a misfortune.

Article sheet

Check fraud.

Article 221.-The penalty established in Article 216 shall be imposed, according to the amount of the defrauded amount, to the person who determines a benefit by giving in payment thereof a bad check, or whose payment is frustrated by a deliberate or foreseen action by him when delivering the check.

(Thus amended by Article 1 of Law No. 6726 of March 10, 1982).

Article sheet

SECTION V

FRAUDULENT ADMINISTRATION AND MISAPPROPRIATIONS

Fraudulent administration.

Article 222.-The penalty established in Article 216 shall be imposed, according to the amount of the fraud, to whoever for any reason, being in charge of the management, administration or care of another's property, harms its owner by altering the prices or conditions of contracts in his accounts, assuming operations or expenses exaggerating those he has made, hiding or withholding values or using them abusively or unduly.

(Thus amended by Article 1 of Law No. 6726 of March 10, 1982).

Article sheet

Misappropriation and undue retention.

Article 223.-The penalty established in article 216 shall be imposed, according to the amount of what was appropriated or retained to the one who, having under his power or custody a movable thing or a value belonging to another, by a title that produces the obligation to deliver or return, appropriates it or does not deliver or return it in due time, to the detriment of another.

If there is no appropriation but misuse of the thing, to the detriment of others, the penalty shall be reduced, at the judge's discretion.

In any case, the accused shall be previously warned by the authority in charge of the matter, so that, within a term of five days, he/she returns or delivers the property, and if he/she does so, there shall be no crime, and the civil actions of the owner shall remain unaffected.

(Thus amended by Article 1 of Law No. 6726 of March 10, 1982).

Article sheet

Irregular appropriation.

Article 224.-It shall be punished with ten to one hundred days fine:

- 1) Whoever appropriates a lost thing of another's without complying with the requirements prescribed by law;
- 2) Whoever appropriates a thing belonging to another's person's possession as a result of a mistake or an act of God; and
- 3) Whoever appropriates all or part of a discovered treasure, without delivering the portion that corresponds to the owner of the property, according to the law.

Article sheet

SECTION VI

USURPATIONS

Usurpation

Article 225.-Appropriation

Imprisonment of six months to four years shall be imposed:

- 1) Whoever by violence, threats, deceit, abuse of trust or clandestinity dispossesses another, totally or partially, of the possession or tenancy of real property or of the exercise of a real right constituted thereon, whether the dispossession takes place by invading the property, remaining therein or expelling the occupants.
- 2) Whoever, in order to take possession of all or part of a property, alters the terms or limits.
- 3) To whoever, with violence or threats, disturbs the possession or tenancy of real property.

(Thus amended by Article 19 of the Law for the Protection of Victims, Witnesses and other participants in Criminal Proceedings No. 8720 of March 4, 2009).

Article sheet

Usurpation of water.

Article 226.-Prison from one month to two years and from ten to one hundred days fine shall be imposed to the person who, for the purpose of profit:

- 1) Diverts in its favor public or private waters that do not correspond to it or takes them in greater quantity than that to which it is entitled; and

2) Whoever in any way hinders or impedes the exercise of the rights that a third party has over such waters.

Article sheet

Public Domain.

Article 227.- Public domain

It shall be punished with imprisonment from six months to four years or with a fine of fifteen to one hundred days:

- 1) Whoever, without title of acquisition or without the right to possess, holds land or space corresponding to streets, roads, gardens, parks, promenades or other places of public domain, or vacant land or any other real property of the State or of the municipalities.
- 2) Whoever, without legal authorization, exploits a national forest.
- 3) Whoever, without title, exploits veins, deposits, mantos and other mineral deposits.
- 4) Whoever, making use of free concessions granted by law for the benefit of agriculture, has entered into possession of a vacant lot, by virtue of a claim, and after exploiting the respective forest, abandons said claim.

(*) If the usurpations provided for in this article have been perpetrated in the name or on the instructions of a corporation or company, the criminal liability shall be attributed to its manager or administrator, without prejudice to the civil indemnity also falling on the corporation or company.

(Thus amended by Article 19 of the Law for the Protection of Victims, Witnesses and other participants in Criminal Proceedings No. 8720 of March 4, 2009).

()(This paragraph, which was also part of the text of the article before the reform made by Law No. 8720, was interpreted by resolution of the Constitutional Chamber No. 6361-93 of 15:03 hours of December 1, 1993, in the sense that this in itself is not unconstitutional, as long as it is interpreted that for its application to a concrete case, the judge must establish if there is sufficient evidence that accredits the guilty participation of the administrator or manager of the corporation or company with the fact under investigation, so that only in those cases in which a direct, personally reproachable relation to this one can be agreed his criminal reproachability.)*

Article sheet

SECTION VII

Damages

Article 228.- Damages

Whoever destroys, renders useless, makes disappear or damages in any way a thing, totally or partially belonging to another person, shall be punished with imprisonment from fifteen days to one year, or with ten to one hundred days fine.

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValor2=5027

(Thus amended by Article 19 of the Law for the Protection of Victims, Witnesses and other participants in Criminal Proceedings No. 8720 of March 4, 2009).

Article sheet

Aggravated damage.

Article 229.- Aggravated damage

Imprisonment of six months to four years shall be imposed:

- 1) If the damage was done to things of scientific, artistic, cultural or religious value, when, due to the place where they are located, they are in the public trust, or destined to the service, utility or reverence of an undetermined number of persons.
- 2) When the damage falls on means or means of communication or transit, on bridges or canals, on water, electricity or energy production plants or conduits.
- 3) When the act was carried out with violence to persons or threats.
- 4) When the act was executed by three or more persons.
- 5) When the damage is against police equipment.
- 6) When the damage is caused to computer, telematic or electronic networks, systems or equipment, or their physical, logical or peripheral components.

(Thus added item 6) above by Article 2 of Law No. 9048 of July 10, 2012, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

(Thus amended by Article 19 of the Law for the Protection of Victims, Witnesses and other participants in Criminal Proceedings No. 8720 of March 4, 2009).

Article sheet

Article 229 bis.- Computer damage.

A prison sentence of one to three years shall be imposed on anyone who, without the owner's authorization or exceeding the authorization granted to him and to the detriment of a third party, deletes, modifies or destroys the information contained in a computer or telematic system or network, or in electronic, optical or magnetic containers.

The penalty shall be three to six years imprisonment, if the information deleted, modified, destroyed is irreplaceable or irretrievable.

(Thus added by the sole article of the Law "Addition of Articles 196 BIS, 217 BIS and 229 BIS to the Penal Code, Law No. 4573 to repress and punish computer crimes"; No. 8148 of October 24, 2001. Subsequently amended as indicated by Article 1° of the Law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012).

Article sheet

Article 229 ter.- Computer sabotage

A prison sentence of three to six years shall be imposed on anyone who, for his own benefit or that of a third party, destroys, alters, hinders or renders useless the information contained in a database, or prevents, alters, hinders or modifies without authorization the operation of an information processing system, its physical or logical parts or components, or a computer system.

The penalty shall be four to eight years imprisonment when:

- a) As a consequence of the perpetrator's conduct, collective danger or social damage occurs.
- b) The conduct is carried out by an employee in charge of administering or supporting the computer or telematic system or network, or who by reason of his duties has access to such system or network, or to electronic, optical or magnetic containers.
- c) The computer system is of a public nature or the information is contained in public databases.
- d) Without being authorized to do so, use technological means that prevent authorized persons from lawfully accessing telecommunications systems or networks.

(Thus added by Article 2 of Law No. 9048 of July 10, 2012, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

Article sheet

Section VIII

Computer and related crimes

(Thus added Section VIII "Computer and Related Crimes", by Article 3 of Law No. 9048 of July 10, 2012, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

Article 230.- Impersonation. Whoever impersonates the identity of a natural person, legal entity or trademark in any social network, Internet site, electronic or technological means of information shall be punished with imprisonment from one to three years.

(Thus added by Article 3 of Law No. 9048 of July 10, 2012, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

(As amended by article 1 of Law No. 9135 of April 24, 2013)

Article sheet

Article 231.- Computer espionage

A prison term of three to six years shall be imposed on anyone who, without the authorization of the owner or person responsible, using any computer or technological manipulation, seizes, transmits, copies, modifies, destroys, uses, blocks or recycles information of value for the economic traffic of industry and commerce.

(Thus added by Article 3 of Law No. 9048 of July 10, 2012, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

Article sheet

Installation or propagation of malicious computer programs.

Whoever, without authorization, and by any means, installs malicious software in a computer or telematic system or network, or in electronic, optical or magnetic containers, shall be punished with imprisonment from one to six years.

The same penalty shall be imposed in the following cases:

- a) Anyone who misleads a person to install a malicious computer program in a computer or telematic system or network, or in electronic, optical or magnetic containers, without due authorization.
- b) Whoever, without authorization, installs harmful software or applications on legitimate Internet sites, with the purpose of turning them into suitable means to spread malicious software, known as attacking Internet sites.
- c) Anyone who, in order to spread malicious software, invites others to download files or visit Internet sites that allow the installation of malicious software.
- d) Whoever distributes software designed for the creation of malicious software.
- e) To whoever offers, contracts or provides denial of service services, sending unsolicited mass communications, or propagation of malicious computer programs.

The penalty shall be three to nine years imprisonment when the malicious software:

- i) Affect a bank, financial institution, savings and credit cooperative, solidarity association or state entity.
- ii) Affect the operation of public services.

iii) Gain remote control of a computer system or network to become part of a zombie computer network.

iv) Is designed to carry out actions aimed at obtaining a patrimonial benefit for itself or for a third party.

v) Affecting health information systems and the affectation of these may endanger the health or life of people.

vi) Have the ability to reproduce itself without the need for additional intervention by the legitimate user of the computer system.

(Thus added by Article 3 of Law No. 9048 of July 10, 2012, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

Article sheet

Article 233.- Impersonation of electronic pages

A prison sentence of one to three years shall be imposed on anyone who, to the detriment of a third party, impersonates legitimate sites on the Internet.

The penalty shall be three to six years of imprisonment when, as a result of impersonating the legitimate Internet site and by deceit or misleading, captures confidential information of a natural or legal person for personal benefit or for the benefit of a third party.

(Thus added by Article 3 of Law No. 9048 of July 10, 2012, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

Article sheet

Article 234.- Facilitation of computer crime

A prison sentence of one to four years shall be imposed on anyone who provides the means for the commission of a crime carried out by means of a computer or telematic system or network, or electronic, optical or magnetic containers.

(Thus added by Article 3 of Law No. 9048 of July 10, 2012, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

Article sheet

Drug trafficking and organized crime.

The penalty shall be doubled when any of the crimes committed by means of a computer or telematic system or network, or electronic, optical or magnetic containers affect the fight against drug trafficking or organized crime.

(Thus added by Article 3 of Law No. 9048 of July 10, 2012, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

Article sheet

Article 236.- Dissemination of false information

Whoever, through electronic or computerized means or by means of a telecommunications system, propagates or disseminates false news or facts capable of distorting or causing damage to the security and stability of the financial system or its users, shall be punished with three to six years of imprisonment.

(Thus added by Article 3 of Law No. 9048 of July 10, 2012, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

Article sheet

SECTION IX

(Thus corrected the numbering of the previous Section by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from Section VIII to Section IX).

General Provision

Possession and manufacture of lock picks and other instruments.

(Annulled by Resolution of the Constitutional Chamber No. 6410-96 of 15:12 hours of November 26, 1996.)

(Thus renumbered by Article 3 of Law No. 9048 of July 10, 2012, which transferred it from former Article 230 to Article 237, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

Article sheet

TITLE VIII

CRIMES AGAINST GOOD FAITH IN BUSINESS

SECTION I

BANKRUPTCY PROCEEDINGS

Fraudulent contest

Article 238- A prison term of two to six years and disqualification of three to ten years for the exercise of trade or productive activities shall be imposed on the debtor declared in judicial insolvency proceedings who, in fraud of his creditors or causing damage to the insolvency estate or to their rights, has incurred in any of the following acts:

- 1) Simulate debts, disposals, expenses, losses or credits.
- 2) To remove or conceal assets that correspond to the estate or not to justify their removal or disposal.
- 3) Granting undue advantage to any creditor.
- 4) Having stolen, destroyed or falsified, in whole or in part, the books or other accounting documents, or having kept them in such a way as to make it impossible to reconstruct the patrimony or the movement of business, when he is obliged to keep them.

(Thus renumbered by Article 3 of Law No. 9048 of July 10, 2012, which transferred it from former Article 231 to Article 238, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

(As amended by Article 74 of Law No. 9957 of April 14, 2021 "Insolvency Law of Costa Rica").

Article sheet

Faulty competition

Article 239- Imprisonment from six months to two years, and disqualification from one to five years to exercise the trade or productive activities he performs, shall be imposed to the person declared in judicial insolvency who, by his excessive expenses in relation to the capital, ruinous speculations, gambling, abandonment of his business or productive activities, or any other act of negligence or manifest imprudence, has caused his general and not transitory patrimonial situation that has prevented him from timely satisfying his monetary obligations, causing prejudice to his creditors.

(Thus renumbered by Article 3 of Law No. 9048 of July 10, 2012, which transferred it from former Article 232 to Article 239, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

(As amended by Article 74 of Law No. 9957 of April 14, 2021 "Insolvency Law of Costa Rica").

Article sheet

Responsibility of legal representatives

Article 240- Shall be punished with the penalties contemplated in the two preceding articles and when they are charged with the facts therein provided for, the legal representatives, general attorneys-in-fact

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValue2=5027

or generalissimos of the bankrupt persons, directors, administrators, managers, proxies or liquidators of legal persons, as well as guardians or guarantors for legal equality, pursuant to Law 9379, Law for the Promotion of Personal Autonomy of Persons with Disabilities, of August 18, 2016, who exercise commerce on behalf of minors or persons with disabilities, declared in judicial insolvency.

(Thus renumbered by Article 3 of Law No. 9048 of July 10, 2012, which transferred it from former Article 233 to 240, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

(As amended by Article 74 of Law No. 9957 of April 14, 2021 "Insolvency Law of Costa Rica").

Article sheet

Bankruptcy fraudulent administration

Article 241- The penalty established in Article 216 of the Criminal Code shall be imposed, according to the amount of the defraud, to the debtor, its legal representatives or attorneys-in-fact, curator, intervenor, administrator or liquidator of a bankruptcy proceeding, who, being in charge of the management, supervision, administration or care of assets of a judicially declared bankruptcy, damages the mass of creditors, by performing the following conducts:

- 1) Altering their accounts, prices or conditions of contracts, terms and clauses of the acts of disposition of goods and payments made.
- 2) Simulate operations or contract expenses, totally or partially.
- 3) Concealing or withholding securities or other types of assets from the insolvency estate.
- 4) Abusive or improper use of bankruptcy assets.
- 5) Granting undue benefits to any creditor.
- 6) Failure to inform the bankruptcy court of any conduct contemplated in the five preceding paragraphs, carried out by those who administer the active mass, when it has the function of supervising the administration of the bankrupt party's assets.

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 234 to 241).

(As amended by Article 74 of Law No. 9957 of April 14, 2021 "Insolvency Law of Costa Rica").

Article sheet

Malicious collusion

Article 242- Shall be punished with imprisonment from three months to two years or from sixty to one hundred and fifty days fine, the creditor who consents to a compromise, agreement or judicial transaction in connivance with the debtor or a third party and aya

The same penalty shall apply to the debtor or persons referred to in article 240, who conclude an agreement of this kind. The same penalty shall apply to the debtor or to the persons referred to in Article 240 who conclude such an agreement.

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 235 to 242).

(As amended by Article 74 of Law No. 9957 of April 14, 2021 "Insolvency Law of Costa Rica").

Article sheet

SECTION II

USURY AND AGIOTAGE

Usury.

Article 243.-Whoever, taking advantage of the need, lightness or inexperience of a person, makes him give or promise any pecuniary advantage evidently disproportionate to his benefit, or grant extortionate guarantees, shall be punished with imprisonment from six months to two years or with twenty to eighty days fine. The same penalty is applicable to anyone who knowingly acquires or enforces a usurious credit.

The penalty will be from nine months to three years or from thirty to one hundred days fine, when the crime is committed by whoever, being habitually engaged in the business of lending or leasing money with personal or pledge guarantee, on wages or salaries, does not keep accounting books in accordance with the legal requirements or does not submit for registration in the Pledge Registry, in cases in which these are constituted in a public document or in which the creditor does not waive the pledge privilege, the document recording the operation within a period not exceeding sixty days after the date on which the contract was constituted.

(Corrected by Errata published in La Gaceta No. 234 of November 24, 1971).

(Sinalevi's Note: By means of article 60 of the Law for the Promotion of Competition; No. 7472 of December 20, 1994, this criminal type is extended by doubling its penalties when the action is committed to the detriment of consumers, in the terms of article 2 of said law. In addition, it indicates two more assumptions in which such penalties will be applied, according to the amount of the damage caused or the number of products or services transacted).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 236 to 243).

Article sheet

Exploitation of disabled persons.

Article 244.-Whoever, with a profit motive and abusing the needs, passions or inexperience of a minor or a person with cognitive or volitional capacity deficiencies, induces him/her to perform an act that entails harmful legal effects to him/her or to a third party, shall be punished with imprisonment from one to four years.

(Thus amended by Article 69 of the Law on Equal Opportunities for Persons with Disabilities No. 7600 of May 2, 1996).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 237 to 244).

Article sheet

Agiotage.

Article 245.-A person who, with the purpose of obtaining immoderate profit for himself or for a third party, tries to raise or lower the price of merchandise, values or tariffs through pretended negotiations, false news, hoarding, destruction of products or through agreements with other producers, holders or businessmen, shall be punished with imprisonment from six months to three years or with thirty to one hundred days fine.

The penalty shall be increased by one third if the alteration of prices is achieved, and by double, if the case involves food items of basic necessity, whether or not the alteration of their prices is achieved. The legal person responsible for any of the offenses included in this section shall be subject to a security measure consisting of the closure of the establishment for a term of five to thirty days.

The intermediary in such offenses shall be considered an accomplice.

(Sinalevi's Note: Through article 60 of the Law for the Promotion of Competition No. 7472 of December 20, 1994, this criminal offense is extended by doubling its penalties when the action is committed to the detriment of consumers, in the terms of article 2 of said law. In addition, it indicates two more assumptions in which such penalties will be applied, according to the amount of the damage caused or the number of products or services transacted).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 238 to 245).

Article sheet

SECTION III

CRIMES AGAINST PUBLIC TRUST

Fraudulent offering of credit instruments.

Article 246.-Fraudulent Offering of Credit Instruments Whoever offers bonds of any kind, shares or obligations of commercial companies to the public dissimulating or hiding true facts or circumstances or affirming or making false facts or circumstances appear, shall be punished with imprisonment from six months to two years. The penalty may be increased up to double in the case of public offering of securities.

(As amended by Article 184 of the Securities Market Regulatory Law; No.7732 of December 17, 1997)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 239 to 246).

Article sheet

Publication and authorization of false balance sheets.

Article 247.-The founder, director, administrator, manager, proxy, trustee or fiscal of a mercantile or cooperative corporation or other commercial establishment that knowingly publishes or authorizes a false or incomplete balance sheet, profit and loss account or the corresponding reports, shall be punished with imprisonment from six months to two years. The penalty may be increased up to double, in the case of an entity that makes a public offering of securities.

(As amended by article 184, paragraph b) of the Securities Market Regulatory Law; No. 7732 of December 17, 1997)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 240 to 247).

Article sheet

Authorization of improper acts.

Article 248.-The director, administrator, manager or attorney-in-fact of a commercial or cooperative corporation who knowingly gives his assistance or consent to acts contrary to the law or the bylaws, from which may derive some damage to the company or to the public, shall be punished with imprisonment for a term of six months to two years. The penalty may be increased up to double in the case of a person who makes a public offering of securities.

(As amended by Article 184(c) of the Securities Market Regulatory Law; No. 7732 of December 17, 1997)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 241 to 248).

Article sheet

Unfair advertising.

Article 249.-Whoever, by fraudulent machinations, malicious suspicions or any means of disloyal propaganda, tries to divert the clientele of a commercial or industrial establishment for his own benefit or that of a third party, shall be punished with thirty to one hundred days' fine.

(Sinalevi's Note: Through article 60 of the Law for the Promotion of Competition No. 7472 of December 20, 1994, this criminal offense is extended by doubling its penalties when the action is committed to the detriment of consumers, in the terms of article 2 of said law. In addition, it indicates two more assumptions in which such penalties will be applied, according to the amount of the damage caused or the number of products or services transacted).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from the former Article 242 to 249).

Article sheet

Issuance of bad checks.

Article 250.-Whoever issues a check shall be punished with imprisonment from six months to three years, or with sixty to one hundred days fine, if the following circumstances concur and the fact does not constitute the crime contemplated in Article 221:

1) If it is drawn without provision of funds or express authorization of the bank, and if it is drawn to be made in overdraft;

(The previous paragraph was corrected by Errata published in La Gaceta N° 102 of May 27, 1982. Subsequently it was annulled by Resolution of the Constitutional Chamber No. 2994-92 of 2:55 p.m. on October 6, 1992, therefore said subsection retains the wording given by the amendment made by Law No. 6726 of March 10, 1982).

2) If he/she gives a counter-order for payment, outside the cases authorized by law;

3) If it is made knowing that at the time of its presentation it cannot be legally paid.

In any case, the drawer must be personally informed of the non-payment, by notarial act, or through the authority in charge of the process. He shall be exempt from the penalty if he pays the amount of the check within five days following the notification.

(Thus amended by Article 1 of Law No. 6726 of March 10, 1982).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 243 to 250).

Article sheet

Article 250 bis.-Whoever knowingly receives a check drawn without provision of funds or issued in overdraft, without the express authorization of the bank, shall suffer imprisonment from six months to three years, or sixty to one hundred days fine.

(So added by Article 1 of Law No. 6726 of March 10, 1982)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 243 bis to 250 bis).

Article sheet

SECTION IV

Stock Exchange Crimes

(This Section was thus added by Article 185, paragraph a), of the Securities Market Regulatory Law; No. 7732 of December 17, 1997. In addition, it orders to change the numbering of the subsequent articles, changing the former Article 244 to Article 246 and so on until Article 419, which became Article 421).

Market price manipulation

Article 251.-Whoever, with the intention of obtaining a benefit for himself or for a third party, or of harming another market participant, causes the price of negotiable securities to rise, fall or be maintained on the stock exchange, by means of the affirmation or simulation of false facts or circumstances or the distortion or concealment of true facts or circumstances, in such a way as to induce error as to the essential characteristics of the investment or the issues, shall be punished with imprisonment for a term of three to eight years.

(Thus added by article 185, paragraph a) of the Securities Market Regulatory Law; No. 7732 of December 17, 1997.

(The former article 244 is now 246)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from the former Article 244 to 251).

Article sheet

Insider trading

Article 252.- A prison sentence of three to eight years shall be imposed on anyone who, having knowledge of privileged information relating to securities negotiable on the stock exchange, their issuers or relating to the securities markets, acquires or disposes of, by himself or through a third party, securities of said issuers for the purpose of obtaining an undue benefit for himself or for a third party. For the purposes of this article, privileged information is considered to be that which by its nature may influence the prices of the securities issued and which has not yet been made public.

(Thus added by article 185, paragraph b), of the Securities Market Regulatory Law; No.7732 of December 17, 1997.

(The former article 245 is now 247)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 245 to 252).

Article sheet

TITLE IX

CRIMES AGAINST COMMON SECURITY

SECTION I

FIRES AND OTHER HAVOC

Fire or explosion

Article 253.-Whoever, by means of fire or explosion, creates a common danger to persons or property shall be punished with imprisonment from five to ten years. The penalty shall be:

- 1) From six to fifteen years of imprisonment, if there is danger of death to any person, if there is danger of destruction of property of scientific, artistic, historical or religious value, if public safety is endangered, or if there are terrorist purposes.
- 2) From ten to twenty years of imprisonment, if the act causes death or very serious injuries to some person or persons, or if the destruction of the property referred to in the preceding paragraph actually takes place.
- 3) From five to ten years of imprisonment, if the act results in other types of injuries, or if property other than those listed in the preceding paragraphs is destroyed.

For the purposes of this Article and Articles 281(*) and 381(*), the following are considered acts of terrorism:

()(Thus corrected the numbering of these articles by the aforementioned law No.7732, which transferred them from 272 to 274, and from 372 to 374, respectively. Subsequently, by article 3° of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, the numbering was modified, being now number 274 article 281 and number 374 article 381).*

a) The facts provided for in article 112, paragraph 4), article 215, paragraphs 7) and 8), and in articles 253 bis(*), 257(*), 258(*), 265(*), 266(*), 267(*), 281 bis(*), and 291 bis(*) of the Penal Code, as well as in article 69 bis of Law No. 8204, Comprehensive Reform of the Law on Narcotics, Psychotropic Substances, Unauthorized Use of Drugs, and Related Activities, of December 26, 2001, and its reforms.No. 8204, Comprehensive Reform of the Law on Narcotic Drugs, Psychotropic Substances, Drugs of Unauthorized Use, and Related Activities, of December 26, 2001, and its amendments.

(Thus amended by point 1, paragraph c) of Article 1 of the Law for the Strengthening of Legislation against Terrorism, No. 8719 of March 4, 2009) () (Subsequently, through Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Criminal Code"; No. 9048 of July 10, 2012, the numbering was modified, being now number 246 bis article 253 bis, 250 article 257, 251 article 258, 258 article 265, 259 article 266, 260 article 267, 274 bis, 281 bis, and 284 bis and 291 bis)*

b) Attempts against the life or bodily integrity of public officials or diplomats or consuls accredited in Costa Rica or passing through the national territory.

c) Attacks against ships, aircraft on land, sea or river port or airport facilities, public transport vehicles, public buildings or buildings accessible to the public, committed through the use of firearms or explosives, or by causing a fire or explosion.

(Thus amended by point 1, paragraph c) of Article 1 of the Law for Strengthening Legislation against Terrorism, No. 8719 of March 4, 2009).

(Thus amended by Article 1 of Law No. 6989 of July 16, 1985).

(Thus corrected the numbering by paragraph a) of Article 185 of Law No. 7732 of December 17, 1997, which transferred it from former Article 244 to 246).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 246 to 253).

Article sheet

Attack with chemical or radioactive materials

Article 253 bis.- Whoever creates a common danger to persons or property, through the emission, propagation or impact of toxic or dangerous substances or chemicals, agents or toxins of a biological nature or similar substances or radiations of radioactive material, shall incur the penalties provided for in Article 246.

(Thus added by point 2, paragraph c) of Article 1 of the Law on Strengthening Legislation against Terrorism, No. 8719 of March 4, 2009).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from the former Article 246 bis to 253 bis).

Article sheet

Havoc.

Article 254.-Whoever causes havoc by means of flooding, crumbling, collapse of a building or by any other powerful means of destruction shall incur, as the case may be, in the penalties indicated in the preceding article.

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores; No.7732 of December 17, 1997, which transferred it from former article 245 to 247).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 247 to 254).

Article sheet

Disaster defenses are inoperative.

Article 255.-Whoever damages or renders useless dikes or other works destined to the common defense against disasters, causing the danger of their occurrence, shall be punished with imprisonment from one to four years.

If the disaster occurs, the penalty will be aggravated at the Judge's discretion.

The same penalty shall apply to anyone who, in order to impede or hinder the defense against a disaster, removes, conceals or renders useless materials, instruments or other means intended for the aforementioned defense.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 246 to 248)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 248 to Article 255.)

Article sheet

Culpable disaster.

The penalty shall be from six months to three years when the circumstance of subsection 1) of Article 244 is present, and from one year to four years when the circumstance of subsection 2) of the same Article is present.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 247 to Article 249).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 249 to 256).

Article sheet

Manufacture or possession of explosive materials.

Article 257.-Whoever, with the purpose of contributing to the commission of crimes, manufactures, supplies, acquires, acquires, steals or possesses bombs or explosive, inflammable, asphyxiating or toxic materials, or substances or materials intended for their preparation, shall be punished with imprisonment from four to eight years.

The same penalty shall be imposed on the person who, knowing or presuming to contribute to the commission of crimes, gives instructions for the preparation of the substances or materials referred to in the preceding paragraph.

A prison term of two to four years shall be imposed on anyone who has in his possession, for purposes other than those indicated, without the authorization of the corresponding authorities, the materials indicated in the first paragraph of this Article.

(Thus amended by Article 1 of Law No. 6989 of July 16, 1985).

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 248 to Article 250).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 250 to 257).

Article card Gun drive

Article 257 Bis.-A penalty of two to six months' imprisonment shall be imposed on anyone who fires any weapon in a populated or frequented place.

(Thus added by article 3, paragraph e) of Law No. 8250 of May 2, 2002).

(Thus renumbered by Article 3 of Law No. 9048 of July 10, 2012, which transferred it from former Article 250 bis to 257 bis, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

Article sheet

Nuclear materials

Article 257 ter: A prison term of four to ten years shall be imposed on anyone who engages in any of the following conducts:

- 1) Receives, enters, possesses, uses, transfers, alters, disposes of, or disperses nuclear material without lawful authority, if such act is likely to cause death or minor, serious or very serious injury to any person or substantial damage to property or the environment.
- 2) Steal or steal nuclear materials.
- 3) Obtain nuclear materials through fraud.
- 4) Manufactures or possesses a nuclear explosive or radiation-scattering or radiation-emitting device that, due to its radiological properties, is capable of causing death, minor, serious or very serious bodily injury or substantial damage to property or the environment.
- 5) Use nuclear materials or devices to cause death or serious injury to a person or substantial property damage.
- 6) Threatens to use nuclear material or devices to cause death or slight, serious or very serious injury to a person or substantial material damage, or to commit any of the acts described in subsection (2), in order to compel a natural or legal person, an international organization or a State to do something or to refrain from doing something.
- 7) Use or damage a nuclear facility in such a way as to cause the release or risk the release of radioactive material.

(Thus added by point 2 paragraph d) of Article 1 of the Law for Strengthening Legislation against Terrorism, No. 8719 of March 4, 2009).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 250 ter to 257 ter).

Article sheet

SECTION II

CRIMES AGAINST MEANS OF TRANSPORTATION

AND COMMUNICATIONS

Danger of shipwreck and air disaster.

Article 258.-Whoever knowingly performs any act that endangers the safety of a vessel, floating construction or air transport shall be punished with imprisonment from two to six years.

If the act causes shipwreck, stranding or air disaster, the penalty shall be six to twelve years of prison. imprisonment.

If the accident causes injury to any person, the penalty shall be six to fifteen years of imprisonment, and if the accident causes injury to any person, the penalty shall be six to fifteen years of imprisonment.
causes death, shall be imprisonment from eight to eighteen years.

The preceding provisions shall apply, even if the action involves an own thing, the installations of a maritime or fluvial port or an airport, if the act constitutes a danger to common security.

(Thus amended by point 1 paragraph d) of Article 1 of the Law on Strengthening Legislation against Terrorism, No. 8719 of March 4, 2009).

(Thus corrected by Article 185, paragraph a), of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 249 to 251)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code No. 9048 of July 10, 2012, which transferred it from former Article 251 to 258).

Article sheet

Creation of danger for land transport.

Article 259.-Whoever knowingly performs any act that endangers the safety of a train, a railroad wire or other means of land transportation shall be punished with imprisonment from one to six years.

If the act causes derailment, collision or other serious accident, the penalty shall be six to fifteen years of imprisonment, and if it causes death, imprisonment of eight to eighteen years.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from the former Article 250 to Article 252).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 252 to 259).

Article sheet

Attacks against plants, power and communications conductors.

Article 260.-The penalties established in Article 255, increased by one third, shall be imposed on whoever creates danger to the common security:

1) Attack against plants, works and facilities intended for the production or transmission of electric energy or energetic substances;

2) Security breach of any telecommunication means; and

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3) Obstructing the repair of defects in the plants, works or installations referred to in paragraph 1), or the reestablishment of interrupted communications.

If such acts result in a disaster, the penalty shall be imprisonment for a term of three to eight years.

The acts provided for by the present article shall be punishable with the penalty established by article 246, when they are executed to impede or hinder the defense or rescue tasks against a disaster that has occurred.

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former article 251 to 253).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 253 to 260).

Article sheet

Guilt disaster.

Article 261.-Whoever by fault causes a derailment, shipwreck, air or land disaster, or any other accident foreseen in this Section, shall be punished with imprisonment from one to three years.

If any person is injured or killed as a result of the act, imprisonment of one to six years shall be imposed.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 252 to 254).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 254 to 261).

Reckless driving

article sheet

Article 261 bis.- Reckless driving

A prison sentence of one to three years shall be imposed in the following cases:

- a) Whoever drives a motor vehicle on public roads in illegal races.
- b) Whoever drives a motor vehicle at a speed exceeding one hundred and fifty kilometers per hour (150 km/h).
- c) Whoever drives a motor vehicle on public roads under the influence of alcoholic beverages, with a blood alcohol concentration higher than zero comma.

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seventy-five grams (0.75 g) per liter of blood or with an alcohol concentration in air higher than zero point thirty-eight milligrams (0.38 mg) per liter, in both cases for any type of driver, or with an alcohol concentration in blood higher than zero point fifty grams (0,50 g) of alcohol per liter of blood or with an alcohol concentration in air higher than zero point twenty-five milligrams (0.25 mg) per liter, in both cases, if the driver is a professional driver or a driver who has been issued a driver's license for the first time within a period of less than three years, with respect to the day in which the presence of alcohol was detected.

The same penalty shall apply to whoever drives under the influence of toxic drugs, narcotics, psychotropic substances or other substances that produce states of alteration and similar enervating or depressive effects, in accordance with the definitions, scope and characteristics established by the Ministry of Health.

In all of the above circumstances, he will also be disqualified from driving all types of vehicles for two to four years.

The prison sentence shall be increased by one third for repeat offenders.

When a prison sentence of two years or less is imposed, the court may commute the custodial sentence to a pecuniary fine which may not be less than one base salary, nor more than three base monthly salaries, corresponding to the "Administrative Assistant One" that appears in the List of Positions of the Judicial Branch, in accordance with the ordinary budget law of the Republic approved in the month of November prior to the date on which the traffic infraction is committed, or the imposition of an alternative measure of rendering public utility service, which may be from one hundred hours to three hundred hours of service, in the places and in the manner to be determined by the competent jurisdictional authority.

The disqualification penalty shall be communicated to the competent body of the MOPT for its effective application.

(Thus added by subsection b) of Article 4 of Law No. 8696 of December 17, 2008. Said article 4° was subsequently repealed by article 251 of the Law on Traffic on Public Roads and Road Safety No. 9078 of October 4, 2012).

(As amended by Article 246 of the Law on Traffic on Public Roads and Road Safety, No. 9078 of October 4, 2012).

(Sinalevi's Note: The Constitutional Chamber by resolution No. 7783 of June 15, 2011 ruled that: "the automatic application of Article 110 of the Criminal Code regarding confiscation to the crime of reckless driving is unconstitutional" established in this article).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from the former Article 254 bis to 261 bis).

Article sheet

Danger of accident due to negligence.

(This article was annulled by resolution of the Constitutional Chamber No. 8298 of May 5, 2010.)

(Thus corrected its numbering by subsection a) of Article 185 of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 253 to Article 255.)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 255 to 262).

Article sheet

Utility service hindrance.

Article 263.-Whoever, without creating a situation of common danger, impedes, hinders or obstructs the normal operation of transportation by land, water and air to public communication services or energy substances, shall be punished with imprisonment from six months to two years.

(Thus corrected by Article 185, paragraph a), of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 254 to 256)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, which transferred it from former Article 256 to 263).

Article sheet

Obstruction of public roads

Article 263 Bis.- A penalty of ten to thirty days of imprisonment shall be imposed on anyone who, without authorization from the competent authorities, impedes, obstructs or hinders, in any way, vehicular traffic or the movement of pedestrians.

(Thus added by Article 3 (f) of Law No. 8250 of May 2, 2002).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 256 bis to 263 bis).

Article sheet

Abandonment of transportation service.

Article 264.- Drivers, captains, pilots and pilots shall be punished with imprisonment from one month to one year or from ten to sixty days fine, if the fact does not involve a more severely punishable offense.

mechanics of a train, ship or aircraft, or of any vehicle used for the transportation of persons for remuneration, who leave their posts during their respective services before the end of the trip.

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former article 255 to 257).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 257 to 264).

Article sheet

SECTION III

(*) Piracy and unlawful acts against the safety of maritime navigation.

() (Thus modified the denomination of the title of this Section by point 1, paragraph e) of Article 1 of the Law for the Strengthening of Legislation against Terrorism, No. 8719 of March 4, 2009).*

() Piracy and unlawful acts against the safety of maritime navigation.*

() (Thus amended by point 1, paragraph f) of Article 1 of the Law for Strengthening Legislation against Terrorism, No. 8719 of March 4, 2009).*

Article 265.- It shall be punished with imprisonment from three to fifteen years:

1) Whoever carries out in navigable rivers, in the territorial sea or on the continental shelf, the unauthorized exploitation of the ichthyological riches of the nation, or whoever practices in said places any act of depredation or violence against a vessel, the fixed platform or against persons or things found therein, without the vessel by means of which he carries out the act, belonging to the navy of any recognized power or without being authorized by any belligerent power or exceeding the limits of a legitimately granted authorization.

(Thus amended by point 1, paragraph f) of Article 1 of the Law for the Strengthening of Legislation against Terrorism, No. 8719 of March 4, 2009).

2) Whoever seizes any vessel or what belongs to its baggage by means of fraud or violence committed against its commander;

3) Whoever, in collusion with pirates, delivers to them a ship, its cargo or that which belongs to its crew;

4) Whoever, by threats or violence, opposes the commander or crew to defend the ship attacked by pirates;

5) Whoever, on his own account or on behalf of others, equips a vessel destined for piracy; and

6) Whoever from the territory of the Republic knowingly traffics with pirates or supplies them with aid.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 256 to Article 258).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 258 to 265).

Article sheet

(*) Aggravating factors for piracy and unlawful acts against the safety of maritime navigation.

()(As amended by point 1. paragraph g) of Article 1 of the Law for the Strengthening of Legislation against Terrorism, No. 8719 of March 4, 2009).*

If the acts of violence or hostility mentioned in the preceding article were the cause of the death of any person on the vessel attacked, the penalty shall be imprisonment for not less than ten years.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 257 to 259).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 259 to 266).

Article sheet

Unlawful seizure or destruction of aircraft

Article 267.-Whoever shall be punished with imprisonment from five to fifteen years:

- a) To seize, by means of violence to persons or things, or by using serious threats, an aircraft in flight.
- b) Destroy, by means of the use of weapons, explosives, explosion or fire, an aircraft in flight or the cargo carried therein.
- c) Cause damage that renders the aircraft unfit for flight.

(The above paragraph was added by point 2. paragraph e) of Article 1 of the Law on Strengthening Legislation against Terrorism, No. 8719 of March 4, 2009).

The penalty shall be fifteen to twenty-five years of imprisonment when the acts described in the preceding paragraphs result in the death of persons or cause them serious or very serious injuries.

If the perpetrator voluntarily desists from the aforementioned acts and the attempt or seizure does not cause damage to the aircraft or its cargo, or injury or death of any person, the penalty may be reduced at the discretion of the judge, but may not be less than three years' imprisonment.

For the purposes of this article, an aircraft shall be considered to be in flight from the time all external doors are closed after boarding until the time any of said doors are opened for disembarkation.

(Thus amended by Article 1 of Law No. 6989 of July 16, 1985).

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No. 7732 of December 17, 1997, which transferred it from former Article 258 to 260).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 260 to 267).

Article sheet

SECTION IV

CRIMES AGAINST PUBLIC HEALTH

Corruption of food or medicinal substances.

Article 268.-Whoever poisons, contaminates or adulterates, in a manner dangerous to health, water or food or medicinal substances intended for public or collective use, shall be punished with imprisonment from three to ten years.

If the act is followed by the death of any person, the penalty shall be eight to eighteen years of imprisonment.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from the former Article 259 to Article 261).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 261 to 268).

Article sheet

Adulteration of other substances.

Article 269.-Whoever poisons, contaminates or adulterates in a manner dangerous to health, substances or things intended for public or collective use, other than those listed in the preceding article, shall be punished with imprisonment from one to five years.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 260 to 262).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 262 to 269).

Article sheet

Circulation of poisoned or adulterated substances.

Article 270.-The penalties of the two preceding articles shall be applicable, as the case may be, to the person who sells, offers for sale, delivers or distributes substances or things dangerous to health knowing of their harmful nature.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 261 to Article 263).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 263 to 270).

Article sheet

Spread of disease.

Article 271.-Propagation of infectious-contagious diseases A prison term of three to sixteen years shall be imposed on whoever, knowing that he is infected with any infectious-contagious disease that implies serious risk to life, physical integrity or health, infects another person, under the following circumstances:

- a) Donating blood or its derivatives, semen, breast milk, tissues or organs.
- b) Having sexual intercourse with another person without informing him/her of the infected status.
- c) Using an invasive, sharp or puncturing object that you have previously used on him.

(Thus amended by Article 51 of the "General Law on HIV/AIDS", No.7771 of April 29, 1998).

(Sinalevi Note: The affecting law No.7771 was amended in its entirety by law No.9797 of December 02, 2019, leaving the original law with only fifty articles and not including the present reform).

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 262 to 264).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 264 to 271).

Article sheet

Liability for fault

Article 272.-When any of the acts foreseen in the three preceding articles is committed by fault, a fine of thirty to one hundred days shall be imposed, if illness or death results.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 263 to 265).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 265 to 272).

Article sheet

Unfaithful supply of medicines.

Article 273.-Whoever, being authorized to dispense medicinal substances, supplies them in kind, quality or quantity not corresponding to the medical prescription or different from that declared or agreed shall be punished with twenty to one hundred days fine.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores, No.7732 of December 17, 1997, which transferred it from former Article 264 to 266).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 266 to 273).

Article sheet

Abusive supply of narcotics.

Article 274.- *(Repealed by Article 37 of the "Law on Narcotics, Psychotropic Substances, Drugs of Unauthorized Use and Related Activities", No. 7093 of April 22, 1988 and subsequently repealed again by Article 5 of Law No. 7233 of May 8, 1991).*

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 265 to 267).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 267 to 274).

Article sheet

Aggravated forms.

Article 275.-The penalty shall be from one to five years of imprisonment, when such substances, narcotics or enervating substances are improperly provided to a minor under eighteen years of age.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 266 to 268).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 268 to 275).

Article sheet

Facilitating the use of narcotics or narcotic drugs.

Article 276.- *(Repealed by Article 37 of the "Law on Narcotics, Psychotropic Substances, Drugs of Unauthorized Use and Related Activities", No. 7093 of April 22, 1988 and subsequently repealed again by Article 5 of Law No. 7233 of May 8, 1991).*

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 267 to 269).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 269 to 276).

Article sheet

Violation of sanitary measures and violation of measures for the prevention of epizootics or plant pests.

Article 277.-Whoever violates the measures imposed by law or by the competent authorities to prevent the introduction or propagation of an epidemic shall be punished with imprisonment from one to three years, or from fifty to two hundred days fine, and with imprisonment from one to six months or from twenty to one hundred days fine, whoever violates the measures imposed by law or by the competent authorities to prevent the introduction or propagation of an epizootic or plant pest.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 268 to Article 270).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 270 to 277).

Article sheet

Illegal practice of medicine.

Article 278.- *(Repealed by Article 390 of the General Health Law, No. 5395 of October 30, 1995). 1973).*

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 269 to 271)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 271 to 278).

Article sheet

Culpable case.

Article 279.-When any of the acts provided for in the preceding Articles is committed due to imprudence or negligence or due to inadequacy in the agent's art or profession or due to non-observance of regulations, in addition to the penalties set forth, disqualification shall be imposed for the exercise of the profession, trade, art or the like, for a term of one to four years.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 270 to 272).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 272 to 279).

Article sheet

Section V Cruelty

to animals

(Thus added Section V above by Article 2° of Law No. 9458 of June 11, 2017. Previously this section had been added by article 2 of Law No. 7883 of June 9, 1999, under the name: "Section V: Crimes against the environment).

"Article 279 bis.- Cruelty against animals. Shall be punished with imprisonment from three months to one year, whoever directly or through an intermediary person carries out any of the following conducts:

- a) Causes harm to a domestic or domesticated animal, which causes a persistent weakening of its health or involves the loss of a sense, an organ, a limb, or makes it unable to use an organ or a limb, or causes it intense suffering or pain, or prolonged agony.
- b) Perform sexual acts with animals. Sexual act shall mean sexual intercourse of a person with an animal, i.e., acts of oral, anal or vaginal penetration.
- c) Practice vivisection of animals for purposes other than research.

Domestic animal shall be understood as any animal that, due to its evolutionary and behavioral characteristics, coexists with human beings. Domesticated animal shall be understood as any animal that has changed its wild condition through the efforts of human beings.

The maximum penalty may be increased by one third when the perpetrator of these acts uses a relationship of power to intimidate, threaten, coerce or subdue one or more persons, as well as when the conduct is committed between two or more persons.

Organizations duly registered in the Judicial Registry may represent the diffuse interests of animals affected by the conducts described in this rule.

(Thus added by Article 2° of Law No.9458 of June 11, 2017. Previously this numeral had been added by article 2° of law No.7883 of June 9, 1999).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 272 bis to 279 bis).

Article sheet

Article 279 ter.-Death of the animal. Whoever maliciously, directly or through an intermediary, causes the death of a domestic or domesticated animal shall be punished with imprisonment from three months to two years; the same penalty shall be applied when the death of the animal is a consequence of the conducts described in Articles 279 bis and 279 quinquies of this law.

Domestic animal shall be understood as any animal that, due to its evolutionary and behavioral characteristics, coexists with human beings. Domesticated animal shall be understood as any animal that has changed its wild condition through human efforts.

Organizations duly registered in the Judicial Registry may represent the diffuse interests of animals affected by the conducts described in this rule.

The application of the penalty provided for in this article shall be exempted when the animal is killed exclusively for personal or family consumption.

(So added by article 2° of law no. 9458 of June 11, 2017)

Article sheet

Article 279 quater.- Exempted activities. The following activities are exempted from the application of the penalties provided for in Articles 279 bis and 279 ter of this law:

- a) Fisheries and aquaculture regulated by Law No. 7384, Creation of the Costa Rican Fisheries and Aquaculture Institute (Incopesca), of March 16, 1994 and Law No. 8436, Fisheries and Aquaculture Law, of March 1, 2005.
- b) Agricultural or zootechnical or livestock or veterinary activities regulated in accordance with Law No. 8495, General Law of the National Animal Health Service, of April 6, 2006.
- c) Those for the improvement of sanitary or phytosanitary control, marking, reproductive control or hygiene of the respective animal species.
- d) Those carried out for reasons of mercy.
- e) Those carried out for reasons of safeguarding crops or productive land.
- f) Those for research purposes, in accordance with the provisions of Chapter III of Law No. 7451, Animal Welfare, of November 16, 1994.
- g) Those carried out for the purpose of safeguarding public health and veterinary public health.
- h) Public or private shows with animals, in accordance with current legislation.
- i) Breeding or transport, in accordance with current legislation.

(So added by article 2° of law no. 9458 of June 11, 2017)

Article sheet

Article 279 quinquies.-Fights between animals. Whoever, directly or through an intermediary, organizes, propitiates or executes fights between animals of any species, without exception whatsoever in the national territory, shall be punished with imprisonment from three months to one year.

(So added by article 2° of law no. 9458 of June 11, 2017)

Article sheet

Article 279 sexies.-Alternative penalty. When a prison sentence is imposed for the commission of a crime of animal cruelty, the court may substitute the penalty of deprivation of liberty, in accordance with the provisions of Book I, Title IV of this law, as appropriate.

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(So added by article 2° of law no. 9458 of June 11, 2017)

Article sheet

TITLE X

CRIMES AGAINST PUBLIC TRANQUILITY

SINGLE SECTION

Public instigation.

Article 280.-Whoever instigates another to commit a specific crime that affects the public tranquility, without it being necessary for the act to take place, shall be punished with six months to four years of imprisonment.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from the former Article 271 to Article 273).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 273 to 280).

Article sheet

Article 281.- Illicit association. Whoever takes part in an association of two or more persons to commit crimes, by the mere fact of being a member of the association, shall be punished with imprisonment from one to six years.

The penalty shall be six to ten years imprisonment if the purpose of the association is to commit acts of terrorism or kidnapping for ransom.

(As amended by the sole article of Law No. 8127 of August 29, 2001)

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 272 to Article 274).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 274 to 281).

Article sheet

Terrorism support and services

Article 281 bis.

1) Whoever recruits another to participate in the commission of any terrorist act, or whoever, in any way, incites others to commit any terrorist act, regardless of the phase of execution in which he participates, shall be punished with imprisonment of six to ten years.

2) The same penalty shall be incurred by anyone who voluntarily provides any form of support or service, other than financing, including weapons, with the intention or knowledge that such service will be used for the planning or commission of any of the acts referred to in the preceding paragraph.

(Thus added by point 2. paragraph f) of Article 1° of the "Law for Strengthening Legislation against Terrorism", No. 8719 of March 4, 2009).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 274 bis to 281 bis).

Article sheet

Public intimidation.

Article 282.-Whoever, in order to instill public fear or stir up tumult or disorder, makes signs, shouts alarm, provokes noise or threatens with a disaster of common danger, shall be punished with imprisonment of six months to four years. If as a result of the riot provoked, serious damage or death of any person results, the penalty shall be increased to six years' imprisonment.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 273 to 275).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 275 to 282).

Article sheet

Apology for the crime.

Article 283.-Whoever publicly defends a crime or a person convicted of a crime shall be punished with imprisonment from one month to one year or with ten to sixty days fine.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 274 to 276).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 276 to 283).

Article sheet

TITLE XI

CRIMES AGAINST THE SECURITY OF THE NATION

SECTION I

ACTS OF TREASON.

Betrayal.

Article 284.-Any Costa Rican who takes up arms against the nation or joins its enemies, giving them aid or assistance, shall be sentenced to five to ten years imprisonment.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 275 to 277).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 277 to 284).

Article sheet

Aggravated treason.

Article 285.-A term of imprisonment of ten to twenty-five years shall be imposed when any of the following circumstances are involved in the act provided for in the preceding article:

- 1) When it is aimed at totally or partially submitting the nation to foreign domination or undermining its independence or integrity; and
- 2) When the perpetrator has induced or decided a foreign power to wage war against the nation.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 276 to Article 278).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 278 to 285).

Article sheet

Acts against an allied power.

The penalties established in the preceding articles shall also apply when the acts foreseen therein are committed against an allied State of Costa Rica in war against a common enemy.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 277 to Article 279).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 279 to 286).

Article sheet

Treason committed by foreigners

Article 287.- The preceding provisions are applicable to foreigners residing in Costa Rican territory, except as established by treaties ratified by Costa Rica or by international law regarding diplomatic officials and nationals of countries in conflict. The respective penalties may be, in any case, prudentially reduced by the judge.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 278 to 280).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 280 to 287).

Article sheet

Conspiracy to betray.

Article 288.-Whoever takes part in a conspiracy of three or more persons to commit the crime of treason shall be punished with imprisonment from two to eight years.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 279 to Article 281).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 281 to 288).

Article sheet

SECTION II

CRIMES THAT JEOPARDIZE THE PEACE AND DIGNITY OF THE NATION

Hostile acts.

Article 289.-Whoever, by material acts of hostility not approved by the national government, causes imminent danger of a declaration of war against the nation, exposes its inhabitants to experience vexations by reprisals in their persons or property, or alters the friendly relations of the Costa Rican government with a foreign government, shall be punished with imprisonment from one to six years.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 280 to 282)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 282 to 289).

Article sheet

Violation of truce.

Article 290.-The penalty of the preceding article shall be imposed on whoever violates a truce or armistice agreed upon between the nation and an enemy country or between its belligerent forces.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from the former Article 281 to 283).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 283 to 290).

Article sheet

Violation of immunities.

Article 291.- Imprisonment from six months to three years shall be imposed:

- 1) Whoever violates the immunity of the head of a State or the representative of a foreign nation; and
- 2) Whoever offends the dignity or decorum of any of said persons, while they are in Costa Rican territory.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from the former Article 282 to 284).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 284 to 291).

Article sheet

Attack against internationally protected premises

Article 291 bis.-A prison sentence of one to six years shall be imposed on anyone who attacks or causes material damage to official premises of a diplomatic or consular mission or the headquarters of an international organization, the residences of its officials or its means of transportation.

(Thus added by point 2. paragraph g) article 1° of the Law on Strengthening Legislation against Terrorism, No. 8719 of March 4, 2009).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 284 bis to 291 bis).

Article sheet

Contempt for the symbols of a foreign nation.

Article 292.-A prison term of six months to two years shall be imposed on anyone who publicly disparages or vilifies the flag, coat of arms or anthem of a foreign nation.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 283 to 285).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 285 to 292).

Article sheet

Disclosure of secrets.

Article 293.- **Disclosure of State secrets.** Whoever discloses duly decreed State secrets relating to the internal or external security of the nation, the defense of national sovereignty or the foreign relations of the Republic shall be punished with imprisonment of one to six years.

(The numbering of this article was thus modified by number 185, paragraph a), of Law No. 7732 of December 17, 1997, which transferred it from 284 to 286).

(Thus renumbered by Article 3 of Law No. 9048 of July 10, 2012, which transferred it from former Article 286 to Article 293, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

(As amended by article 1 of Law No. 9135 of April 24, 2013)

Article sheet

Guilty disclosure.

Article 294.-Whoever, through fault, discloses facts or data or makes known the secrets mentioned in the preceding article, of which he/she is in possession by virtue of his/her employment, office or an official contract, shall be punished with imprisonment from one month to one year.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 285 to 287).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 287 to 294).

Espionage article

file.

Article 295.- Espionage. Whoever unduly procures or obtains State secrets duly decreed relative to the internal or external security of the nation, the defense of national sovereignty and the foreign relations of Costa Rica shall be punished with imprisonment from one to six years.

The penalty shall be two to eight years of imprisonment when the conduct is carried out by means of computer manipulation, malicious software or the use of information and communication technologies.

(The numbering of this article was thus modified by paragraph 185, subparagraph a), of Law No. 7732 of December 17, 1997, which transferred it from 286 to 288).

(Thus renumbered by Article 3 of Law No. 9048 of July 10, 2012, which transferred it from former Article 288 to 295, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

(As amended by article 1 of Law No. 9135 of April 24, 2013)

Article sheet

Intrusion.

Article 296.-Whoever unduly draws up plans, or takes, traces or reproduces images of fortifications, ships, establishments, roads or military works or enters for such purpose, clandestinely or deceitfully in such places, when their access is forbidden to the public, shall be punished with imprisonment from six months to three years.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from the former Article 287 to Article 289).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 289 to 296).

Article sheet

Diplomatic infidelity.

Article 297.-Whoever, entrusted by the Costa Rican government with a negotiation with a foreign state, conducts it in a manner detrimental to the nation, deviating from its instructions, shall be sentenced to three to ten years imprisonment.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 288 to 290)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 290 to 297).

Article sheet

Undue exploitation of national wealth by foreigners.

Article 298.-A foreigner who, violating the borders of the Republic, carries out unauthorized acts of exploitation of natural products within the national territory, shall be sentenced to six months to three years imprisonment and a thirty to one hundred day fine. If the act is carried out by more than five persons, the penalty shall be from six months to three years and from thirty to sixty days fine.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 289 to Article 291).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 291 to 298).

Article sheet

SECTION III

SABOTAJE

Violation of contracts relating to the security of the nation.

Article 299.-Whoever, while the nation is at war, does not duly comply with contractual obligations relating to the needs of the armed forces, shall be punished with imprisonment of three to ten years. If the noncompliance is culpable, the penalty shall be from six months to two years.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 290 to 292).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 292 to 299).

Article sheet

Damage to an object of military interest.

Article 300.-Whoever, while the Nation is at war, damages facilities, roads, works or objects necessary or useful for the national defense, with the purpose of harming the war effort, shall be punished with imprisonment from two to eight years.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 291 to Article 293)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 293 to 300).

Article sheet

TITLE XII

CRIMES AGAINST PUBLIC AUTHORITIES

AND THE CONSTITUTIONAL ORDER

SECTION I

POLITICAL ATTACKS

Rebellion.

Those who take up arms to change the Constitution, depose some of the State bodies or impede, even temporarily, the free exercise of their constitutional powers or their formation or renewal in the legal terms and forms, shall be punished with imprisonment of two to ten years.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from the former Article 292 to 294).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 294 to 301).

Article sheet

Violation of the principle of alternability.

The penalties of the preceding article shall be applied to those who violate the principle of alternation of the powers of the State, or fail to comply with the duty to place the security forces at the disposal of the constitutional government.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores, No.7732 of December 17, 1997, which transferred it from former Article 293 to 295).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 295 to 302).

Article sheet

Propaganda against the constitutional order.

Article 303.- Imprisonment from six months to three years shall be imposed on anyone who makes public propaganda to replace, by unconstitutional means, the bodies created by the Constitution or to repeal the fundamental principles enshrined therein.

(Thus corrected by Article 185, paragraph a), of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 294 to 296)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 296 to 303).

Article sheet

Mutiny.

Article 304.-Those who publicly rise in number of ten or more, to prevent the execution of laws or resolutions of public officials or to force them to take any measure or grant any concession, shall be punished with imprisonment of one to four years. Contempt for national symbols.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from the former Article 295 to 297).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 297 to 304).

Article sheet

Contempt for national symbols

Article 305- A prison term of one month to two years and a fine of thirty to ninety days shall be imposed on anyone who publicly disparages or vilifies the flag, the flag, the coat of arms or the anthem of the nation.

(As amended by Article 22 of the Law regulating the use of the flag, the flag and the national coat of arms, No. 10178 of April 25, 2022)

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 296 to 298).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 298 to 305).

Article sheet

SECTION II

COMMON PROVISIONS APPLICABLE TO POLITICAL ATTACKS

Liability of the promoters or directors.

Article 306.-When rebels or rioters submit to the legitimate authority or dissolve themselves before the latter intimidates them or as a consequence thereof, without having caused any other harm than the momentary disturbance of order, only the promoters or directors shall be punishable, who shall be punished with half of the penalty indicated for the crime.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 297 to 299)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 299 to 306).

Article sheet

Conspiracy.

Article 307.-Whoever takes part in a conspiracy of three or more persons to commit the crime of rebellion shall be punished with imprisonment from one to five years.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 298 to Article 300).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 300 to 307).

Article sheet

Seduction of security forces.

Article 308.-Whoever seduces security forces or usurps the command of them, of a ship or aircraft in their service, or illegally retains a political command to commit a rebellion or mutiny, shall be punished with half of the penalty of the crime he was trying to commit. Infringement of the duty to resist.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 299 to Article 301)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 301 to 308).

Article sheet

Infringement of the duty to resist.

Article 309.-Public officials who have not resisted a rebellion or riot by all legal means within their reach shall be punished with imprisonment from one month to two years.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 300 to 302)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 302 to 309).

Article sheet

Special aggravation.

Article 310.-The penalties established in Articles 292, 295, 298, 299, shall be increased by one third for the chiefs and agents of the public force who participate in the facts with weapons or with the materials entrusted to them or given to them by reason of their position.

(Thus corrected by Article 185, paragraph a), of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 301 to 303)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 303 to 310).

Article sheet

TITLE XIII

CRIMES AGAINST PUBLIC AUTHORITY

SECTION

ONLY

Attack.

Article 311.-Whoever uses intimidation or force against a public official to impose him the execution or omission of an act proper to his functions shall be punished with imprisonment from one month to three years.

(Thus corrected its numbering by subsection a) of Article 185 of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 302 to 304).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 304 to 311).

Article sheet

Article 312.-Resistance

Imprisonment from one month to three years shall be imposed on anyone who uses intimidation or violence against a public official or against a person who assists him at his request or by virtue of a legal duty, to prevent or obstruct the performance of an act proper to the legitimate exercise of his functions. The same penalty shall be imposed on anyone who uses force against police equipment used by the police authority to carry out its work.

(Thus amended by Article 19 of the "Law for the Protection of Victims, Witnesses and other participants in Criminal Proceedings", No. 8720 of March 4, 2009).

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 303 to 305)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 305 to 312).

Article sheet

Aggravating circumstances.

Article 313.-In the case of the two preceding articles, the penalty shall be from one to five years:

- 1) If the act was committed by armed force;
- 2) If the act is committed by two or more persons;
- 3) If the perpetrator is a public official; and
- 4) If the perpetrator assaults the authority.

For the purposes of this article and the two preceding articles, a public official shall be considered a private individual who attempts to apprehend or has apprehended a delinquent in flagrante delicto.

(Sinalevi's Note: Through Article 1 of Law No. 5061 of August 23, 1972, this provision was authentically interpreted in the sense that: "...the penalty therein is imprisonment").

(Thus corrected its numbering by subsection a) of Article 185 of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 304 to 306).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 306 to 313).

Article sheet

Disobedience.

Article 314.-Disobedience

A prison term of six months to three years shall be imposed on anyone who fails to comply with or enforce, in all its aspects, the order issued by a court or by a public official in the exercise of his duties, provided that it has been personally communicated, except in the case of the arrest itself.

(Thus amended by Article 19 of the "Law for the Protection of Victims, Witnesses and other participants in Criminal Proceedings", No. 8720 of March 4, 2009).

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 305 to Article 307).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 307 to 314).

Article sheet

Nuisance or hindrance to authority.

Article 315.-Whoever disturbs the order of the sessions of the national or municipal deliberative bodies, in the hearings of the Courts of Justice or wherever an authority is exercising his functions, shall be punished with imprisonment from fifteen days to six months.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 306 to Article 308).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 308 to 315).

Article sheet

Article 316.- Threatening a public official. Whoever threatens a public official because of his functions, addressing him personally or publicly, or by means of written, telegraphic or telephonic communication or through hierarchical channels, shall be punished with imprisonment from one month to two years.

(Thus amended by the sole article of the Law "Abrogation of the criminal offense of contempt", No. 8224 of March 13, 2002).

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 307 to Article 309).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 309 to 316).

Article sheet

Usurpation of authority.

Article 317.-It shall be punished with imprisonment from one month to one year:

- 1) Whoever assumes or exercises public functions without an appointment issued by a competent authority, or without having been invested with the office;

2) Whoever, after having ceased by operation of law in the performance of a public office or after having received from the competent authority official communication of the resolution ordering the dismissal or suspension of his functions, continues to perform them; and

3) The public official who usurps functions corresponding to another position.

If the person responsible usurps functions performed by State, municipal and other public police forces whose competence is provided for by law, the maximum penalty shall be increased to two years.

(The above paragraph was added by Article 2 of the law "Qualification of crimes committed against the integrity and life of police officers in the performance of their duties", No. 8977 of August 3, 2011).

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 308 to 310)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 310 to 317).

Article sheet

Article 317 bis.- Illegal use of police uniforms, insignia or devices.

1) Whoever, without being a police authority, uses uniforms, garments or insignia of any of the police forces of the country, the Fire Department, the Red Cross or the Public Prosecutor's Office, shall be punished with imprisonment from six months to one year.

2) Whoever, with the purpose of committing a crime, uses, exhibits, carries or identifies himself with clothing, uniforms, insignia or badges equal or similar to those used by any of the police forces of the country, the Fire Department, the Red Cross or the Public Prosecutor's Office, shall be sentenced to three to five years' imprisonment.

3) The conducts described in paragraphs 1) and 2) above shall be punished with imprisonment of five to eight years, when the purpose is to commit a felony.

(Thus added by article 59 of the Law "Against Organized Crime", No. 8754 of July 22, 2009)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 310 bis to 317 bis).

Article sheet

Perjury.

Article 318.- Imprisonment from three months to two years shall be imposed on the person who lies to the truth when the law imposes on him, under oath or affidavit, the obligation to tell the truth in relation to his own facts.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 309 to Article 311).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 311 to 318).

Article sheet

Violation of seals.

Article 319.-Whoever violates the seals placed by the authority on a thing shall be punished with imprisonment from three months to two years.

If the person responsible is a public official and has committed the act with abuse of his position, the maximum penalty shall be increased to three years.

(Thus corrected its numbering by subsection a) of article 185 of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former article 310 to 312).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 312 to 319).

Article sheet

Violation of the custody of things.

Article 320.- Whoever steals, conceals, destroys or renders useless objects intended to serve as evidence before the authority, records or documents entrusted to the custody of an official or other person, in the interest of public service, shall be punished with imprisonment from six months to four years.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 311 to 313).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 313 to Article 320).

Article sheet

Culpable facilitation.

Article 321.-The official in charge of the custody of the seals and documents mentioned in the two preceding articles shall be punished with fifteen to sixty days fine, when the commission of the facts has been facilitated by his culpable action.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 312 to Article 314).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 314 to 321).

Article sheet

Illegal practice of a profession.

Article 322.-Any person who exercises a profession for which a special qualification is required without having obtained the corresponding authorization shall be punished with imprisonment from three months to two years.

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former article 313 to 315)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 315 to 322).

Article sheet

TITLE XIV

CRIMES AGAINST THE ADMINISTRATION OF JUSTICE

SECTION I

FALSE TESTIMONY AND BRIBERY OF WITNESSES

False testimony.

Article 323.-A witness, expert witness, interpreter or translator who affirms a falsehood or denies or conceals the truth, in whole or in part, in his deposition, report, interpretation or translation, made before the competent authority, shall be punished with imprisonment from one to five years.

If the false testimony is committed in a criminal case, to the detriment of the accused, the penalty shall be from two to eight years of imprisonment.

The preceding penalties shall be increased by one third when the false testimony is committed by means of bribery.

(Thus corrected its numbering by subsection a) of article 185 of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from the former article 314 to 316).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 316 to 323).

Article sheet

Bribery.

Article 324.-A prison term of six months to three years shall be imposed on anyone who offers or promises a gift or any other advantage to one of the persons referred to in the preceding article, in order to commit false testimony, if the offer or promise is not accepted or, if it is accepted, the falsehood is not committed.

Otherwise, the penalties for false witnesses are applicable to the bribe giver.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 315 to 317).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 317 to 324).

Article sheet

False witness offers.

Article 325.- Imprisonment from six months to three years shall be imposed on the party who knowingly offers false witnesses in a judicial or administrative matter.

(Thus corrected its numbering by subsection a) of Article 185 of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 316 to 318).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 318 to 325).

Article sheet

SECTION II

FALSE ACCUSATIONS.

Complaints and libel and actual libel.

Article 326.- It shall be punished with imprisonment from one to six years the one who denounces or accuses before the authority as author or participant of a crime of public action a person he knows to be innocent or simulates against him the existence of material evidence. The penalty shall be three to eight years' imprisonment if the innocent person is convicted.

(Sinalevi's Note: Article 33 of the "Tax Justice Law", No. 7535 of August 1, 1995 extends this article by providing that the penalty shall be from three to ten years when the person committing this crime is a public official of the Tax Administration).

(Thus corrected its numbering by paragraph a) of article 185 of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which changed it from the former article 317 to 319).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 319 to 326).

Article sheet

Simulation of crime.

Article 327.- Imprisonment from one month to two years shall be imposed on whoever falsely affirms before the authority that a crime of public action has been committed or simulates the traces thereof with the purpose of inducing the instruction of a proceeding to investigate it.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 318 to Article 320).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 320 to 327).

Article sheet

Self-slander.

Article 328.- Imprisonment from one month to one year shall be imposed on anyone who, by means of a statement or confession made before a judicial or investigative authority, falsely accuses himself of having committed a publicly actionable crime.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 319 to 321).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 321 to 328).

Article sheet

SECTION III

(*)Concealment and disclosure of confidential information

() (As amended by Article 20 of the Law for the Protection of Victims, Witnesses and other participants in Criminal Proceedings, No. 8720 of March 4, 2009).*

Personal favorability.

Article 329.- Personal favor

It shall be punished with imprisonment from six months to four years the one who, without a promise prior to the crime, helps someone to evade the investigations of the authority or to evade the action of the authority or omits to report the fact when he is obliged to do so.

(Thus amended by Article 19 of the "Law for the Protection of Victims, Witnesses and other participants in Criminal Proceedings", No. 8720 of March 4, 2009).

(Thus corrected its numbering by subsection a) of Article 185 of the "Securities Market Regulatory Law" No. 7732 of December 17, 1997, which transferred it from former Article 320 to Article 322).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 322 to 329).

Article sheet

Reception.

Article 330.-Recognition

Whoever acquires, receives and conceals money, things or goods coming from a crime in which he did not participate, or intervenes in its acquisition, receipt or concealment, shall be punished with imprisonment from six months to five years and with twenty to sixty days fine.

The respective security measure shall be applied when the perpetrator makes of receiving a practice that implies professionalism.

(Thus amended by Article 19 of the "Law for the Protection of Victims, Witnesses and other participants in Criminal Proceedings", No. 8720 of March 4, 2009).

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law" No. 7732 of December 17, 1997, which transferred it from former Article 321 to Article 323).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 323 to 330).

Article sheet

Receipt of things of suspicious origin.

Article 331.- Receipt of things of suspicious origin It shall be punished with imprisonment from six months to four years to the one who, without previous promise to the crime, receives things or goods that, according to the circumstances, should be presumed to come from a crime. If the perpetrator makes it a habitual traffic, the respective security measure shall be imposed.

(Thus amended by Article 19 of the "Law for the Protection of Victims, Witnesses and other participants in Criminal Proceedings No. 8720 of March 4, 2009). The sentence "If the perpetrator makes it a habitual traffic, the respective security measure shall be imposed", had been annulled by resolution of the Constitutional Chamber No. 1052 of January 8, 2009. Note that the vote of the Constitutional Chamber is dated January 8, 2009 and the reform of the Law for the Protection of Victims, Witnesses and other participants in the Criminal Proceedings No. 8720 is dated March 4, 2009, that is to say, of a later date).

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law" No. 7732 of December 17, 1997, which transferred it from former Article 322 to 324).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 324 to 331).

Article sheet

Actual favorability.

Article 332.- Actual favoring

It shall be punished with imprisonment from three months to four years whoever, without a promise prior to the crime, but after its execution, procures or assists someone to achieve the disappearance, concealment or alteration of the traces, evidence or instruments of the crime or to secure the proceeds or benefit thereof.

This provision does not apply to the person who, in any way, has participated in the crime; neither does it apply to the person who incurs in the act of culpable evasion.

(Thus amended by Article 19 of the "Law for the Protection of Victims, Witnesses and other participants in Criminal Proceedings" No. 8720 of March 4, 2009).

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law" No. 7732 of December 17, 1997, which transferred it from former Article 323 to 325).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 325 to Article 332).

Article sheet

Article 332 bis.-Disclosure of confidential information

A term of imprisonment of two to eight years shall be imposed on anyone who, by himself or by any means, disseminates confidential information related to persons subject to protection measures in the victims and witnesses program.

The penalty shall be six to twelve years imprisonment, if any of the following circumstances apply:

- a) The author receives a financial or other benefit.
- b) The victim suffers serious damage to his or her health or death.
- c) The protection measures were requested based on the investigation of an organized crime offense.
- d) The perpetrator's actions cause irreparable damage to the investigation, prosecution or punishment of the crime that originated the protective measures.

(Thus added by Article 21 of the "Law for the Protection of Victims, Witnesses and other participants in Criminal Proceedings", No. 8720 of March 4, 2009).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 325 bis to 332 bis).

Article sheet

SECTION IV

EVASION AND BREACH OF SENTENCE

Evasion.

Article 333.-Whoever, being legally detained, escapes shall be punished with imprisonment from one month to one year. The penalty shall be from six months to two years if the escape is carried out by means of intimidation or violence to persons or force to things.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 324 to Article 326).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 326 to 333).

Article sheet

Avoidance favoring.

Article 334.-Whoever favors the escape of a detainee or convicted person shall be punished with imprisonment from six months to three years.

If the perpetrator is a public official, the penalty shall be increased by one third.

If the perpetrator is an ascendant, descendant, spouse, sibling, concubine or concubine of the evaded person, the penalty shall be reduced by one third.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 325 to Article 327).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 327 to 334).

Article card Evasion

by guilt.

Article 335.-If the evasion is caused by the fault of a public official, a fine of thirty to one hundred and fifty days shall be imposed on the latter.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 326 to 328).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 328 to 335).

Article sheet

Breach of disqualification.

Article 336.- Whoever violates a judicially imposed disqualification shall be punished with imprisonment from six months to two years.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law" No. 7732 of December 17, 1997, which transferred it from former Article 327 to 329).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 329 to 336).

Article sheet

Leaving the accident site.

Article 337.- *(Annulled by Resolution of the Constitutional Chamber No. 525 of February 3, 1993).*

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 328 to Article 330)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 330 to 337).

Article sheet

TITLE XV

CRIMES AGAINST THE DUTIES OF THE

PUBLIC FUNCTION

SECTION I

ABUSES OF AUTHORITY

Abuse of Authority.

Article 338.-A public official who, abusing his position, orders or commits any arbitrary act to the detriment of the rights of any person, shall be punished with imprisonment from three months to two years.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law" No. 7732 of December 17, 1997, which transferred it from former Article 329 to 331).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 331 to Article 338).

Article sheet

Failure to perform duties

Article 339 The public official who illegally omits, refuses to perform or delays any act proper to his function shall be punished with disqualification for a term of one to four years. The same penalty shall be imposed on the public official who unlawfully fails to abstain, refrains or excuses himself from carrying out a step, matter or procedure, when he is obliged to do so."

(As amended by Article 11 of the "Law for Trade Negotiations and the Administration of Free Trade Agreements, Agreements and Instruments of Foreign Trade", No. 8056 of December 21, 2000).

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law" No. 7732 of December 17, 1997, which transferred it from the former Article 330 to Article 332).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 332 to 339).

Article sheet

Denial of relief.

Article 340.- The chief or agent of the public force who refuses, omits or delays the rendering of assistance legally required by competent authority shall be punished with imprisonment from three months to two years.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law" No. 7732 of December 17, 1997, which transferred it from former Article 331 to Article 333).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 333 to 340).

Article sheet

Requirement of force against legitimate acts.

Article 341.- Any public official who requires the assistance of the public force against the execution of legal provisions or orders of the authority or of sentences or court orders shall be punished with imprisonment from three months to three years.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law" No. 7732 of December 17, 1997, which transferred it from former Article 332 to 334).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 334 to 341).

Article sheet

Abandonment of office.

(Repealed by Article 1 of Law No. 7348 of June 22, 1993) Article 342.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law" No. 7732 of December 17, 1997, which transferred it from former Article 333 to 335).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 335 to 342).

Article sheet

Incitement to collective abandonment of public functions.

(Repealed by Article 1 of Law No. 7348 of June 22, 1993) Article 343.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 334 to 336)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 336 to 343).

Article sheet

Illegal appointments.

Article 344.-A public official who proposes or appoints to public office a person who does not meet the legal requirements shall be punished with a thirty to ninety day fine.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law" No. 7732 of December 17, 1997, which transferred it from former Article 335 to Article 337).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 337 to 344).

Article sheet

Violation of privileges.

Article 345.- Any public official who, in the arrest or formation of a case against a person with pre-trial privilege, does not observe the form prescribed in the Constitution or the respective laws, shall be punished with a fine of thirty to one hundred days.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law" No. 7732 of December 17, 1997, which transferred it from former Article 336 to 338).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 338 to 345).

Article sheet

Disclosure of secrets.

Article 346.- Any public official who discloses facts, actions or documents that by law must remain secret shall be punished with imprisonment from three months to two years.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law" No. 7732 of December 17, 1997, which transferred it from former Article 337 to 339).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 339 to 346).

Article sheet

SECTION II

CORRUPTION OF OFFICIALS.

Improper bribery

Article 347- The public official who, by himself or through an intermediary, receives a gift or any other undue advantage or accepts the promise of a reward of this nature in order to perform an act proper to his functions shall be punished with imprisonment of one to five years. In addition, a fine of up to fifteen times the amount equivalent to the patrimonial benefit obtained or promised shall be imposed.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law" No. 7732 of December 17, 1997, which transferred it from the former Article 338 to Article 340)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 340 to 347).

(As amended by Article 38 of the Law on the Liability of Legal Entities for Domestic Bribery, Transnational Bribery and Other Offences, No. 9699 of June 10, 2019)

Article sheet

Bribery

Article 348- Shall be punished with imprisonment from three to eight years and disqualification from holding public office and employment for ten to fifteen years, the public official who by himself or through an interposed person receives a gift or any other advantage or accepts the direct or indirect promise of a retribution of that nature to perform an act contrary to his duties or to not perform or to delay an act proper to his functions. In addition, a fine of up to thirty times the amount equivalent to the patrimonial benefit obtained or promised shall be imposed.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores" No.7732 of December 17, 1997, which transferred it from the former Article 339 to Article 341).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 341 to 348).

(As amended by Article 38 of the Law on the Liability of Legal Entities for Domestic Bribery, Transnational Bribery and Other Offences, No. 9699 of June 10, 2019)

Article sheet

Aggravated corruption

Article 349- The lower and upper extremes of the penalties established in Articles 347 and 348 shall be increased by one third when in the facts referred to in these two Articles any of the following aggravating circumstances concur:

- 1) Such events have as their purpose the granting of public posts, retirements, pensions, the setting or collection of public rates or prices, the collection of taxes or social security contributions or the execution of contracts or concessions in which the Public Administration is interested.
- 2) As a consequence of the perpetrator's conduct, serious financial damage is caused to the Public Treasury, the provision of public services is impaired or damage is caused to the users of these services.

() (Thus corrected the numbering of these articles by the aforementioned law No.7732, which transferred them from 338 to 340, and from 339 to 341, respectively. Subsequently, by article 3° of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, the numbering was modified, being now number 340 article 347 and number 341 article 348).*

(Thus corrected its numbering by subsection a) of Article 185 of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 340 to Article 342).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 342 to 349).

(As amended by Article 38 of the Law on the Liability of Legal Entities for Domestic Bribery, Transnational Bribery and Other Offences, No. 9699 of June 10, 2019)

Article sheet

Acceptance of gifts for an accomplished act

Article 350- Shall be punished, as the case may be, with the penalties set forth in Articles 347 and 348 diminished by one third, the public official who, without prior promise, accepts a gift or any other undue advantage for an act performed or omitted in his capacity as an official. In addition, he shall be fined up to ten times the amount equivalent to the patrimonial benefit obtained.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 341 to 343).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code," No. 9048 of July 10, 2012, which transferred it from former Article 343 to 350).

(As amended by Article 38 of the Law on the Liability of Legal Entities for Domestic Bribery, Transnational Bribery and Other Offences, No. 9699 of June 10, 2019)

Article sheet

Offering or giving of a gift or remuneration

Article 350 bis - *(Repealed by subsection a) of Article 1° of Law No. 8630 of January 17, 2003).*
2008)

(So added by the sole article of Law No. 8185 of December 18, 2001)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 343 bis to 350 bis).

Article sheet

Corruption of Judges

In the case of Article 339(*), the penalty shall be four to twelve years of imprisonment, if the perpetrator is a Judge or an arbitrator and the advantage or promise was intended to favor or prejudice a party in the processing or resolution of a proceeding, even if it is of an administrative nature.

If the unjust decision is a criminal sentence of more than eight years of imprisonment, the penalty shall be imprisonment for a term of four to eight years.

() (The numbering of these articles was changed by the aforementioned law No. 7732, which transferred them from 339 to 341. Subsequently, by article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code"; No. 9048 of July 10, 2012, the numbering was modified, being now 341 number 348).*

(Thus corrected its numbering by subsection a) of article 185 of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former article 342 to 344).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 344 to 351).

Article sheet

Corruptor's penalty.

Article 352.- Penalty of the corruptor

The penalties set forth in the five preceding articles shall be applicable to anyone who gives, offers or promises a public official a gift or undue advantage.

(Thus amended by Article 1, paragraph b) of Law No. 8630 of January 17, 2008)

(Thus corrected its numbering by subsection a) of article 185 of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former article 343 to 345).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 345 to 352).

Article sheet

Article 352bis.- Cases for the application of the penalties of articles 340 to 345

The penalties provided for in articles 340 to 345 shall also apply in the following cases:

- a) When the gift, undue advantage or promise is requested or accepted by the official, for himself or for a third party.

b) When the official uses his position as such, even if the act is **o u t s i d e** his authorized competence.

(Thus added by article 1, paragraph c) of Law No. 8630 of January 17, 2008)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 345 bis to 352 bis).

Article sheet

Illicit enrichment.

Article 353.- The public official who, without incurring in a more severely punishable offense, shall be punished with imprisonment from six months to two years:

- 1) Accepting any gift or the promise of a gift to use the influence derived from his position with another official, so that the latter will do or refrain from doing something related to his functions;
- 2) To use for profit for himself or for a third party information or data of a reserved nature of which he has become aware by reason of his position;
- 3) Admits gifts presented or offered to him in consideration of his office, while he remains in office; and
- 4) *(Repealed by Article 69 of the Law against Corruption and Illicit Enrichment in the Public Service, No. 8422 of October 6, 2004).*

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 344 to 346).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 346 to 353).

Article sheet

Incompatible negotiations.

ARTICLE 354.- A public official who, directly, through an intermediary or through a simulated act, takes an interest in any contract or operation in which he is involved by reason of his position, or a public official who participates in a negotiation, shall be sentenced to one to four years imprisonment.

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValor2=5027

international trade to obtain a patrimonial benefit for himself or for a third party. This provision is applicable to arbitrators, amiable compositeurs, experts, accountants, guardians, executors and curators, with respect to the functions performed in their capacity as such. Likewise, the commercial negotiator appointed by the Executive Branch for a specific matter who, during the first year after leaving office, represents a client in a matter that was the object of his direct intervention in an international commercial negotiation, shall be sanctioned. A commercial negotiator who proves that he has habitually engaged in the business or professional activity that is the object of the negotiation for at least one year prior to having assumed his position does not incur in this offense."

(As amended by Article 11 of the "Law on Trade Negotiations and Administration of Free Trade Agreements, Foreign Trade Agreements and Instruments", No. 8056 of December 21, 2000).

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former article 345 to 347).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 347 to 354).

Article sheet

SECTION III

CONCUSSION AND EXTORTION

Concussion.

Article 355.- A prison term of two to eight years shall be imposed on any public official who, abusing his position or functions, forces or induces someone to unduly give or promise, for himself or for a third party, an asset or a patrimonial benefit.

(Corrected by Errata published in La Gaceta No. 234 of November 24, 1971).

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former article 346 to 348).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 348 to 355).

Article sheet

Illegal levy.

Article 356.-A public official who, abusing his office, demands or causes to pay or deliver an undue or greater contribution or fee than those corresponding shall be punished with imprisonment from one month to one year.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 347 to Article 349).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 349 to 356).

Article sheet

SECTION IV

PREVARICATION AND UNFAITHFUL SPONSORSHIP

Prevaricato.

Article 357.- Imprisonment from two to six years shall be imposed on the judicial or administrative officer who issues resolutions contrary to the law or who bases them on false facts.

In the case of a conviction in a criminal case, the penalty shall be three to fifteen years imprisonment.

The provisions of the first paragraph of this article shall be applicable to arbitrators and arbiters, as the case may be.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from the former Article 348 to Article 350).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 350 to 357).

Article sheet

Unfaithful sponsorship.

Article 358.-The lawyer or legal representative who harms the interests entrusted to him by understanding with the other party, or in any other way, shall be punished with imprisonment from six months to three years.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 349 to Article 351).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 351 to 358).

Article sheet

Dual representation.

Article 359.-A lawyer or court representative who, after having assisted or represented a party, assumes the defense or representation of the other party in the same case, simultaneously or successively, without the consent of the latter, shall be punished with a fine of fifteen to sixty days.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 350 to Article 352).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 352 to 359).

Article sheet

Equivalent subjects.

Article 360.-The provisions of the two preceding Articles shall be applicable to the advisors and other officials in charge of rendering their opinion before the authorities.

(Thus corrected its numbering by subsection a) of Article 185 of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 351 to 353).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 353 to 360).

Article sheet

SECTION V

EMBEZZLEMENT AND MISAPPROPRIATION

Sin.

Article 361.- Embezzlement. Any public official who steals or misappropriates money or goods whose administration, collection or custody has been entrusted to him/her by reason of his/her position shall be punished with imprisonment from three to twelve years; likewise, with imprisonment from three months to two years, any public official who uses, for his/her own benefit or that of third parties, works or services paid for by the Public Administration or goods owned by it.

This provision shall also apply to private individuals and to managers, administrators or attorneys-in-fact of private organizations, beneficiaries, grantees, grantees or concessionaires,

with respect to the goods, services and public funds that they exploit, have custody of, administer or possess under any title or form of management.

(Thus amended by Article 64 of the Law Against Corruption and Illicit Enrichment in the Public Service, No. 8422 of October 6, 2004).

(Thus corrected its numbering by subsection a) of Article 185 of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 352 to 354).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 354 to 361).

Article sheet

Culpable facilitation of subtractions.

Article 362.-A public official who through negligence has made possible or facilitated another person to steal the money or goods referred to in the preceding article shall be punished with thirty to one hundred and fifty days' fine.

(Thus corrected its numbering by subsection a) of Article 185 of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 353 to 355).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 355 to 362).

Article sheet

Embezzlement

Article 363.- Embezzlement. Public officials, private individuals and managers, administrators or attorneys-in-fact of private legal persons, beneficiaries, subsidized persons, grantees or concessionaires who give the funds, goods, services or funds that they administer, safeguard or exploit by any title or form of management, a different application from the one for which they are intended, shall be punished with imprisonment of one to eight years. If this results in damage or hindrance to the service, the penalty shall be increased by one third.

(Thus amended by Article 64 of the Law Against Corruption and Illicit Enrichment in the Public Service, No. 8422 of October 6, 2004).

(Thus corrected its numbering by subsection a) of Article 185 of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 354 to 356).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 356 to 363).

Article sheet

Embezzlement and misappropriation of private funds

Article 363 bis.- Those who administer or have custody of property seized, seized, deposited or entrusted by competent authority, belonging to private parties, shall be subject to the provisions of the three preceding articles.

(Thus added by Article 1 of Law No. 6726 of March 10, 1982).

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 354 bis to 356 bis).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 356 bis to 363 bis).

Article sheet

Unjustified delay of payments

Article 364.- Any public official who, having funds available, unjustifiably delays an ordinary payment decreed by the competent authority or does not observe in the payments the priorities established by law or judicial or administrative rulings, shall be punished with a thirty to ninety day fine.

The same penalty shall be incurred by the public official who, when requested by the competent authority, refuses to deliver an amount or effect deposited or placed under his custody or administration.

(Thus corrected its numbering by subsection a) of Article 185 of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 355 to 357).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 357 to 364).

Article sheet

SECTION VI

PROVISION COMMON TO THE OFFENSES

CONTEMPLATED IN THE THREE PRECEDING TITLES

Offenses committed by public officials.

Article 365.-When the person who commits the crimes against the public authority, against the administration of justice or against the duties of the public function is a public employee or official, the judges are empowered to impose, in addition to the penalties set forth in each case, those of absolute or special disqualification to the extent they deem appropriate, in accordance with the seriousness of the act and within the limits established for this penalty.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 356 to 358).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 358 to 365).

Article sheet

TITLE XVI

CRIMES AGAINST PUBLIC FAITH

SECTION I

FORGERY OF DOCUMENTS IN GENERAL

Forgery of public and authentic documents.

Article 366.-Whoever makes in whole or in part a false document, whether public or authentic, or alters a true one, in such a way that damage may result, shall be punished with imprisonment from one to six years.

If the act was committed by a public official in the performance of his duties, the penalty shall be from two to eight years.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 357 to Article 359).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 359 to 366).

Article sheet

Ideological falsehood.

Article 367.-The penalties provided for in the preceding article are applicable to whoever inserts or causes to be inserted in a public or authentic document false statements concerning a fact that the document must prove, in such a way that prejudice may result.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from the former Article 358 to Article 360).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 360 to 367).

Article sheet

Forgery of private documents.

Article 368.- Imprisonment from six months to two years shall be imposed on whoever makes in whole or in part a false private document or adulterates a true one, in such a way that damage may result.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 359 to Article 361).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 361 to 368).

Article sheet

Falsification of accounting records

Article 368 bis- Whoever with the purpose of committing or concealing any of the crimes contemplated in Article 1 of the Law on Liability of Legal Entities on Domestic Bribery, Transnational Bribery and other Crimes, falsifies in whole or in part, the books, physical or computer records, or any other accounting document of a legal entity or natural person, shall be punished with imprisonment of one to six years. The same sanction shall be applied to the natural person who for the same purpose keeps double accounting or accounts not recorded in the accounting books.

(So added by Article 39 of the Law on the Liability of Legal Entities for Domestic Bribery, Transnational Bribery and Other Offenses, No. 9699 of June 10, 2019)

Article sheet

Suppression, concealment and destruction of documents.

Article 369.-Whoever suppresses, conceals or destroys, in whole or in part, a document in such a way that damage may result, shall be punished with the penalties set forth in the preceding articles, in the respective cases.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 360 to Article 362).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 362 to 369).

Article sheet

Sale or distribution of public or private documents.

Whoever markets or distributes a public or private document, whether false or true, by any unlawful means and in such a way as to cause damage, shall be sentenced to three to six years' imprisonment. The penalty shall be four to eight years' imprisonment if the person who markets or distributes the document is a public official.

(Thus added by Article 76 of the Law against Trafficking in Persons and Creation of the National Coalition against the Smuggling of Migrants (CONATT) No. 9095 of October 26, 2012).

(Sinalevi's note: In accordance with the amendment made by the law of reform of computer and related crimes No. 9048 of July 10, 2012, the numbering of the Penal Code was modified, therefore the number of the article to be added is 369 bis and not 362 bis as indicated in the relevant regulation).

Article sheet

Equivalent documents.

Article 370.-Any person who executes any of the acts punished in said Article or in Article 360 in a closed will, in a check, whether official or draft, in a bill of exchange, in shares or other documents or titles of credits transmissible by endorsement or to bearer, shall be punished with the penalties set forth in Article 357.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 361 to 363).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 363 to 370).

Article sheet

Ideological falsification of medical certificates.

Article 371.- A fine of forty to one hundred and fifty days shall be imposed on the physician who issues a false certificate concerning the existence or non-existence, present or past, of any disease or injury, when damage may result therefrom. The penalty shall be from one to three years of imprisonment if the false

The purpose of the certificate is to have a healthy person committed to a psychiatric hospital or other health institution.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 362 to 364).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 364 to 371).

Article sheet

Use of false document.

Article 372.-Whoever makes use of a false or adulterated document shall be punished with one to six years of imprisonment.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 363 to Article 365).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 365 to 372).

Article sheet

SECTION II

COUNTERFEITING OF CURRENCY AND OTHER SECURITIES

Counterfeit currency.

Article 373.-Whoever counterfeits or alters national or foreign legal tender currency, and whoever introduces, issues or puts it into circulation, shall be punished with imprisonment from three to fifteen years.

(Thus corrected its numbering by subsection a) of Article 185 of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 364 to 366).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 366 to 373).

Article sheet

Circulation of counterfeit currency received in good faith.

Article 374.-The penalty shall be a fine of thirty to one hundred and fifty days, if the counterfeit or altered currency was received in good faith and was sold or circulated with knowledge of the falsity.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 365 to 367).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 367 to 374).

Article sheet

Values equated to currency.

Article 375.-For the purposes of the application of the criminal law, the following shall be considered as equivalent to currency: 1;

2.-Credit or debit cards;

National or municipal debt securities and their coupons; 4.-

National or municipal treasury bonds or bills;

5.- Securities, bonds and bearer shares, their coupons and bonds and bills issued by a foreign government;

6.-The coin that has been cut or altered; and

7.- The electronic annotations in account.

(As amended by Article 184 of the Securities Market Regulatory Law, No.7732 of December 17, 1997)

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 366 to 368).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 368 to 375).

Article sheet

SECTION III

COUNTERFEITING OF SEALS, SIGNS AND MARKS

Stamp Forgery.

Article 376.-Whoever counterfeits official seals, stamped paper, national postage stamps, any kind of stamped effects whose issuance is reserved by law, or authorized lottery tickets, shall be punished with imprisonment from one to six years.

The same penalty shall be imposed on anyone who knowingly introduces, sells or uses them.

In these cases, as well as in the following articles, the fraudulent impression of the true seal shall be considered forgery.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 367 to 369).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 369 to 376).

Article sheet

Falsification of signs and marks.

Article 377.-It shall be punished with imprisonment from six months to three years;

- 1) Whoever falsifies marks, passwords or signatures officially used to contrast weights or measures, identify any object or certify its quality, quantity or content, and whoever applies them to objects other than those to which they were to be applied.
- 2) Whoever counterfeits tickets of public transportation companies; and
- 3) Whoever falsifies, alters or suppresses the individualizing numbering of an object, registered in accordance with the law for security or fiscal reasons.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 368 to Article 370).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 370 to 377).

Article sheet

Fraudulent restoration of stamps.

Article 378.-Whoever makes disappear from any of the seals, stamps, marks or passwords referred to in the preceding articles, the sign indicating that it has already served or been used for the purpose of its issuance, shall be punished with imprisonment from six months to two years.

The same penalty shall be incurred by anyone who knowingly uses, causes to be used or offers for sale the unused effects referred to in the preceding paragraph.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 369 to Article 371).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 371 to 378).

Article sheet

Possession of counterfeit instruments.

Article 379.-A prison term of one month to one year shall be imposed on anyone who manufactures, introduces into the country or keeps in his possession materials or instruments intended to commit any of the forgeries set forth in this title.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 370 to Article 372).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 372 to 379).

Article sheet

TITLE XVII

CRIMES AGAINST HUMAN RIGHTS

SECTION

ONLY

Racial discrimination.

Article 380- The person, manager or director of an official or private institution, administrator of an industrial or commercial establishment that applies any prejudicial discriminatory measure, based on racial considerations, gender, sexual orientation, age, religion, marital status, public opinion, social origin, health condition or economic situation, shall be punished with twenty to sixty days fine.

The judge may also impose, as an accessory penalty, the suspension from public offices or positions for a period of not less than fifteen nor more than sixty days.

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law No. 7732 of December 17, 1997, which transferred it from former Article 371 to 373).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 373 to 380).

(As amended by Article 2 of Law No. 10156 of March 18, 2022)

Article sheet

International crimes.

Article 381.- Crimes of an international nature. A prison term of ten to fifteen years shall be imposed on those who direct or are part of international organizations dedicated to trafficking in slaves, women or children, drugs and narcotics, commit acts of kidnapping for ransom or terrorism, and violate the provisions of treaties signed by Costa Rica to protect human rights.

(As amended by the sole article of Law No. 8127 of August 29, 2001)

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former Article 372 to 374).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 374 to 381).

Article sheet

Article 381 bis- Torture

Whoever uses torture methods aimed at seriously affecting the physical, mental or emotional integrity of the victim, which are carried out to affect human dignity, physical development or mental capacity of the victim, on the occasion of any type of discrimination or for reasons based on belonging to a racial, ethnic, national or religious group, or defined by age, sex, sexual orientation, political opinion, immigration status, disability or genetic characteristics or any other condition, shall be punished with imprisonment for a term of three to fifteen years.

The same penalty shall apply to those who incur in the following causes:

- 1) For commission or omission to intentionally cause severe pain or suffering, physical or mental, to a person in the defendant's custody or control, whether by habitual care or by court order.
- 2) The public official who in seeking or achieving to investigate or obtain information with coercive or intimidating methods.
- 3) The person who threatens or uses violence as punishment or as a method to intimidate, control or exploit the victim, as a preventive measure or because of belonging to a racial group,

ethnic, national, religious, or defined by age, gender, sexual orientation, political opinion, immigration status, disability or genetic characteristics.

4) To the physician or any health personnel who participates or collaborates in the perpetration or concealment of the crime of torture.

5) The public official who, acting in that capacity, orders, instigates or induces its commission, or who, being able to prevent it, fails to do so.

6) Is committed to the detriment of minors, in which case the penalties established in this article shall be increased by one third.

7) Through acts of a sexual nature.

(Thus added by article 1° of Law No. 10213 of May 5, 2022)

Article sheet

Genocide.

Article 382.-A prison term of ten to twenty-five years shall be imposed on whoever takes part with homicidal intent in the total or partial destruction of a determined group of human beings, by reason of their nationality, race, or religious or political belief. The same penalty shall be imposed on anyone who:

- 1) Causes serious bodily or mental harm to members of such groups;
- 2) Place such groups in such precarious living conditions as to make possible the disappearance of all or part of the individuals that constitute them;
- 3) Take measures to prevent births within these groups; and
- 4) Transfer, by force or intimidation, children from one of these groups to other groups.

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from the former Article 373 to 375)

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 375 to 382).

Article sheet

Penalty for trafficking of minors for adoption.

Article 383.- Trafficking in minors

Whoever promotes, facilitates or favors the sale, for any purpose, of a minor and receives any type of payment for it, shall be punished with imprisonment from eight to sixteen years,

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValor2=5027

gratification, economic reward or of any other nature. The same penalty shall be imposed on anyone who pays, gratifies or rewards for the purpose of buying a minor.

Imprisonment shall be from ten to twenty years, when the perpetrator is an ascendant or relative up to the third degree of consanguinity or affinity, the person in charge of the guardianship, custody or any person who exercises the representation of the minor. The same penalty shall be imposed on the professional or public official who sells, promotes, facilitates or legitimizes, by means of any act, the sale of the minor. The professional and public official shall also be disqualified for the duration of the maximum penalty for the exercise of the profession or trade in which the act occurred.

(Originally added by Article 9 of the Law Reforming the Family Code, Organic Law of the National Child Welfare Agency, General Law on Migration and Foreigners, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995 and amended as indicated by Article 74 of the Law against Trafficking in Persons and Creation of the National Coalition against the Smuggling of Migrants (CONATT) No. 9095 of October 26, 2012).

(Thus renumbered by Article 185 of Law No. 7732 of December 17, 1997, which transferred it from the former Article 374 to Article 376. Subsequently, Article 3 of the Computer and Related Crimes Reform Law No. 9048 of July 10, 2012, transferred it from Article 376 to Article 383).

(Sinalevi's Note: In accordance with the amendment made by the law of reform of computer and related crimes No. 9048 of July 10, 2012, the numbering of the Penal Code was modified, so that the number of the article to be amended by law No. 9095 is 383 and not 376 as indicated in the relevant regulation).

Article sheet

Article 384.-Whoever promotes or facilitates the trafficking of underage persons in order to give them up for adoption, with the purpose of trading their organs, shall be sentenced to five to ten years of imprisonment.

(Thus added by Article 9 of the "Family Code Reform Law, Organic Law of the National Child Welfare Agency, General Migration and Foreigners Law, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995).

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former article 375 to 377).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 377 to 384).

Article sheet

Article 384 bis.- **Illicit trafficking of human organs, tissues and/or human fluids.**

Whoever sells or buys human organs, tissues and/or fluids or possesses or transports them illicitly shall be punished with imprisonment from eight to sixteen years.

The same penalty shall be imposed on whoever:

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValor2=5027

a) Gives, offers, solicits or receives any form of gratuity, remuneration or gift in cash or in kind for the donation of human organs, tissues and/or fluids or the removal of these for donation purposes.

b) Performs acts of coercion or imposes economic, social, psychological or any other type of conditioning for a person to consent to the donation or removal for the purpose of donation of human organs, tissues and/or fluids.

c) Publicly request or advertise, by any means, the need for an organ, tissue or human fluid, or its availability, offering or requesting any type of gratification, remuneration or gift in cash or in kind, or imposing economic, social, psychological or any other type of conditioning.

(Thus amended by Article 59 of the Law on Human Organ and Tissue Donation and Transplantation, No. 9222 of March 13, 2014).

(Thus added by Article 77 of the Law against Trafficking in Persons and Creation of the National Coalition against the Smuggling of Migrants (CONATT) No. 9095 of October 26, 2012).

(Sinalevi's note: In accordance with the amendment made by the law of reform of computer and related crimes No. 9048 of July 10, 2012, the numbering of the Penal Code was modified, so that the number of the article to be added is 384 bis and not 377 bis as indicated in the relevant regulation).

Article sheet

Article 384 ter.- Illicit extraction of human organs, tissues and/or human fluids. Shall be punished with imprisonment from five to twelve years, whoever performs the extraction of human organs, tissues and/or fluids without the prior informed consent of the living donor, in accordance with the provisions of Articles 15 and 16 of Law 9222, Law of Donation and Transplantation of Human Organs and Tissues, of March 13, 2014, or by misleading him/her by concealing information or using false information, or any other form of deception or manipulation. The same penalty shall be imposed on anyone who performs an extraction without first submitting the case to the clinical bioethics committee of the respective hospital, as established in Article 21 of the aforementioned law.

The penalty shall be eight to sixteen years of imprisonment, for whoever violates the prohibitions set forth in Articles 17 and 26 of Law 9222, Law on Human Organ and Tissue Donation and Transplantation of March 13, 2014.

Whoever extracts human organs and/or fluids from a deceased person without the consent of the deceased during his/her lifetime or without the authorization of his/her relatives or representatives, in accordance with Article 24 of Law 9222, Law on Donation and Transplantation of Human Organs and Tissues, dated March 13, 2014, shall be punished with three to ten years of imprisonment.

The same penalty shall apply to whoever extracts human tissues from a deceased person, who manifested in life his refusal to donate, in accordance with the provisions of Article 23 of the same law.

(So added by Article 60 of the Law on Human Organ and Tissue Donation and Transplantation, No. 9222 of March 13, 2014).

(As amended by article 3 of Law No. 9916 of April 14, 2021)

Article sheet

War crimes.

Article 385.- A prison term of ten to twenty-five years shall be imposed on anyone who, on the occasion of an armed conflict, performs or orders to perform acts that may be qualified as serious violations or war crimes, in accordance with the requirements of the international treaties to which Costa Rica is a party, relating to the conduct of hostilities, the protection of the wounded, sick and shipwrecked, the treatment of prisoners of war, the protection of civilians and the protection of cultural property, in cases of armed conflict, and according to any other instrument of International Humanitarian Law.

(Thus added by Article 2° of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002).

(Thus renumbered by Article 3 of Law No. 9048 of July 10, 2012, which transferred it from former Article 378 to 385, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

Article sheet

Crimes against humanity

Article 386.- A prison term of ten to twenty-five years shall be imposed on anyone who commits or orders to be committed, as part of a widespread or systematic attack against a civilian population and with knowledge of such attack, acts that may be classified as crimes against humanity, in accordance with the provisions of the international treaties to which Costa Rica is a party, relating to the protection of human rights, and the Rome Statute.

(Thus added by Article 2° of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 379 to 386).

Article sheet

THIRD BOOK OF THE CONTRAVENTIONS

TITLE I

VIOLATIONS AGAINST PERSONS

SECTION I

ACTS AGAINST BODILY INTEGRITY

Very minor injuries

Article 387.- A fine of ten to thirty days shall be imposed on whoever causes damage to the health of another person that does not cause him/her incapacity to perform his/her usual occupations.

The penalty shall be fifteen to sixty days fine if the damage caused is equivalent to an incapacity for five days or less for the performance of the victim's usual occupations.

In case of recidivism in any of these conducts, the penalty shall be from ten to thirty days of prison.

(As amended by Article 2 of Law No. 8250 of May 2, 2002).

(Thus renumbered by Article No. 9 of the "Family Code Reform Law, Organic Law of the National Child Welfare Agency, General Immigration and Foreigners Law, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from the former Article 374 to Article 376).

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores No.7732 of December 17, 1997, which transferred it from former article 376 to 378).

(Thus renumbered by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from the former Article 378 to the current Article 380).

(Thus renumbered by Article 3 of Law No. 9048 of July 10, 2012, which transferred it from former Article 380 to 387, "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code").

Article sheet

Article 388.- A fine of ten to sixty days shall be imposed on

whoever: Dual fighting

1) Intervene in a dual fight.

Participation in a quarrel

2) Take part in a quarrel involving two or more persons.

Assault on a pregnant woman

3) To assault or produce a violent emotion to a woman in a state of pregnancy, when the pregnancy of the offended woman is known or evident to him.

Trade or advertisement of abortifacient substances

4) To trade or advertise procedures, instruments, medications or substances intended to provoke abortion.

(As amended by Article 2 of Law No. 8250 of May 2, 2002).

(Thus corrected its numbering by Article No. 9 of the "Reform Law of the Family Code, Organic Law of the National Child Welfare Agency, General Migration and Foreigners Law, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from former Article 375 to Article 377).

(Thus corrected its numbering by subsection a) of Article No. 185 of the "Securities Market Regulatory Law", No. 7732 of December 17, 1997, which transferred it from former Article 377 to Article 379).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 379 to 381).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 381 to 388).

Article sheet

Sexual harassment in public or publicly accessible spaces

Article 388 bis- Sexual harassment. A penalty of fifteen to thirty days fine shall be imposed on whoever, in a public space, of public access or in a means of paid transportation of persons, utters, directs or executes, with sexual connotation, words, noises, whistles, gasps, moans, gestures or gestures towards another person, without his consent.

The penalty shall be twenty-five to thirty-five days fine, if the conducts described in the preceding paragraph are committed by two or more persons, or through the use of electronic means of communication.

(Thus added by Article 6 of the Law against Sexual Harassment in the Street, No. 9877 of August 10, 2020)

Article sheet

SECTION II

PROTECTION OF MINORS

Article 389.- A fine of ten to sixty days shall be imposed on the following persons:

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValue2=5027

Immoderate punishment of children

1) Parents, tutors or guardians of minors who punish them in an immoderate manner or try to deliver them to another person or public establishment, with the purpose of evading the responsibilities inherent to their legal duty, or expose them to corruption.

Exposure of minors to danger

2) Whoever has a minor under his care and exposes him to any foreseeable or avoidable danger.

(*) Dissemination, disclosure or use of image, voice and personal data without consent.

3) Whoever disseminates, discloses or uses images, voice or personal data of a minor person, in any way that allows the identification of the minor person, without the express consent of the persons legally responsible. The foregoing without prejudice to the civil liabilities that may be demanded.

()(The above paragraph was added by the sole article of the Law on the protection of the image, voice and personal data of minors, No. 10238 of July 11, 2022).*

(Thus amended by Article 2 of Law No. 8250 of May 2, 2002).

(Thus renumbered by Article No. 9 of the "Family Code Reform Law, Organic Law of the National Child Welfare Agency, General Immigration and Foreigners Law, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from the former Article 376 to Article 378).

(Thus corrected its numbering by subsection a) of Article No. 185 of the "Securities Market Regulatory Law", No. 7732 of December 17, 1997, which transferred it from the former Article 378 to Article 380)

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 380 to 382).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 382 to 389).

Article sheet

Mendicity

Article 390.- A penalty of ten to sixty days' fine shall be imposed on anyone who sends a minor or incapable person entrusted to his authority, care, protection or surveillance to beg.

(Thus amended by Article 2 of Law No. 8250 of May 2, 2002).

(Thus renumbered by Article No. 9 of the "Family Code Reform Law, Organic Law of the National Child Welfare Agency, General Immigration and Foreigners Law, Organic Law of the TSE and Civil Registry and Civil Code).

No. 7538 of August 22, 1995, which transferred it from former Article 377 to 379).

(Thus corrected its numbering by subsection a) of Article No. 185 of the "Securities Market Regulatory Law", No. 7732 of December 17, 1997, which transferred it from former Article 379 to Article 381).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 381 to 383).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 383 to 390).

Article sheet

SECTION III

PROVOCATIONS AND THREATS

Article 391.- A fine of three to thirty days shall be imposed on
whoever: Provoking a quarrel

- 1) To provoke another to a quarrel or fight.

Personal threats

- 2) Threaten another or his family.

Throwing of objects

- 3) Throw dirty things or any kind of objects at another person, without causing him harm.

(As amended by Article 2 of Law No. 8250 of May 2, 2002)

(Thus renumbered by Article No. 9 of the "Family Code Reform Law, Organic Law of the National Child Welfare Agency, General Immigration and Foreigners Law, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from the former Article 378 to Article 380).

(Thus corrected its numbering by subsection a) of Article No. 185 of the "Securities Market Regulatory Law", No. 7732 of December 17, 1997, which transferred it from former Article 380 to 382).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 382 to 384).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 384 to 391).

Article sheet

TITLE II

VIOLATIONS OF GOOD CUSTOMS AND MORALS

SECTION

ONLY

Article 392.- A five to thirty day fine shall be imposed

for: Drunkenness

1) Whoever appears in a public place intoxicated and causes a scandal, disturbs the tranquility of the people or endangers the safety of himself or others. In case of recidivism, the penalty shall be a fine of ten to fifty days.

Animal abuse

2) *(Repealed by Article 4 of Law No. 9458 of June 11, 2017)*

Obscene words or acts

3) Whoever, in a public place or private place exposed to the gaze of others, utters obscene words or performs indecent or dishonest acts, gestures, attitudes or exhibitions.

Disrespectful proposals

4) Whoever expresses disrespectful phrases or propositions to another, addresses rude or mortifying gestures to him, or assaults him with de facto, oral or written impertinence.

Touching

5) *(Repealed by Article 7 of the Law against Sexual Harassment in the Streets, No. 9877 of August 10, 1997). 2020)*

Exhibitionism

6) Whoever, in a public place, shows himself naked or exhibits his genital organs.

Usurpation of name

7) Whoever usurps the name of another.

Inquisitive glances

8) Whoever looks, in any way, into the interior of an inhabited house, with the purpose of violating the privacy of its inhabitants.

Mortifying calls

9) Whoever makes mortifying calls by telephone or other analogous means.

(As amended by Article 2 of Law No. 8250 of May 2, 2002)

(Thus renumbered by Article No. 9 of the "Family Code Reform Law, Organic Law of the National Child Welfare Agency, General Immigration and Foreigners Law, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from the former Article 379 to Article 381).

(Thus corrected its numbering by subsection a) of Article No. 185 of the "Securities Market Regulatory Law", No. 7732 of December 17, 1997, which transferred it from former Article 381 to Article 383)

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 383 to 385).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 385 to 392).

Article sheet

TITLE III

VIOLATIONS AGAINST THE INVOLABILITY OF LANDS, ESTATES OR BUSINESSES

SECTION

ONLY

Article 393.- A fine of five to thirty days shall be imposed on whoever:

Violent entry to businesses

1) Enter a public or private establishment, using violence.

Resisting an order to leave a public establishment

2) Being in a public or private establishment, he/she does not leave after being ordered to do so.

Hunting and fishing in closed areas

3) Enter to hunt or fish in a closed estate or forbidden field without permission of the owner or of the authority, in the case of uncultivated land.

Trespassing

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValue2=5027

4) Enter into another's enclosed land, without permission of the owner or possessor.

(As amended by Article 2 of Law No. 8250 of May 2, 2002)

(Thus renumbered by Article No. 9 of the "Family Code Reform Law, Organic Law of the National Child Welfare Agency, General Immigration and Foreigners Law, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from the former Article 380 to Article 382).

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores; No.7732 of December 17, 1997, which transferred it from former article 382 to 384).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 384 to 386).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 386 to 393).

Article sheet

TITLE IV

PROPERTY AND PATRIMONY OFFENSES

SECTION

ONLY

Article 394.-A fine of ten to sixty days shall be imposed:

Drawing on walls

1)Whoever writes, exhibits or traces drawings or emblems or fixes papers or posters on the exterior part of a construction, a public or private building, a dwelling house, a wall, a movable property, a traffic sign or on any other object visibly located, without the permission of the owner or possessor or of the respective authority, as the case may be. In the event of recidivism, the penalty shall be five to twenty days' imprisonment.

False weights or measurements

2) Whoever, in the exercise of commerce, uses false weights or measures or exact measures not contrasted or different from those authorized by law.

(Thus amended by Article 19 of the Law on the Protection of Victims, Witnesses and Other Persons Involved in Criminal Proceedings, No. 8720 of March 4, 2009).

(Thus renumbered by Article No. 9 of the "Family Code Reform Law, Organic Law of the National Child Welfare Agency, General Law on Migration and Foreigners, Organic Law of the TSE and Civil Registry and the Civil
http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValue2=5027

Code).

No. 7538 of August 22, 1995, which transferred it from former Article 381 to 383).

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores; No.7732 of December 17, 1997, which transferred it from the former article 383 to article 385)

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 385 to 387).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 387 to 394).

Article sheet

TITLE V

CONTRAVENTIONS AGAINST PUBLIC ORDER

SECTION I

DISTURBANCES OF THE PUBLIC PEACE

Article 395.- A fine of five to thirty days shall be imposed:

Disturbances

1) Whoever, in any way, causes a disturbance that disturbs the tranquility of the people.

False calls to emergency entities

2) Whoever falsely alarms or calls the police, fire department, ambulance or other emergency response entity.

Disorders

3) Whoever, in a public place or place of access to the public, promotes disorder or participates in it, when the act does not have a more serious sanction.

(As amended by Article 2 of Law No. 8250 of May 2, 2002)

(Thus renumbered by Article No. 9 of the "Law Reforming the Family Code, Organic Law of the National Child Welfare Agency, General Law on Migration and Foreigners, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from former Article 382 to 384.)

(Thus corrected its numbering by subsection a) of Article 185 of the "Securities Market Regulatory Law; No.7732 of December 17, 1997, which transferred it from former Article 384 to 386).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 386 to 388).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 388 to 395).

Article sheet

SECTION II

DISOBEDIENCE, CONTEMPT AND DISRESPECT FOR AUTHORITY

Article 396.- It shall be punished with a five to thirty day fine:

Destruction of official seals

1) Whoever has torn off, destroyed or otherwise rendered useless the seals affixed by the authority for judicial or fiscal purposes.

Lack of assistance to the authority

2) Whoever does not render the assistance requested by the authority in case of earthquake, fire, flood, shipwreck or other calamity or misfortune, even if he can do so without serious detriment to himself, or does not provide the information requested or gives false information.

Failure to appear as a witness

3) A person who, having been legally summoned as a witness, refrains from appearing or refuses to give the corresponding statement.

Refusal to perform expert acts

4) A physician, surgeon, pharmacist or obstetrician who, when called as an expert witness in a judicial proceeding, refuses to perform the examination and give the report required by the judicial authority.

Refusal to comply with the obligation to perform as experts

5) To the expert or interpreter who, having accepted the position in judicial matters, refuses without just cause to perform it or delays it to the detriment of any of the parties to the business.

Refusal to identify oneself

6) Whoever, when requested or interrogated by a competent authority in the exercise of his functions, refuses to present his identity card, passport or residence permit, refuses to give his name, profession, marital status, nationality, place of birth, domicile and other data of filiation or gives false information.

Hindering authority action

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValor2=5027

7) Whoever, without assaulting a public official or the person who assists him at his request or by virtue of a legal obligation, obstructs or hinders him in any way in the performance of an act proper to his functions, resists him or commits any other contempt that does not constitute a crime.

False carrying of badges

8) Whoever publicly wears insignia or badges of an office he does not hold, or pretends to be vested with a public function, office or authority, or authorized to exercise it.

(As amended by Article 2 of Law No. 8250 of May 2, 2002)

(Thus renumbered by Article No. 9 of the "Law Reforming the Family Code, Organic Law of the National Child Welfare Agency, General Law on Migration and Foreigners, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from former Article 383 to 385.)

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores; No.7732 of December 17, 1997, which transferred it from former article 385 to 387).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 387 to 389).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 389 to 396).

Article sheet

SECTION III

Shows, amusements and public establishments

Article 397.- The following shall be punished with a
five to thirty day fine: Blackouts

1) Whoever, in an improper manner, totally or partially extinguishes the public lighting or that of a public place or of access to the public.

2) Whoever, by shouting, noisy demonstrations or otherwise, disturbs a meeting, popular festivity or public spectacle.

(As amended by Article 2 of Law No. 8250 of May 2, 2002)

(Thus renumbered by Article No. 9 of the "Law Reforming the Family Code, Organic Law of the National Child Welfare Agency, General Law on Migration and Foreigners, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from former Article 384 to 386.)

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores; No.7732 of December 17, 1997, which transferred it from former article 386 to 388).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 388 to Article 390).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 390 to 397).

Article sheet

SECTION IV

CIRCULATION OF CURRENCY AND OTHER SECURITIES

Article 398.- It shall be punished with a five to thirty day fine:

Refusal to receive currency in course

- 1) Whoever refuses to receive national currency as legal tender in payment for its value.

Manufacture or circulation of photographs resembling securities

2) Whoever manufactures, sells or circulates printed matter or photographs, photoengravings and objects similar to bank bills, bonds, interest coupons, stamps, postage stamps or other securities, in such a way as to facilitate confusion.

(As amended by Article 2 of Law No. 8250 of May 2, 2002)

(Thus renumbered by Article No. 9 of the "Law Reforming the Family Code, Organic Law of the National Child Welfare Agency, General Law on Migration and Foreigners, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from former Article 385 to 387).

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores; No.7732 of December 17, 1997, which transferred it from former article 387 to 389).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 389 to 391).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 391 to 398).

Article sheet

TITLE VI
CONTRAVENTIONS AGAINST PUBLIC SAFETY

SECTION I
TRAFFIC SAFETY

Irregularities with public transportation users

Article 399.- The driver of public service vehicles who refuses, without reason, to transport a person or his luggage, if he pays the transportation according to the tariff or custom of the place, or manifests inconvenient or rude attitudes with the users or uses inappropriate language, shall be punished with a penalty of ten to thirty days' fine.

(As amended by Article 2 of Law No. 8250 of May 2, 2002)

(Thus renumbered by Article No. 9 of the "Law Reforming the Family Code, Organic Law of the National Child Welfare Agency, General Law on Migration and Foreigners, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from former Article 386 to 388.)

(Thus corrected by Article 185, paragraph a) of the "Securities Market Regulatory Law; No.7732 of December 17, 1997, which transferred it from the former Article 388 to Article 390).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 390 to 392).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 392 to 399).

Article sheet

Article 400.- It shall be punished with a penalty of five to thirty days fine:

Unauthorized use of public roads

a) Whoever installs signs or labels that, due to their similarity, shape, color and placement, may hinder the reading of official traffic signs, the circulation of vehicles or the visibility of the roads.

b) Whoever places within the right-of-way advertisements, signs, structures with advertising that affect visibility or road safety and that lack the respective permits.

c) Whoever uses public roads for sales or lucrative activities, permanent repair of vehicles, juggling, circus acts, begging or others that obstruct the free flow of traffic.

d) Whoever occupies, without due authorization, urban and suburban public roads to build stretches or stalls, on the occasion of popular, patron saint or other types of festivities.

e) Whoever throws objects or substances on a public road that endanger road safety.

Alteration of official traffic signs and devices

a) Whoever alters, damages, removes without authorization or makes unauthorized use of official traffic signs and devices.

Failure to post or remove signs

a) Whoever fails to place or removes without authorization the signs or notices ordered by law, regulations or authority, to indicate houses or places where there is risk of sinking or other threat or to warn people in a place of public traffic, or whoever turns off a light placed as a sign.

Disturbance to passers-by or drivers

a) Whoever obstructs or, in any way, hinders traffic on public roads or sidewalks, with materials, debris or objects, or crosses them with vehicles, beams, wires or similar objects, without using the means required by the case to avoid damage or inconvenience to passersby or drivers, if they have been placed without a license from the competent authority.

Infringement of public road regulations

a) Whoever violates the laws or regulations on the opening, maintenance or repair of public roads, when the fact does not indicate a more serious sanction.

(As amended by Article 246 of the Law on Traffic on Public Roads and Road Safety, No. 9078 of October 4, 2012).

(Thus renumbered by Article No. 9 of the "Family Code Reform Law, Organic Law of the National Child Welfare Agency, General Immigration and Foreigners Law, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from the former Article 387 to Article 389).

(Thus corrected its numbering by subsection a) of Article 185 of the "Securities Market Regulatory Law; No. 7732 of December 17, 1997, which transferred it from former Article 389 to 391).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 391 to 393).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 393 to 400).

Article sheet

SECTION II

Safety of constructions and buildings

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValue2=5027

Article 401.- It shall be punished with ten to thirty days fine:

Delay in the repair or demolition of a construction site

1) Whoever omits or delays the repair or demolition of a construction or part of it that threatens ruin, when he is obliged to repair or demolish it.

Omission of security measures in defense of individuals

2) The director of the construction or demolition of a work who omits to take adequate safety measures in defense of persons or property.

Opening of wells with danger to neighboring buildings or properties.

3) Whoever, with or without authorization, opens wells, excavations or carries out works that involve danger to persons or property, without adopting the necessary preventive measures, provided that no damage is caused.

Obligation to keep land clean

4) Whoever fails to comply with the obligation to maintain the land and buildings of his property in the necessary conditions of safety, ornament and salubrity and, therefore, causes danger to the health, property and integrity of neighbors or passersby or causes detriment to public ornament.

Violation of building regulations

5) Whoever violates the building regulations on public ornament and accessibility for all persons.

In the cases provided for in this article, the judge shall order all necessary repairs to be made at the expense of the convicted person.

(As amended by Article 2 of Law No. 8250 of May 2, 2002)

(Thus renumbered by Article No. 9 of the "Law Reforming the Family Code, Organic Law of the National Child Welfare Agency, General Law on Migration and Foreigners, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from the former Article 388 to Article 390).

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores; No.7732 of December 17, 1997, which transferred it from former article 390 to 392).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 392 to 394).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 394 to 401).

Article sheet

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValor2=5027

SECTION III

FIRE AND OTHER HAZARDS VIOLATION OF MEASURES TO PREVENT

HAZARDS FROM MACHINERY AND OTHER OBJECTS

Article 402.- It shall be punished with ten to thirty days fine, whoever omits the repairs or defenses advised by prudence, or contravenes the rules established to prevent danger from machinery, steam boilers, furnaces, ovens, stoves, chimneys, electric cables or explosive or flammable materials.

(As amended by Article 2 of Law No. 8250 of May 2, 2002)

(Thus renumbered by Article No. 9 of the "Law Reforming the Family Code, Organic Law of the National Child Welfare Agency, General Law on Migration and Foreigners, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from former Article 389 to 391.)

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores; No.7732 of December 17, 1997, which transferred it from former article 391 to 393).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 393 to 395).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 395 to 402).

Article sheet

Article 403.- It shall be punished with ten to thirty days fine:

Contravention of fire regulations

- 1) Whoever contravenes the provisions aimed at preventing fires or avoiding their propagation.

Violation of pest rules

- 2) Whoever violates the law on the control and extermination of all pests detrimental to agriculture, livestock and poultry farming.

(As amended by Article 2 of Law No. 8250 of May 2, 2002)

(Thus renumbered by Article No. 9 of the "Law Reforming the Family Code, Organic Law of the National Child Welfare Agency, General Law on Migration and Foreigners, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from former Article 390 to 392.)

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores; No.7732 of December 17, 1997, which transferred it from former article 392 to 394).

(Thus renumbered by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 378 to 380-394-396).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 396 to 403).

Article sheet

SECTION IV

MONITORING OF ALIENATED PERSONS

Illegal custody of alienated

Article 404.- Whoever, without immediately notifying the authority or without authorization, receives persons with intellectual disabilities or severe emotional disorders for custody, shall be punished with ten to thirty days fine. The same penalty shall be imposed on whoever, having such persons under his custody, allows them to circulate publicly without supervision.

(As amended by Article 2 of Law No. 8250 of May 2, 2002)

(Thus renumbered by Article No. 9 of the "Family Code Reform Law, Organic Law of the National Child Welfare Agency, General Immigration and Foreigners Law, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from the former Article 391 to 393).

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores; No.7732 of December 17, 1997, which transferred it from the former article 393 to 395).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 395 to 397).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 397 to 404).

Article sheet

SECTION V

MONITORING AND CARE OF ANIMALS

Abandonment of animals

Article 405.- A fine of five to thirty days shall be imposed on anyone who, without having taken the appropriate precautions so that an animal does not cause harm, leaves it in a place of public traffic or entrusts it to someone inexperienced, in such a way that it exposes persons or things to danger.

(As amended by Article 2 of Law No. 8250 of May 2, 2002)

(Thus renumbered by Article No. 9 of the "Family Code Reform Law, Organic Law of the National Child Welfare Agency, General Immigration and Foreigners Law, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from the former Article 392 to 394).

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores; No.7732 of December 17, 1997, which transferred it from the former article 394 to 396).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 396 to 398).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 398 to 405).

Article sheet

Article 405 bis.- Mistreatment of animals. It shall be punished with twenty to fifty days fine.
who:

- a) Performs acts of animal abuse. Animal abuse shall mean any conduct that causes unjustified injury to a domestic or domesticated animal.
- b) Leave pets to their own devices.

Domestic animal shall be understood as any animal that, due to its evolutionary characteristics and behavior coexists with human beings. Domesticated animal shall be understood as any animal that through human effort has changed its wild condition.

Organizations duly registered in the Judicial Registry may represent the diffuse interests of animals affected by the conducts described in this rule.

(So added by article 3° of law no. 9458 of June 11, 2017)

Article sheet

Article 405 ter.-Excepted activities. The following activities are exempted from the application of the penalties provided for in Article 405 bis of this Law:

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- a) Fisheries and aquaculture, regulated by Law No. 7384, Creation of the Costa Rican Fisheries and Aquaculture Institute (Incopeca), of March 16, 1994 and Law No. 8436, Fisheries and Aquaculture Law, of March 1, 2005.
- b) Agricultural or zootechnical or livestock or veterinary activities regulated in accordance with Law No. 8495, General Law of the National Animal Health Service, of April 6, 2006.
- c) Those for the improvement of sanitary or phytosanitary control, marking, reproductive control or hygiene of the respective animal species.
- d) Those carried out for reasons of mercy.
- e) Those carried out for reasons of safeguarding crops or productive land.
- f) Those for research purposes, in accordance with the provisions of Chapter III of Law No. 7451, Animal Welfare, of November 16, 1994.
- g) Those carried out for the purpose of safeguarding public health and veterinary public health.
- h) Public or private shows with animals, in accordance with current legislation.
- i) The professional training, duly accredited, of assistance animals for people with disabilities and of animals to be used for human security or to combat crime.
- j) Breeding or transport, in accordance with current legislation.

(So added by article 3° of law no. 9458 of June 11, 2017)

Article sheet

SECTION VI

Environment

Article 406.- It shall be punished with a penalty of ten to two hundred days fine:

Violation of burning regulations

- 1) Whoever violates the regulations relating to the cutting or burning of forests, trees, weeds, stubble or other products of the land, when there is no other express penalty.

Obstruction of ditches or canals

- 2) Whoever throws objects that obstruct the flow of water into ditches or canals.

Opening or closing of pipe faucets

3) Whoever unduly opens or closes pipe faucets, or in any other manner not expressly punished, contravenes existing water regulations.

Infringement of hunting and fishing regulations

4) Whoever, in any way, infringes the laws or regulations on hunting and fishing, provided that the infringement is not expressly punished in another legal provision.

(As amended by Article 2 of Law No. 8250 of May 2, 2002)

(Thus renumbered by Article No. 9 of the "Family Code Reform Law, Organic Law of the National Child Welfare Agency, General Immigration and Foreigners Law, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from the former Article 393 to 395).

(Thus corrected its numbering by subsection a) of Article 185 of the "Securities Market Regulatory Law; No. 7732 of December 17, 1997, which transferred it from former Article 395 to 397).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 397 to 399).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 399 to Article 406).

Article sheet

Use of illegal substances for fishing

Article 407.- A penalty of five to thirty days fine shall be imposed on whoever uses explosive or poisonous substances for fishing.

(Thus amended by Article 2 of Law No. 8250 of May 2, 2002).

(Thus renumbered by Article No. 9 of the "Law Reforming the Family Code, Organic Law of the National Child Welfare Agency, General Law on Migration and Foreigners, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from former Article 394 to 396.)

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores; No. 7732 of December 17, 1997, which transferred it from former article 396 to 398).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 398 to Article 400).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 400 to 407).

Article sheet

SECTION VII

PUBLIC HEALTH

Concealment or removal of unhealthy objects

Article 408.- A fine of ten to two hundred days shall be imposed on whoever steals or conceals articles that the authority has ordered to be disinfected before being used, or beverages or foodstuffs whose disinfection has been ordered by the authority.

(Thus amended by Article 2 of Law No. 8250 of May 2, 2002).

(Thus corrected its numbering by Article No. 9 of the "Reform Law of the Family Code, Organic Law of the National Child Welfare Agency, General Migration and Foreigners Law, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from former Article 395 to 397).

(Thus corrected its numbering by subsection a) of Article 185 of the "Securities Market Regulatory Law; No.7732 of December 17, 1997, which transferred it from former Article 397 to 399).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 399 to Article 401).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 401 to 408).

Article sheet

Inconvenient smoke, vapor or gas leaks

Article 409.- A fine of fifteen to two hundred days shall be imposed on businessmen or industrialists who do not adopt convenient measures to avoid smoke, steam or gas leaks that cause nuisance to the public or harm their health, or do not provide for the elimination of polluting waste from the environment.

The same sanction shall be imposed on the owners or lessees of all motor vehicles that do not adopt the necessary measures to prevent the escape of carbon monoxide, fumes and other sources of atmospheric pollution that cause discomfort to the public or harm their health.

(Thus amended by Article 2 of Law No. 8250 of May 2, 2002).

(Thus renumbered by Article No. 9 of the "Family Code Reform Law, Organic Law of the National Child Welfare Agency, General Law on Migration and Foreigners, Organic Law of the TSE and Civil Registry and the Civil Code).

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No. 7538 of August 22, 1995, which transferred it from former Article 396 to 398).

(Thus corrected by Article 185, paragraph a) of the "Ley Reguladora del Mercado de Valores; No.7732 of December 17, 1997, which transferred it from the former Article 398 to Article 400).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 400 to 402).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 402 to 409).

Article sheet

BOOK FOUR

Final Provisions

Article 410.- The Penal and Police Code, both of August 21, 1941, and all the legal provisions that add to and reform it, are hereby expressly repealed. Also repealed, but only in their punitive provisions, are all laws referring to the acts provided for and punished in this Code, with the exception of those relating to crimes of a military nature because they refer to the service and discipline of the army, when the Republic is in a state of war, and also excluding the punishments that the Fiscal Code and the laws annexed thereto establish to punish infractions against the Public Treasury. Any legal or regulatory provision that contradicts or opposes the provisions of this Code shall also be repealed.

The Agricultural Protection Law No. 23 of July 2, 1943 and the provisions of the Sanitary Code that contradict the provisions of this Code are likewise repealed.

(Thus renumbered by Article No. 9 of the "Family Code Reform Law, Organic Law of the National Child Welfare Agency, General Immigration and Foreigners Law, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from the former Article 414 to Article 416).

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores; No.7732 of December 17, 1997, which transferred it from the former article 416 to 418).

(Sinalevi's Note: The numbering of this article was modified by Article 2° of Law No. 8250 of May 2, 2002, which completely reforms the Third Book of Contraventions, ordering the numbering of the remaining articles to be adjusted, with Article 418 becoming the current Article 401).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 401 to 402).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from the former Article 403 to 410).

Article sheet

Article 411.-Fine penalties applied by virtue of provisions set forth in special laws shall be transformed into fine days, and the adjudicating authorities shall establish the necessary readjustments, in accordance with the new concept given to this penalty.

(Thus renumbered by Article No. 9 of the "Family Code Reform Law, Organic Law of the National Child Welfare Agency, General Immigration and Foreigners Law, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from the former Article 415 to Article 417).

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores; No.7732 of December 17, 1997, which transferred it from former article 417 to 419).

(Sinalevi's Note: The numbering of this article was modified by Article 2° of Law No. 8250 of May 2, 2002, which integrally reforms the Third Book of Contraventions, ordering to adjust the numbering of the remaining articles, with Article 419 becoming Article 402).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 402 to 404).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 404 to 411).

Article sheet

Article 412.-The proceeds of the fine days resulting from the application of this Code shall be paid in full to the Patronato de Construcción, Instalación y Adquisición de Bienes de Adaptación Social, which in turn shall pay fifty percent monthly to the Board of Education of the place where the punishable action was committed. The payment will be proven with the corresponding receipt issued by the respective Cantonal School Treasury.

(As amended by Article 1 of Law No. 5386 of October 19, 1973)

(Sinalevi's Note: Law 5386 of October 19, 1973 in its transitory provision provided that "The amounts collected for the concept of fine days and which have not been distributed to the Boards of Education, shall be transferred to the Patronato de Construcción, Instalación y Adquisición de Bienes de Adaptación Social, in order to make the transfer to the corresponding Boards of Education".

(Thus renumbered by Article No. 9 of the "Family Code Reform Law, Organic Law of the National Child Welfare Agency, General Immigration and Foreigners Law, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from former Article 416 to Article 418).

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores; No.7732 of December 17, 1997, which transferred it from former article 418 to 420).

(Sinalevi's Note: The numbering of this article was modified by Article 2° of Law No. 8250 of May 2, 2002, which integrally reforms the Third Book of Contraventions, ordering to adapt the numbering of the remaining articles, with Article 420 becoming Article 403).

(Thus corrected its numbering by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from former Article 403 to 405).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 405 to 412).

Article sheet

Article 413.-This Code shall be in force one year after its publication.

(Thus amended by Article 1 of Law No. 4589 of January 6, 1971).

(Thus renumbered by Article No. 9 of the "Family Code Reform Law, Organic Law of the National Child Welfare Agency, General Immigration and Foreigners Law, Organic Law of the TSE and Civil Registry and Criminal Code, to regulate the adoption of persons", No. 7538 of August 22, 1995, which transferred it from the former Article 417 to Article 419).

(Thus corrected its numbering by subsection a) of article 185 of the "Ley Reguladora del Mercado de Valores; No.7732 of December 17, 1997, which transferred it from the former article 419 to 421).

(Sinalevi's Note: The numbering of this article was modified by Article 2° of Law No. 8250 of May 2, 2002, which completely reforms the Third Book of Contraventions, ordering the numbering of the remaining articles to be adjusted, with Article 421 becoming Article 404.

(Thus renumbered by Article No. 2 of the "Criminal Repression Law as punishment for War Crimes and Crimes against Humanity", No. 8272 of May 2, 2002, which transferred it from the former Article 404 to the current Article 406).

(Thus renumbered by Article 3 of the law "Reform of Section VIII, Computer and Related Crimes, of Title VII of the Penal Code", No. 9048 of July 10, 2012, which transferred it from former Article 406 to 413).

TRANSITIONAL I.-

Until such time as the Institute of Criminology is provided with the necessary economic means to render the reports referred to in Article 17 of the Criminal Code, it shall be optional for it to answer them. If it does not do so within 15 days of the request for the report, which is obligatory, the judges shall give the proceedings the course of law.

(Thus added by Article 1 of Law No. 5054 of August 11, 1972)

Article sheet

(NOTE: This article was eliminated by Law No. 8250 of May 2, 2002, which completely reformed the Third Book of Contraventions).

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(NOTE: This article was eliminated by Law No. 8250 of May 2, 2002, when integrally reforming the Third Book of Contraventions).

Article sheet

FOURTH BOOK NOTE: See current Article 403.

Article sheet

NOTE: See current article 404.

Article sheet

See current Article 405.

Article sheet

See current Article 406.

Article sheet

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