

*- You are on the latest version of the standard*

-

Strengthening the Fight against Sexual Exploitation of Minors by amending and adding several articles to the Penal Code, Law No. 4573, and amending several articles of the Code of Criminal Procedure, Law No. 7594.

NO. 8590

THE LEGISLATIVE ASSEMBLY  
OF THE REPUBLIC OF COSTA RICA  
DECREES:

**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.**

**ARTICLE 1.-** Articles 156, 157, 159, 160, 161, 161, 162, 167, 168, 170, 171 and 173, and the addition of 173 bis of the Penal Code, Law No. 4573 of May 4, 1970, as amended, are hereby amended. The texts shall read:

**"Violation**

**Article 156.**

Shall be punished with imprisonment from ten to sixteen years, whoever makes himself or has carnal access by oral, anal or vaginal way, 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.

### **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 this is carried out by religious ministers, spiritual guides, members of the Public Force or members of the Supreme Powers".

**"Sexual relations with underage persons.**

#### **Article 159.**

Shall be punished with imprisonment from two to six years, whoever, taking advantage of the age, gains access or has carnal access to a person of either sex, older than thirteen and younger than fifteen years of age, by oral, anal or vaginal means, with his/her consent.

The same penalty shall be imposed if the action consists of the introduction of one or more fingers, objects or animals through the vaginal or anal canal.

The penalty shall be four to ten years of imprisonment when the victim is older than thirteen and younger than eighteen, and the agent is an ascendant, uncle, aunt, brother or sister by blood or blood relatives, guardian or guardian.

### **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 person or to a third party, so that the minor person 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.

### **Sexual abuse of minors and incapacitated persons**

#### **Article 161.**

Whoever, in an abusive manner, performs acts for sexual purposes against a minor or incapacitated person or forces him to perform them on the agent, himself or another person, provided that it does not constitute the crime of rape, shall be punished with imprisonment for a term of three to eight years.

The penalty shall be four to ten years imprisonment when:

- 1) The offended person is under thirteen years of age.
  - 2) The perpetrator takes advantage of the vulnerability of the offended person, or the offended person is unable to resist or corporal 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 his or her relationship of trust with the victim or his or her family, whether or not there is a family relationship.

## **Sexual abuse of adults**

### **Article 162.**

If the abuses described in the preceding article are committed against a person of legal age, the penalty shall be two to four years' imprisonment.

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 corporal 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".

## **"Corruption**

### **Article 167.**

Whoever promotes or maintains the corruption of a minor or incapable person, executing or causing another or others to execute perverse, premature or excessive sexual acts, even if the victim consents to participate in them or to see them executed, shall be punished with imprisonment of three to eight years, provided that it does not constitute a more serious crime.

The same penalty shall be imposed on anyone who uses minors or incapable persons for erotic, pornographic or obscene purposes, in exhibitions or shows, public or private, of such nature, even if the minors consent to it.

## **Aggravated corruption**

### **Article 168.**

In the case of the preceding article, the penalty shall be four to ten years imprisonment, provided that:

- 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 his or her family, whether or not there is a family relationship".

### **"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.

### **Rufianería**

#### **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:

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR&TC&nValor1=1&nValor2=60869&nValor3=68812&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR&TC&nValor1=1&nValor2=60869&nValor3=68812&strTipM=TC)

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."

### **"Manufacture, production or reproduction of pornography**

#### **Article 173.**

Whoever manufactures, produces or reproduces pornographic material, using minors, their image and/or voice, shall be punished with imprisonment from three to eight years.

Any person who transports or brings into the country this type of material for commercial purposes shall be punished with imprisonment for a term of one to four years.

### **Possession of pornographic material**

#### **Article 173 bis.**

Whoever possesses pornographic material in which minors appear, either by using their image and/or voice, shall be punished with imprisonment from six months to two years."

#### **Article sheet**

**ARTICLE 2.-** Article 18, subsection a) of Article 31 and Article 33 of the Code of Criminal Procedure, Law No. 7594 of April 10, 1996, are hereby amended. The texts shall read as follows:

### **"Article 18.- Crimes of public action that can only be prosecuted at private request**

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR TC&nValor1=1&nValor2=60869&nValor3=68812&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR TC&nValor1=1&nValor2=60869&nValor3=68812&strTipM=TC)



They shall be crimes of public action that may be prosecuted at private instance:

- a) Contagion of disease and rape of a person of full legal age.
- b) Sexual assaults, neither aggravated nor qualified, against persons of legal age.
- c) Minor and negligent injuries, abandonment of persons, concealment of impediments to marriage, simulation of marriage, threats, violation of domicile and usurpation.
- d) Failure to comply with the duty of support or the duty of assistance and failure to comply with or abuse of parental authority.
- e) Any other offense that the law typifies as such."

### **"Article 31.- Statute of limitations for criminal prosecution**

If criminal prosecution has not been initiated, the action will be barred by the statute of limitations:

- a) After a term equal to the maximum penalty has elapsed, in crimes punishable by imprisonment; it may not exceed ten years nor be less than three, except in sexual crimes committed against minors, in which the statute of limitations will begin to run from the time the victim has reached the age of majority.

[... ]"

### **"Article 33.- Interruption of statute of limitations periods**

Once the proceeding has been initiated, the time periods established in the preceding article shall be reduced by half in order to compute them for the purpose of suspending or interrupting the statute of limitations. The statute of limitations periods shall be interrupted by the following:

- a) Appearance to render an indagatory statement, in crimes of public action.

b) The filing of the complaint in private action crimes.

c) When the conduct of the debate is suspended for causes attributable to the defense, with the purpose of hindering the normal development of the debate, according to the declaration made by the court in a well-founded resolution.

d) The issuance of the sentence, even if it is final.

e) The preliminary hearing is scheduled.

f) The appointment of the date for the debate.

The interruption of the statute of limitations operates even in the event that the resolutions referred to in the preceding paragraphs are subsequently declared ineffective or null and void.

The judicial authority may not use as grounds for interruption of the statute of limitations other than those set forth in the preceding paragraphs."

### Article sheet

#### **ARTICLE 3.**

Section 92, subsections 7) and 8) of Section 93 and Section 158 of the Penal Code are hereby repealed.

Effective as of its publication.

Given at the Presidency of the Republic, San José, on the eighteenth day of July, two thousand seven.

### Article sheet

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NRTC&nValor1=1&nValor2=60869&nValor3=68812&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=60869&nValor3=68812&strTipM=TC)

Date of generation: 07/09/2022 12:47:04 p.m.