

# **CRIMINAL CODE OF MONGOLIA**

## **(Revised)**

### **GENERAL PART**

#### **TITLE 1**

#### **GENERAL PROVISIONS**

#### **CHAPTER ONE. PURPOSE AND PRINCIPLES OF THE CRIMINAL CODE OF MONGOLIA**

##### **Article 1. Purpose of the Criminal Code of Mongolia**

1.1. The purpose of the Criminal Code of Mongolia shall be to protect from criminal encroachments the individual's rights, public and private property, freedoms, national wealth, environment, security of society, legal order, independence, state system of Mongolia, peace and security of the mankind.

1.2. For attaining this purpose the Criminal Code of Mongolia shall determine which acts (omissions) that represent danger to the humans, state and society are crimes and the types and amount of the criminal liability of the persons who's guilt in the commission of the crime has been established by court.

##### **Article 2. Criminal Legislation**

2.1. Criminal legislation shall be based on the Constitution of Mongolia and commonly recognized principles and norms of the international law.

2.2. Criminal legislation shall consist of this Code. The law amending this Code that criminalizing an act or omission and establishes liability for it shall constitute a part of this Code.

##### **Article 3. Principle of Legality**

3.1. This Code only shall recognize an act or omission a crime and shall determine the punishment and other measures of criminal liability to be imposed for committing them.

3.2. Application of the Criminal Code by analogy shall be prohibited.

3.3. No one may be subjected to criminal liability for his/her opinion and beliefs.

##### **Article 4. Principle of Culpability As the Condition of the Criminal Liability**

4.1. Criminal liability shall be subjected on the persons who's guilt has been established by court.

4.2. Causing the harm specified in this Code without guilt shall not be subject to criminal liability.

## **Article 5. Principle of Equality Before Law and Court**

5.1. A culprit who's guilt has been established by court shall be subject to criminal liability irrespective of his/her ethnic origin, language, race, age, sex, social origin and status, property, official position, occupation, religion, opinion, belief and education.

## **Article 6. Principle of Justice**

6.1. Punishment and other measures of criminal liability shall correspond to the nature and degree of the social danger of the crime, the character of the culprit and circumstances of the crime.

6.2. A culprit shall be subjected to criminal liability once only.

## **Article 7. Principle of Humanity**

7.1. Punishment and measures of coercion to be imposed to a person who committed a crime may not have the purpose of inhumane, cruel treatment or degrading his/her honor and dignity.

## **Article 8. Principle of Criminal Liability In Person**

8.1. Physical persons only shall be subjected to criminal liability.

8.2. A culprit shall be subject to criminal liability himself/herself only.

## **Article 9. Principle of Inevitability of Criminal Liability**

9.1. A culprit shall be subject to obligatory criminal liability.

9.2. Unless otherwise provided in this Code, the grounds of and procedures for remission with respect to the punishment and other measures of criminal liability shall be determined by law only.

## **Article 10. Grounds of the criminal liability**

10.1. Committing a crime that contains all the characteristics of a crime specified in this Code shall be the ground of the criminal liability.

10.2. It shall be prohibited for a body or an official other than a court established in accordance with the Constitution of Mongolia to determine the matters of recognizing guilt and imposing the criminal liability.

## **CHAPTER TWO APPLICATION OF THE CRIMINAL CODE IN TIME, TERRITORY AND WITH REGARD TO THE PERSONS FALLING INTO ITS SCOPE**

## **Article 11. Application of the Criminal Code In Time**

11.1. Criminality of and criminal liability for a socially dangerous acts (omissions) shall be determined according to the Criminal Code in force at the time of committing them.

11.2. Irrespective of the time of revealing of the harm caused by a crime, the moment it was committed shall be considered time of its commission.

## **Article 12. Grounds and rules of retroactive application of the criminal law**

12.1. A law decriminalizing an act (omission) or mitigating the penalty for it, improving the legal status of the person who commits the crime shall apply retroactively to an accused, defendant or the person who has served the penalty but who's conviction has not been expunged.

12.2. A law criminalizing an act (omission) or toughening the penalty for it, worsening the legal status of the person who committed crime shall not apply retroactively to an accused, defendant or the person who has served the penalty but who's conviction has not been expunged.

12.3. A court shall reduce the penalty of a culprit who has been imposed one higher than the maximum amount established by a new law.

12.4. A court shall reduce the penalty of a culprit who has been imposed one higher than the minimum amount in case a new law establishes a lower one.

## **Article 13. Grounds and Rules of Application of the Criminal Law to the Persons Who Committed Crimes in the Territory of Mongolia**

13.1. Persons who have committed crimes in the territory of Mongolia shall be subject to the criminal liability under this Code.

13.2. In case of committing a crime on the land in possession of the diplomatic representative offices of Mongolia abroad that constitutes its territory, on board a ship flying the state flag of Mongolia or aircraft that is beyond its frontiers the culprit shall be subject to criminal liability under this Code.

13.3. The matter of criminal liability of the persons who enjoy diplomatic immunity and those who do not fall within the criminal jurisdiction of Mongolian courts under the laws in force and international agreements shall be settled through the diplomatic channels.

## **Article 14. Grounds and Rules of Application of the Criminal Code to the Persons Who Have Committed Crimes Beyond the Territory of Mongolia**

14.1. If a citizen of Mongolia or a stateless person permanently residing in Mongolia has committed a crime specified in this Code abroad and he/she has not been sentenced for it, he/she shall be subject to criminal liability under this Code.

14.2. If the person specified in paragraph 1 above has been imposed penalty for the crime abroad, a Mongolian court may commute the penalty imposed in accordance with this Code or

renounce the person recognized guilty. Unless otherwise provided in an international agreement to which Mongolia is a party the court may recognize the person not guilty in accordance with the grounds and rules set in this Code.

14.3. Unless otherwise provided in an international agreement to which Mongolia is a party Mongolian servicemen who have committed crimes in the course of their service abroad shall be subject to criminal liability under this Code.

14.4. Foreign nationals and stateless persons who have committed crimes beyond the territory of Mongolia shall be subject to criminal liability under this Code if only an international agreement to which Mongolia is a party provides so.

14.5. If a foreign national or a stateless person who does not permanently reside in Mongolia has committed a crime against the interests of Mongolia beyond its territory for which he/she has not been sentenced, he/she may be subjected to criminal liability under this Code in the events specified in an international agreement to which Mongolia is a party.

#### **Article 15. Extradition of Offenders**

15.1. Citizens of Mongolia shall not be extradited to a foreign state for prosecution in criminal cases or for subjecting to criminal liability.

15.2. Foreign nationals and stateless persons who committed crimes beyond the territory of Mongolia and are within the territory of Mongolia may be extradited to the foreign states to be subjected to criminal liability or for serving punishment as provided for in an international agreement to which Mongolia is a party.

## **TITLE TWO CRIME**

### **CHAPTER THREE CONCEPT AND CLASSIFICATION OF CRIMES**

#### **Article 16. Concept of Crime**

16.1. Culpable acts and omissions subject to the criminal liability specified in the Criminal Code which are socially dangerous shall be recognized crimes.

16.2. An act or omission which, though formally containing signs of any action specified by the Special part of the Criminal Code, poses no social danger by virtue of its little significance, shall not be recognized a crime.

#### **Article 17. Classification of Crimes**

17.1. Crimes shall be classified as follows according to the nature and degree of their social danger and gravity of the punishment to be imposed:

- 17.1.1. minor;
- 17.1.2. less serious;
- 17.1.3. serious;
- 17.1.4. grave.

17.2. Crimes punishable by a fine equal to 5 to 50 amounts of minimum salary, or 100 to 250 hours of forced labor or by incarceration for 1 to 3 months as specified in the Special Part of this Code shall be recognized minor crimes.

17.3. Crimes punishable by a fine equal to 51 to 250 amounts of minimum salary, by 100 to 250 hours of forced labor, by incarceration for 3 to 6 months, or imprisonment for up to 5 years as specified in the Special Part of this Code shall be recognized less serious crimes.

17.4. Crimes punishable by a fine equal to 251 to 500 amounts of minimum salary, by 100 to 250 hours of forced labor, or imprisonment for 6 to 10 years as specified in the Special Part of this Code shall be recognized serious crimes.

17.5. Crimes punishable by imprisonment of 11 to 15 years or in extraordinary cases of up to 25 years or by death penalty as specified in the Special Part of this Code shall be recognized grave crimes.

### **Article 18. Repeated Crimes**

18.1. Committing the crime specified in the same article of this Code or paragraph thereof twice or more shall be called repeated crime. Committing the crimes specified in different articles or paragraphs of the Special Part of this Code shall be considered a repeat crime only in the cases specified in the Special Part.

18.2. Committing a new crime by a person who has been released from the criminal liability, who's penalty is extinct or recognized as having no criminal record in the grounds and rules set in the law shall not constitute a repeat crime.

### **Article 19. Multiple Crimes**

19.1. Committing two or more crimes specified in several articles of the Criminal Code when the person concerned has not been sentenced for any of them shall be called multiple/concurrent crimes. The person who committed concurrent crimes shall be subject to criminal liability for each of the crime specified in the Special Part.

19.1. One episode act or omission that contains signs of crimes specified in two or more articles of the Special Part of the Criminal Code shall be recognized concurrent crime.

## **CHAPTER FOUR PERSONS SUBJECT TO CRIMINAL LIABILITY**

### **Article 20. Persons Subject to Criminal Liability**

20.1. Persons who have attained the age set by the Criminal Code, imputable, who's commission of a crime has been established by court shall be subject to criminal liability.

## **Article 21. Age Limit for Criminal Liability**

21.1. Persons who have attained 16 years of age at the time of committing a crime shall be subject to criminal liability.

21.2. Persons of 14 to 16 years of age shall be subject to criminal liability for homicide (Article 91), deliberate infliction of a severe bodily injury (Article 96), rape (Article 126), theft in aggravating circumstances (Article 145), misappropriation (Article 146), robbery (Article 147), deliberate destruction or damage of property (Article 153) and hooliganism in aggravating circumstances (Articles 181.2 and 181.3).

21.3. If the court finds that the culprit who has committed for the first time a minor or a less serious crime before attaining the age of 18 may be reformed without imposing punishment, it may apply a measure of coercion of educational character specified in this Code.

## **Article 21. Non-imputability**

22.1. A person who at the time of committing a crime was in state of non-imputability, i.e, was unable to realize the socially dangerous nature of his/her act or omission or to control it shall not be subject to criminal liability. The court shall apply to such a person a compulsory measure of medical character specified in this Code.

22.2. A person who was imputable at the time of committing a crime but lost the ability to realize the socially dangerous nature of his/her act or omission or to control it due to a due to a chronic mental illness, temporary mental derangement, mental deficiency or another serious illness during the consideration of the case in court shall not be subject to criminal liability. A court shall apply to such a person compulsory measures of medical character and decide the matter of imposing punishment after his/her recovery.

## **Article 23. Criminal Liability for the Crimes Committed in the State of Drunkenness or Narcotic Intoxication**

23.1. Persons who have committed crime in the state of drunkenness or narcotic intoxication shall not be released from criminal liability.

23.2. A court may apply compulsory measures of medical character specified in this Code to the persons who have committed crime in the state of drunkenness or narcotic intoxication.

## **Article 24. Recidivist**

24.1. A court shall recognize the following persons recidivist:

24.1.1. persons who were sentenced to imprisonment for committing a serious crime during the service of the penalty or afterwards who previously committed crime and were sentenced to imprisonment twice;

24.1.2. persons who were sentenced to imprisonment for committing a grave crime again during the service of the penalty or afterwards who previously committed a serious or grave crime and were sentenced to imprisonment;

24.1.3. persons who were not previously sentenced to imprisonment who have been sentenced to imprisonment for committing repeatedly a grave crime;

24.1.3. persons who have been sentenced to imprisonment for committing a crime who are members of the group specified in Article 36.5 of this Code.

24.2. Grounds for recognizing a recidivist shall not apply to the crimes committed when under the legal age, crimes with respect of which the person concerned has been expunged or has been considered as having no criminal record.

24.3. The norm of the Special Part of this Code specifying the fact of committing a crime by a recidivist as an aggravating circumstance shall apply to the cases where the person concerned has been recognized recidivist before committing such a crime in the grounds and procedures set in law.

24.4. A court shall specify in the sentencing judgment the reasons for recognizing the person concerned a recidivist.

24.5. Recognizing as a recidivist shall lose its effect at the moment the person concerned is considered as having no criminal record.

## **CHAPTER FIVE GUILT**

### **Article 25. Forms of Guilt**

25.1. No one may be considered guilty until his/her guilt is established by court.

25.2. Guilt shall be of deliberate and negligent forms.

25.3. Negligent acts and omissions shall constitute crime in the cases specified in the Special Part of this Code.

### **Article 26. Deliberate Commission of Crime**

26.1. Deliberate Commission of Crime shall be of direct and indirect forms.

26.2. A crime shall be recognized to be directly deliberate if the culprit, while being aware of the socially dangerous character of own act or omission, foresees its inevitable or potential socially dangerous harm but willfully commits it.

26.3. A crime shall be recognized to be indirectly deliberate if the culprit is aware of the socially dangerous character of own act or omission, foresees its potential socially dangerous harm, and causes it although does not wishes its occurrence.

### **Article 27. Committing Crime Through Negligence**

27.1. Committing crime through negligence shall be of recklessness and carelessness forms.

27.2. A crime shall be recognized as committed through recklessness if the culprit foresaw possible onset of socially dangerous consequences of his/her act or omission, but thoughtlessly counted on their prevention, or did not foresee possible onset of such consequences although should and could have foresee them.

27.3. A crime shall be recognized to be committed through carelessness if the culprit realizes the socially dangerous character of own act (omission), should have and had a possibility to foresee its socially dangerous harm but commits it without being aware.

#### **Article 28. Causing Harm Without Guilt**

27.1. If the culprit did not realizes the socially dangerous character of own act (omission), had no possibility to realize so considering the circumstances of the case, and neither had a possibility to foresee its socially dangerous harm nor should have had so foreseen he/she shall be as having caused damage without guilt.

#### **Article 29. Determining the Amount of Damage**

29.1. The amount of damage shall be determined as follows: the amount equal to 1 to 50 amounts of minimum salary and wages current at the time of committing the crime as considerable, the amount equal to 50 to 125 amounts of minimum salary and wages as substantial, the amount equal to 125 to 200 amounts of minimum salary and wages as large, and the amount more than equal to 125 to 200 amounts of minimum salary and wages as extremely large.

### **CHAPTER SIX STAGES OF CRIME**

#### **Article 30. Completed and Incomplete Crimes**

30.1. An act (omission) that contains in full the signs of a crime specified in the Special Part of this Code shall be called a completed crime.

30.2. Preparation to or attempt of a crime shall be called an incomplete crime.

30.3. Committing an incomplete crime shall be subject to criminal liability under applicable articles and paragraphs of the Special Part with specifying Articles 31 or 32 of the General Part of this Code.

#### **Article 31. Preparation to a Crime**

31.1. Preparation to a crime shall be the looking for, making or adaptation of the means or tools, selection of accomplices, collusion to commit a crime, or any other deliberate creation of conditions for committing a crime.

31.2. In the absence of signs of another crime preparation to a minor crime shall not be subject to criminal liability.

#### **Article 32. Attempt of a Crime**

32.1. An attempt of a crime shall be a deliberate action aimed directly at committing a crime if the crime was not accomplished for the reasons beyond control of the culprit.



32.2. If the person concerned started realization of his/her malicious intent but failed to cause the desired harm, which he/she was aware of, it shall be deemed an incomplete attempt.

32.3. If, although the person concerned started realization of his/her malicious intent but failed to cause the desired harm due to the circumstances independent of his/her will it shall be deemed a complete attempt.

### **Article 33. Voluntary Abandonment of a Crime**

33.1. If the person who has prepared to or attempted a crime voluntarily and completely abandons it he/she shall not be subject to criminal liability.

33.2. If the act (omission) actually perpetrated prior to the voluntary abandoning of bringing the crime to completion contains signs of another crime the person concerned shall be subject to criminal liability imposed for the latter only.

## **CHAPTER SEVEN COMPLICITY**

### **Article 34. Complicity**

34.1. Complicity shall be recognized as a deliberate joint participation of two or more persons in committing a crime.

### **Article 35. Accomplices**

35.1. Contractor, organizer, instigator, principal and accessory shall be recognized as accomplices in a crime.

35.2. Contractor shall be a person who hires others to commit a crime.

35.3. An organizer shall be the person who has organized or managed the accomplishment of the crime, or created the organized criminal group, organized and directed its activities.

35.4. An instigator shall be the person who has persuaded to commit the crime.

35.5. A principal shall be the person who has committed the crime.

35.6. An accessory shall be the person who has assisted in committing the crime by giving advice, instructions and by providing arms and means or by removing obstacles as well as the person who promised in advance to conceal the offender, tools and means of the crime, traces of the crime or things obtained by way of crime.

### **Article 36. Forms of Complicity**

36.1. Complicity in crimes shall be of co-principals, an advance agreement by a group of persons, organized group and a criminal organization forms.

36.2. Two or more persons with no advance agreement but acting jointly to commit a crime shall be recognized co-principals.

36.3. Two or more persons joining at an advance agreement to commit a crime shall be recognized a group at an advance agreement.

36.4. A permanent group joining at an advance agreement for the purpose of committing crimes shall be recognized an organized group.

36.5. Union of criminals pursuing the purpose of gaining profit, structured into an organization shall be recognized a criminal organization.

### **Article 37. Criminal Liability of Co-principals**

37.1. In determining the type and amount of criminal liability of the accomplices the court shall take into account the role, character and degree of actions of each accomplice in committing the crime and apply Article 35 of the General Part of the Criminal Code.

37.2. Leaders of organized and criminal groups shall be subject to criminal liability for such management in the events specified in the articles of the Special Part and for all crimes committed by such a group.

37.3. Other participants in the organized and criminal groups shall be subject to criminal liability for both participation in such groups and for their respective committed crimes.

37.5. An organizer may not imposed penalty lower than that of the principal for the which was committed at his/her order.

### **Article 38. Deviation of the Principal**

36.1. Committing by the principal of a crime of which the other accomplices were unaware, that is, committing a crime without agreement with them shall be called deviation of the principal. The other accomplices shall not be subject to criminal liability for the crime committed by deviation.

### **Article 39. Relation to Crimes**

39.1. Persons who conceal or fail to report on crimes shall be in relation to crimes.

39.2. Concealment of the criminal as well as of tools and means of the crime, traces of the crime or objects obtained by way of crime, if such concealment has not been promised in advance shall be called concealer.

39.3. Failure to inform the relevant authority or official about a really known prepared or accomplished crime shall be non-reporting on crimes.

39.4. Concealment of or failure to inform about the crimes specified in the Special Part of this Code shall be subject to criminal liability.

## **CHAPTER EIGHT**

### **CIRCUMSTANCES EXCLUDING SOCIAL DANGER OF THE CRIME**

#### **Article 40. Self-defense**

40.1. Any action, although having signs of an action specified in the Special Part of this Code, but committed in the circumstances of self-defense, i.e, to defend the interests of the state or society, own or others' right to life or inviolability of an individual, others rights and freedoms against a socially dangerous encroachment inflicting harm to the encroacher by committing an act specified in the Special Part of this Code shall not be considered crime.

40.2. Any individual shall have the right to self-defense irrespective of his/her official position, profession, duty assigned by law or official special training. The possibility for the defender to prevent the socially dangerous encroachment, to seek assistance from the state authorities, officials or others shall not affect the right to self-defense.

#### **Article 41. Inflicting Harm to the Offender in the Course of Arrest**

41.1. Inflicting harm to the offender or fugitive convict aimed at suppression of the possibility to commit a new crime, delivering him/her to the state authorities in the course of apprehension by the victim or another person shall not constitute a crime.

#### **Article 42. Extreme Necessity**

40.1. Any action specified in the Special Part of this Code to eliminate the danger to defend the interests of the state or society, own or others' right to life or inviolability of an individual, others rights and freedoms shall not constitute crime provided the damage inflicted to the third person is less severe than the one averted and the danger under the given circumstances could not have been eliminated by other means.

#### **Article 43. Reasonable Risk of Production, Research or Study**

43.1. Causing damage to the rights and interests protected by law in result of a reasonable risk taken to attain the purpose beneficial to society shall not constitute a crime.

43.2. If the given purpose could not have been achieved without an act (omission) made with a risk and the person taking such risk has taken sufficient measures to prevent the harm it shall be a reasonable risk.

43.3. Taking risk under potential danger of harm to the lives of many people or a mass or a natural disaster shall not be recognized a reasonable risk.

#### **Article 44. Fulfilling orders and decrees**

44.1. Causing harm to the rights and interests protected by this Code in the course of fulfilling mandatory orders or decrees shall not constitute a crime. The person giving an illegal order or decree shall be subject to criminal liability for the harm caused.

44.2. A person causing harm to others' rights and interests protected by this Code by fulfilling a knowingly illegal order or decree shall be subject to criminal liability. A person who fails to fulfill a knowingly illegal order or decree shall not be subject to criminal liability.

**TITLE THREE  
CRIMINAL LIABILITY  
CHAPTER NINE  
PURPOSE AND TYPES OF PUNISHMENT**

**Article 45. Concept and Purposes of Criminal Liability**

45.1. Criminal liability is a measure of state coercion restricting the rights and freedoms of the person whose guilt in the commission of a crime is established by a court judgment as provided in this Code.

45.2. Criminal liability shall be subjected by way of punishment and measures of coercion specified in this Code.

45.3. Purposes of criminal liability shall be protection of the citizen and society from criminal encroachments, restoration of the rights violated in result of a crime, deterring the persons who committed crime and prevention of crimes.

**Article 46. Grounds of Criminal Liability**

46.1. Individuals who have attained the legal age, are culpable and whose commission of a crime has been established by court shall be subject to criminal liability.

46.2. No authority or official other than a court established under the Constitution of Mongolia may decide the matters of guilt and criminal liability.

**Article 46. Types of Punishment**

46.1. Persons who have committed crimes shall be imposed the following punishment:

46.1.1. a fine;

46.1.2. deprivation of the right to hold specified positions and engage in specified business;

46.1.3. confiscation of property;

46.1.4. forced labor;

46.1.5. incarceration;

46.1.6. imprisonment;

46.1.7. the death penalty.

46.2. A fine, forced labor, incarceration, imprisonment and death penalty shall be used as principal punishment; deprivation of the right to hold specified positions and engage in specified business and confiscation of property as supplemental punishment respectively.

**Article 47. Fine**

46.1. Imposing by the court of a penalty in terms of money in the instances and within the limits set in this Code shall be called a fine.

47.2. The court shall determine the amount of a fine by taking into consideration the degree of social danger of the committed crime, the property status, size of wages or income of the defendant within the range of 5 to 500 amounts of the minimum salary amount.

47.3. In case of persistent evasion of payment of a fine the court may substitute a fine by incarceration or imprisonment for a term of up to 3 years.

47.4. Substituting imprisonment, forced labor or incarceration by a fine shall be prohibited.

#### **Article 48. Deprivation of the Right to Hold Specified Positions and Engage in Specified Business**

48.1. Restriction of the right to hold specified positions and engage in specified profession and other activities of a person who committed a crime for a period of 1 to 5 years in the instances specified in the Special Part of this code shall be called deprivation of the right to hold specified positions and engage in specified business.

48.2. If the deprivation of the right to hold specified positions and engage in specified business has been imposed as supplemental to incarceration or imprisonment its term shall run from the moment of completing the service of the principal punishment.

48.3. If the deprivation of the right to hold specified positions and engage in specified business has been imposed as supplemental to forced labor or a fine its term shall run from the moment of becoming final of the sentencing judgment.

#### **Article 49. Confiscation of Property**

49.1. Confiscation of property represents a forced free-of-charge withdrawal of the culprit's share property for the benefit of the state in the instances specified in the Special Part of this Code.

49.2. Seizure of items created by way of crime, arms and means used for committing it, or income gained by way of crime and other things incidental thereto shall be mandatory in addition to the confiscation of property.

49.3. When imposing confiscation of property the court shall specify in the judgment what items and property are being confiscated.

#### **Article 50. Forced Labor**

50.1. Forced labor represents labor without remuneration for the benefit of society in the place determined by the decision execution authority in the instances specified in the Special Part of this Code.

50.2. Forced labor shall be imposed for 100 to 500 hours. Forced labor shall be of duration of at least 3 hours per day.

50.3. The unserved term of the convict who deliberately evades forced labor shall be replaced by incarceration at the rate of 24 hours of labor to 1 working day of incarceration.

50.4. Forced labor may not be imposed on the persons unable to work, pregnant women, women with children under the age of 3, women over 55 years of age, as well as men over 60 years of age and persons in the active military service.

## **Article 51. Incarceration**

51.1. Incarceration represents separation of a culprit from society by solitary confinement in the facility with a certain regiment in the instances specified in this Code.

51.2. Incarceration shall be imposed for a term of 1 to 6 months.

51.2. Incarceration shall not be imposed on the persons who were under 16 years of age at the time of committing crime, as well as pregnant women, single mothers and fathers with a minor child.

51.3. Servicemen imposed incarceration shall serve the penalty solitarily in the disciplinary cells.

## **Article 52. Imprisonment**

52.1. Imprisonment represents restriction of freedom of a culprit for the terms specified in this Code with separation from society by confinement in the correctional facilities or a prison.

52.1. The basic term of imprisonment shall be 1 to 15 years. In the instances specified in Special Part of this Code can be imposed for a term of up to 25 years.

52.3. Imprisonment for a term of over 15 years may not be imposed on the persons who were under 16 years of age at the time of committing crime, women of over 55 years of age and men of over 60 years of age.

52.4. Imprisonment shall be served in the correctional facilities of general, strict and special regiment or prison.

52.5. Male convicts who committed less serious crimes and female convicts other than those sentenced for crimes other grave crimes shall serve imprisonment in the correctional facilities of general regiment.

52.6. Male convicts who committed serious crimes or previously served imprisonment, and female convicts who committed grave crimes or have been recognized recidivists shall serve imprisonment in the correctional facilities of strict regiment.

52.7. Male convicts who committed serious crimes or have been recognized recidivists shall serve imprisonment in the correctional facilities of special regiment.

52.8. Male minor convicts who committed less serious or serious crimes; female minor convicts who were sentenced to imprisonment shall serve imprisonment in the correctional facilities of general regiment for minors.

52.9. Male minor convicts who previously served imprisonment, as well as those who committed grave crimes shall serve imprisonment in the correctional facilities of strict regiment for minors.

52.10. The court may mitigate or reinforce the regiment in which imprisonment is to be served taking into consideration the nature and degree of social danger of the crime, character

of the convict and other circumstances of the case. Reasons for such decision shall be specified in the judgment.

52.11. The court may decide imprisonment imposed on the convicts who are recognized recidivist or sentenced to imprisonment for more than 15 years after attaining the age of 18 for a grave crime to be served fully or partially in prison.

### **Article 53. Death Penalty**

53.1. Persons who committed grave crimes may imposed death penalty in the instances specified in the Special part of this Code.

53.2. The death penalty shall be executed by shooting.

53.3. Persons who have been sentenced to death shall be entitled to the pardon request to the President of Mongolia. In case of pardon the death penalty shall be substituted by imprisonment in prison for a term of 30 years.

53.4. The death penalty may not be imposed to the persons who were under 16 years of age at the time of committing crime, men of over 60 years of age and women.

## **CHAPTER TEN IMPOSITION OF AND RELEASE FROM PUNISHMENT**

### **Article 54. General Principles of Imposing Punishment**

54.1. The court shall impose punishment in strict compliance with the provisions of this Code, being guided by the principle of justice and legal conscience, within the types and limits established by the Special Part.

54.2. When imposing punishment the court shall take into comprehensive consideration the nature and degree of social danger of the committed crime, the character of the culprit, reasons and circumstances of the case, motive, purpose, nature and degree of the harm caused, and circumstances which mitigate or aggravate the liability.

### **Article 55. Circumstances Which Mitigate Responsibility**

55.1. When imposing penalty the court shall recognize the following circumstances as mitigating liability:

55.1.1. committing a minor or less serious crime for the first time due to accidental circumstances;

55.1.2. prevention by the culprit of harmful consequences of the crime;

55.1.3. voluntary compensation of the damage caused or the correction of the caused harm;

55.1.4. committing a crime under a physical or mental coercion or owing to material or another dependence upon the victim;

55.1.5. committing a crime under the influence of a strong emotional shock caused by illegal actions of the victim;

- 55.1.6. committing a crime due to a coincidence of grave personal, family circumstances or those occurred to others ;
- 55.1.7. committing a crime by a person under the age of 18;
- 55.1.8. committing a crime by a woman with a minor child or a pregnant woman;
- 55.1.9. sincere repentance, surrender or active assistance in the detection of the offender or property gained by way of crime;
- 55.1.10. rendering medical and other aid immediately upon committing a crime against life or health.

55.2. If the circumstance mitigating liability specified in this article constitutes an element of a crime specified in the Special Part of this Code this shall not be taken into account when imposing penalty.

### **Article 56. Circumstances Which Aggravate Liability**

56.1. When imposing penalty the court shall recognize the following circumstances as aggravating liability only:

- 56.1.1. repeated commission of a crime;
- 56.1.2. committing a crime in a group;
- 56.1.3. instigating to or involving of persons under legal age into committing a crime or causing committing a crime by inculpable person;
- 56.1.4. infliction of grave consequences as a result of the crime;
- 56.1.5. committing a crime in a most brutal way or with atrocity with respect to the victim;
- 56.1.6. committing a crime in respect of a person under age, an aged person or a person being in a helpless condition as well as in respect of a person being materially or otherwise dependent on the culprit;
- 56.1.7. committing a crime by taking advantage of the conditions of a social disaster or mass disorder;
- 56.1.8. committing a crime against a person fulfilling an official or public duty, his/her immediate relatives;
- 56.1.9. committing a crime in a generally dangerous manner or with use of firearms, explosives, poisonous substances, drugs and preparates or chemical substances;
- 56.1.10. committing a crime in condition of drunkenness;
- 56.1.11. committing a crime with the purpose of concealing or facilitating another crime;
- 56.1.12. committing a crime repeatedly during the period of probation or before being deemed as having no criminal record.

56.2. If the circumstance aggravating liability specified in this article constitutes an element of a crime specified in the Special Part of this Code this shall not be taken into account when imposing the penalty.

### **Article 57. Imposing Penalty for Accumulative Crimes**

57.1. If a culprit has committed two or more crimes specified in different articles or in different paragraphs of the same article of the Special Part of this Code and has not been sentenced for any of them, the court, having determined penalty separately for each crime, shall determine the actual penalty to be served in person by absorbing the less severe penalty in the more severe one or by adding up wholly or partially all the meted out penalties within the limits specified by the article of this Code which specifies the more severe penalty.



57.2. When imposing penalty for the crime committed by the culprit one or more supplemental penalties specified in the articles of the Special Part this Code may append the principal penalty.

57.3. The same rules shall apply to imposing penalty if after the judgment has been rendered the convict has been found to have committed another crime before being sentenced.

#### **Article 58. Imposing Penalty on Several Sentences**

58.1. If a convict has committed another crime after a judgment was rendered and he/she has not completed serving the penalty, the court shall add, wholly or partially, the part of penalty to be served under the previous judgment to the penalty imposed by the new judgment.

58.2. When the penalties are summed up in the manner specified in paragraph 1 above, the total term of penalty may not exceed the maximum term established for the given kind of penalty.

58.3. When the penalties represented by imprisonment and incarceration are imposed cumulatively, 1 day of imprisonment shall be equal to 1 day of incarceration.

58.4. When the penalties represented by imprisonment and forced labor are imposed cumulatively, 24 hours of forced labor shall be equal to 1 day of imprisonment.

58.5. When the penalties represented by incarceration and forced labor are imposed cumulatively, 1 day of incarceration shall be equal to 24 hours of forced labor.

#### **Article 59. Counting the Period of Detention**

59.1. The court shall include the period of detention into the term of penalty. In case of imprisonment in prison the period of detention shall not be included into the term of penalty.

59.2. 1 day of detention shall be counted as 1 day of incarceration and as 24 hours of forced labor when including into the term of penalty.

59.3. If a detained person has been imposed a fine or deprivation of the right to hold specified positions or engage in specified business as the principal penalty the court may, taking into account the detention, commute the imposed penalty or consider the convict as served the penalty.

#### **Article 60. Imposing Penalty for Preparation to or for an Attempted Crime**

60.1. When imposing penalty for preparation to a crime or an attempted crime the court shall take into account the degree of realization of the malicious intent, completion of the attempt, nature of social danger of the prepared for or attempted crime and reasons for failure to bring the crime to completion.

60.2. The maximum amount of penalty for preparation to a crime may not exceed  $\frac{1}{2}$  of the most severe type of penalty for the given completed crime.

60.3. The maximum amount of penalty for preparation to a crime may not exceed  $\frac{2}{3}$  of the most severe type of penalty for the given completed crime specified in the Special Part of this Code.

60.4. The person who prepared to a crime or attempted a grave crime may not be imposed imprisonment for more than 15 years or the death penalty.

### **Article 61. Conditional Sentence**

61.1. If, considering the nature and degree of social danger of the committed crime, character of the culprit who has been sentenced imprisonment for the first time for a less serious crime, and circumstances of the crime, in cases where he/she compensated for the damage or redressed the harm caused, the court deems that the sentence imposed does not need to be served in person it may impose the sentence conditionally and fix a probation for a period of up to 5 years.

If the person sentenced conditionally does not commit a new crime during the probation period and has shown his/her reformation the sentencing judgment shall not be executed.

61.2. The procedure prescribed in paragraph 1 above shall not apply to the persons who's conviction has not expired.

61.3. If the person sentenced conditionally has committed a new crime during the period of probation, the court shall impose to him/her punishment in the rules prescribed in Article 58 of this Code.

### **Article 62. Probation of the Persons Under the Legal Age**

62.1. If the court deems that a person under age who is sentenced for the first time to imprisonment can be reformed without isolation from the society taking into consideration the nature and the degree of social danger of the crime committed, the character of the culprit and other circumstances of the case, he/she may be put on probation for a period of 6 months to 2 years. In such case the court shall also postpone the execution of supplemental penalties.

62.2. When deciding to put on probation a convict the court may give him/her a fixed period of time to find a job or to undertake studies, redress the damage caused, notify the police about change of the place of work, studies or residence, obligate a definite labor collective, relatives or an individual on their consent to exercise supervision over the convict and perform educational and reformation work in relation to him/her.

62.3. If the person put on probation fails to fulfill the duties imposed by the court on him/her or commits an administrative breach, then on the recommendation of the police the court may revoke the decision to parole and render a ruling to send the convict to serve the sentence in person.

62.4. If the convict has shown his/her reformation during the probation period the court may, on recommendation of the police release him/her from serving the sentence.

62.5. If the convict commits another crime during the probation period, the court shall add to the new penalty the previously meted out penalty in accordance with the rules set in Article 57 of this Code.

### **Article 63. Probation of the Pregnant Women, Mothers With a Child Under the Age of 3 or Single Fathers With a Minor Child**

63.1. The court may put on probation the pregnant women, mothers or single fathers with children under the age of 3 who have committed for the first time a less serious or serious crime and are sentenced to incarceration, imprisonment or forced labor for a period of up to 2 years.

61.2. If the convict evades from custody of his/her child the court shall, at the proposal of the police, cancel the decision to put on probation and render a ruling to serve the sentence in person.

60.5. If the convict commits another crime during the probation period, the court shall add to the new penalty the previously meted out penalty in accordance with the rules set in Article 57 of this Code.

## **CHAPTER ELEVEN PENAL MEASURES**

### **Article 62. Types of Penal Measures**

62.1. The following compulsory measures shall be applied to the persons who committed crimes:

62.1.1. compulsory measures of medical character;

62.1.2. compulsory measures of educational character applied to the persons under age.

### **Article 63. Imposition of Compulsory Measures of Medical Character**

63.1. In relation to persons who have committed socially dangerous acts in the state of inculpability in terms of mental state or who have committed such acts in the state of sanity but who have, before being sentenced or during the service of the sentence got ill with a mental illness which deprives them of the possibility to realize or control own actions, the court may, for the purpose of protecting society from his/her actions, impose the compulsory medical measure of placement in an ordinary or special psychiatric hospital.

63.2. Performing of diagnostic or treatment experiments on the persons imposed compulsory medical measure shall be prohibited.

### **Article 64. Imposition, Alteration and Cessation of Compulsory Measures of Medical Character**

64.1. If the court deems it necessary to impose a compulsory measure of medical character it shall determine the type of the compulsory measure taking into account the mental state of the person concerned, nature and degree of the social danger of the crime committed.

64.2. The measure of placing in an ordinary psychiatric hospital may be applied to a person to whom, due to his/her mental state and nature of the crime committed a compulsory treatment is required.

64.3. The measure of placing in a special psychiatric hospital may be applied to a person who, due to his/her mental state and nature of the crime committed represents a particular danger to society. The person placed at the special psychiatric hospital shall be kept under reinforced supervision that excludes the possibility of committing a new crime.

64.4. The court shall decide on cease the compulsory measure of medical character in case of recovery or change in the nature of the illness at the proposal of the treating institution.

64.5. The court may change the kind of the compulsory measure of medical character at the proposal of the treating institution.

64.6. If the court deems it unnecessary to impose a compulsory measure of medical character on a patient or ceases such a measure it may entrust him/her to a relative or guardian to keep under obligatory observance by a physician.

#### **Article 65. Counting of the Period of Compulsory Measures of Medical Character**

65.1. If the limitation period has not expired or there are no other grounds for remission of the culprit who after committing a crime or during the service of the sentence got ill with a mental illness which deprives him/her of the possibility to realize or control own actions the court shall impose penalty. The period of punishment of the person who has been imposed such after his/her recovery shall include the period of compulsory measure of medical character.

#### **Article 66. Application of Compulsory Measures of Medical Character and Assigning Guardians to Alcoholics and Drug Addicts**

66.1. In the cases where an alcoholic or a drug addict has committed a crime, the court, in addition to imposing punishment may decide on his/her compulsory treatment at the proposal of a medical institution.

66.2. The court may decide on compulsory treatment of the alcoholics or drug addicts imposed a non-custodial punishment.

66.3. Where required, alcoholics or drug addicts may be subjected to compulsory treatment during the service of the sentence.

66.4. The court may cease compulsory treatment at the proposal of the treating institution.

66.5. If a person who got his/her family into a grave material situation due to alcohol or drug abuse has committed a crime for which he/she is imposed a non-custodial punishment the court shall recognize him/her at the request of his/her family members, NGO, custodian, guardian or a medical institution a person with a limited legal capacity and assign a guardian for him/her.

#### **Article 67. Application of Compulsory Measures of Educational Character to the Persons Under the Legal Age**

67.1. If the court deems it appropriate not to impose punishment to a culprit under the legal age who has committed a minor or a less serious crime it shall impose the following measures of educational character:

- 67.1.1. fix a 1-year period for reformation;
- 67.1.2. oblige to redress the damage caused with labor if he/she attained 14 years of age and has own source of income;
- 67.1.3. give the person under age into his/her parents' supervision;
- 67.1.4. give the person under age to a labor collective, an NGO or a specified individual for supervision at their consent.

67.2. If the person concerned has not reformed after application of the measure specified in paragraph 1 above the court may replace it with sending to a special upbringing and educational institution.

67.3. Time for sending of a person under age to a special upbringing and educational institution shall be determined individually in each case taking into account the nature of the crime committed, his/her character and conditions of life but in no case may exceed 16 years of age.

67.4. The court shall decide on the matter of release of the person under age from the special upbringing and educational institution ahead of time at the reference of such institution.

## **TITLE FOUR RELEASE FROM CRIMINAL LIABILITY OR PENALTY**

### **CHAPTER TWELVE REMISSION**

#### **Article 68. Remission of the Culprits Who Surrender Themselves**

68.1. A culprit who has committed for the first time a minor or a less serious crime, compensated for or redressed the damage caused may be renounced.

#### **Article 69. Remission by Reconciliation With the Victim**

69.1. A culprit who has committed for the first time a minor or a less serious crime, reconciled with the victim and redressed the damage caused may be renounced.

#### **Article 70. Remission by Elapse of the Limitation Period**

70.1. A culprit who has committed a crime may not be subjected to criminal liability on elapse of the following periods:

- 70.1.1. one year from committing a minor crime;
- 70.1.2. five years from committing a less serious crime;
- 70.1.3. twenty years from committing a serious crime;
- 70.1.4. thirty years from committing a grave crime.

70.2. Criminal liability may be relieved in the cases where there is no ground specified in paragraph 1 above in the events specified in the Special Part of this Code.

70.3. The period of limitation shall be interrupted if, before the elapse of the term specified in the law the culprit commits a new crime; in this case the period of limitation shall be counted from the date of commission of the last gravest crime.

70.4. The counting of the period of limitation shall be interrupted if the person who committed crime flees during the pre-trial or trial stage from the date of such flight and the counting shall be restored from the date of his/her apprehension or surrendering.

70.5. The court shall decide on application of the period of limitation to a person who committed a crime that is punishable by the death penalty under this Code. If the court does not find it possible to apply the period of limitation, the death penalty may not be imposed and shall be replaced by imprisonment.

70.6. Period of limitation shall not apply to the cases of committing crimes against the security of mankind and peace specified in Chapter 30 of the Special Part of this Code.

#### **Article 71. Release from Criminal Liability in Connection With Change of the Situation**

71.1. The court may relieve from criminal liability a person who has committed a minor or a less serious crime if it is established that the action containing signs of a crime has lost the socially dangerous nature or if the person concerned has ceased to be socially dangerous.

### **CHAPTER THIRTEEN RELEASE FROM PUNISHMENT**

#### **Article 72. Release from Punishment Ahead of Term**

72.1. The court may release a convict if he/she has shown his/her reformation, has redressed the damage or eliminated the harm caused by the crime.

72.2. When releasing a convict the court may fix a parole period equal to the unserved term and obligate him/her to fulfil the duty specified in Article 60, paragraph 2.

72.3. The rules set in paragraphs 1 and 2 above shall apply to the convicts who have served the following proportions of the term:

72.3.1. not less than  $\frac{1}{2}$  of a term in less the serious crimes;

72.3.2. not less than  $\frac{2}{3}$  of a term in the serious crimes;

72.3.3. not less than  $\frac{4}{5}$  of a term in the grave crimes.

72.4. Release from punishment ahead of the term shall not apply to the persons who were sentenced to death and pardoned, recognized recidivists and those who did not compensate for the damage caused by the crime.

72.5. The court shall decide the matter of release from punishment ahead of the term at the proposal of the correctional facility at which the sentence is being served.

72.6. The police, and the respective military unit in case of servicemen shall supervise the behavior of the person released from punishment ahead of the term.

72.7. Release from punishment ahead of the term shall not serve as a ground for release from the supplemental punishment of deprivation of the right to hold specified positions and engage in specified business.

72.8. If the convict evades from fulfilling the obligation given by court or is imposed punishment for an administrative breach during the parole period the court shall cancel the decision to release from penalty ahead of the term at the proposal of the police office and a judge shall render a ruling to serve the remaining term.

72.8. If the convict commits another crime during the parole period the court shall impose punishment as provided in Article 57.

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

73.1. If before the judgment is rendered it has been established by a psychiatric expert opinion that the culprit has become unable to realize and control own actions due to a mental illness the court shall release him/her from punishment.

73.2. If after judgment is rendered it has been established that the culprit has become unable to realize and control own actions due to a mental illness the court shall release him/her from serving the sentence.

73.3. If the culprit has become ill with a serious illness that prevents him/her from serving the sentence the court may release him/her from serving the sentence taking into consideration his/her character.

73.4. If a serviceman who is imposed incarceration has become ill with a serious illness that makes him unfit for military service the court may release him from serving the penalty or substitute it with a punishment of a milder type.

### **Article 74. Release From Punishment by Elapse of the Period for Execution of the Sentence**

74.1. Principal or supplemental punishments may not be served if the following periods have elapsed from the date the judgment has become final and valid:

- 74.1.1. one year in case of non-custodial penalties;
- 74.1.2. one year in case of imprisonment for up to five years;
- 74.1.3. ten years in case of imprisonment for five to ten years;
- 74.1.4. fifteen years in case of imprisonment for fifteen years.

74.2. In case the convict evades serving the sentence the counting of the period of limitation shall be interrupted. In this case the counting of the period of limitation shall be restored from the date of detention or surrendering of the convict.

74.3. The court shall decide on application of the period of limitation in case if the judgment sentencing the culprit to the death penalty has not been executed until elapse of fifteen years. If the court deems application of the period of limitation not possible the death penalty shall be substituted by imprisonment.

74.4. The period of limitation shall be interrupted if, before the elapse of the term specified in paragraph 1 above the convict commits another crime; in such a case, the period of limitation shall be counted from the date of commission of the last crime.

74.5. Limitation shall not apply to the cases of committing crimes against the security of mankind and peace specified in the Special Part of this Code.

#### **Article 75. Release From Punishment By Amnesty or Pardon**

75.1. Culprits may be released from criminal liability and convicts from the punishment or their unserved term may be substituted by another less severe penalty or the conviction may be cancelled by the Law of Mongolia on Amnesty.

#### **Article 76. Conviction**

76.1. A convict shall have conviction from the date of entry into force of the judgment until the cancellation of conviction or deeming him/her as having no conviction.

76.2. The following persons shall be deemed as having no conviction in the following cases:

76.2.1. persons who have not committed a new crime during the parole period;

76.2.2. persons sentenced to a non-custodial punishment- on completing service of such punishment;

76.2.3. persons sentenced for a less serious crime and who have not committed a new crime during 5 years from completing service of the sentence;

76.2.4. persons sentenced for a serious crime who have not committed a new crime during 8 years following completion of service of the sentence;

76.2.5. persons sentenced for a grave crime or recidivists who have not committed a new crime during 10 years following completion of service of the sentence.

76.3. Persons who have been released from penalty under this Code shall be deemed as having no conviction.

76.4. If a person sentenced to imprisonment after having completed service of the sentence is of exemplary behavior and reformation the court may deem him/her as having no conviction ahead of the term.

76.5. The period of expiration of conviction of a person who has been released from punishment ahead of the term shall be counted from the moment of release from the principal and supplemental punishment.

76.6. If the person who has completed serving the sentence commits a new crime within the period of expiration of conviction, such period shall be interrupted and be counted after the completion of service of the principal and supplemental punishments imposed for the last crime together with the period of expiration of conviction with respect to the previous crime. However, he/she shall be deemed as having conviction with respect to both crimes until expiration of the period of conviction with respect to the crime which is subject to the most severe punishment.



**SPECIAL PART  
TITLE FIVE**

**CHAPTER FOURTEEN  
CRIMES AGAINST NATIONAL SECURITY**

**Article 79. High treason**

79.1. An action deliberately committed by the citizen of Mongolia to the detriment of the external security of Mongolia, its sovereignty, territorial integrity, defense capacity: disclosure of a state or military secret to a foreign state, espionage, defection to the enemy at war time or during an armed conflict, giving help to a foreign state in carrying on belligerent activities against Mongolia by committing especially dangerous crimes against the State on instructions of authorities or representatives of a foreign state shall be punishable by imprisonment for a term of 20 to 25 years.

*Note: A citizen of Mongolia who joins a foreign intelligence service but does not perform any action to fulfill the received task and voluntarily reports to the relevant state authorities about connection with a foreign intelligence service shall be released from criminal liability.*

**Article 80. Espionage**

220.1. Transfer, stealing or collection with the view of transferring to a foreign state, foreign organization or their agents of data constituting a state or military secret, as well as a transfer or collection on the instruction of a foreign intelligent service of other data with a view of causing detriment to the sovereignty, national security or defense capacity of Mongolia by a foreign national or a stateless person shall be punishable by imprisonment for a term of 20 to 25 years.

**Article 81. Act of terrorism**

81.1. Encroachment on the life of a state or public figure committed in connection with his/her state or public activities with the view of destabilizing the public order or influencing the decision taken by the government bodies or preventing political or other public activities shall be punishable by imprisonment for a term of 11 to 15 years.

81.2. Assassination of a state or public figure with the view specified in paragraph 1 above shall be punishable by imprisonment for a term of 15 to 25 years or the death penalty.

**Article 82. Plot with a view to seize the state power**

82.1. Plot with a view to illegally seize the state power shall be punishable by imprisonment for a term of 15 to 20 years.

*Comment: A person who participates in a plot with a view to seize the state power but voluntarily reports to the relevant state authorities shall be released from criminal liability.*

### **Article 83. Organization of an armed riot**

8.1. Organization of armed riot with a view of violent overthrow or alteration of the constitutional order of Mongolia shall be punishable by imprisonment for a term of 20 to 25 years.

### **Article 84. Sabotage**

84.1. Causing of explosions, arsons or other actions aimed at mass destruction of people, infliction of bodily injuries or another detriment to the health, destruction or damage of buildings, works, ways and means of communications or other property, sabotage actions in other ways, spread of virunal human, livestock or plant diseases, mass poisoning of people or mass death of humans, livestock and animals with a view of weakening the economic capacity of Mongolia shall be punishable by imprisonment for a term of 15 to 20 years.

### **Article 85. Armed riot**

85.1. Armed riot with a view of violent overthrow or alteration of the constitutional order of Mongolia shall be punishable by imprisonment for a term of 20 to 25 years.

### **Article 86. Violation of the equality of rights of nations and ethnic groups**

86.1. Propaganda with a view of stirring up of national, racial or religious hatred between peoples, direct or indirect restriction of their rights by discrimination or establishing privileges shall be punishable by imprisonment for a term of 6 to 10 years.

### **Article 87. Disclosure of a state secret**

87.1. Disclosure of data, documents, objects or activities which constitute a state secret by a person who was entrusted such data or who has learnt them by virtue of his/her job or position, if such act does not constitute the crimes of high treason or espionage, shall be punishable by imprisonment for a term of up to 5 years.

87.2. The same crime if it has caused damage in a great amount shall be punishable by imprisonment for a term of 6 to 8 years.

### **Article 88. Loss of data, documents or tangible objects containing a state secret**

88.1. Loss of data, documents or tangible objects which constitute a state secret by a person who was entrusted such data or who has learnt them by virtue of his/her job or position in result of violation of the established rules of handling of such data, documents, objects or activities, if such act does not constitute the crimes of high treason or espionage shall be punishable by imprisonment for a term of up to 2 years.

### **Article 89. Illegal entry through the state frontier of Mongolia**

89.1. Illegal entry through the state frontier of Mongolia shall be punishable by a fine equal to 81 to 100 amounts of minimum salary or by incarceration for a term of 3 to 6 months.

89.2. The same crime committed repeatedly or by a group at an advance agreement shall be punishable by imprisonment for a term of up to 2 years.

## **Article 90. Violation of the state frontier regime**

90.1. Destruction, damage of the frontier posts and signs, violation of the rules for the use of water sources, bridges and communication facilities crossing the border line, or other grave violations of the state frontier regiment shall be punishable by a fine equal to 81 to 100 amounts of minimum salary or by incarceration for a term of 3 to 6 months.

## **TITLE SIX CHAPTER FIFTEEN**

### **CRIMES AGAINST HUMAN LIFE AND HEALTH**

## **Article 91. Murder**

91.1. Murder without aggravating circumstances specified in paragraph 2 below shall be punishable by imprisonment for a period of 11 to 15 years.

91.2. Murder:

- 91.2.1. of lucrative motives;
- 91.2.2. of hooliganism;
- 91.2.3. out of revenge;
- 91.2.4. by order;
- 91.2.5. with the purpose of taking, selling or transplanting the victim's organs or tissues;
- 91.2.6. committed with a view of concealing or to facilitating another crime;
- 91.2.7. in the course of extortion of property or robbery;
- 91.2.8. in the course of kidnapping or taking a hostage;
- 91.2.9. committed by a recidivist;
- 91.2.10. committed repeatedly (Articles 93 of this Code shall not apply);
- 91.2.11. committed by a group, a group at an advance agreement, an organized group or a criminal organization;
- 91.2.12. committed in an especially brutal way;
- 91.2.13. committed in a commonly dangerous way;
- 91.2.14. of a knowingly pregnant woman;
- 91.2.15. of a person knowingly unable to defend himself/herself;
- 91.2.16. of two or more persons;
- 91.2.17. of a victim or his/her relative in connection with performing by the victim of his/her official or public duties shall be punishable by imprisonment for a period of 15 to 25 years or the death penalty.

## **Article 92. Infanticide**

92.1. Killing of a child by mother during or immediately after birth in the state of a deep emotional depression shall be punishable by imprisonment for a period of up to 5 years.

### **Article 93. Homicide in a state of sudden strong emotions**

93.1. Homicide committed in a state of sudden strong emotions caused by a violence or a grave insult on the part of the victim, if such actions have entailed or could have entailed grave consequences for the culprit or his/her close people shall be punishable by imprisonment for a period of up to 5 years.

### **Article 94. Negligent homicide**

94.1. Killing committed by negligence shall be punishable by imprisonment for a period of up to 4 years.

### **Article 95. Bringing to suicide**

95.1. Bringing to suicide of the victim who is in a material dependence, subordination or another inferiority to the culprit through brutal treatment or systematic humiliation of his/her honor and dignity shall be punishable by imprisonment for a period of 2 to 5 years.

### **Article 96. Intentional infliction of a severe bodily injury**

96.1. Intentional infliction of a severe injury that is, of a life-threatening injury or one which has entailed the loss of sight, hearing or any organ, or the loss by an organ of its functions, a mental illness or another detriment to health which has entailed or which has been expressed in irreversible disfiguration of the face or interruption of pregnancy, or which has caused a permanent loss of the working ability shall be punishable by imprisonment for a period of more than 5 to 7 years.

96.2. The same crime committed:

96.2.1. with hooliganist motives;

96. 2.2. by order;

96. 2.3. by a recidivist;

96.2.4. repeatedly;

96.2.5. in a group, by a group at an advanced agreement or by a criminal organization;

96. 2.6. in an especially brutal way;

96. 2.7. in a commonly dangerous way;

96. 2.8. by humiliating or torturing the victim;

96. 2.9. against a person knowingly unable to defend oneself;

96. 2.10. against two or more persons;

96. 2.11. in connection with the performance by the victim of his/her official or public duties shall be punishable by imprisonment for a term of more than 7 to 10 years.

### **Article 97. Infliction of a severe bodily injury by negligence**

97.1. Infliction of a severe bodily injury by negligence shall be punishable by imprisonment for a term of up to 2 years.

### **Article 98. Intentional infliction of a less severe bodily injury**

98.1. Intentional infliction of a less severe bodily injury which has caused a long-term detriment of health or a loss of the working ability for not less than one third shall be punishable by 251 to 450 hours of forced labor or imprisonment for a term of up to 3 years.

98.2. The same crime committed repeatedly, in a group, by torturing the victim or by a recidivist shall be punishable by incarceration for a period of more than 3 to 6 months, or imprisonment for a term of more than 3 to 5 years.

#### **Article 99. Intentional infliction of a minor bodily injury**

99.1. Intentional infliction of a minor bodily injury, that is, the one that has caused a short-term detriment to health or a slight loss of the working ability shall be punishable by a fine equal to 5 to 20 minimum salary amounts or by incarceration for a period of 1 to 3 months.

99.2. The same crime committed repeatedly or in a group shall be punishable by a fine equal to 51 to 100 minimum salary amounts, 251 to 350 hours of forced labor or by incarceration for a period of more than 3 to 6 months.

#### **Article 100. Torture**

100.1. Systematic battery or other actions having the nature of torture if they have not entailed the consequences specified in Articles 96 and 98 of this Code shall be punishable by incarceration for a period of more than 3 to 6 months or by imprisonment for a term of up to 2 years.

#### **Article 101. Illegal taking of human blood, organs or tissues**

101.1. Taking of human blood, organs or tissues by use of violence or threat with such shall be punishable by imprisonment for a term of up to 4 years with or without deprivation of the right to hold specified positions or engage in specified business for up to 3 years.

101.2. The same crime committed against a person who knowingly is unable to defend oneself, or using own material or other superiority over the victim shall be punishable by imprisonment for a term of up more than 5 to 10 years with or without deprivation of the right to hold specified positions or engage in specified business for up to 3 years.

#### **Article 102. Preparation or transplantation of human blood, blood product, organ or tissue in the inadequate conditions**

91.1. Illness, disability or death of a human in consequence of preparation or transplantation of human blood, blood product, organ or tissue in the inadequate conditions shall be punishable by imprisonment for a term of up to 3 years with or without deprivation of the right to treat for a term of up to 3 years.

#### **Article 103. Evasion of treatment of a venereal disease and infecting with a venereal disease**

103.1. Evasion of treatment of a venereal disease despite a warning by a medical institution shall be punishable 100 to 250 hours of forced labor or by incarceration for a period of 1 to 3 months.

103.2. Infecting of another person with a venereal disease through a sexual intercourse or other actions by a person who has known that he/she had this disease shall be punishable by a

fine equal to 51 to 70 amounts of minimum salary amount, 251 to 400 hours of forced labor or by incarceration for a period of more than 3 to 6 months.

103.3. The same crime committed repeatedly, as well as infecting of two or more persons, or a person under the legal age shall be punishable by a fine equal to 71 to 250 amounts of minimum salary amount, or imprisonment for a term of up to 2 years.

#### **Article 104. Failure to treat AIDS**

104.1. Failure of a physician to inform a medical institution about AIDS or HIV revealed or diagnosed, or to give relevant instructions to the patient, his/her custodian or guardian shall be punishable by a fine equal to 30 to 50 amounts of minimum salary amount or by incarceration for a period of 1 to 3 months.

104.2. Refusal to provide essential medical aid to a person ill with AIDS or restriction of his/her rights for such reason shall be punishable by a fine equal to 51 to 100 amounts of minimum salary amount or by incarceration for a period of 1 to 3 months with deprivation of the right to hold specified positions or engage in specified business for up to 3 years, or by incarceration for a period of more than 3 to 6 months.

#### **Article 105. Infecting with AIDS**

105.1. Infecting of another person with AIDS through sale of blood, blood product, organ or tissue that has not undergone a test for HIV by an employee of a manufacturing, trading or drug procurement entity shall be punishable by a fine equal to 51 to 100 amounts of minimum salary amount, deprivation of the right to hold specified positions or engage in specified business for up to 3 years, or by imprisonment for a period of up to 3 years.

105.2. Infecting with AIDS or HIV by negligence committed by a medical professional shall be punishable by imprisonment for a period of up to 4 years.

105.3. Infecting of another person with AIDS through a sexual intercourse or other actions by a person who has known that he/she had this disease shall be punishable by imprisonment for a term of up to 5 years.

#### **Article 106. Non-provision of aid to a patient**

106.1. Failure of a medical professional to perform the duty to provide medical aid to a patient without a valid reason or provision of an improper aid that has resulted in harm shall be punishable by a fine equal to 51 to 70 amounts of minimum salary amount, deprivation of the right to hold specified positions or engage in specified business for a term of up to 2 years or by incarceration for a period of more than 3 to 6 months.

106.2. The same crime if it has caused death of the patient or another grave harm shall be punishable by deprivation of the right to hold specified position or engage in specified business for a term of up to 3 years and imprisonment for a term of up to 3 years.

#### **Article 107. Non-provision of aid to a person who is in a condition endangering his/her life or health**

107.1. Causing harm by failure to provide urgent medical aid to a person who is in a condition endangering his/her life or health without causing damage to himself/ herself or others while

such possibility existed or failure to report to the relevant institution shall be punishable by 251 to 400 hours of forced labor or by incarceration for a period of more than 3 to 6 months.

107.2. Failure of the person who is able to provide aid to and has the duty of custody of an elderly, minor, or a person unable to take care of oneself due to illness or other reasons in the situation endangering his/her life or health and leaving him/her without aid, or intentional putting of the victim into the situation endangering his/her life shall be punishable by a fine equal to 51 to 70 amounts of minimum salary amount, 251 to 400 hours of forced labor or imprisonment for a term of up to 2 years.

107.3. The same crime if it has entailed death of the victim or another grave harm shall be punishable by imprisonment for a term of 3 to 5 years.

## **CHAPTER SIXTEEN CRIMES AGAINST INDIVIDUAL'S REPUTATION AND DIGNITY**

### **Article 108. Kidnapping**

108.1. Kidnapping that has no signs of taking a hostage shall be punishable by imprisonment for a term of 3 to 5 years.

108.2. The same crime committed:

108.2.1. of lucrative purposes;

108.2.2. by a recidivist;

108.2.3. repeatedly;

108.2.4. in a group or by a group at an advance agreement;

108.2.3. using force dangerous to the victim's life and health;

108.2.4. using firearms or other items as arms;

108.2.5. knowingly against a minor or a pregnant woman shall be punishable by imprisonment for a term of more than 5 to 10 years.

108.3. The same crime committed by an organized group, a criminal organization, or if it has caused a grave harm shall be punishable by imprisonment for a term of more than 10 to 15 years.

*Note: If the kidnapping does not have the signs of another crime and the perpetrator has voluntarily released the kidnapped person he/she shall not be subject to criminal liability.*

### **Article 109. Illegal detention**

109.1. Illegal detention that has no signs of a crime of malfeasance or a crime against the administration of justice, as well as those of kidnapping or taking a hostage specified in this Code, or taking of a hostage or kidnapping shall be punishable by a fine equal to 51 to 70 amounts of minimum salary amount or by incarceration for a term of more than 3 to 6 months.

109.2. The above crime committed:

109.2.1. in a group or by a group at an advance agreement;

109.2.2. with violence dangerous to the victim's life and health;

109.2.3. with use of a firearm or other items as an arm;  
109.2.4. against two or more persons;  
109.2.5. against knowingly a minor person or a pregnant woman shall be punishable by imprisonment for a term of up to 5 years.

109.3. The same crime committed by an organized group or a criminal organization, or if it has caused a grave harm shall be punishable by imprisonment for a term of more than 5 to 10 years.

#### **Article 110. Slander**

110.1. Willful humiliation of an individual's honor or dignity expressed in the means of mass media shall be punishable by a fine equal to 20 to 50 amounts of minimum salary amount or by incarceration for a term of 1 to 3 months.

#### **Article 111. Defamation**

111.1. Spreading of knowingly false fabrications defaming another individual shall be punishable by a fine equal to 20 to 50 amounts of minimum salary amount or by incarceration for a term of 1 to 3 months.

111.2. Spreading of libel to the public by means of mass media or committed by a person who previously was imposed administrative penalty for defamation or insult shall be punishable by a fine equal to 51 to 150 amounts of minimum salary or incarceration for a term of more than 3 to 6 months.

111.3. Defamation connected with accusing of a commission of a serious or grave crime shall be punishable by a fine equal to 151 to 250 amounts of minimum salary or by imprisonment for a term of 2 to 5 years.

#### **Article 112. Taking a hostage**

112.1. Taking or keeping of a person as a hostage with the purpose of extracting money or another property from a business entity, organization or citizens, or for the purpose of forcing them to perform or to restrain from committing any action shall be punishable by imprisonment for a term of up to 5 years.

112.2. The same crime committed:

112.2.1. with a lucrative motive;  
112.2.2. by a recidivist;  
112.2.3. repeatedly;  
112.2.4. in a group or by a group at an advance agreement;  
112.2.5. connected with a threat to the life of the person taken as hostage;  
112.2.6. knowingly against a minor or a pregnant woman;  
112.2.7. with use of a weapon or other items as an arm;  
112.2.8. taking two or more persons as hostages;  
112.2.9. against knowingly a minor person or a pregnant woman shall be punishable by imprisonment for a term of more than 5 to 10 years.



112.3. The same crime committed by an organized group or a criminal organization, or if it has entailed human death or another grave harm shall be punishable by imprisonment for a term of more than 10 to 15 years.

*Note: If the actions of the person who has voluntarily released the hostage do not have the signs of another crime he/she shall be released from criminal liability.*

### **Article 113. Sale and purchase of humans**

113.1. Sale or acquisition of humans shall be punishable by a fine equal to 51 to 250 amounts of minimum salary, 300 to 500 hours of forced labor or imprisonment for a term of up to 3 years.

113.2. The same crime committed:

113.2.1. with the purpose of taking human blood, tissues or organs;

113.2.2. with the purpose of engaging the victim into prostitution;

113.2.3. repeatedly;

113.2.4. against two or more persons;

113.2.5. against a person under the legal age;

113.2.6. in a group, by a group at an advance agreement shall be punishable by imprisonment for a term of more than 5 to 10 years.

113.3. The same crime committed on a permanent basis, by trafficking, by an organized group or a criminal organization or if it has entailed grave harm shall be punishable by imprisonment for a term of more than 10 to 15 years.

## **CHAPTER SEVENTEEN CRIMES AGAINST CHILDREN, FAMILY AND PUBLIC MORALS**

### **Article 114. Involving into criminal actions of persons under legal age**

114.1. Involving persons under legal age into criminal activities by using force, threat with such, deceit or in other ways shall be punishable by 100 to 200 hours of forced labor or by incarceration for a term of 1 to 3 months.

114.2. The same crime committed by a parent, guardian, custodian or a pedagogue assigned by law the duty of upbringing the persons under legal age shall be punishable by 201 to 500 hours of forced labor or by imprisonment for a term of up to 5 years.

114.3. Involving persons under legal age into an organized group or criminal organization or into committing a serious or grave crime shall be punishable by imprisonment for a term of more than 5 to 8 years.

**Article 115. Involving persons under legal age into heavy drinking, drug abuse, prostitution, vagrancy and beggary**

115.1. Involving persons under legal age into heavy drinking, drug abuse, prostitution, vagrancy and beggary shall be punishable by a fine equal to 20 to 50 amounts of minimum salary, 100 to 250 hours of forced labor or by incarceration for a term of 1 to 3 months.

115.2. The same crime committed by a parent, guardian, custodian or a pedagog assigned the duty of upbringing the persons under legal age by law shall be punishable by a fine equal to 51 to 100 amounts of minimum salary, or by incarceration for a term of more than 3 to 6 months with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 2 years.

115.3. The same crime committed repeatedly, by using violence or threat with such shall be punishable by 100 to 250 hours of forced labor or imprisonment for a term of 3 to 5 years.

**Article 116. Switching or illegal adoption of children**

101.1. Intentional switching or illegal adoption of a child shall be punishable by a fine equal to 51 to 200 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or by imprisonment for a term of 2 to 5 years.

**Article 117. Abandonment of a child**

117.1. Abandonment of a born or adopted child shall be punishable by 251 to 300 hours of forced labor, or incarceration for a term of more than 3 to 6 months.

117.2. The same crime if it has entailed death of a child shall be punishable by imprisonment for a term of up to 5 years.

**Article 118. Abuse of guardian's duties**

118.1. Abuse of the guardian's duties by parents, custodians or guardians for lucrative purposes or leaving the person under guardianship without supervision or necessary help shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

**Article 119. Neglect of the duty of custody of a child under the school age**

119.1. Entailing a less severe or severe bodily injury to the victim by neglecting the duty of custody of a child under the school age by a person charged with such official duties, provided such neglect does not constitute a crime of malfeasance, shall be punishable by a fine equal to 51 to 150 amounts of minimum salary with or without the deprivation of the right to hold a specified position or to engage in a specified business for up to 2 years or by incarceration for a term of more than 3 to 6 months.

119.2. The same crime if it has entailed death of a child shall be punishable by imprisonment for a term of 2 to 5 years with the deprivation of the right to hold a specified position or to engage in a specified business for up to 2 years.

## **Article 120. Persistent evasion of maintenance of parents, spouse or born or adopted children**

120.1. Persistent evasion of fulfilling a court decision regarding maintenance of a parent, spouse, born or adopted child who are not able to work shall be punishable by a fine equal to 51 to 150 amounts of minimum salary amount or by incarceration for a term of more than 3 to 6 months.

## **Article 121. Forcing a child to labor**

121.1. Illegally forcing a child to labor shall be punishable by a fine equal to 51 to 250 amounts of minimum salary or imprisonment for a term of up to 4 years.

## **Article 122. Sexual intercourse with a person under the age of 16**

107.1. Sexual intercourse with a person who knowingly is under the age of 16 shall be punishable by a fine equal to 51 to 150 amounts of minimum salary, 251 to 300 hours of forced labor or imprisonment for a term of up to 3 years.

## **Article 123. Advertising and dissemination of pornography and prostitution**

123.1. Preparation, dissemination, sale, display to the public, crossing of the state frontier of the press, literature, films, video tapes and other items advertising pornography shall be punishable by a fine equal to 31 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

123.2. Inducing a person under 16 to engage in the same crime shall be punishable by a fine equal to 71 to 100 amounts of minimum salary amount or by incarceration for a term of more than 3 to 6 months.

123.3. The same crime committed by use of violence against a minor, by a person who previously was sentenced for this crime, by an organized group or by a criminal organization shall be punishable by imprisonment for a term of up to 5 years.

## **Article 124. Inducing others to engage in prostitution and organizing of prostitution**

124.1. Inducing a others to engage **in prostitution** by physical violence, threat of violence or deception shall be punishable by a fine equal to 150 to 250 amounts of minimum salary or by incarceration for a term of more than 3 to 6 months.

124.2. Setting up, running, financing of bordels, soutenering, provision of means of transport or premises for engaging in prostitution shall be punishable by a fine equal to 200 to 250 amounts of minimum salary, 300 to 400 hours of forced labor or imprisonment for a term of up to 3 years.

124.3. The same crime committed by an organized group shall be punishable by imprisonment for a term of more than 3 to 5 years.

## **Article 125. Satisfaction of sexual desire in unnatural manner**

125.1. Satisfaction of sexual desire in an unnatural manner by violence or threat of violence or by taking advantage of the helpless situation of the victim, as well as by humiliation shall be punishable by imprisonment for a term of 2 to 5 years.

### **Article 126. Rape**

126.1. Sexual intercourse by physical violence, threat of violence or in other forms, or by taking advantage of helpless state of the victim, as well as by humiliating the victim shall be punishable by imprisonment for a term of up to 5 years.

126.2. The same crime committed:

- 126.2.1. by humiliating or torturing the victim;
- 126.2.3. inflicting a severe or a less severe bodily injury;
- 126.2.4. repeatedly;
- 126.2.5. rape of a person under the legal age;
- 126.2.5. in a group or by group at an advance agreement shall be punishable by imprisonment for a term of more than 5 to 10 years.

126.2.3. The same crime committed by a recidivist, rape of a child under the age of 14, or rape entailing death of the victim or another grave harm shall be punishable by imprisonment for a term of more than 15 to 25 years or the death penalty.

### **Article 127. Forcing a woman into abortion**

127.1. Forcing a woman into abortion shall be punishable by 251 to 400 hours of forced labor, incarceration for a term of 3 to 6 months or imprisonment for a term of up to 2 years.

### **Article 128. Abortion in the non-medical conditions**

128.1. Abortion in the non-medical conditions or abortion by a non-professional shall be punishable by 251 to 400 hours of forced labor, incarceration for a term of more than 3 to 6 months or imprisonment for a term of 2 to 5 years.

128.2. The same crime committed repeatedly or if it has entailed death of the victim or another grave harm shall be punishable by imprisonment for a term of 6 to 8 years with deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years.

### **Article 129. Destruction of a grave**

129.1. Destruction of a grave or taking away of the items from it shall be punishable by 251 to 500 hours of forced labor or incarceration for a term of more than 3 to 6 months.

129.2. The same crime committed repeatedly, with humiliation, or in an especially brutal way shall be punishable by 251 to 500 hours of forced labor or imprisonment for a term of 2 to 5 years.

**CHAPTER EIGHTEEN**  
**CRIMES AGAINST THE CITIZENS' POLITICAL AND OTHER RIGHTS AND**  
**FREEDOMS**

**Article 130. Article 116. Prevention from the exercise of suffrage or of the work of the election commissions**

130.1. Prevention from the exercise of the right to elect or be elected, to participate in the referendum or of the work of the election commissions shall be punishable by a fine equal to 20 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

130.2. The same crime committed with use of violence or threat with such, by fraud, by using money, by way of buying votes, or by a group at an advance agreement shall be punishable by a fine equal to 71 to 100 amounts of minimum salary or by incarceration for a term of more than 3 to 6 months.

**Article 131. Forgery of election or referendum documents, incorrect count of votes**

131.1. Forgery of the election or referendum documents, knowingly incorrect count of votes, violation of the citizen's right to a secret and free vote, or illegally affecting the elections results committed by a member or an official of the election commission shall be punishable by a fine equal to 51 to 100 amounts of minimum salary or by incarceration for a term of more than 3 to 6 months.

**Article 132. Violation of the rules for assembly**

132.1. Intentional prevention of organization of demonstrations and meetings, persecution, restriction of freedom, or discrimination of citizens in other ways for participation in demonstrations and meetings shall be punishable by a fine equal to 30 to 50 amounts of minimum salary.

**Article 133. Violation of the legislation on intelligence activities**

133.1. Conduct of operations prohibited by the legislation on intelligence activities shall be punishable by a fine equal to 51 to 100 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 3 years.

**Article 134. Persecution of citizens for their opinion/beliefs**

134.1. Discrimination, persecution or obvious restriction of a citizen's right or legitimate interests for joining a political party or a non-governmental organization committed by an official shall be punishable by 250 to 350 hours of forced labor with deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 2 years.

**Article 135. Violation of the privacy of correspondence**

135.1. Violation of the inviolability of secrecy of private correspondence shall be punishable by a fine equal to 20 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

135.2 The same crime committed by abuse or excess of authority or with use of technical devices shall be punishable by a fine equal to 71 to 100 amounts of minimum salary, or by incarceration for a term of more than 3 to 6 months.

#### **Article 136. Disclosure of private secrets**

136.1. Intentional disclosure of a citizen's private secrets protected by law learnt in the course of official or professional activities shall be punishable by a fine equal to 20 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

136.2. The same crime committed by using the means of media shall be punishable by 251 to 400 hours of forced labor or by incarceration for a term of more than 3 to 6 months.

#### **Article 137. Violation of home**

137.1. Violation of home in the forms of illegal entry by force or threat with such, unauthorized occupation, illegal eviction or search shall be punishable by a fine equal to 20 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

137.2. The same crime committed by abuse or excess of authority shall be punishable by a fine equal to 71 to 100 amounts of minimum salary with deprivation of the right to hold specified positions or engage in specified business for a term of up to 2 years, or by incarceration for a term of more than 3 to 6 months.

#### **Article 138. Violation of the labor legislation**

138.1. Violation by an authorized person charged with the duties of ensuring observance of the labor safety and sanitary rules that has entailed a less severe or severe bodily injury shall be punishable by a fine equal to 5 to 25 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

138.2. The same crime if it has entailed death or another grave harm shall be punishable by imprisonment for a term of up to 5 years with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years.

#### **Article 139. Prevention of a journalist's activities that are consistent with law**

139.1. Prevention of a journalist's professional activities that are consistent with law with the view of dissemination or preventing dissemination of any information which affects the culprit's or others' interests shall be punishable by a fine equal to 31 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

139.2. The same crime committed by using one's powers or authority shall be punishable by a fine equal to 51 to 100 amounts of minimum salary or by incarceration for a term of more than 3 to 6 months.

#### **Article 140. Infringement upon copyright**

140.1. Issue under one's own name, illegal reproduction or dissemination, sale of somebody else's work or forcing to co-authorship, or other appropriation of a copyright for such work that has caused to the author damage in a large amount shall be punishable by a fine equal to 100 to 250 amounts of minimum salary amount or by incarceration for a term of 3 to 6 months.

#### **Article 141. Infringement upon the inventor, industrial design, rationalization proposal or patent holder's rights**

141.1. Dissemination of the invention, industrial design or rationalization proposal prior to obtaining of the respective certificate by the author, issue under one's own name, publicizing these without the author's permission, forcing to co-authorship, or causing of damage in a large amount in other forms shall be punishable by a fine equal to 100 to 250 amounts of minimum salary or by incarceration for a term of more than 3 to 6 months.

#### **Article 142. Violation of the freedom of conscience and religion**

142.1. Prevention from the performance of religious rites, prayers, religious propaganda inasmuch as they do not violate public order and are not accompanied by infringement upon the rights of the citizens by way of threat, force or threat with such shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

#### **Article 143. Discrimination or oppression on the religious ground**

143.1. Discrimination, use of force or threat with such, oppression or restriction of one's rights in other forms on the religious ground shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

#### **Article 144. Propaganda and dissemination of vicious religious teachings**

144.1. Intentional propaganda and dissemination of vicious religious teachings shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

144.2. The same crime committed repeatedly or by an organized group shall be punishable by a fine equal to 51 to 100 amounts of minimum salary or imprisonment for a term of up to 2 years.

144.3. Involving of the persons under the legal age into vicious religious teachings shall be punishable by a fine equal to 100 to 250 amounts of minimum salary or imprisonment for a term of up to 4 years.

### **TITLE SEVEN CRIMES AGAINST ECONOMY**

#### **CHAPTER NINETEEN CRIMES AGAINST THE RIGHT OF OWNERSHIP**

## **Article 145. Theft**

145.1. Stealing of others' property shall be punishable by 100 to 250 hours of forced labor, incarceration for a term of 3 to 6 months or imprisonment for a term of up to 2 years.

145.2. Theft committed repeatedly or by a group of persons at an advance agreement that has caused a significant damage, theft with entry of a home, room or another storage place using mechanisms or especially prepared tools shall be punishable by a fine equal to 51 to 200 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or imprisonment for a term of 2 to 5 years.

145.3. The same crime committed by a group at an advance agreement, depriving the victim of the source of living, causing damage in a large amount, or committed by taking advantage of a public disaster shall be punishable by a fine equal to 251 to 500 amounts of minimum salary or imprisonment for a term of more than 5 to 8 years.

145.4. The same crime committed by a person previously sentenced for the same crime such twice or more, for extortion, robbery or assault or by an organized group, criminal organization or causing damage in a large amount shall be punishable by imprisonment for a term of more than 10 to 15 years.

## **Article 146. Taking away of others property**

146.1. Taking away of the property from others without use of violence shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or incarceration for a term of 1 to 3 months.

146.2. The same crime committed repeatedly or in a group, by taking advantage of the helpless situation of the victim or a common disaster, by a person who previously was sentenced for the same crime, as well as if it has caused a substantial damage shall be punishable by a fine equal to 75 to 200 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or imprisonment for a term of more than 3 to 5 years.

146.3. The same crime committed by a person who previously was sentenced for robbery or extortion, or by a group at an advance agreement, as well as if it has caused a considerable damage shall be punishable by a fine equal to 275 to 500 amounts of minimum salary, or imprisonment for a term of more than 5 to 10 years.

146.4. The same crime committed by a recidivist, an organized group or a criminal organization, or if it has caused damage in a large amount shall be punishable by imprisonment for a term of more than 10 to 15 years.

## **Article 147. Robbery**

147.1. Assault with a view of appropriating property by use of violence dangerous to life or health, or by a threat with violence shall be punishable by imprisonment for a term of more than 5 to 8 years.

147.2. The same crime committed repeatedly, in a group, by a group at an advance agreement, by a person who previously was sentenced for the same crime or taking away of other's



property, or assault, with use of arm or other items as arms, or if it has caused a considerable damage shall be punishable by imprisonment for a term of more than 8 to 10 years.

147.3. The same crime committed by a recidivist, an organized group, by a person previously sentenced for assault or extortion or if it has caused damage in an extremely large amount shall be punishable by confiscation of property and imprisonment for a term of more than 10 to 25 years.

147.4. The same crime committed by a member of a criminal organization, a person previously sentenced for assault, with the purpose of appropriation of a property in a large amount, or connected with infliction of a severe bodily injury shall be punishable by imprisonment for a term of 15 to 25 years.

#### **Article 148. Appropriation of property by fraud**

148.1. Appropriation of a property or acquisition of the right to property by fraudulent breach of trust shall be punishable by a fine equal to 5 to 50 amounts of minimum salary, 100 to 250 hours of forced labor or incarceration for a term of 1 to 3 months.

148.2. The same crime committed repeatedly, in a group or by using one's official position shall be punishable by a fine equal to 51 to 150 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or imprisonment for a term of 2 to 5 years.

148.3. The same crime committed by a person previously sentenced for theft, taking away of other's property, misappropriation or robbery, by a recidivist, an organized group, a criminal organization or if it has caused damage in an extremely large amount shall be punishable by confiscation of property and a fine equal to 251 to 500 amounts of minimum salary imprisonment for a term of more than 5 to 10 years.

#### **Article 149. Extortion of property**

149.1. Demand to transfer property or the right of ownership, or to perform any actions of the property nature under a threat of violence in respect of the victim or his/her close relations, spreading of slanderous or libelous information about the victim or his/her close relatives, damage or destruction of their private property or the property in his/her custody or under guard, which could potentially cause a real damage shall be punishable by a fine equal to 251 to 300 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or by imprisonment for a term of up to 3 years.

149.2. The same crime committed repeatedly, in a group, with the view of appropriating of a large amount of property or by a person previously sentenced for theft, taking away of other's property or robbery, or with the view of extortion of property in an large amount shall be punishable by imprisonment for a term of more than 3 to 5 years.

149.3. The same crime committed by a person repeatedly sentenced for theft, taking away of other's property or robbery, by a recidivist or an organized group, a criminal organization or with a view to appropriating a large amount of property shall be punishable by imprisonment for a term of more than 5 to 10 years.

## **Article 150. Misappropriation or embezzlement of property**

150.1. Misappropriation or embezzlement of a business entity, organization or citizen's property committed by a person to whom such property was entrusted, or by abuse or excess of one's office shall be punishable by a fine equal to 5 to 50 amounts of minimum salary with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years, or by incarceration for a term of 1 to 3 months.

150.2. The same crime committed repeatedly, in a group or if it has caused damage in a large amount shall be punishable by incarceration for a term of 1 to 3 months with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 5 years, or imprisonment for a term of up to 5 years.

150.3. The same crime if it has caused damage in an extremely large amount shall be punishable by imprisonment for a term of more than 5 to 10 years with confiscation of property.

## **Article 151. Appropriation of the lost or accidentally found property**

151.1. Appropriation of the lost or accidentally found property which is knowingly in other's possession shall be punishable by a fine equal to 5 to 50 amounts of minimum salary, or by incarceration for a term of 1 to 3 months.

## **Article 152. Appropriation of the given into custody or otherwise entrusted property**

152.1. Intentional appropriation or embezzlement of the given into custody property or livestock shall be punishable by a fine equal to 25 to 75 amounts of minimum salary, or by incarceration for a term of 1 to 3 months.

## **Article 153. Intentional destruction or damage of property**

153.1. Intentional destruction or damage of property shall be punishable by a fine equal to 51 to 250 amounts of minimum salary, or by imprisonment for a term of 2 to 5 years.

153.2. The same crime committed by arson or another generally dangerous way or which has entailed human death or another grave harm shall be punishable by imprisonment for a term of more than 5 to 10 years.

## **Article 154. Negligence with respect to protection of others' property**

154.1. Destruction or damage to property in a large amount caused by negligence on the part of a person charged with the duties to protect other's property by virtue of law or under an agreement which does not constitute a crime of malfeasance shall be punishable by a fine equal to 51 to 100 amounts of minimum salary or by incarceration for a term of more than 3 to 6 months.

154.2. The above crime if it has caused damage in an extremely large amount shall be punishable by 200 to 250 hours of forced labor or imprisonment for a term of up to 3 years.

## **Article 155. Acquisition or sale of property knowingly obtained by way of crime**

155.1. Acquisition, delivery, storage or distribution of the property knowingly obtained by way of crime without an advance promise shall be punishable by a fine equal to 5 to 50 amounts of minimum salary, or by incarceration for a term of 1 to 3 months.

142.2. Knowingly taking with the purpose of selling or actual sale of the property acquired by way of crime shall be punishable by a fine equal to 51 to 100 amounts of minimum salary, or by incarceration for a term of more than 3 to 6 months.

## **CHAPTER TWENTY ECONOMIC CRIMES**

### **Article 156. Violation of the banking legislation**

156.1. Causing damage in a large amount to others in result of opening a bank without permission from the authorized body or illegal conduct of the banking operations shall be punishable by a fine equal to 100 to 200 amounts of minimum salary or imprisonment for a term of up to 2 years.

156.2. Causing damage in a large amount to others by violation of the banking legislation and that of account settlements committed by a banking official with private purpose shall be punishable by a fine equal to 100 to 200 amounts of minimum salary with or without confiscation of property or imprisonment for a term of 2 to 5 years.

156.3. The same crime if it has caused damage in an extremely large amount shall be punishable by a fine equal to 51 to 500 amounts of minimum salary with confiscation of property or imprisonment for a term of more than 5 to 8 years.

### **Article 157. Engaging in banking operation by abuse or excess of office**

157.1. Illegally affecting banking operations committed by an official that has caused damage in a large amount to the solvency and profitability of a bank shall be punishable by a fine equal to 100 to 250 amounts of minimum salary with or without confiscation of property or imprisonment for a term of up to 5 years.

157.2. The same crime committed repeatedly or if it has caused damage in an extremely large amount shall be punishable by shall be punishable by a fine equal to 100 to 250 amounts of minimum salary with confiscation of property or imprisonment for a term of more than 5 to 8 years.

### **Article 158. Violation of the securities legislation**

158.1. Causing damage in a large amount by way of violating the rules for issue, release into the circulation, sale of or trading in securities, performing account settlements or engaging in the dealership and broker operations shall be punishable by a fine equal to 151 to 250 amounts of minimum salary with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 2 years.

156.2. The same crime committed repeatedly, in a group or if it has caused damage in an extremely large amount shall be punishable by imprisonment for a term of up to 5 years with

deprivation of the right to hold specified positions or engage in specified business for a term of 5 years.

#### **Article 159. Violation of the auditing legislation**

159.1. Causing damage in a large amount by intentional violation of the auditing rules for the examination and approval of financial activities and rendering auditing conclusions shall be punishable by a fine equal to 100 to 150 amounts of minimum salary or by incarceration for a term of more than 3 to 6 months.

159.2. The same crime committed repeatedly or in a group or if it has caused damage in an extremely large amount shall be punishable by imprisonment for a term of up to 5 years with deprivation of the right to hold specified positions or engage in specified business for a term of 3 years.

#### **Article 160. Violation of the legislation on the precious stones fund**

160.1. Causing damage in a large amount by way of intentional violation of the rules for the management of the state precious stones fund which does not constitute the crime specified in Article 155 of this Code shall be punishable by 251 to 500 hours of forced labor or imprisonment for a term of 2 to 5 years.

#### **Article 161. Engaging in prohibited production, services or trade**

161.1. Engaging in the prohibited production, services or trade or engaging in the production, services or trade in a large amount that requires licensing from a competent authority shall be punishable by a fine equal to 100 to 250 amounts of minimum salary with or without confiscation of property or by incarceration for a term of more than 3 to 6 months.

161.2. The same crime committed in a large amount, by a person previously sentenced for this crime, by an organized group or a criminal organization, or if it has caused in an extremely large amount shall be punishable by imprisonment for a term of more than 5 to 10 years with confiscation of property.

#### **Article 162. Engaging in illegal business under the cover of production, services or trade**

162.1. Setting up a false business entity with the view of obtaining a bank loan, evading from taxes, gaining illegal income or engaging in prohibited production, services or trade shall be punishable by a fine equal to 81 to 100 amounts of minimum salary or by incarceration for a term of more than 3 to 6 months.

162.2. The same crime committed repeatedly, by a group at an advance agreement, or a criminal organization, or if it has caused damage in a large amount shall be punishable by imprisonment for a term of more than 5 to 10 years with confiscation of property.

#### **Article 163. Utilization of the illegally gained property and money (money laundering)**

163.1. Knowingly releasing into the circulation of the illegally gained property and money by way of entering into transactions shall be punishable by a fine equal to 20 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

163.2. The above crime committed repeatedly, in a group, using one's office, or if it has resulted in a large income shall be punishable by imprisonment for a term of up to 3 years with confiscation of property.

#### **Article 164. Illegally obtaining and disclosure of financial or business secrets**

164.1. Illegally obtaining, use and disclosure of information and data pertaining to the trading, financial or business operations secrets of a business entity or a bank with lucrative or private purpose shall be punishable by a fine equal to 51 to 100 amounts of minimum salary or by incarceration for a term of more than 3 to 6 months.

164.2. The same crime if it has caused damage in a large amount shall be punishable by a fine equal to 151 to 251 amounts of minimum salary or imprisonment for a term of up to 3 years.

#### **Article 165. Intentional causing of insolvency or bankruptcy**

165.1. Causing of damage in a large amount in consequence of intentionally causing of insolvency or bankruptcy of a business entity committed by its owner or management body with a lucrative or another purpose shall be punishable by a fine equal to 51 to 100 amounts of minimum salary or imprisonment for a term of up to 3 years.

165.2. Causing of damage in extremely large amount in consequence of false bankruptcy by way of informing the partners about having gone bankrupt, filing a request on institution of a bankruptcy case committed by an owner or management body of a business entity for the purpose of non-payment of a loan, relieving conditions of its repayment, lowering the loan interest or for non-payment thereof with a lucrative or another purpose shall be punishable by imprisonment for a term of more than 3 to 5 years with deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years.

#### **Article 166. Tax evasion**

166.1. Intentional tax evasion by way of concealment of a job or service that has generated a large amount of taxable income, property or profit, intentional underreporting thereof or change of the place of residence shall be punishable by a fine equal to 200 to 250 amounts of minimum salary amount, incarceration for a term of more than 3 to 6 months with or without confiscation of property or imprisonment for a term of up to 3 years.

166.2. The same crime committed repeatedly, by an organized group, or concealing job or service that has generated income, property or profit in a large amount shall be punishable by confiscation of property and imprisonment for a term of more than 5 to 8 years with confiscation of property.

#### **Article 167. Violation of the legislation on imposition of tax, monitoring of tax payment and collection**

167.1. Violation of the prescribed rules of the reporting of the taxable income, drawing of the tax reports and statements, monitoring of the taxation legislation, impeding the taxation inspections shall be punishable by confiscation of property and a fine equal to 100 to 150 amounts of minimum salary or incarceration for a term of more than 3 to 6 months.

## **Article 168. Illegal use of trademarks and names of business entities**

168.1. Causing of damage in a large amount to others by forgery of a trademark, use of a trademark or the name of a foreign or domestic business entity that engages in manufacture of a similar product shall be punishable by a fine equal to 100 to 250 amounts of minimum salary, 100 to 200 hours of forced labor, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 2 years.

## **Article 169. Deception and confusion of customers**

169.1. Deception or confusion of customers by way of incorrect measuring, weighing, calculation, exceeding of the prices and tariffs, use of unapproved or expired scales or measurers, deliberate alteration of readings of the measuring equipment, deliberate misinformation about the quality, assortment, quantity or usage characteristics of a product or a false advertising that have caused damage in a large amount shall be punishable by a fine equal to 51 to 100 amounts of minimum salary or incarceration for a term of more than 3 to 6 months.

169.2. The same crime if it has caused damage in an extremely large amount shall be punishable by a fine equal to 150 to 250 amounts of minimum salary, 251 to 500 hours of forced labor with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years, or imprisonment for a term of up to 3 years.

## **Article 170. Obtaining of illegal remuneration**

170.1. Obtaining repeatedly or in a large amount remuneration by way of abusing his/her official duties of performance of work or rendering of services committed by an employee of a competent authority authorized to issue licenses by way of creating impediments which does not constitute a crime of malfeasance shall be punishable by a fine equal to 100 to 150 amounts of minimum salary with deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 2 years.

## **Article 171. Sale of substandard or non-standard commodities**

171.1. Sale or release into trade for the purpose of sale at a trading enterprise of knowingly substandard, non-standard or incomplete commodities committed repeatedly or in a large amount by the manager of the shop, warehouse, store, section or by a commodity expert or a quality inspector shall be punishable by a fine equal to 100 to 150 amounts of minimum salary, incarceration for a term of more than 3 to 6 months.

171.2. The same crime if it has caused damage in a large amount shall be punishable by 251 to 500 hours of forced labor or imprisonment for a term of 2 to 5 years.

171.3. The same crime, if it has entailed human death or another grave harm shall be punishable by imprisonment for a term of more than 5 to 8 years.

## **Article 172. Sale of foodstuffs that do not meet the sanitary requirements**

172.1. Sale or release into trade of the foodstuffs that do not meet the sanitary requirements committed systematically or in a large amount by a manufacturing or servicing enterprise or a

citizen shall be punishable by a fine equal to 100 to 250 amounts of minimum salary or incarceration for a term of more than 3 to 6 months.

172.2. The same crime if it has entailed human death or another grave harm shall be punishable by imprisonment for a term of more than 5 to 8 years.

### **Article 173. Preparation of alcoholic beverages from prohibited materials**

173.1. Preparation of alcoholic beverages in a large amount from prohibited materials shall be punishable by a fine equal to 51 to 250 amounts of minimum salary or incarceration for a term of more than 3 to 6 months.

### **Article 174. Contracting or building of under-quality buildings**

174.1. Contracting or giving into usage of an under-quality building or those that do not conform the approved blueprints committed by a building business entity, owner or a governing body as well as a person charged with the duties of controlling the quality of a building that has caused damage in a large amount shall be punishable by 251 to 500 hours of forced labor or imprisonment for a term of up to 5 years.

174.2. The same crime if it has entailed human death or another grave harm shall be punishable by imprisonment for a term of more than 5 to 8 years with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years.

### **Article 175. Smuggling**

175.1. Smuggling of the prohibited goods or things or restricted animals or currency or other valuables in a large amount shall be punishable by a fine equal to 100 to 250 amounts of minimum salary or incarceration for a term of more than 3 to 6 months

175.2. The same crime committed repeatedly, in a group, or by abuse of one's official post, as well as smuggling of items of historical and cultural heritage, museum exhibits, prehistoric animals and plant roots, archaeological or paleontological fossils shall be punishable by a fine equal to 100 to 250 amounts of minimum salary, 251 to 500 hours of forced labor or imprisonment for a term of 2 to 5 years.

175.3. The same crime committed by a recidivist, an organized group a criminal organization, or if it has caused damage in a large amount shall be punishable by confiscation of property and imprisonment for a term of up more than 5 to 8 years.

### **Article 176. Making, keeping or sale of counterfeited money or securities**

176.1. Making or sale of knowingly counterfeited national and foreign currency, credit cards used as means of payment in Mongolia or securities in circulation shall be punishable by incarceration for a term of more than 3 to 6 months or imprisonment for a term of 2 to 5 years.

176.1. The same crime committed repeatedly, in a group, by a person who previously was sentenced for the same crime, or if it has caused damage in an extremely large amount shall be punishable by imprisonment for a term of more than 5 to 10 years with or without confiscation of property.

176.3. The same crime committed by an organized group, a criminal organization, or if it has caused damage in a large amount shall be punishable by confiscation of property and imprisonment for a term of up more than 10 to 15 years.

**TITLE EIGHT  
CRIMES AGAINST PUBLIC SECURITY AND HEALTH  
CHAPTER TWENTY-ONE**

**CRIMES AGAINST PUBLIC SECURITY**

**Article 177. Banditry**

177.1. Arson, blast of explosives, poisoning and other similar actions or threatening to do such with the purpose of organizing an armed band with a view of attacking state or public enterprises, institutions, organizations or individuals as well as participation in such bands and in attacks committed by them shall be punishable by imprisonment for a term of more than 10 to 15 years.

177.2. The same crime committed by a recidivist, an organized group, a criminal organization or if it has entailed human death another grave consequence shall be punishable by imprisonment for a term of more than 20 to 25 years or the death penalty.

*Note: A person who reported to the competent authority before commencement of the criminal act despite of his/her active participation in the preparation to banditry, or who actively participated in suppression of the criminal act, in the absence of the signs of another crime in his/her actions may be excluded from criminal liability.*

**Article 178. Deliberate false report about banditry**

178.1. False report about banditry shall be punishable by incarceration for a term of more than 3 to 6 months.

**Article 179. Creating mass disorders**

179.1. Organization or instigation of mass disorders by way of destruction, arsons, use of guns, explosives or resistance to the authorities shall be punishable by imprisonment for a term of 2 to 5 years.

**Article 180. Assault**

180.1. Setting up of an organized, stable armed group with the purpose of assault on the citizens, organizations and business entities, as well as membership in such a group, or participation in assault committed by such a group shall be punishable by imprisonment for a term of 11 to 20 years.

**Article 181. Hooliganism**

181.1. Severe violation of public order by obvious disrespect towards society with use of violence or threat to use such shall be punishable by a fine equal to 51 to 100 amounts of minimum salary, 251 to 350 hours of forced labor, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 3 years.



181.2. The same crime committed:

181.2.1. by acting in an especially brutal way;

181.2.2. by resisting a policeman, representative of the authorities or public on duty;

181.2.3. by a person who previously has been sentenced for the same crime;

181.2.4. repeatedly;

181.2.5. in a group shall be punishable by imprisonment for a term of up to 5 years.

181.3. The same crime committed by a recidivist, with use of weaponry or other items used as weapons shall be punishable by imprisonment for a term of more than 5 to 10 years.

### **Article 182. Forming of or membership in a criminal organization**

182.1. Membership in an organized group or a criminal organization shall be punishable by imprisonment for a term of more than 5 to 10 years.

182.2. Forming, managing of or participation in a criminal organization with the purpose of committing serious and grave crimes shall be punishable by imprisonment for a term of more than 10 to 15 years.

182.3. The same crime committed by using one's official position shall be punishable by imprisonment for a term of more than 15 to 20 years.

### **Article 183. Violation of safety rules**

183.1. Violation of safety rules at a mining construction or enterprise where there exists a danger of explosion that has entailed human death or another grave consequence shall be punishable by a fine equal to 251 to 500 amounts of minimum salary incarceration with deprivation of the right to hold specified positions or engage in specified business for 3 years or imprisonment for a term of up to 5 years.

### **Article 184. Illegal carriage by air of explosives and inflammables**

184.1. Carriage by aircraft of explosives or inflammables shall be punishable by a fine equal to 51 to 100 amounts of minimum salary or imprisonment for a term of up to 2 years.

184.2. The same crime if it has entailed human death or another grave harm shall be punishable by imprisonment for a term of more than 5 to 10 years.

### **Article 185. Illegal acquisition, preparation, keeping, carriage, distribution and manufacture of firearms, ammunition and explosives**

185.1. Illegal acquisition, preparation, keeping, carriage, distribution and manufacture of firearms (other than hunting), ammunition or explosives shall be punishable by a fine equal to 31 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

185.2. The same crime committed repeatedly, by a group at an advance agreement, by an organized group, as well as illegal manufacture of firearms, ammunition and explosives shall be punishable by imprisonment for a term of 2 to 5 years.

*Note: A person who keeps without permission firearms, ammunition or explosives and later on voluntarily gives them to a competent authority shall be released from criminal liability.*

#### **Article 186. Illegal acquisition of firearms, ammunition and explosives**

186.1. Embezzlement of firearms (other than hunting), ammunition or explosives shall be punishable by a fine equal to 51 to 250 amounts of minimum salary or imprisonment for a term of 2 to 5 years.

186.2. The same crime committed repeatedly, by an organized group, or by a person charged with official duties to use or protect firearms (other than hunting), ammunition or explosives shall be punishable by a fine equal to 251 to 300 amounts of minimum salary or imprisonment for a term of more than 5 to 8 years.

#### **Article 187. Neglect of the duties to protect firearms, ammunition and explosives**

187.1. Causing damage to others in consequence of negligent keeping and creating possibilities for potential use by others of firearms, ammunition or explosives shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or by incarceration for a term of 3 to 6 months.

187.2. Neglect of duties to protect firearms, ammunition or explosives by a person charged with official duties of use or protection thereof that has resulted in theft or destruction of firearms, ammunition or explosives, or damage in a large amount shall be punishable by a fine equal to 51 to 200 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 2 years.

#### **Article 188. Illegal movement of narcotic drugs, poisonous substances, firearms and explosives through the state frontier of Mongolia**

188.1. Illegal movement of firearms, ammunition or explosives through the state frontier of Mongolia shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

188.2. Illegal movement of narcotic drugs, poisonous, radioactive substances or explosives through the state frontier of Mongolia shall be punishable by imprisonment for a term of more than 5 to 10 years.

188.3. The same crime committed repeatedly, in a group, by an organized group, in a large amount, as well as by an official by misuse of his/her official position shall be punishable by imprisonment for a term of more than 10 to 20 years.

188.3. The same crime committed by an organized group or a criminal organization shall be punishable by imprisonment for a term of more than 20 to 25 years.

#### **Article 189. Violation of fire safety rules**

189.1. An official of a business entity or organization charged with the duties to ensure the fire safety rules that has caused damage in a large amount in consequence of violation such rules shall be punishable by a fine equal to 51 to 200 amounts of minimum salary or by incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 3 years.

189.2. The same crime if it has entailed human death, another grave harm or damage in an extremely large amount shall be punishable by imprisonment for a term of more than 3 to 5 years.

**Article 190. Violation of rules for the registration, storage, use, transportation and dispatch of explosives and radioactive substances**

190.1. Violation of the rules for the registration, storage, use, transportation and dispatch of explosives and radioactive substances that resulted in a severe or less severe bodily injury shall be punishable by a fine equal to 51 to 250 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 3 years.

190.2. The same crime which has entailed human death, another grave harm or has caused damage in a large amount shall be punishable by imprisonment for a term of more than 3 to 5 years.

**CHAPTER TWENTY-TWO  
CRIMES AGAINST PUBLIC HEALTH**

**Article 192. Illegal preparation, acquisition, transportation, delivery and distribution of narcotic and psychotropic drugs, products or substances**

192.1. Illegal preparation, acquisition, transportation, delivery or distribution of narcotic drugs and psychotropic substances without intent of distribution shall be punishable by a fine equal to 101 to 150 amounts of minimum salary or by incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 2 years.

192.2. Illegal preparation, acquisition, transportation, delivery or distribution of drugs and psychotropic substances with the intent of distribution shall be punishable by imprisonment for a term of more than 5 to 8 years.

192.3. The same crime committed:

192.3.1. in a large amount;

192.3.2. involving a minor;

192.3.3. by a recidivist;

192.3.4. repeatedly;

192.3.5. by a group at advance agreement, an organized group or a criminal organization shall be punishable by imprisonment for a term of more than 10 to 15 years.

**Article 193. Violation of the rules for manufacture and preparation of narcotic drugs, and psychotropic products or substances**

193.1. Violation by a person charged with the duties of observing the rules for manufacture, preparation, processing, storage, registration, distribution, sale, transportation, acquisition or movement through the state frontier or disposal of substances, tools or equipment used in or for manufacture of narcotic drugs, products or psychotropic substances shall be punishable by 200 to 300 hours of forced labor, or imprisonment for a term of up to 3 years, with or without deprivation of the right to hold specified positions or engage in specified business for up to 3 years.

**Article 194. Misappropriation of narcotic and psychotropic drugs, preparates and substances**

194.1. Misappropriation by a person charged with the duties of keeping and protecting narcotic and psychotropic drugs, products or substances shall be punishable by imprisonment for a term of up to 5 years.

194.2. The same crime committed:

194.2.1. in a large amount;

194.2.2. by misusing one's professional status or official position;

194.2.3. by a person who previously was sentenced for the same crime;

194.2.4. repeatedly;

194.2.5. in a group shall be punishable by imprisonment for a term of more than 5 to 10 years.

**Article 195. Illegal sowing, growing and gathering of plants containing narcotic or psychotropic substances**

195.1. Illegal extraction of narcotic or psychotropic substances from the drugs, preparates or substances used in medicine shall be punishable by imprisonment for a term of 2 to 5 years.

195.2. Sowing, growing and gathering of plants containing narcotic or psychotropic substances shall be punishable by imprisonment for a term of 3 to 5 years.

**Article 196. Creation of dens for consumption of narcotic or psychotropic substances**

196.1. Creation of dens for consumption of narcotic or psychotropic substances shall be punishable by imprisonment for a term of 2 to 5 years.

196.2. The same crime committed by an organized group or a criminal organization shall be punishable by imprisonment for a term of more than 5 to 15 years.

**Article 197. Illegal medical practice**

197.1. Entailing a less severe or severe bodily injury by illegally setting up a hospital or illegally engaging in treatment shall be punishable by a fine equal to 5 to 51 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

197.2. The same crime which has entailed human death or another grave harm shall be punishable by imprisonment for a term of 2 to 5 years.

**Article 198. Illegal running of a pharmacy**

198.1. Distribution in large amount of expired drugs or preparates or those prohibited for use in treatment shall be punishable by a fine equal to 101 to 250 amounts of minimum salary or by incarceration for a term of more than 3 to 6 months.

198.2. The same crime which has entailed human death or another grave harm shall be punishable by imprisonment for a term of up to 3 years.

### **Article 199. Violation of the rules for combat of plague and other virunal diseases**

199.1. Creating potential danger of spread of plague and other virunal diseases through violation of the sanitary, hygiene, immunization rules and those for combat of plague, or evasion of immunization without a valid reason shall be punishable by incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 2 years.

### **Article 200. Illegal preparation, acquisition, storage, transportation, delivery and distribution of drastic and poisonous substances**

200.1. Violation of the rules for manufacture, acquisition, storage, dispensing, registration, transportation, delivery or sale of drastic substances other than narcotic drugs and poisonous substances shall be punishable by a fine equal to 51 to 100 amounts of minimum salary or imprisonment for a term of up to 2 years.

200.2. Illegal preparation, acquisition, storage, transportation, delivery or sale of drastic substances other than narcotic drugs and poisonous substances with the view of sale shall be punishable by incarceration for a term of more than 3 to 6 months or imprisonment for a term of more than 2 to 5 years.

200.3. The same crime which has caused damage in a large amount shall be punishable by imprisonment for a term of more than 5 to 8 years.

### **Article 201. Leaving without proper supervision of the animals dangerous to the surroundings**

201.1. Entailing a minor or a less severe bodily injury in consequence of leaving without proper supervision of the animals dangerous to the surroundings shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

201.2. The same crime entailing human death or another grave harm shall be punishable by incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 5 years.

## **CHAPTER THREE CRIMES AGAINST THE ENVIRONMENTAL PROTECTION RULES**

### **Article 202. Violation of legislation on air**

202.1. Causing damage in a large or extremely large amount in consequence of contamination of air by substances hazardous to human health and environment shall be punishable by a fine equal to 100 to 250 amounts of minimum salary, incarceration for a term of more than 3 to 6 months with or without deprivation of the right to hold specified positions or engage in specified business for up to 3 years or imprisonment for a term of up to 2 years.

### **Article 202. Violation of the hunting legislation**

203.1. Causing damage in a large amount by hunting or catching animals without an appropriate permission during prohibited time at prohibited place with prohibited weapons, means or methods shall be punishable by a fine equal to 51 to 200 amounts of minimum

salary with confiscation of property, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 3 years.

203.2. Hunting of endangered species and illegal movement through the state border of their raw materials shall be punishable by imprisonment for a term of up to 5 years with confiscation of property.

#### **Article 204. Violation of the legislation on use of earth's crust**

204.1. Violation of the rules for the protection and use of earth's crust that has caused a considerable damage to human health, livestock and animals shall be punishable by a fine equal to 200 to 250 amounts of minimum salary or incarceration for a term of more than 3 to 6 months.

204.2. Violation of the rules for the protection and use of earth's crust in the course of putting into operations of the mining and underground constructions that has caused damage in a considerable amount shall be punishable by imprisonment for a term of up to 3 years with or without deprivation of the right to hold specified positions or engage in specified business for up to 2 years.

#### **Article 205. Contamination of the environment**

205.1. Causing damage in a large amount in consequence of contamination of the environment or damage of soil with hazardous or another waste shall be punishable by a fine equal to 51 to 250 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 2 years.

205.2. Entry of hazardous wastes through the state frontier shall be punishable by imprisonment for a term of more than 2 to 5 years.

#### **Article 206. Violation of the rules for cleaning, transportation and dumping of chemical poisonous substances and industrial waste**

206.1. Causing damage in a large amount or creating potential conditions for occurrence of such damage to human health and the environment in consequence of violation of the rules for cleaning, transportation and dumping of harmful industrial or domestic waste, radioactive, biological and chemical substances shall be punishable by incarceration for a term of 3 to 6 months or imprisonment for a term of 2 to 5 years.

#### **Article 207. Destruction, damage and contamination of land**

207.1. Causing damage in a large amount to the environment and human health in consequence of violation of the rules for storage, use, transportation of chemical substances and fertilizers, contamination of land or damage of soil with harmful industrial or domestic waste shall be punishable by a fine equal to 51 to 200 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 5 years.

#### **Article 208. Violation of water legislation**

208.1. Entailing of mass destruction of animals and birds or another damage in a large amount in consequence of violation of water legislation shall be punishable by a fine equal to 51 to 150 amounts of minimum salary imprisonment for a term of up to 3 years.

#### **Article 209. Violation of the rules for combat of plant diseases and rodents**

209.1. Causing damage in a large amount in consequence of violation of the rules for combat of plant diseases and rodents shall be punishable by a fine equal to 51 to 200 amounts of minimum salary or imprisonment for a term of up to 2 years.

#### **Article 210. Intentional destruction, damage and destruction of natural objects**

210.1. Intentional destruction or damage of the natural objects included in the list of historical heritage shall be punishable by a fine equal to 200 to 250 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 3 years.

#### **Article 211. Violation of forestry legislation**

211.1. Cutting of wood for manufacturing purpose without an appropriate license, carrying out of the operations prohibited by legislation within the restricted belt, special zone, green belt, forests within the special zone, if such actions caused a substantial damage shall be punishable by a fine equal to 200 to 250 amounts of minimum salary, or imprisonment for a term of up to 3 years.

211.2. The same crime committed repeatedly, or which has caused damage in a large or extremely large amount shall be punishable by incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 5 years.

#### **Article 212. Violation of legislation on flora**

212.1. Illegal picking, preparation of endangered flora, movement through the state frontier of seeds and roots thereof, as well as importation or use of plant protection substances without an appropriate permission, if such actions caused damage in a large amount to human health, livestock or environment shall be punishable by a fine equal to 100 to 250 amounts of minimum salary or imprisonment for a term of up to 2 years.

#### **Article 213. Putting forest and step fires**

213.1. Putting a forest or step fire, if such an act does not contain the signs of the crimes specified in Articles 84 and 153 of this Code shall be punishable by a fine equal to 100 to 250 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 3 years.

213.2 Causing destruction of forests, pastures, human death or another grave harm through fire by negligent handling of fire or of highly flammable objects shall be punishable by imprisonment for a term of up to 2 years.

213.3. Entailing destruction of forests, pastures, human death or another grave harm by intentional putting of fire shall be punishable by imprisonment for a term of more than 5 to 10 years.

#### **Article 214. Violation of the rules for exploration and extraction of minerals**

214.1. Exploration or extraction of minerals by a person without a proper license shall be punishable by confiscation of property and a fine equal to 21 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

214.2. Exploration or extraction of minerals in a large or extremely large amount by a person without a proper license shall be punishable by confiscation of property and a fine equal to 51 to 250 amounts of minimum salary or by incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 2 years.

### **CHAPTER TWENTY-FOUR CRIMES AGAINST THE RULES OF SAFETY OF TRAFFIC AND USE OF MOTOR VEHICLES**

#### **Article 203. Violation of the rules of safety of traffic and use of motor vehicles**

215.1. Infliction of a minor or less serious bodily injury by a driver through violation of the rules of safety of traffic, or a substantial damage to property shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

215.2. The same crime committed in the state of drunkenness, infliction of a severe bodily injury or damage in a large amount shall be punishable by a fine equal to 101 to 500 amounts of minimum salary, incarceration for a term of more than 3 to 6 months and deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years or imprisonment for a term of up to 3 years.

215.3. The same crime if it has entailed human death or caused damage in an extremely large amount shall be punishable by cancellation of the driving license for a term of up to 3 years and a fine equal to 251 to 500 amounts of minimum salary or imprisonment for a term of more than 5 to 10 years.

#### **Article 216. Hit and run**

216.1. Failure of a driver to provide an emergency aid to the injured, to report to the relevant authority or official after having caused a road accident, as well as driving away from the accident scene shall be punishable by a fine equal to 51 to 75 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 3 years.

#### **Article 217. Violation of the rules of safety of the means of railroad, water and air transportation**

217.1. Causing an accident that has entailed a less serious or severe bodily injury, damage of property in a large amount due to the violation of the rules of safety of the means of railroad, water and air transportation by an employee of a railroad, water or air transportation



enterprise shall be punishable by imprisonment for a term of up to 3 years with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 2 years.

217.2. The same crime if it has entailed human death or another grave harm shall be punishable by imprisonment for a term of up to more than 3 to 5 years with deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years.

217.3. The same crime if it has entailed death of two or more persons shall be punishable by imprisonment for a term of more than 5 to 10 years with deprivation of the right to hold specified positions or engage in specified business for a term of up to 5 years.

### **Article 218. Improper repair and putting into operation of means of transportation and road equipment**

218.1. Causing an accident that has entailed a less serious or severe bodily injury, damage of property in a large amount due to improper repair and putting into operation of means of transportation and road equipment by an employee in charge of the safety and soundness and repair of such equipment shall be punishable by a fine equal to 51 to 70 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

218.2. The same crime if it has entailed human death or has caused damage of property in an extremely large amount shall be punishable by imprisonment for a term of up to 5 years with deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years.

218.3. The same crime if it has entailed death of two or more persons shall be punishable by imprisonment for a term of more than 5 to 8 years with deprivation of the right to hold specified positions or engage in specified business for a term of up to 5 years.

### **Article 219. Destruction and damage of means of transportation and road equipment**

219.1. Causing an accident that has entailed a less serious or severe bodily injury, damage of property in a large amount by intentional destruction or damage of a means of transportation and road equipment shall be punishable by 100 to 300 hours of forced labor, a fine equal to 51 to 70 amounts of minimum salary or by imprisonment for a term of up to 3 years.

219.2. The same crime if it has entailed human death or another grave harm shall be punishable by imprisonment for a term of more than 3 to 5 years.

### **Article 220. Putting into operation of an obviously incomplete means of transportation or letting drive it a person without a driver's license**

220.1. Causing an accident that has entailed a minor or less serious bodily injury or damage of property in a large amount by putting into operation of an obviously incomplete means of transportation, letting drive it a person without a driver's license, violation of the driver's work or rest regiment, or violation of the rules of use of means of transportation in other forms committed by an employee responsible by virtue of his/her official duties for its safety

and soundness shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or incarceration for a term of 1 to 3 months.

220.2. The same crime if it has entailed a severe bodily injury or has caused damage of property in an extremely large amount shall be punishable by imprisonment for a term of 2 to 5 years with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 5 years.

**Article 210. Letting drive a means of transportation a person in the state of drunkenness or narcotic intoxication**

221.1. Causing an accident that has entailed a less serious bodily injury or damage of property in a large amount by letting drive a means of transportation a person who knowingly is in the state of drunkenness or narcotic intoxication committed by an employee responsible for the use of a means of transportation shall be punishable by to 51 to 250 amounts of minimum salary or incarceration for a term of more than 3 to 6 months.

221.2. The same crime if it has entailed human death, a severe bodily injury or has caused damage in an extremely large amount shall be punishable by imprisonment for a term of up to 2 years with deprivation of the right to hold specified positions or engage in specified business for a term of up to 2 years.

**Article 222. Letting others drive a motor vehicle**

222.1. Letting a person that is knowingly in the state of drunkenness or narcotic intoxication or has no appropriate license drive a motor vehicle if such action has resulted in an accident that has entailed a minor or a less severe bodily injury or damage of property in a large amount shall be punishable by a fine equal to 5 to 500 amounts of minimum salary or incarceration for a term of 1 to 3 months.

222.2. The same crime if it has entailed a severe bodily injury, human death or causing damage of property in an extremely large amount shall be punishable by cancellation of the driving license for a term of up to 5 years and incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 5 years.

**Article 223. Driving away of vehicles**

223.1. Driving away of a motor vehicle without an intention of its misappropriation shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or incarceration for a term of 1 to 3 months.

223.2. The same crime committed repeatedly or by a group at an advance agreement, as well by use of violence that does not represent danger to the victim's life or health or by threat with such shall be punishable by incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 3 years.

223.2. The same crime committed by an organized group or by violence dangerous to the victim's life or health shall be punishable by imprisonment for a term of more than 3 to 5 years.

#### **Article 224. Violation of rules of international flights**

224.1. Violation of the rules of international flights by an aircrew of an aircraft that is performing an international flight in the forms of flying into the territory of Mongolia without a proper permission, arbitrary alteration without a valid reason of the permitted air route, air gate or landing point shall be punishable by imprisonment for a term of up to 2 years.

224.2. The same crime if it has caused aircraft accident, catastrophe or damage in a large or extremely large amount shall be punishable by imprisonment for a term of more than 5 to 10 years with deprivation of the right to hold specified positions or engage in specified business for a term of up to 5 years.

#### **Article 225. Hijacking of an aircraft**

225.1. Hijacking of an aircraft being in flight or on land shall be punishable by imprisonment for a term of up to 5 years.

225.2. Hijacking of an aircraft being in flight or on land or seizure of such aircraft for the purpose of hijacking committed with use of violence or threat with such shall be punishable by imprisonment for a term of more than 5 to 8 years.

225.3. The same crime committed repeatedly, in a way or with use of arms dangerous to the lives of many people, by an organized group, a criminal organization, or if it has entailed human death or another grave harm shall be punishable by imprisonment for a term of 10 to 25 years.

### **CHAPTER TWENTY-FIVE CRIMES AGAINST THE SECURITY OF COMPUTER DATA**

#### **Article 226. Alteration, damage or destruction of the computer data or software**

226.1. Causing a considerable damage by intentional alteration, damage or destruction of the data stored in a computer network or software, rendering its hardware impossible to use or destruction of a data network shall be punishable by a fine equal to 51 to 200 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 2 years.

226.2. The same crime committed with lucrative purposes, by an organized group, by abusing one's official post, or if it has entailed damage in a large or extremely large amount shall be punishable by a fine equal to 100 to 250 amounts of minimum salary or imprisonment for a term of more than 3 to 5 years.

#### **Article 227. Illegally obtaining of the computer data**

227.1. Copying of the data stored in a computer without permission or obtaining it in other ways, as well as actual or attempted interception of the data transmitted through such shall be punishable by a fine equal to 1 to 100 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 2 years.

216.2. The same crime committed with lucrative purposes, by an organized group, or if it has entailed damage in a large or extremely large amount shall be punishable by a fine equal to 200 to 250 amounts of minimum salary or imprisonment for a term of 3 to 5 years.

**Article 217. Preparation and sale of devices for illegally entering the computer data network**

217.1. Preparation or sale of special software and technical devices for illegally entering a protected computer data network shall be punishable by a fine equal to 51 to 150 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 5 years.

**Article 229. Designing, using or dissemination of a computer virus**

229.1. Designing a computer software with a view of unauthorized deleting, blocking alteration, or copying of the computer data, designing, knowingly using or dissemination of a computer virus shall be punishable by a fine equal to 5 to 50 amounts of minimum salary, 100 to 200 hours of forced labor or incarceration for a term of 1 to 3 months.

229.2. The same crime if it has caused damage in a large or extremely large amount shall be punishable by a fine equal to 51 to 250 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 5 years.

**TITLE NINE**

**CRIMES AGAINST ADMINISTRATIVE ORDER, ADMINISTRATION OF JUSTICE  
AND MALFEASANCE CRIMES**

**CHAPTER TWENTY-SIX**

**CRIMES AGAINST ADMINISTRATIVE ORDER**

**Article 230. Resisting of a state official or a public order public inspector**

230.1. Resisting of a state official or public inspector while he/she performs the duties assigned by law or public duties for ensuring the public order shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

230.2. The same crime committed with use of violence or threat with such, or by forcing to an illegal action shall be punishable by a fine equal to 80 to 100 amounts of minimum salary, incarceration for a term of more than 3 to 6 months, 251 to 500 hours of forced labor or imprisonment for a term of up to 2 years.

230.3. Infliction of a minor or less severe bodily injury to a state official or a public inspector in the course of the act specified in paragraph 2 above shall be punishable by incarceration for a term of 3 to 6 months, 200 to 300 hours of forced labor or imprisonment for a term of up to 5 years.

230.4. Infliction of a severe bodily injury to a state official or a public inspector in the course of the same crime shall be punishable by 100 to 500 hours of forced labor or imprisonment for a term of more than 5 to 8 years.

### **Article 231. Insult of a state official or a public order public inspector**

231.1. Insult of a state official or a public order public inspector in public in connection with performance of their duties shall be punishable by a fine equal to 5 to 50 amounts of minimum salary, 100 to 150 hours of forced labor or by incarceration for a term of 1 to 3 months.

### **Article 232. Threat or violence with respect to an official or citizen performing his/her public duty**

232.1. Threat to kill or to inflict a bodily injury, infliction of a minor or less severe bodily injury to an official with the view of stopping his/her actions or altering their nature, as well as towards a citizen participating in suppression or prevention thereof of a crime or violation shall be punishable by a fine equal to 100 to 250 amounts of minimum salary, 251 to 500 hours of forced labor, incarceration for a term of 1 to 3 months or imprisonment for a term of 2 to 5 years.

232.2. Infliction of a severe bodily injury to a state official or public inspector in result of the same crime shall be punishable by imprisonment for a term of more than 5 to 8 years.

### **Article 233. Forging and use of forged documents, seals and stamps**

233.1. Forging with the view of using or giving into other's use, or use or sale of forged of a business entity or organization's documents that entitle to a right or release from a duty or seals, letterheads, citizen's identification card, foreign passports and other personal documents shall be punishable by a fine equal to 5 to 50 amounts of minimum salary, or by incarceration for a term of 1 to 3 months.

233.2. Causing damage in a large amount to a business entity or organization by using a knowingly forged document, or the same crime committed on a permanent basis shall be punishable by a fine equal to 51 to 200 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 5 years.

### **Article 234. Theft, destruction, damage or concealment of documents or seals**

234.1. Theft, destruction, damage or forgery of a citizen's identification card, foreign passport, other important personal documents committed out of revenge or other motives shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

234.2. Theft, destruction, damage or concealment of a business entity or organization's documents, seals or letterhead with lucrative or other motives shall be punishable by a fine equal to 51 to 100 amounts of minimum salary, 100 to 200 hours of forced labor or imprisonment for a term of 2 to 3 years.

234.3. The same crime if it has caused damage in a large or extremely large amount shall be punishable by a fine equal to 100 to 250 amounts of minimum salary or imprisonment for a term of 3 to 5 years.

### **Article 235. Violation of the rules for archives and record- keeping**

235.1. Illegal sale, referring or transfer to others of a document included in the state archives fund shall be punishable by a fine equal to 51 to 100 amounts of minimum salary or imprisonment for a term of up to 5 years with deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years.

#### **Article 236. Arbitrariness**

236.1. Arbitrariness, that is, unauthorized exercise of one's own real or presumed right by violating the established procedure which has caused a substantial damage to a business entity, citizen or organization shall be punishable by a fine equal to 5 to 50 amounts of minimum salary, 100 to 200 hours of forced labor or by incarceration for a term of 1 to 3 months.

#### **Article 237. Evasion of the scheduled conscription**

237.1. Evasion of the scheduled conscription by self-infliction of a bodily injury or simulation of a disease, through a forgery of documents or another deception shall be punishable by 100 to 200 hours of forced labor, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 2 years.

237.2. Evasion of mobilization to the Armed Forces of Mongolia shall be punishable by 100 to 200 hours of forced labor or imprisonment for a term of up to 3 years.

237.3. The same crime committed during the wartime or martial law shall be punishable by imprisonment for a term of more than 5 to 8 years.

#### **Article 238. Evasion from a duty during the wartime or martial law**

238.1. Evasion from the labor mobilization or another duty during the wartime or martial law shall be punishable by imprisonment for a term of up to 5 years.

#### **Article 239. Evasion from a state mobilization**

239.1. Deliberate evasion from or impeding of mobilization aimed at combating an unforeseen natural disaster, human or livestock viral disease, fire, as well as at ensuring the national security shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or incarceration for a term of 1 to 3 months.

#### **Article 240. Violation of the rules of travel abroad by the citizens of Mongolia and those of residence, transit through or travel to Mongolia by foreign nationals and stateless persons**

240.1. Violation of the rules of travel abroad on private or emigration or obtaining of a permission by way of forging of documents, residing in Mongolia without proper documents or with invalid ones, violation of the rules of registration, residential address registration, movement, choice of the place of residence by foreign nationals and stateless persons, or violation of the rules of residence or transit through Mongolia shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or incarceration for a term of more than 3 to 6 months or by imprisonment for a term of up to 5 years.

#### **Article 241. Illegal use of the name and sign of Red Cross**

241.1. Illegal use of the signs or the name of Red Cross shall be punishable by a fine equal to 101 to 150 amounts of minimum salary.

#### **Article 242. Violation of the communication lines protection rules**

242.1. Intentional violation of the communication lines protection rules which has caused interruption of the normal operations of a communications enterprise shall be punishable by a fine equal to 51 to 250 amounts of minimum salary, 251 to 500 hours of forced labor, incarceration for a term of 3 to 6 months or imprisonment for a term of up to 2 years.

#### **Article 243. Gambling**

243.1. Gambling or organization of gambling in the prohibited forms (casino) shall be punishable by a fine equal to 100 to 200 amounts of minimum salary.

243.2. The same crime committed repeatedly shall be punishable by a fine equal to 100 to 200 amounts of minimum salary with confiscation of property or imprisonment for a term of up to 2 years.

#### **Article 244. Arbitrary disposition of the property under distraint or arrest**

244.1. Disposition without a proper authorization of the property being under temporary distraint or arrest by a competent state authority shall be punishable by shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or incarceration for a term of 1 to 3 months.

### **CHAPTER TWENTY-SEVEN CRIMES AGAINST THE ADMINISTRATION OF JUSTICE**

#### **Article 245. Impeding inquiry, investigation and court trial proceedings**

245.1. Intentional impeding inquiry, investigation and court trial proceedings shall be punishable by a fine equal to 5 to 50 amounts of minimum salary, 100 to 200 hours of forced labor or by incarceration for a term of 1 to 3 months.

245.2. The same crime committed by use of one's official position shall be punishable by a fine equal to 51 to 250 amounts of minimum salary, 300 to 500 hours of forced labor or by incarceration for a term of more than 3 to 6 months, or imprisonment for a term of up to 3 years with deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years.

#### **Article 246. Failure to report a crime**

246.1. Failure to inform a relevant authority or official about a known to be prepared or committed murder (Article 91), intentional infliction of a severe bodily injury (Article 98), kidnapping (Article 108), taking of hostages (Article 112), (rape in aggravating circumstances (Article 126, paragraphs 2 and 3), theft in aggravating circumstances (Article 145, paragraphs 2, 3 and 4), taking away of other's property in aggravating circumstances (Article 146, paragraphs 2, 3 and 4), fraud in aggravating circumstances (Article 148, paragraphs 2, 3 and

4), misappropriation and embezzlement of other's property (Article 150, paragraphs 2 and 3), 147), robbery (Article 147), forgery of banknotes and securities (Article 176), banditry (Article 177), hijacking (Article 225), giving, accepting of a bribe or intermediation in bribery in aggravating circumstances (Article 268, paragraph 2, Article 269, paragraph 2) shall be punishable by a fine equal to 51 to 80 amounts of minimum salary, or by incarceration for a term of 1 to 3 months.

246.2. Failure to inform a relevant authority or official about a known to be prepared or committed high treason (Article 79), espionage (Article 80), act of terrorism against a state or public figure (Article 81), plot with a view to seize the state power (Article 82), sabotage (Article 84), ...(Article 85) shall be punishable by imprisonment for a term of 1 to 3 years.

#### **Article 247. Concealment of crimes**

247.1. Concealment without an advance promise of committed murder (Article 91), intentional infliction of a severe bodily injury (Article 98), kidnapping (Article 108), taking of hostages (Article 112), rape in aggravating circumstances (Article 126, paragraphs 2 and 3), theft in aggravating circumstances (Article 145, paragraphs 2, 3 and 4), taking away of other's property in aggravating circumstances (Article 146, paragraphs 2, 3 and 4), fraud in aggravating circumstances (Article 148, paragraphs 2, 3 and 4), misappropriation and embezzlement of other's property (Article 150, paragraphs 2 and 3), 147), robbery (Article 147), forgery of banknotes and securities (Article 176), banditry (Article 177), hijacking (Article 225), giving, accepting of a bribe or intermediation in bribery in aggravating circumstances (Article 268, paragraph 2, Article 269, paragraph 2) shall be punishable by 300 to 400 hours of forced labor or imprisonment for a term of up to 4 years.

247.2. Concealment without an advance promise of high treason (Article 79), espionage (Article 80), act of terrorism against a state or public figure (Article 81), plot with a view to seize the state power (Article 82), sabotage (Article 84), ...(Article 85) shall be punishable by imprisonment for a term of 2 to 5 years.

#### **Article 248. Recognizing as a suspect, charging and sentencing of a knowingly innocent person**

248.1. Recognizing as a suspect, charging and sentencing of a knowingly innocent person to criminal liability by an inquirer, investigator, prosecutor or a judge for lucrative or other personal motives shall be punishable by imprisonment for a term of 2 to 5 years.

248.2. Recognizing as a suspect, charging and sentencing for a serious or grave crime of a knowingly innocent person or entailing damage in a large amount to the victim shall be punishable by imprisonment for a term of more than 5 to 10 years with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years.

#### **Article 249. Knowingly illegal detention or custody**

Knowingly illegal detention by an inquirer, investigator, prosecutor or judge with lucrative or other private purposes shall be punishable by a fine equal to 51 to 100 amounts of minimum salary, or by incarceration for a term of more than 3 to 6 months with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 year, or by imprisonment for a term of up to 3 years.



### **Article 250. Rendering an illegal court judgment**

250.1. Rendering a knowingly illegal judgment committed by a judge with lucrative or other private purposes shall be punishable by imprisonment for a term of up to 5 years.

250.2. The same crime if it has caused damage in a large amount shall be punishable by imprisonment for a term of more than 5 to 10 years.

### **Article 251. Forcing of testimony**

256.1. Forcing of testimony by an inquirer or investigator by threat, violence, torture, humiliation, deception or other illegal methods shall be punishable by imprisonment for a term of up to 5 years with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years.

251.2. The same crime if it has entailed a less serious or severe bodily injury or has caused damage in a large amount shall be punishable by imprisonment for a term of more than 5 to 10 years with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 5 years.

### **Article 252. Intentional false reporting**

252.1. Intentional false reporting on an individual about commission of a crime shall be punishable by a fine equal to 51 to 250 amounts of minimum salary, or by incarceration for a term of more than 3 to 6 months.

252.2. The same crime committed with lucrative or other private purposes, by falsification of evidence with the view of charging with a serious or grave crime shall be punishable by imprisonment for a term of up to 5 years.

### **Article 253. Falsification of evidence**

253.1. Falsification of evidence by the participants of civil proceedings or a judge shall be punishable by a fine equal to 51 to 100 amounts of minimum salary, or by incarceration for a term of more than 3 to 6 months.

253.2. Falsification of evidence by an inquirer, investigator, prosecutor or advocate shall be punishable by a fine equal to 100 to 250 amounts of minimum salary, or imprisonment for a term of up to 3 years.

253.3. Falsification of evidence of a serious or grave crime by the officials specified in paragraph 2 above, or entailing a grave harm shall be punishable by imprisonment for a term of up to 5 years with deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years.

### **Article 254. False testimony**

254.1. Intentional false testimony during the inquiry, investigation or court proceedings by a witness, victim, intentional false expert opinion by an expert witness, intentional false interpretation by an interpreter shall be punishable by a fine equal to 51 to 100 amounts of minimum salary, or imprisonment for a term of up to 2 years.

254.2. The same crime committed with lucrative or other private purposes, charging with a serious or grave crime, by falsification of evidence, false testimony, or it has caused grave harm shall be punishable by a fine equal to 101 to 250 amounts of minimum salary, or imprisonment for a term of 2 to 5 years.

**Article 255. Evasion of testimony by a witness or victim, refusal or evasion of rendering an expert opinion by an expert witness**

255.1. Illegal evasion of testimony by a witness or victim, refusal or evasion of rendering an expert opinion by an expert witness during the inquiry, investigation or court proceedings, as well as impeding the appearance or a true testimony of a witness or victim shall be punishable by a fine equal to 5 to 51 amounts of minimum salary, or by incarceration for a term of 1 to 3 months.

**Article 256. Making a witness or victim give a false testimony, an expert witness render a false opinion or an interpreter do false interpretation**

256.1. Making a witness or victim give a false testimony, an expert witness render a false opinion or an interpreter do false interpretation by violence, giving remuneration or threatening with destruction of property shall be punishable by 200 to 300 hours of forced labor, a fine equal to 51 to 100 amounts of minimum salary, or imprisonment for a term of up to 3 years.

256.2. The same crime committed by an organized group, or causing damage in a large or an extremely large amount shall be punishable by imprisonment for a term of more than 5 to 8 years.

**Article 257. Disclosure of the investigation data**

257.1. Disclosure of the data of a criminal case without a permission of the inquirer, investigator, prosecutor or judge shall be punishable by a fine equal to 5 to 50 amounts of minimum salary, or by incarceration for a term or 1 to 3 months.

**Article 258. Failure to obey a court decision**

258.1. Intentional disobedience or prevention of execution of a sentencing judgment, court decision, ruling or a judge's ruling that has become final shall be punishable by a fine equal to 5 to 50 amounts of minimum salary, 100 to 250 hours of forced labor, incarceration for a term or 1 to 3 months or imprisonment for a term of up to 2 years.

258.2. Intentional underreporting, concealment or transferring to others of property with the view of evasion of execution of a court decision shall be punishable by a fine equal to 51 to 250 amounts of minimum salary, 251 to 500 hours of forced labor, incarceration for a term or more than 3 to 6 months or imprisonment for a term of up to more than 2 to 4 years.

258.3. The same crime committed by a person who previously was sentenced for the same crime, by an organized group or a criminal organization shall be punishable by imprisonment for a term of up to more than 3 to 5 years.

*Note: if the suspect, accused or convict in the crime specified in this article has obeyed the court decision, he/she shall be released from criminal liability.*

**Article 259. Slander of judge, citizens' representative, inquirer, investigator, prosecutor, advocate or court decision executor**

259.1. Slander of a judge, citizens' representative, inquirer, investigator, prosecutor, advocate or court decision executor in connection with consideration of the case in court, conduct of inquiry and investigation or execution of the court decision shall be punishable by a fine equal to 5 to 50 amounts of minimum salary, 100 to 250 hours of forced labor or by incarceration for a term or 1 to 3 months.

**Article 260. Embezzlement or concealment of the property being under custody**

260.1. Intentional embezzlement, concealment or transfer to others of the property being under custody of a law-enforcement authority committed by a person to whom such property has been entrusted shall be punishable by a fine equal to 5 to 50 amounts of minimum salary, or by incarceration for a term or 1 to 3 months.

**Article 261. Flight from the court or escape from the place of imprisonment**

261.1. Flight of a suspect, accused, defendant taken a measure of restraint from the court or detention center, escape of a convict from the place of imprisonment, flight from inquiry, investigation or trial shall be punishable by imprisonment for a term of up to 3 years.

261.2. The same crime committed repeatedly, by a group at an advance agreement, by a recidivist, or connected with violence or use of weapon or violence against the guard, destruction of the correctional facility's premises or protection equipment shall be punishable by imprisonment for a term of more than 5 to 10 years.

**Article 262. Evasion of the service of imprisonment**

262.1. Evasion of the service of penalty in form of non-return without a valid reason of a convict who has been allowed a short leave from the place of imprisonment shall be punishable by imprisonment for a term of up to 2 years.

**CHAPTER TWENTY-EIGHT  
MALFEASANCE CRIMES**

**Article 263. Abuse of power or of office by a state official**

263. 1. Abuse of power or of office by a state official, if it has been committed for lucrative or other personal interests and has caused a substantial damage to rights and interests of the citizens shall be punishable by a fine equal to 5 to 50 amounts of minimum salary with deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years or by incarceration for a term of 1 to 3 months.

263.2. The same crime committed repeatedly or if it has caused damage in a large amount shall be punishable by a fine equal to 51 to 100 amounts of minimum salary or imprisonment for a term of up to 5 years with deprivation of the right to hold specified positions or engage in specified business for a term of up to 5 years.

*Note: State officials referred to in this chapter include the political, special, administrative and technical service civil servants.*

#### **Article 264. Excess of authority by a state official**

264.1. Obvious excess by an official of the limits of rights and powers afforded to him/her by law, if it has caused a substantial damage to the rights and interests of a business entity, organization or citizens shall be punishable by a fine equal to 5 to 50 amounts of minimum salary with deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years, or by incarceration for a term of 1 to 3 months.

264.2. The same crime committed repeatedly, by use of violence or threat with such, or if it has caused damage in a large or an extremely large amount shall be punishable by a fine equal to 51 to 100 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 5 years with deprivation of the right to hold specified positions or engage in specified business for a term of up to 5 years.

#### **Article 265. Abuse of authority by an official of an NGO or a business entity**

265.1. Abuse of power or office afforded to him/her by legislation or charter by an official of an NGO or a business entity with the view of establishing priority to himself/herself or others if committed for lucrative or other personal interests and has caused a substantial damage to the rights and interests of the citizens shall be punishable by a fine equal to 301 to 400 amounts of minimum salary or by incarceration for a term of 3 to 6 months.

270.2. The same crime committed repeatedly, by use of violence or threat with such, if it has caused damage in a large amount shall be punishable by imprisonment for a term of 2 to 5 years with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years.

#### **Article 266. Excess of authority by an official of an NGO or a business entity**

266.1. Obvious excess of authority by an official of an NGO or a business entity of the limits of rights and powers afforded to him/her by the legislation or charter, if it has caused a substantial damage the rights and interests of a business entity, organization or citizens shall be punishable by a fine equal to 5 to 50 amounts of minimum salary, 100 to 250 hours of forced labor or by incarceration for a term of 1 to 3 months.

266.2. The same crime committed repeatedly, or if it has caused damage in a great amount shall be punishable by a fine equal to 5 to 50 amounts of minimum salary, incarceration for a term of 1 to 3 months with deprivation of the right to hold specified positions or engage in specified business for a term of up to 2 years or by imprisonment for a term of up to 5 years.

#### **Article 267. Using the name of an official**

267.1. Deriving profit in a large or an extremely large amount by acting under the name of an official of a state body, non-governmental organization or a business entity or if it has caused damage in a large or an extremely large amount committed by a non-official that does not constitute the crime of fraud shall be punishable by a fine equal to 201 to 300 amounts of minimum salary or by incarceration for a term of more than 3 to 6 months.

### **Article 268. Receiving of a bribe**

268.1. Receiving of a bribe by an official exclusively in view of his/her official post for a support or connivance in office, a favorable solution of issues within his/her competence, or for a performance or a failure to perform in the interests of the person giving the bribe of any action which this person should have or could have performed using hi/her official post, with or without an advance promise to do so shall be punishable by a fine equal to 51 to 250 amounts of minimum salary or imprisonment for a term of up to 5 years with deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years.

### **Article 269. Giving of a bribe**

269.1. Giving of a bribe to an official in person or through an intermediary shall be punishable by a fine equal to 51 to 250 amounts of minimum salary or imprisonment for a term of up to 3 years.

269.2. The same crime committed repeatedly, by a person who previously was sentenced for this crime, by an organized group, or a criminal organization shall be punishable by imprisonment for a term of more than 5 to 8 years.

*Note: a person who voluntarily confesses to a competent authority giving of the bribe shall be released from criminal liability.*

### **Article 279. Intermediation in bribery**

270.1. Intermediation in bribery shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

270.2. The same crime committed repeatedly, by a person who was previously sentenced for bribery, as well as by way of using one's official position shall be punishable by a fine equal to 51 to 250 amounts of minimum salary with deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years or by imprisonment for a term of up to 5 years.

*Note: A person who voluntarily reports to the competent authority about Intermediation in bribery shall be released from criminal liability.*

### **Article 271. Forgery in office**

271. 1. Forgery in office, that is, introduction by an official of knowingly false information or the records or into official documents, falsification, as well as making or issue of knowingly false documents for lucrative or other personal interests shall be punishable by a fine equal to 201 to 300 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

### **Article 272. Neglect of duties by a state official**

272.1. Omission or inadequate performance by an official of his/her official duties assigned by legislation and regulations enacted in conformity therewith that has caused a substantial damage shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

272.2. The same crime if it has caused a grave harm shall be punishable by imprisonment for a term of up to 3 years with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 2 years.

### **Article 273. Spending of the budget funds contrary to their designation**

273.1. Spending of the state budget funds by a budget governor:

273.1.1. contrary to their designation;

273.1.2. acquisition of inventory at a price higher than the market one;

273.1.3. acquisition of inventory in amounts exceeding the needs under the excuse of stocking, thereby blocking the cash flow;

273.1.4. intentional increase of inventory prices with the view of creating deficit;

273.1.5. sale of property of a state and budget organization for a price lower than the market one;

273.1.6. misappropriation of funds by way of using of under-quality goods and products in construction and building works performed by a state budget or own financing that has caused a substantial damage shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.

278.3. The same crime if it has caused damage in a large or extremely large amount shall be punishable by a fine equal to 51 to 250 amounts of minimum salary with deprivation of the right to hold specified positions or engage in specified business for a term of 2 years or by imprisonment for a term of 2 to 5 years.

## **TITLE NINE MILITARY CRIMES**

### **CHAPTER TWENTY-NINE. CRIMES AGAINST THE RULES OF THE EXECUTION OF MILITARY SERVICE**

#### **Article 274. Concept of the military crimes**

274. 1. Crimes against the established order of the execution of military service specified in the Special Part of this Code committed by the citizens of Mongolia who are the servicemen of the Armed Forces, as well as those for the reservists during their training muster shall be military crimes.

274.2. Servicemen shall include the citizens of Mongolia serving the active military service in the Armed Forces and other troops. Officers, sergeants, firefighters, ... who committed the crimes specified in this Chapter shall be subject to criminal liability. Persons unspecified in this Article who act as accomplices in military crimes shall be subject to criminal liability under the respective article with application of Article 33 of this Code.

274.3. Crimes against the established order of performance of military service committed during the martial law or the state of war and liability for such shall be established by the law of Mongolia passed at the respective time.

### **Article 281. Threat, resistance or violence towards commander**

281.1. Battery towards the commander, resistance with violence, threat to use violence, infliction of a minor bodily injury in connection with conduct of the military service activities according to the law and military rules or forcing him to violation of the official duties shall be punishable by incarceration for a term of 3 to 6 months or imprisonment for a term of up to 2 years.

281.2. The same crime committed with the use of weaponry, in a group, or causing a less serious bodily injury to the commander shall be punishable by imprisonment for a term of up to 2 years.

281.3. The same crime, if it is connected with infliction of a severe bodily injury to the commander or entailing another grave harm, or committed at war time or in a war situation shall be punishable by imprisonment for a term of 6 to 10 years.

### **Article 277. Violence by the commander towards the subordinate**

277.1. Battery by the commander towards the subordinate, use of violence or infliction of a minor bodily injury shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or by incarceration for a term of 3 to 6 months.

277.2. The same crime if it has entailed a less severe bodily injury to the subordinate, or battery of several subordinates, or committed with brutality shall be punishable by a fine equal to 51 to 100 amounts of minimum salary or imprisonment for a term of 2 to 5 years.

277.3. The same crime committed with the use of weaponry, or connected with infliction of a less serious bodily injury to the subordinates shall be punishable by imprisonment for a term of more than 5 to 8 years.

### **Article 278. Violation of the statutory rules of relationship between servicemen who are not subordinated to one another**

278.1. Violation of the statutory rules of relationship between servicemen in case of absence of subordination relationship between them expressed by battery or other violence shall be punishable by incarceration for a term of 1 to 3 months.

278.2. The same crime committed against more than two servicemen, or if it is connected with infliction of a less serious bodily injury shall be punishable by incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 2 years.

278.3. The same crime committed with the use of weaponry, in a group, or connected with infliction of a severe bodily injury shall be punishable by imprisonment for a term of 2 to 5 years.

### **Article 279. Desertion**

279.1. Desertion, that is, leaving of the military unit or the place of service with the purpose of evading from the military service, or failure to appear to the place of service in case of a dismissal from the unit, assignment, transfer, return back from a business trip, after a leave of from a medical institution committed by an active serviceman shall be punishable by

incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 2 years.

279.2. The same crime committed by an officer or a sergeant shall be punishable by imprisonment for a term of up to 3 years.

279.3. The same crime committed at wartime shall be punishable by imprisonment for a term of more than 5 to 7 years.

#### **Article 280. Evasion of the military service by self-injury or by other method**

280.1. Evasion by a military serviceman of the military service duties by way of self-injury or simulation of a disease, a forgery of documents or another fraud, or a refusal to exercise the military service duties shall be punishable by incarceration for a term of more than 3 to 6 months or imprisonment for a term of up to 2 years.

280.2. The same crime committed at war time or in a war situation shall be punishable by imprisonment for a term of up to more than 2 to 5 years.

#### **Article 281. Sale, embezzlement, and misappropriation of the military property and ammunition**

281.1. Embezzlement of weaponry, ammunition, transportation means, military equipment, machinery or other supplied military property by sale, gift or pledge committed by a regular or contract serviceman that has caused damage or destruction thereof in a large amount shall be punishable by incarceration for a term of more than 3 to 6 months.

281.2. Embezzlement of weaponry, ammunition, transportation means, military equipment, machinery or other military property or failure to perform the duties of their protection committed by a regular or contract serviceman that has caused damage or destruction thereof in a large amount shall be punishable by imprisonment for a term of up to 5 years.

281.3. The same crime committed at war time or in a war situation shall be punishable by imprisonment for a term of more than 5 to 8 years.

#### **Article 282. Deliberate destruction or damage of military property**

282.1. Intentional destruction or damage of weaponry, ammunition, transportation means, military equipment, machinery or other military property that has no signs of the crime of sabotage shall be punishable by imprisonment for a term of 2 to 5 years.

282.2. The same crime, if it has caused damage in a large amount shall be punishable by imprisonment for a term of more than 5 to 7 years.

282.3. The same crime committed at war time or in a war situation shall be punishable by imprisonment for a term of more than 7 to 10 years.

#### **Article 283. Violation of the rules for handling of weaponry or substances and objects presenting an increased danger to the surroundings**

283.1. Violation of the rules of handling of weaponry, ammunition, explosives, radioactive and other substances and objects which present an increased danger to the surroundings if



such actions have entailed a less severe or severe bodily injury shall be punishable by imprisonment for a term of up to 3 years.

283.2. The same crime if it has entailed a less severe or severe bodily injuries to two or more persons or death of the victim shall be punishable by imprisonment for a term of more than 3 to 5 years.

#### **Article 284. Violation of rules of driving or operation of the military vehicles**

284.1. Violation of the rules of driving or operation (use) of a war, special or transport machine if it has entailed a minor or less severe bodily injury or a substantial damage to property shall be punishable by incarceration for a term of 1 to 3 months.

284.2. The same crime committed in the state of drunkenness, entailing human death or a severe bodily injury or damage in a large amount shall be punishable by imprisonment for a term of 2 to 5 years with deprivation of the right to hold specified positions or engage in specified business for a term of up to 2 years.

284.3. The same crime if it has entailed death of two or more persons shall be punishable by imprisonment for a term of more than 5 to 10 years.

#### **Article 285. Violation of the rules of the military or training flights or of preparation to them**

285.1. Violation of the rules of flight or of preparation to them that has created potential conditions for damage in a large amount shall be punishable by incarceration for a term of more than 3 to 6 months.

285.2. The same crime if it has caused an aircraft catastrophe, human death or another grave harm shall be punishable by imprisonment for a term of 2 to 5 years.

#### **Article 286. Violation of the war duty rules**

286.1. Violation of the rules of the war duties (service) on the timely detection and repelling of a sudden attack by a foreign state shall be punishable by imprisonment for a term of up to 3 years.

286.2. The same crime if it has caused damage in a large amount shall be punishable by imprisonment for a term of more than 3 to 5 years.

286.3 The same crime committed at wartime or in a war situation shall be punishable by imprisonment for a term of 6 to 10 years.

#### **Article 287. Violation of the internal service statutory rules**

287.1. Violation by a person who is part of the 24-hour guard (except for on guard duties) of the internal service rules shall be punishable by incarceration for a term of 3 to 6 months.

287.2. The same crime committed at wartime or in a war situation shall be punishable by imprisonment for a term of up to 3 years.

### **Article 288. Violation of the statutory rules of guard duties**

288.1. Causing damage in a large amount due to the violation of the statutory rules of guard duties and of orders and instruction issued by the commander thereunder shall be punishable by incarceration for a term of more than 3 to 6 months.

288.2. The same crime committed at war time or in a war situation shall be punishable by imprisonment for a term of up to 3 years.

### **Article 289. Violation of the rules of border guarding**

289.1. Violation of the legislation concerning border guarding or regulations enacted in conformity with them by a person who is part of the unit guarding the State Border of Mongolia that has caused a substantial damage shall be punishable by incarceration for a term of more than 3 to 6 months.

289.2. The same crime committed by a state frontier guard officer, sergeant-major or contract serviceman shall be punishable by imprisonment for a term of up to 3 years.

289.3. The same crime if it has caused damage in a large amount shall be punishable by imprisonment for a term of more than 5 to 8 years.

### **Article 290. Surrendering to the enemy or leaving of the military unit**

290.1. Intentional surrender to the enemy by a head of military forces, leaving to the enemy of fortification works, machinery and other war means (facilities) when the situation did not warrant so shall be punishable by imprisonment for a term of more than 10 to 20 years.

### **Article 291. Unauthorized leaving of the battlefield or refusal to use arms**

291.1. Unauthorized leaving of the battlefield or refusal to use arms during a battle by a serviceman due to fear or desperation shall be punishable by imprisonment for a term of more than 10 to 15 years.

### **Article 292. Voluntary surrender**

292.1. Voluntary surrender due to fear or lack of spirit shall be punishable by imprisonment for a term of more than 10 to 15 years.

292.2. The same crime committed by a senior or high-rank officer shall be punishable by imprisonment for a term of more than 16 to 25 years.

### **Article 293. Marauding**

293.1. Stealing at the battlefield of things from the killed and wounded (marauding) shall be punishable by imprisonment for a term of 3 to 5 years.

#### **Article 294. Abuse, excess or omission of power**

294.1. Abuse by a head or official person of powers or official post, excess of power or competence, omission of powers, if they have caused a substantial damage shall be punishable by imprisonment for a term of up to 5 years.

294.2. The same crime if it has caused damage in a large amount shall be punishable by imprisonment for a term of more than 5 to 10 years.

294.3. The same crime committed at wartime or in a war situation shall be punishable by imprisonment for a term of more than 10 to 15 years.

#### **Article 295. Negligent attitude towards service**

295.1. Negligent attitude towards service by a head or official person which has caused a substantial harm shall be punishable by imprisonment for a term of up to 3 years.

295.2. The same crime if it has caused damage in a large amount shall be punishable by imprisonment for a term of more than 5 to 7 years.

295.3. The same crime committed at wartime or in a war situation shall be punishable by imprisonment for a term of more than 5 to 10 years.

#### **Article 296. Illegal wear and abuse of the sign of the Red Cross**

296.1. Wear in the area of war actions of the signs of the Red Cross by unauthorized persons, misuse at war time of flags or signs of the Red Cross or of colors assigned for the sanitary evacuation transport means shall be punishable by imprisonment for a term of up to 2 years.

### **TITLE TEN CHAPTER THIRTY CRIMES AGAINST SECURITY OF THE MANKIND AND PEACE**

#### **Article 297. Stirring up of an armed conflict**

297.1. Stirring up of an international or a local armed conflict shall be punishable by imprisonment for a term of more than 5 to 10 years.

#### **Article 298. Propaganda of war**

298.1 Propaganda of or calls for war among the public shall be punishable by a fine equal to 5 to 50 amounts of minimum salary or by incarceration for a term of 3 to 6 months or by incarceration for a term of 1 to 3 months.

298.2. The same crime committed with the use of means of mass media or by a civil servant shall be punishable by imprisonment for a term of 2 to 5 years.

### **Article 299. Conduct of war by prohibited means**

299.1. Cruel treatment of the captives and civilians, displacement of the population, looting of the historical and cultural values in the occupied territory or use of the means of warfare prohibited by an international treaty to which Mongolia is a party shall be punishable by imprisonment for a term of more than 10 to 15 years.

299.2. Use of the mass-destruction weapon prohibited by an international treaty to which Mongolia is a party shall be punishable by imprisonment for a term of more than 15 to 20 years.

### **Article 300. Creation, acquisition and distribution of the mass-destruction weaponry**

300.1. Acquisition, making or spreading of the chemical, biological, and other mass-destruction weaponry prohibited by the international treaties to which Mongolia is a party shall be punishable by imprisonment for a term of more than 5 to 8 years.

### **Article 301. Attack against persons enjoying the international protection**

306.1. Attack against a government representative, officer of an international organization, their offices, dwellings or means of transport with the purpose of tensing the relations between nations shall be punishable by imprisonment for a term of more than 5 to 8 years.

### **Article 302. Genocide**

302. Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing of members of the group; causing grave bodily injuries to members of the group; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group or deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part shall be punishable by imprisonment for a term of 20 to 25 years or the death penalty.

### **Article 303. Use of mercenaries**

303.1. Use of foreign mercenaries in armed conflicts or warfare, training, financing or support of them in other forms shall be punishable by imprisonment for a term of more than 5 to 8 years.

303.2. The same crime committed by abuse of one's official position, or involving of the persons under the legal age shall be punishable by imprisonment for a term of more than 10 to 15 years.

303.3. Mercenaries who have participated in an armed conflict or warfare shall be punishable by imprisonment for a term of 3 to 5 years.

### **Article 304. Causing ecological disbalance**

304.1. Mass damage or destruction of animal species, plant classes, contamination of air and water resources or causing ecological disbalance in other forms which has caused ecological disaster shall be punishable by imprisonment for a term of more than 10 to 15 years.

**TITLE ELEVEN  
MISCELLANEOUS  
CHAPTER THIRTY-ONE  
ENTRY INTO FORCE**

**Article 305. Entry into force**

305.1. This Code shall enter into force on 1 September, 2002.