

## **PENAL CODE**

Pursuant to the Constitution of the Socialist Republic of Vietnam;  
The National Assembly promulgates the Penal Code.

### **FIRST PART**

#### **GENERAL PROVISIONS**

##### **Chapter I**

#### **FUNDAMENTAL PROVISIONS**

##### ***Article 1. The tasks of the Penal Code***

The Penal Code has the tasks of protecting the nation's sovereignty and security, the socialist regime, the human rights, the rights of citizenships, the right to equality among people of various nationalities, the interests of the State and organizations; protecting the legal order; combating all criminal activities; educating law-abiding awareness of the people; preventing and fighting against crime.

This Code provides for offences and penalties.

##### ***Article 2. Basis of penal liabilities***

1. Only those individuals who have committed a crime defined by the Penal Code shall bear penal liabilities therefor.
2. Only those legal entities who have committed a crime defined by Article 76 of the Penal Code shall bear penal liabilities therefor.

##### ***Article 3. Handling principles***

1. For individuals committing crimes:
  - a) All acts of criminal offenses committed must be timely detected and handled in a prompt, impartial and transparent manner in accordance with the law;
  - b) All individuals committing crimes are equal before the law, regardless of their sex, nationality, belief, religion, social class and status;

c) Severely penalizing conspirators, ringleaders, commanders, stubborn opposers, hooligans, dangerous recidivists, persons who have abused their position and power to commit crimes;

d) Severely penalizing individuals committing crimes with cunning tricks, in an organized and professional manner, intentionally causing extremely serious consequences.

Granting leniency to individuals who make confessions, turn themselves into the police, make honest declarations, denounce accomplices, redeem their faults with achievements, show repentance, voluntarily redress or compensate for the damage caused;

đ) For first-time offenders committing less serious crimes, lighter penalties other than the imprisonment can be applied and they can be handed over to their families, relevant agencies and organization to be supervised and educated;

e) For persons sentenced to imprisonment, they must be compelled to serve their sentences in detention camps, to work and study so as to become persons useful to the society; if they satisfy the conditions provided in this Code, they shall be considered for the reduce of the term for serving their sentences or early conditional release;

g) Individuals who have completely served their sentences shall be given favorable conditions to work and live honestly, to integrate themselves into the community, and when they satisfy the conditions provided by the law, their criminal records shall be cleared.

2. For commercial legal entities committing crimes:

a) All acts of criminal offenses committed by commercial legal entities must be timely detected and handled in a prompt, impartial and transparent manner in accordance with the law;

b) All commercial legal entities committing crimes are equal before the law, regardless of their forms of ownership and the economic sectors they belong to;

c) Severely penalizing commercial legal entities committing crimes with cunning tricks, in an professional manner, intentionally causing extremely serious consequences;

d) Granting leniency to commercial legal entities which actively co-operate with procedure conducting agencies in the disposition of the case, voluntarily redress or compensate for the damage caused, take the initiative in preventing or addressing the consequences arisen.

#### **Article 4. Responsibility for the prevention of and fight against crime**

1. The Police, the People's Procuracy, the People's Court and other concerned agencies shall fulfill their respective functions, tasks and powers, at the same time

guide and assist other State agencies, organizations and citizens in preventing and fighting against crime as well as in supervising and educating offenders at the community.

2. Agencies and organizations have the duty to educate people under their respective management to raise their vigilance, their awareness of protecting and obeying the law, and to respect regulations of the socialist life; to take timely measures to eliminate the causes of and conditions for committing crimes in their respective agencies and organizations.

3. All citizens have the obligation to actively participate in the prevention of and fight against crime.

## **Chapter II**

### **EFFECT OF THE PENAL CODE**

#### ***Article 5. Effect of the Penal Code on criminal offences committed in the territory of the Socialist Republic of Vietnam***

1. The Penal Code applies to all criminal offences committed in the territory of the Socialist Republic of Vietnam.

This provision is also applied to criminal offences or consequences of criminal offences which occur on the aircrafts, ships of Vietnamese nationality or in the exclusive economic zone or continental shelf of Vietnam.

2. For foreigners who commit crimes in the territory of the Socialist Republic of Vietnam but are entitled to diplomatic or consular immunities under Vietnamese laws, international treaties of which the Socialist Republic of Vietnam is a member, or under the international practices, their criminal liabilities shall be settled in accordance with the provisions of such international treaties or international practices; where it is not provided under the international treaties, or there is no international practice, their criminal liabilities shall be settled by diplomatic channels.

#### ***Article 6. Effect of the Penal Code on criminal offences committed outside the territory of the Socialist Republic of Vietnam***

1. Vietnamese citizens or legal commercial entities, who commit offences outside the territory of the Socialist Republic of Vietnam which are criminal offences under this Code, can be criminally prosecuted in Vietnam in accordance with this Code.

This provision is also applied to stateless persons who permanently reside in Vietnam.

2. Foreigners, foreign commercial legal entities who commit offences outside the territory of the Socialist Republic of Vietnam can be criminally prosecuted in accordance with this Code in cases where such offences infringe Vietnamese citizens' legitimate rights and interests or interests of the Socialist Republic of Vietnam, or in

accordance with provisions of the international treaties of which the Socialist Republic of Vietnam is a member.

3. For criminal offences or consequences of criminal offences occurring on the aircrafts, ships which are not of Vietnamese nationality and are in the water or airspace outside the territory of the Socialist Republic of Vietnam, the offenders can be criminally prosecuted in accordance with this Code where the international treaties of which the Socialist Republic of Vietnam is a member provide for.

### ***Article 7. The temporal application of the Penal Code***

1. The provision applying to a criminal offence shall be the provision currently in force at the time such criminal offence is committed.

2. The provision defining a new criminal offence, a heavier penalty, a new aggravating circumstance; or restricting the scope of application of suspended sentences; or providing for the exemption of penal liability, the exclusion of penal liability, the exemption of penalties, the commutation, the expungement of criminal records, and other provisions not in favor of the offenders, shall not be applied to criminal offense committed before such provisions take effect.

3. Provisions abolishing an offence, a penalty, an aggravating circumstance; defining a lighter penalty, a new extenuating circumstance; or broadening the scope of application of suspended sentences; providing for the exemption of penal liability, the exclusion of penal liability, the exemption of penalties, the commutation, the early conditional release, the expungement of criminal records and other provisions in favor of the offenders, shall be applied to criminal offences committed before such provisions take effect.

## **Chapter III**

### **CRIMES**

#### ***Article 8. Definition of crime***

1. A crime is an act dangerous to the society prescribed in the Penal Code, intentionally or unintentionally committed by legal commercial entities or persons with capacity for criminal liability, which infringes the independence, sovereignty, unity, territorial integrity of the Fatherland; infringes the political regime, economic regime, culture, national defense, security, order, social security, rights and legitimate interests of organizations; infringes human rights, rights and legitimate interests of citizens; infringes other areas of the socialist legal order which, under provisions of this Code, must be criminalized.

2. Acts showing signs of crime but which pose minimal danger to society are not crimes and shall be handled by other measures.

#### ***Article 9. Classification of crimes***

Based on the nature and extent of danger to the society of criminal offences prescribed in this Code, crimes are classified into four categories as follows:

1. Less serious crimes are crimes having the nature and level of no great danger to the society and the most severe penalty in the punishment ranges for such crimes provided for by this Code is fine, non-custodial rehabilitation or imprisonment for up to 3 years;
2. Serious crimes are crimes having the nature and level of great danger to the society and the most severe penalty in the punishment ranges for such crimes provided for by this Code is from above 3 years to 7 years of imprisonment;
3. Very serious crimes are crimes having the nature and level of very great danger to the society and the most severe penalty in the punishment ranges for such crimes provided for by this Code is from above 7 years to 15 years of imprisonment;
4. Extremely serious crimes are crimes having the nature and level of exceptionally great danger to the society and the most severe penalty in the punishment ranges for such crimes provided by this Code is from above 15 years to 20 years of imprisonment, life imprisonment or capital punishment.

#### ***Article 10. Intentional commission of crimes***

The intentional commission of a crime is commission of crime in the following circumstances:

1. The offenders are aware that their acts are dangerous to the society, foresee the consequences of such acts and wish such consequences to occur;
2. The offenders are aware that their acts are dangerous to society, foresee the consequences that such acts may entail and do not wish, but consciously allow such consequences to occur.

#### ***Article 11. Unintentional commission of crimes***

The unintentional commission of a crime is commission of crime in the following circumstances:

1. The offenders foresee that their acts may cause harmful consequences to the society, but think that such consequences shall not occur or can be prevented;
2. The offenders do not foresee that their acts may cause harmful consequences to the society though they must have foreseen or did foresee such consequences.

#### ***Article 12. Ages subject to penal liability***

1. Persons aged full 16 years old or older shall have to bear penal liability for all crimes they commit, except for the crimes as otherwise provided by this Code.

2. Persons aged full 14 years old or older but under 16 years old shall only have to bear penal liability for murder, intentionally inflicting injury or causing harm to the health of other persons, rape, raping persons under 16 years old, forcible sexual intercourse with persons aged full 13 years old to under 16 years old, robbery, kidnapping in order to appropriate properties; for very serious and extremely serious crimes specified in one of the following articles:

a) Article 143 (Forcible sexual intercourse); Article 150 (Human trafficking); Article 151 (Trafficking of persons aged under 16 years old);

b) Article 170 (Plundering properties); Article 171 (Robbery by snatching); Article 173 (Stealing properties); Article 178 (Destroying or deliberately damaging properties);

c) Article 248 (Illegally producing narcotics); Article 249 (Illegally stockpiling narcotics); Article 250 (Illegally transporting narcotics); Article 251 (Illegally trading narcotics); Article 252 (Illegally appropriating narcotics);

d) Article 265 (Organizing illegal racing); Article 266 (Illegal racing);

đ) Article 285 (Illegally producing, trading in tools, equipments, softwares for illegal purposes); Article 286 (Spreading computer programs which harm the operation of computer networks, telecommunications networks, electronic devices); Article 287 (Obstructing or disordering the operation of computer networks, telecommunications networks, electronic devices); Article 289 (Illegally accessing computer networks, telecommunications networks, or electronic devices of other persons); Article 290 (Using computer networks, telecommunications networks, electronic devices to appropriate properties);

e) Article 299 (Terrorism); Article 303 (Destroying important national security works, establishments, and facilities); Article 304 (Illegally manufacturing, stockpiling, transporting, using, trading in or appropriating military weapons, military technical means).

### ***Article 13. Committing crimes due to the use of alcohol or other strong stimulants***

Persons who commit crimes in the state of losing the cognitive ability or being unable to control their behaviors due to the use of alcohol, beer or other strong stimulants shall still have to bear the penal liability therefor.

### ***Article 14. Preparation for crime commission***

1. The preparation for crime commission is the searching for, preparing instruments, means or creating other conditions to commit crimes; or establishing, participating in a criminal group except for the cases provided under Article 109, Article 113.2.a, or Article 299.2.a of this Code.

2. Persons who prepare to commit one of the following crimes shall have to bear penal liability:

a) Article 108 (High treason); Article 110 (Spying); Article 111 (Infringing upon territorial security); Article 112 (Rebellion); Article 113 (Terrorism against the people's administration); Article 114 (Sabotaging the material-technical foundations of the Socialist Republic of Vietnam); Article 117 (Making, storing, releasing or circulating information, documents and items against the Socialist Republic of Vietnam); Article 118 (Disrupting security); Article 119 (Destroying detention camps); Article 120 (Organizing, forcing, inciting other persons to flee abroad or defect to stay overseas to oppose the people's administration); Article 121 (Fleeing abroad or defecting to stay overseas to oppose the people's administration);

b) Article 123 (Murder); Article 134 (Intentionally inflicting injury on or causing harm to the health of other persons);

c) Article 168 (Stealing properties; Article 169 (Kidnapping in order to appropriate properties)

d) Article 299 (Terrorism); Article 300 (Terrorism financing); Article 301 (Kidnapping hostages); Article 302 (Piracy); Article 303 (Destroying important national security works, establishments and facilities); Article 324 (Money laundering);

3. Persons aged from full 14 years old to under 16 years old prepare to commit crimes as provided for under point b and point c, clause 2 of this Article shall have to bear penal liability.

#### ***Article 15. Incomplete commission of a crime***

Incomplete commission of a crime is an intentional commission of a crime which cannot be carried out to the end due to causes beyond the desire of the offender.

Persons who commit incomplete crimes shall bear penal liability therefor.

#### ***Article 16. Voluntary termination of unfinished crimes***

Voluntary termination of the commission of a crime is the refusal at one's own will to carry out a crime to the end though nothing prevents the continuous commission of such crime.

A person who voluntarily terminates the commission of a crime shall be exempted from penal liability for the attempted crime; if the act actually committed fully consists of elements of another crime, such person shall bear penal liability for that crime.

#### ***Article 17. Complicity***

1. Complicity is where two or more persons intentionally commit a crime.

2. The organized commission of a crime is a form of complicity with close collusion among persons who jointly commit the crime.

3. Accomplices include the organizers, executors, instigators and helpers.

The executors are those who actually carry out the crimes.

The organizers are those who mastermind, lead and direct the execution of crimes.

The instigators are those who incite, induce and encourage other persons to commit crimes.

The helpers are those who create spiritual or material conditions for the commission of crimes.

4. Other accomplices shall not be criminally liable for any excessive offences committed by the executors which have not yet been mutually agreed in advance.

#### ***Article 18. Concealment of crimes***

1. Any person who, though having not earlier promised anything, knows a crime has been committed and conceals the offenders, traces, exhibits of the crime or commits the act of obstructing the detection, investigation, handling of the offender, shall have to bear penal liability for the concealment of crime as provided for by this Code.

2. The persons who conceal crimes being offenders' grand-father, grand-mother, father, mother, offspring, grandchild, sibling, wife or husband shall not have to bear penal liability in accordance with Clause 1 of this Article, except for cases of concealment of crimes infringing on the national security, or other extremely serious crimes prescribed in Article 389 of this Code.

#### ***Article 19. Non-denunciation of crimes***

1. Any person who knows a crime is being prepared, carried out or has been completed but fails to denounce it shall have to bear penal liability for having failed to denounce it as provided for in Article 389 of this Code.

2. The persons who fail to denounce crimes being offenders' grand-father, grand-mother, father, mother, offspring, grandchild, sibling, wife or husband shall not have to bear penal liability in accordance with Clause 1 of this Article except for cases of non-denunciation of crimes infringing on the national security, or other extremely serious crimes prescribed in Article 389 of this Code.

3. Defense counsels shall not have to bear penal liability stipulated in Clause 1 of this Article in case where they do not denounce crimes committed or participated in by the persons they defend, given that they know about the crimes in the process of performing their duty to defend, except for cases non-denunciation of crimes infringing on the national security, or other extremely serious crimes prescribed in Article 389 of this Code.

### **Chapter IV**

#### **SITUATIONS FOR PENAL LIABILITY EXEMPTION**

### **Article 20. Unexpected events**

Persons who commit acts which cause harmful consequences to the society in circumstances which they cannot, or are not compelled to, foresee the consequences of such acts, shall not have to bear penal liability therefor.

### **Article 21. The state of having no penal liability capacity**

Persons who commit acts dangerous to the society while suffering from mental illness or other disease which deprives them of their capability to be aware of or to control their acts, shall not have to bear penal liability therefor;

### **Article 22. Legitimate defense**

1. Legitimate defense is the act of persons who, for the purpose of protecting the rights and legitimate interests of their own or other persons, or the interests of the State, organizations, agencies, need to fight against persons who are committing acts infringing upon the above-mentioned interests.

Legitimate defense is not a crime.

2. Acting beyond the prescribed legitimate defense limit is the act of fighting back in a manner obviously excessive and incompatible with the nature and the extent of danger posed to the society by the act of infringement.

The persons who act beyond the prescribed legitimate defense limit, shall have to bear penal liability in accordance with this Code.

### **Article 23. Urgent circumstances**

1. The urgent circumstance is the circumstance in which persons, who want to avoid causing damage to the legitimate rights and interests of their own or other persons; or the interests of the State, organizations, and agencies, have no other alternatives but having to cause a damage which is lighter than the damage needs to be prevented.

The act causing damage in urgent circumstances is not a crime.

2. Where the damage caused is obviously beyond the requirement of the urgent circumstance, persons who cause such damage shall have to bear penal liability therefor.

### **Article 24. Causing damage when arresting offenders**

1. The act of persons using necessary force to arrest offenders because they have no other alternatives and causing damage to the offenders, is not a crime.

2. Where the damage caused by the use of force is obviously beyond what is required, the persons who cause such damage shall have to bear penal liability therefor.

### **Article 25. Risks in the research, test, application of progress of science, technique and technology**

The act causing damage in the process of conducting research, test, application of progress of new science, technique and technology given all process, norm and preventive measures are adequately applied, is not a crime.

The persons who do not correctly apply process and norm and adequately apply preventive measures, causing damage, shall have to bear penal liability therefor.

#### **Article 26. Executing orders of commanders or superiors**

For the persons who perform acts causing damage while executing orders of the commanders or superiors in the people's armed forces to carry out the tasks of national defense and security, if the executors have fully implemented the procedure of reporting to their commanders or superiors but the latter still commend the execution of such orders, the executors shall not have to bear penal liability. In this case, the persons issuing the orders have to bear penal liability.

This provision is not applied to the cases provided for under Article 421.2, Article 422.2 and Article 423.2 of this Code.

### **Chapter V**

#### **STATUTE OF LIMITATION FOR PENAL LIABILITY PROSECUTION PENAL LIABILITY EXEMPTION**

#### **Article 27. Statute of limitation for penal liability prosecution**

1. The statute of limitation for penal liability prosecution is the time limit prescribed by this Code upon the expiry of which, the offenders shall not be prosecuted for penal liability.

2. The statute of limitation for penal liability prosecution is stipulated as follows:

- a) Five years for less serious crimes;
- b) Ten years for serious crimes;
- c) Fifteen years for very serious crimes;
- d) Twenty years for particularly serious crimes.

3. The statute of limitation shall begin from the date a crime is committed. If within the time limit prescribed in Clause 2 of this Article, the offender commits a new crime for which this Code stipulates a maximum penalty of over one year imprisonment, the statute of limitation for the previous crime shall be re-calculated from the date the new crime is committed.

If within the time limit provided for under clause 2 of this Article, the offender deliberately flees and the arrest warrant has been issued, the statute of limitation shall be re-calculated, starting from such time the person gives him/herself up or is arrested.

### **Article 28. Non-application of statute of limitation for criminal prosecution**

The statute of limitation for criminal prosecution prescribed in Article 27 of this Code shall not be applied to the following crimes:

1. Crimes against the national security stipulated in Chapter XIII of this Code;
2. Crimes against peace, humanity and war crimes stipulated in Chapter XXVI of this Code;
3. Crime of embezzling properties stipulated in Article 353.3 and 4 of this Code and crime of receiving bribes stipulated in Article 354.3 and 4 of this Code.

### **Article 29. Penal liability exemption**

1. The offender shall be exempt from penal liability where there is one of the following bases:

a) If during the investigation, prosecution or adjudication, due to the change of policies and laws, the criminal offence is no longer dangerous to the society.

b) There are decisions on general amnesties.

2. Offenders may be exempt from penal liability where there is one of the following bases:

a) In the course of conducting the investigation, prosecution, adjudication, the offenders are no longer dangerous to the society due to changes of the situation;

b) In the course of conducting the investigation, prosecution, adjudication, the offenders suffer from fatal diseases that prevent them from causing danger to the society;

c) The offenders confess, provide clear statements, effectively contribute to the detection and investigation of crimes, try to minimize the consequences of crimes, achieve a feat or make special contribution which are recognized by the State and the society;

3. The offenders, who unintentionally commit less serious crimes or serious crimes which cause loss of life, health, dignity, honor, freedom or property of others but the victims or their representatives voluntarily agree to settle by conciliation and request the exemption of criminal liability, may be exempt from penal liability.

## **Chapter VI**

### **PENALTIES**

#### **Article 30. Definition of penalty**

Penalty is the most severe coercive measure applied by the State stipulated in this Code and decided by the court to be applied to offenders being individuals or legal commercial entities to deprive or restrict the rights and interests of such individuals, commercial legal entities.

### **Article 31. Purpose of penalty**

Penalties aim not only to punish individuals, commercial legal entities committing crime but also to educate them about the law-binding awareness and regulations of life, prevent them from committing new crimes; penalties also aim to educate other individuals, commercial legal entities to respect the law and fight against crime.

### **Article 32. Penalties applied to individuals committing crime**

1. Principal penalties include:

- a) Warning;
- b) Fine;
- c) Non-custodial rehabilitation;
- d) Expulsion
- đ) Imprisonment for a certain term;
- e) Life imprisonment;
- e) Death penalty.

2. Additional penalties include:

- a) Prohibition from holding certain posts, practicing certain occupations or doing certain jobs;
- b) Prohibition of residence;
- c) Probation;
- d) Deprivation of some rights of citizenship;
- đ) Confiscation of property;
- e) Fine, when it is not applied as the principal penalty;
- g) Expulsion, when it is not applied as the principal penalty.

3. For each crime, the offender shall be subject to only one principal penalty and may be subject to one or more additional penalties.

### **Article 33. Penalties applied to commercial legal entities committing crime**

1. Principal penalties include:

- a) Fine;
- b) Suspension of operation for a certain term;
- c) Permanent suspension of operation;

2. Additional penalties include:

- a) Prohibition from doing business, operating in certain areas;
- b) Prohibition from raising capital;
- c) Fine, when it is not applied as the principal penalty.

3. For each crime, legal entities committing the crime, shall be subject to only one principle penalty and may be subject to one or more additional penalties.

### **Article 34. Warning**

Warning is applied to offenders committing less serious crimes and having many extenuating circumstances but not yet to the extent of being entitled to penalty exemption.

### **Article 35. Fine**

1. Fine is applied as the principal penalty in the following circumstances:

- a) Offenders who commit less serious crimes and serious crimes prescribed by this Code;
- b) Offenders who commit very serious crimes infringing upon the economic management order, environment, public order, public security and other crimes as prescribed by this Code;

2. Fine is applied as the additional penalty to persons who commit corruption or drug-related crimes or other crimes as prescribed by this Code.

3. The level of fine shall be decided basing on the nature and level of danger of the crimes committed, taking into account the property situation of the offenders and the fluctuation of prices, but the fine shall not be lower than one million dong.

4. Fine applied to commercial legal entities is prescribed under Article 77 of this Code.

### **Article 36. Non-custodial rehabilitation**

1. Non-custodial rehabilitation of between six months and three years is applied to persons committing less serious crimes, serious crimes as provided for by this Code who have stable places of working places or explicit places of residence if it is deemed unnecessary to separate offenders from the society.

If a sentenced person has been held in custody, detained, the time spent in custody, detention shall be subtracted from the total period of their non-custodial rehabilitation, one day in custody, detention is equal to three days of non-custodial rehabilitation..

2. The courts shall assign the persons subject to non-custodial rehabilitation to the agencies or organizations where such persons work, study or to the commune People's Committees where such persons permanently reside for the supervision and education. The family of sentenced persons shall have to coordinate with agencies, organizations and commune People's Committees in the supervision and education of such persons.

3. During the sentence execution, the sentenced persons shall have to perform a number of duties according to the provisions on non-custodial rehabilitation and be subject to between 5% and 20% deduction of their incomes which is confiscated for the State fund. Deduction of their incomes is monthly conducted. In special cases, the courts may allow the exemption of income deduction, but must clearly inscribe the reasons for such exemption in the judgment.

Deduction shall not be applied to offenders who are performing mandated military service.

4. In case where persons who are sentenced to non-custody rehabilitation do not have job or lose their job during the period of executing this penalty, they shall have to do a number of community services during their non-custodial rehabilitation.

Working hours of community service shall not exceed 04 hours per day and no more than 05 days a week.

Community service shall not be applied to pregnant women, women nursing children under 6 months old, elderly persons, persons with fatal illness, persons with severe or particularly disabilities.

The persons who are sentenced to non-custody rehabilitation shall have to perform the duties prescribed in the Law on enforcement of criminal judgments.

### **Article 37. Expulsion**

Expulsion is the process of forcing convicted foreigners to leave the territory of the Socialist Republic of Vietnam.

Expulsion is applied by the Court as the principal or additional penalty in each particular case.

### **Article 38. Imprisonment for a certain term**

1. Imprisonment for a certain term is the process of forcing convicted persons to serve their penalties at detention facilities for a specified period.

Imprisonment for a certain term of persons who commit one crime shall range from the minimum level of three months to the maximum level of twenty years.

The time spent in custody, detention shall be subtracted from the term of executing the imprisonment penalty, one day of custody or detention is equal to one day of imprisonment.

2. Imprisonment for a certain term shall not be applied to offenders committing less serious crime unintentionally for the first time and having explicit place of residence.

### **Article 39. Life imprisonment**

Life imprisonment is the penalty of indefinite imprisonment applicable to persons who commit particularly serious crimes, but not yet to the extent of being sentenced to death.

Life imprisonment shall not be applied to offenders aged below 18 years old.

### **Article 40. Death penalty**

1. Death penalty is a special penalty only applied to offenders committing particularly serious crimes which are in the range of crimes infringing upon national security, crimes infringing upon human life, drug-related crimes, corruption and a number of other particularly serious crimes prescribed by this Code.

2. Death penalty shall not be applied to offenders aged under 18 years old at the time of committing crimes, pregnant women, women nursing children aged under 36 months old, or persons aged from seventy five years or older at the time of committing crimes or at the time of being adjudicated.

3. Death penalty shall not be executed against sentenced persons in one of following circumstances:

a) Pregnant women and women nursing their children aged under 36 months old.

b) Persons aged seventy years old or older;

c) Persons sentenced to death on charges of embezzling properties, receiving bribes but after being sentenced, such persons are proactive to return at least three quarters of the properties embezzled, bribes and actively co-operate with the authorities to detect, investigate, handle crimes or achieve a great feat.

4. In case as prescribed in clause 3 of this Article or where the persons sentenced to death are entitled to mitigated sentence, the death penalty shall be commuted to life imprisonment.

### **Article 41. Prohibition from holding certain posts, prohibition from practicing certain occupations or doing certain jobs**

The prohibition from holding certain posts, prohibition from practicing certain occupations or doing certain jobs shall be applied when it is deemed that to allow the

sentenced persons to hold such posts, practice such occupations or do such jobs, may cause harm to the society.

The prohibition period ranges from one year to five years from the date the imprisonment penalty is completely served, or the judgment takes legal effect if the principal penalty is a warning, fine, non-custodial rehabilitation or in cases where the sentenced persons are entitled to suspended sentence.

#### **Article 42. Prohibition of residence**

Prohibition of residence means forcing persons sentenced to imprisonment not to temporarily or permanently reside in certain localities.

The duration for prohibition of residence ranges from one year to five years from the date the imprisonment penalty is completely served.

#### **Article 43. Probation**

Probation means forcing the sentenced persons to reside, earn their living and re-educate themselves in a certain locality under the supervision and rehabilitation of the local authorities and people. During the probation period, the sentenced persons must not leave their residence places and are deprived of a number of civic rights in accordance with Article 43 of this Code and are prohibited from practicing certain occupations or doing certain jobs.

Probation is applied to persons who commit crimes infringing upon the national security, to dangerous recidivists or in other cases as prescribed by this Code.

The probation duration ranges from one year to five years from the date the imprisonment penalty is completely served.

#### **Article 44. Deprivation of certain citizenship rights**

1. Vietnamese citizens sentenced to imprisonment for the crime of infringing upon national security or committing other crimes as prescribed by this Code shall be deprived of the following citizenship rights:

- a) The right to stand for the election of deputies to the State power bodies;
- b) The right to work in the State bodies and to serve in the people's armed forces.

2. The time limit for deprivation of citizenship rights range from one year to five years after the imprisonment penalty is completely served, or the judgment takes legal effect in case where the sentenced persons are entitled to suspended sentence.

#### **Article 45. Confiscation of property**

Confiscation of property means to confiscate part or whole of the sentenced person's property for confiscation into the State's fund.

The confiscation of property shall only be applied to persons sentenced for serious crimes, very serious crimes, or particularly serious crimes infringing upon the national security, drug-related crimes, corruption or other crimes as prescribed by this Code.

When the whole property is confiscated, the sentenced persons and their families should be left with conditions for their living.

## **Chapter VII**

### **JUDICIAL REMEDIES**

#### **Article 46. Judicial remedies**

1. Judicial remedies applied to persons committing crimes include:

- a) Confiscation of objects, money directly related to crimes;
- b) Return of property, repair or compensation for damage; compelling to make public apologies;
- c) Compulsory medical treatment;

2. Judicial remedies applied to legal commercial entities committing crimes include:

- a) Confiscation of objects, money, commodities, means directly related to crimes;
- b) Return of property, repair or compensation for damage; compelling to make public apologies;
- c) Restoration to the original status;
- d) Conducting a number of measures to redress and prevent further consequences from occurring.

#### **Article 47. Confiscation of objects and money directly related to crimes**

1. Confiscation for transferring into state budget or for destroying shall be applied to:

- a) Tools, means used for the commission of crime;
- b) Objects or money acquired through the commission of crime or the trading or exchange of such things, illicit earnings from the commission of crime;
- c) Objects prohibited from circulation by the State.

2. Objects, money illegally seized or used by offenders shall not be confiscated but returned to their lawful owners or managers.

3. Objects, money owned by other persons, if these persons are at fault in letting offenders use them in the commission of crimes, may be confiscated.

#### **Article 48. Return of property, repair or compensation for damage; compelling to make public apologies**

1. Offenders must return appropriated property to their lawful owners or managers and repair or compensate for material damage which has been determined as having been caused by their offenses.

2. In case of mental damage caused by the offense, the court shall order the offenders to provide material compensation and publicly apologize the victims.

#### **Article 49. Compulsory medical treatment**

1. For persons who commit acts dangerous to the society while they are suffering from the diseases prescribed in Article 21 of this Code, the Procuracy or the Court, basing on the conclusion of forensic examination and mental forensic examination, may decide to send them to specialized medical establishments for compulsory medical treatment.

2. For persons who commit crimes while having penal liability capacity but before being sentenced, they suffer from illness to the extent of losing their cognitive capacity or the capacity to control their behavior, the courts, basing on the conclusion of forensic examination and mental forensic examination, may decide to send them to specialized medical establishment for compulsory treatment. After they recover from illness, they may have to bear penal liability.

3. For persons who are serving their penalties but suffering from illness to the extent of losing their cognitive capacity or the capacity to control their behavior, the courts, basing on the conclusion of forensic examination and mental forensic examination, may decide to send them to specialized medical establishments for compulsory treatment. After they recovery from illness, if they have no other reasons for being exempted from serving the penalties, such persons shall have to continue serving the penalties,

The duration for compulsory medical treatment shall be subtracted from the term of serving imprisonment penalty.

### **Chapter VIII**

#### **DECIDING PENALTIES**

##### **Section A**

##### **General provisions on deciding penalties**

#### **Article 50. Bases for deciding penalties**

When deciding penalties, the Courts shall base on provisions of this Code, take into consideration the nature and extent of danger posed to the society by the offence, personal records of the offenders, and any circumstances that extenuate or aggravate the penal liability.

#### **Article 51. Circumstances extenuating penal liability**

1. The followings are circumstances extenuating the penal liability:

- a) Offenders have prevented or reduced the harm caused by the crimes;
- b) Offenders volunteer to repair, compensate for the damage or redress the consequences;
- c) Committing crime in cases where it is beyond the limit of legitimate defense;
- d) Committing crime in cases where it is beyond the requirements of the emergency;
- đ) Committing crime in cases where it is beyond the reasonable level in arresting offenders;
- e) Committing crime in cases where offenders are mentally incited by the illegal acts of the victims;
- g) Committing crime due to the situation of particular difficulty which is not caused by themselves;
- h) Committing crime but causing no or minor damage;
- i) Committing crime for the first time and the crime committed are less serious crimes;
- k) Committing crime because of being threatened, or coerced by other persons;
- l) Committing crimes due to the limitation of cognitive capacity which is not caused by their fault;
- m) Committing crime due to ignorance;
- n) Offenders are pregnant women;
- o) Offenders aged seventy years old or older;
- p) Offenders are persons with severe or particularly severe disabilities;
- q) Offenders are persons suffering from illnesses that restrict their cognitive capacity or the capacity to control their behavior;
- r) Offenders confess;
- s) Offenders make honest and prompt declarations or show their repentance;
- t) Offenders actively assist the competent agencies in detecting and investigating crimes;
- u) Offenders have redeemed their faults with achievements;

v) Offenders are persons who have recorded outstanding achievements in production, combat, study or work.

2. When deciding penalties, the Courts may also consider the giving up to police by offenders or other circumstances as extenuating circumstances, but must clearly inscribe the reason for extenuating penal liability in the judgment.

3. The extenuating circumstances which have been prescribed by this Code as the signs for determining crimes or determining the penalty range shall not be considered as the extenuating circumstances for the purpose of deciding penalties.

### **Article 52. Circumstances aggravating the penal liability**

1. Only the following circumstances are considered circumstances aggravating penal liability:

- a) Committing crime in an organized manner;
- b) Committing crime in a professional manner;
- c) Abusing positions and powers in order to commit crimes;
- d) Committing crime in a hooligan manner;
- đ) Committing crime with despicable motivation;
- e) Intentionally carrying out crimes to the end;
- g) Committing crime twice or more;
- h) Recidivism, dangerous recidivism;
- i) Committing crime against the persons aged below 16 years old, pregnant women, persons aged from seventy years old or above;
- k) Committing crimes against persons who are in the situation of being unable to defend themselves; persons with severe or particularly severe disabilities; persons with limited cognitive capacity; or persons who are materially or mentally dependent on the offenders, or dependent in term of work or other matters;
- l) Taking advantage of war conditions, emergency situations, natural calamities, epidemics or other special difficulties of society in order to commit crime;
- m) Using sophisticated, treachery or cruel tricks to commit crime;
- n) Using tricks or means may make cause harm to many persons to commit crime;
- o) Inciting persons aged under 18 years old to commit crimes;

p) Committing treacherous or violent acts in order to shirk or conceal crimes.

2. Circumstances which have been prescribed by this Code as the signs for determining crimes or determining the penalty range shall not be considered as the aggravating circumstances.

### **Article 53. Recidivism, dangerous recidivism**

1. Recidivism means cases where offenders have been sentenced and have not yet had their criminal records expunged but again intentionally commit crime or unintentionally commit very serious crime, particularly serious crime.

2. The following cases are considered dangerous recidivism:

a) Offenders have been sentenced for very serious crimes or particularly serious crimes committed intentionally, have not yet had their criminal records expunged but again commit very serious crimes or particularly serious crimes intentionally;

b) Offenders have relapsed into crime, not yet had their criminal records expunged but again commit crimes intentionally.

## **Section B**

### **Deciding penalties in specific circumstances**

#### **Article 54. Deciding penalties which is lighter than the minimum penalty of the applicable penalty range**

1. The courts may decide a penalty below the lowest level of the penalty range applied, which, however, must be within the adjacent lighter penalty range of the Article when the offenders have at least two extenuating circumstances prescribed in Article 51.1 of this Code.

2. The Courts may decide a penalty below the lowest level of the penalty range applied but not compulsory to be within the adjacent lighter penalty range if the offender committing crimes for the first time is the helper in complicity case with

3. In case all conditions prescribed in Clause 1 and 2 of this Article are satisfied but the Article contains only one penalty range or the applicable penalty range is the lightest, the Courts may decide to apply the another lighter penalty. The reasons for such commutation must be clearly inscribed in the judgment.

#### **Article 55. Deciding penalties in case where many crimes are committed**

When adjudicating, at the same time, a person who commits more than one crime, the court shall decide the penalty for each crime, then augment the penalties according to the following regulations:

1. For principal penalties:

- a) If the penalties already decided are all non-custodial rehabilitation or all imprisonment for a specific term, such penalties shall be added together into a common penalty; the common penalty must not exceed three years for non-custodial rehabilitation, or thirty years for imprisonment for a specific term;
- b) If the penalties already decided are non-custodial rehabilitation and imprisonment for a specific term, the non-custodial rehabilitation shall be converted into imprisonment penalties according to the ratio that three days of non-custodial rehabilitation shall be converted into one day of imprisonment in order to combine into the common penalty as prescribed at point a, clause 1 of this Article;
- c) If the heaviest penalty among the decided penalties is life imprisonment, the common penalty shall be life imprisonment;
- d) If the heaviest penalty among the decided penalties is the death sentence, the common penalty shall be the death sentence;
- đ) Pecuniary penalties shall not be augmented with other types of penalty; the fines shall be added up into the common fine;
- e) Expulsion shall not be augmented with other types of penalty;

2. For additional penalties:

- a) If the already decided penalties are of the same type, the common penalty shall be decided within the limit prescribed by this Code for such type of penalty; for pecuniary penalties, the fines shall be added up into the common fine;
- b) If the already decided penalties are of different types, the sentenced persons shall have to serve all the decided penalties.

**Article 56. Augmentation of penalties of many judgments**

1. In case where a person serving a sentence is tried for a crime which had been committed before such sentence was rendered, the court shall decide the penalty for the crime being tried, then decide the common penalty as provided for in Article 55 of this Code.

The time spent serving the penalty of the previous sentence shall be subtracted from the term of serving the common penalty.

2. When a person who is serving a sentence commits a new crime, the court shall decide the penalty for the new crime, then add to the remaining unexecuted penalty of the previous sentence before deciding the common penalty as provided for in Article 55 of this Code.

3. In case where a person has to serve many sentences which have already taken legal effects while the penalties in such sentences have not yet been augmented, the Chief

Judge of the competent Court shall decide the augmentation of penalty of such sentences as provided for in clause 1 and clause 2 of this Article.

### **Article 57. Deciding penalties in case of preparation to commit crimes or incomplete commission of crimes**

1. For acts of preparing to commit crimes and acts of committing incomplete crimes, the penalties shall be decided according to the provisions of this Code on corresponding crimes, depending on the nature and the extent of danger to the society of such acts, the extent of realizing the intention to commit crimes and other circumstances that make the crimes not carried out to the end.

2. In case of preparing to commit crimes, the penalties shall be decided within the range of penalties stipulated in specific law provisions.

3. In case of incomplete commission of crimes, if the applicable law provision provides the highest penalty being life imprisonment or death penalty, the penalty applied shall be imprisonment for not more than 20 years; if it is imprisonment for a specific term, the penalty applied shall not exceed three quarters of the imprisonment term prescribed by the law provision.

### **Article 58. Deciding penalties in case of complicity**

When deciding penalties for accomplices, the court shall take into account the nature of complicity, the nature and extent of involvement in the crime of each accomplice.

Extenuating, aggravating or penal liability exemption circumstances of any accomplice shall only be applied to such accomplice.

### **Article 59. Penalty exemption**

Persons who commit crime may be exempt from penalties if it is under circumstances provided for by Article 54.1, 2 of this Code and they deserves special leniency, but not to the extent of penal liability exemption.

## **Chapter IX**

### **STATUTE OF LIMITATION FOR EXECUTION OF JUDGEMENT, EXEMPTION FROM THE PENALTY EXECUTION, REDUCTION OF PENALTY EXECUTION TERM**

#### **Article 60. Statute of limitation for judgment execution**

1. The statute of limitation for execution of a criminal judgment is the time limit prescribed by this Code, upon the expiry of which, the sentenced person shall not have to abide by the declared judgment.

2. The statute of limitation for execution of criminal judgments against the convicted persons is stipulated as follows:

- a) Five years for cases of pecuniary penalty, non-custodial rehabilitation or imprisonment of three years or less;
  - b) Ten years for cases of imprisonment of between over three years and fifteen years;
  - c) Fifteen years for cases of imprisonment of between over fifteen years and thirty years.
  - d) Twenty years for cases of life imprisonment or death sentence.
3. The statute of limitation for execution of criminal judgments against commercial legal entities is five years.
  4. The statute of limitation for execution of criminal judgments shall be calculated from the date the judgments take legal effect. If during the time limits prescribed in Clause 2 of this Article, the sentenced persons or sentenced commercial legal entities commit new crimes, the statute of limitations shall be recalculated as from the date the new crimes are committed.
  5. If during the time limits provided for in clause 2 of this Article, the sentenced persons deliberately escape and is the subject of an arrest warrant, the statute of limitation shall be recalculated as from the date such persons give up themselves or are arrested.

#### **Article 61. Non-application of statute of limitations for the execution of judgments**

The statute of limitation for judgment execution shall not be applied to crimes prescribed in Chapter XIII and Chapter XXVI of this Code.

#### **Article 62. Exemption from penalty execution**

1. Sentenced persons shall be exempt from penalty execution when they are granted a special parole or general amnesty.
2. For persons who are sentenced to non-custodial rehabilitation or imprisonment for a specific term up to 3 years, and have not executed their judgments, the Court, basing on the proposal by Chief Prosecutor of the Procuracy, may decide to exempt the penalty execution under one of the following circumstances:
  - a) After being sentenced, making great achievements;
  - b) Suffering from fatal diseases;
  - c) Being strictly law-abiding, in particularly difficult family circumstance and considered to be no longer dangerous to the society
3. For persons who are sentenced to imprisonment for more than 3 years and have not executed their judgments, if they make great achievements or suffer from fatal

diseases, and such persons are no longer dangerous to the society, the Court, basing on the proposal by Chief Prosecutor of the Procuracy, may decide to exempt the execution of the whole penalty.

4. For persons who are sentenced to imprisonment for up to 3 years and entitled to a temporary suspension of penalty execution, if during the period of temporary suspension, if they make great achievements or are strictly law-abiding, in particularly difficult family circumstance and considered to be no longer dangerous to the society, the Court, basing on the proposal by Chief Prosecutor of the Procuracy, may decide to exempt the execution of the remaining penalty.

5. For persons who are sentenced to pecuniary penalty and have actively served part of the penalty but fall into a prolonged particularly difficult economic situation due to natural calamities, fires, accidents or ailments which make them unable to continue serving the remainder of the penalty, or who make great achievements, the Court, basing on the proposal by Chief Prosecutor of the Procuracy, may decide to exempt the execution of the remaining pecuniary penalty.

6. For persons who are penalized with the prohibition of residence or probation, if they have served half of the penalty term and perform well during the rehabilitation, the Court, basing on the proposal of criminal enforcement agencies of districts where such persons are serving the penalty, may decide to exempt the execution of the remaining penalty.

7. Persons who are exempt from penalty execution under this Article shall still have to serve all civil obligations declared by the Court in the judgments.

### **Article 63. Reduction of the declared penalties**

1. For persons who are sentenced to non-custodial rehabilitation, imprisonment for a specific term or life imprisonment, if they have served the penalty for a given period and made progresses and having redressed a part of civil obligations, the Court may decide to reduce the term of executing the penalty.

The time for which the penalty has been served in order to be considered for the first reduction shall be one third of the term for non-custodial rehabilitation, imprisonment for a specific term and 12 years for life imprisonment.

2. A person may be entitled to reduction many times but have to serve half of the declared penalty.

For persons sentenced to life imprisonment, the sentence shall be commuted for the first time to 30 years of imprisonment and in spite of being reduced many times, the actual time of serving the penalty must be at least 20 years.

3. For persons sentenced for many crimes for which life imprisonment is one of the penalty, the Court shall only commute for the first time to 30years of imprisonment after they have served 15 years of imprisonment and in spite of being reduced many times, the actual time of serving the penalty must be at least 25 years.

4. For persons who have been entitled to partial reduction of the penalty but intentionally commit new crimes which are less serious, the Court shall consider the reduction for the first time after such persons have already served one half of the combined penalty.

5. For persons who have been entitled to partial reduction of the penalty but commit new serious crimes, very serious crimes or particularly serious crimes, the Court shall consider the reduction for the first time after such persons have already served two third of the combined penalty, or where the penalty is life imprisonment, the consideration for reduction shall be regulated by clause 3 of this Article.

6. For persons sentenced to death but entitled to commutation, or persons sentenced to death under circumstances provided for in Article 40.3.b or c of this Code, the time for which the penalty has been served in order to be considered for the first reduction shall be 25 years and in spite of being reduced many times, the actual time of serving the penalty must be at least 30 years.

#### **Article 64. Reduction of penalty term in special cases**

For convicted persons who deserve additional leniency for reasons such as making achievements, being too old and weak or suffering from fatal diseases, the Court may consider the reduction at an earlier time or with higher level of reduction compared to the time and level prescribed in Article 63 of this Code.

#### **Article 65. Suspended sentence**

1. When rendering a sentence of imprisonment for not more than 3 years, basing on the antecedents of offenders and extenuating circumstances, if it deems unnecessary to order the penalty execution, the Court shall render a suspended sentence and set the probation period from 1 to 5 years and obligations in the probation period have to be performed in accordance with the Law on enforcement of criminal judgments.

2. During the probation period, the Court shall assign the persons entitled to suspended sentences to the agencies or organizations where such persons work or the local authorities where they reside for the supervision and education. The convicted persons' family has the responsibility to coordinate with the agencies, organizations, local authorities in supervising and educating such persons.

3. The Court may decide to apply additional penalties against the persons entitled to suspended sentences if such penalties are provided for in the applied Article.

4. Where the persons entitled to suspended sentences have served one half of the probation period and made many progresses, the Court, basing on the proposals of the agencies and organizations responsible for supervising and educating such persons, may decide to shorten the probation period.

5. During the probation period, if the persons entitled to suspended sentences intentionally violate their obligations under the Law on enforcement of criminal judgments twice or more, the Court may decide to order such persons to execute the

penalty of the previous judgment and combine with the penalty of the new judgment in accordance with Article 56 of this Code.

#### **Article 66. Early conditional release**

1. The persons who are serving imprisonment penalty shall be entitled to early conditional release when all of the following conditions are satisfied:

- a) Committing crimes for the first time;
- b) Having many progresses, good awareness of rehabilitation;
- c) For persons sentenced for serious crimes or above, the term of executing imprisonment has been reduced;
- d) Having specific place of residence;
- đ) Having completely served additional penalties including fine, court fee and civil compensation obligations;
- e) Having served at least one half of the term of imprisonment for the penalty of imprisonment for a fixed term, or at least 15 years for life imprisonment which has been commuted to imprisonment for a fixed term.

In case where offenders are war invalids, sick soldiers, family members of martyrs, family members of persons having contributions to the revolution, persons aged 70 years old or older, persons with severe or particularly severe disabilities, women nursing children aged under 36 months old, the minimum time for serving the penalty is one third of the imprisonment for a fixed term or 12 years for life imprisonment which has been commuted to imprisonment for a fixed term.

g) Not being one of the circumstances prescribed in Clause 2 of this Article.

2. This provision shall not be applied to persons sentenced under one of the following circumstances:

- a) Persons sentenced for crimes against national security; terrorism; crimes against peace, crime against humanity and war crimes, or persons sentenced to imprisonment of 10 years or above for intentionally infringing human's life, health, dignity; 7 years for robbery, kidnapping to appropriate property, and illegal production, illegal trading and appropriation of drugs.
- b) Persons sentenced to death but are entitled to the commutation or under the circumstances provided for in Article 40.3 of this Code.

3. At the proposals of competent agencies for enforcement of criminal judgments, the Court shall decide to grant early conditional release for the sentenced persons. Persons granted early conditional release have to perform the obligations during the probation period. The probation period is equal to the remaining time of the imprisonment.

4. For persons entitled to the early conditional release who intentionally violate the obligations twice or more during the probation period, the Court may cancel the decision on early conditional release applied to such persons and shall order them to execute the remainder of imprisonment penalty which has not been executed.

If such persons commit new crimes during their probation period, the Court shall compel them to execute the penalty of the new sentence and combine with the penalty

of the previous sentence which has not been executed as provided for in Article 56 of this Code.

5. Where the persons entitled to early conditional release have served at least one half of the probation period and made many progresses, the Court, basing on the proposals of the competent agencies for enforcement of criminal judgments, may decide to shorten the probation period.

#### **Article 67. Postponing the serving of imprisonment penalty**

1. Persons sentenced to imprisonment may be entitled to the reprieve in the following circumstances:

a) Suffering from serious illness, a reprieve shall be granted until their health is recovered;

b) Pregnant women or women nursing their children aged under 36 months old shall be entitled to a postponement of the penalty until their children reach the age of 36 months;

c) Being the only laborer in the families, and if they serve the imprisonment penalty their families shall be in particularly difficult situation, they shall be entitled to the postponement for up to 1 year, except where they are sentenced for the crimes infringing upon the national security or other very serious or particularly serious crimes;

d) They are sentenced for less serious crimes and due to the requirements of official duties, they shall be entitled to the postponement for up to 1 year.

2. If during the period of reprieve, the persons entitled thereto commit a new crime, the Court shall compel such persons to serve the previous penalty and combine with the penalty of the new judgment as prescribed in Article 56 of this Code.

#### **Article 68. Suspending the execution of imprisonment penalty**

1. Persons who are serving imprisonment penalty and fall into one of the cases prescribed in Article 67.1 of this Code may be entitled to a temporary suspension of the imprisonment penalty execution.

2. The time of temporary suspension must not be calculated into the time of serving the imprisonment penalty.

### **Chapter IX**

## **EXPUNGEMENT OF CRIMINAL RECORDS**

#### **Article 69. Expungement of criminal records**

1. Convicted persons shall have their criminal records expunged as provided for in Articles 70, 71, 72 and 73 of this Code.

Persons entitled to expungement shall be considered as not having been convicted.

2. Persons convicted for unintentional less serious crimes, serious crimes and persons being exempt from penalties are considered as not having criminal records.

### **Article 70. Automatic expungement**

1. Automatic expungement is applied to offenders convicted for crimes which are not specified under Chapter XIII and XXVI of this Code when they have completely served the principal penalty, the probation period for suspended sentence, or when the statute of limitation for the execution of judgment has expired; and all the conditions specified in Clause 2,3 of this Article are satisfied.

2. The convicts shall be entitled to automatic expungement if after having served the principal penalty, or after the expiry of the probation period for suspended sentence; the convicts have completely executed the additional penalty, other decisions in the judgment, and are not convicted of any new crimes within the following time limit:

a) 1 year in case of being warned, sentenced to pay fine, to non-custodial reform, or imprisonment but being entitled to suspended sentence;

b) 2 years in case of being sentenced to imprisonment for up to 5 years;

c) 3 years in case of being sentenced to imprisonment for over 5 years to 15 years;

d) 5 years in case of being sentenced to imprisonment for over 15 years to life imprisonment, or dead penalty but having been entitled to commutation.

Where the convicts are serving additional penalties including probation, prohibition of residence, prohibition of holding office, prohibition of practicing or doing certain work, deprivation of some citizenship rights; given that the term for serving such additional penalties is longer than the statute of limitations specified in point a, b, c, d of this Clause, the convicts shall be entitled to automatic expungement upon completely serving the additional penalties.

3. The convicts shall be entitled to automatic expungement if after the expiry of the statute of limitation for the execution of judgment, they are not convicted of new crimes within the statute of limitations specified in Clause 2 of this Article.

4. Agencies which manage databases of criminal records have the responsibility to update criminal record information of the convicts and issue the judicial record certificate of no criminal convictions when being requested if the conditions provided for in clause 2 or clause 3 of this Article are satisfied.

### **Article 71. Expungement by court order**

1. Expungement by court order is applied to offenders convicted for crimes which are specified under Chapter XIII and XXVI of this Code when they have completely served the principal penalty, the probation period for suspended sentence, or when the statute of limitation for the execution of judgment has expired; and all the conditions specified in Clause 2,3 of this Article are satisfied.

The court shall decide the expungement for offenders convicted for crimes which are specified under Chapter XIII and XXVI of this Code, basing on the nature of the crimes committed, the attitude in observing the law, in working of the convicts.

2. The convicts shall be granted expungement by a court order if after having served the principal penalty or the probation period for suspended sentence; the convicts have completely executed the additional penalty, other decisions in the judgment, and do not commit any new crimes within the following time limit:

a) 3 years in case of being warned, sentenced to non-custodial rehabilitation or imprisonment for up to 5 years;

b) 5 years in case of being sentenced to imprisonment for from over 5 years to 15 years;

c) 7 years in case of being sentenced to imprisonment for from over 15 years to life imprisonment, or dead penalty but having been entitled to commutation.

Where the convicts are serving additional penalties including probation, prohibition of residence, deprivation of some citizenship rights; given that the term for serving such additional penalties is longer than the lime limit specified in point a of this Clause, the convicts shall be entitled to expungement upon completely serving the additional penalties.

3. The convicts shall be granted expungement by a court order if after the expiry of the statute of limitation for the execution of judgments, they do not commit new crimes within the time limit specified in Clause 2 of this Article.

4. The convicts whose requests for expungement are refused by the court for the first time have to wait for one year to apply again; if being refused for the second time onward, they have to wait for two years to apply for expungement.

#### **Article 72. Expungement in special circumstance**

Where the convicts make evident progresses, achieve a feat, and are recommended by agencies, organizations where they work, or by local authorities where they reside for expungement, they can be granted expungement by the court if one third of the time limit provided for in Article 70.2 and Article 71.2 of this Code has been passed.

#### **Article 73. Method of calculating time limit for expungement**

1. The time limit for expungement stipulated in Article 70 and 71 of this Code shall be based on the principal penalty declared.

2. If the convicts have not yet been entitled to an expungement but commit new crimes and are convicted by a legally effective judgment of the Court, the time limit for expungement of the previous criminal record shall be recalculated from the date of completely serving the penalty or the probation period for suspended sentence of the new judgment, or from the expiry date of the statute of limitation for executing the new judgment.

3. For the convicts in case where they commit many crimes including crimes subjected to the automatic expungement and crimes subjected to the expungement by a court order, the Court shall decide the expungement for such persons basing on the time limit provided for in Article 71 of this Code.

4. Persons who are exempt from serving the rest of the penalty shall also be considered as having completely served the penalty.

## **CHAPTER XI**

### **PROVISIONS FOR LEGAL COMMERCIAL ENTITIES COMMITTING CRIMES**

#### **Article 74. Application of the Penal Code to legal commercial entities committing crimes**

Legal commercial entities committing crimes shall have to bear the penal liabilities prescribed by provisions of this Chapter, and other provisions of First Part of this Code but not against provisions of this chapter.

#### **Article 75. Conditions for bearing penal liabilities by legal commercial entities**

1. Commercial legal entities only have to bear penal liabilities when all of the following conditions are established:

- a) Offences are conducted on behalf of commercial legal entities;
- b) Offences are conducted for the commercial legal entities;
- c) Offences are conducted under the direction, management or approval of the commercial legal entities.
- d) The statute of limitations for prosecuting penal liabilities provided for under Article 27.2, 3 of this Code has not expired.

2. That legal commercial entities bear penal liabilities shall not eliminate penal liabilities of individuals.

3. The determination of the penalty range applied to legal entities shall be based on the penalty range applied to individuals.

#### **Article 76. The scope of penal liability of commercial legal entities**

Commercial legal entities shall only bear penal liability for the following crimes:

1. Article 188(Smuggling); Article 189(Illegal cross-border transportation of goods, currencies); Article 190(Manufacturing and trading prohibited goods); Article 191(Stockpiling, transporting prohibited goods); Article 192(Manufacturing and trading counterfeit goods); Article 193( Manufacturing and trading counterfeit goods being food, foodstuffs, food additives); Article 194(Manufacturing and trading

counterfeit goods being curative medicines, preventive medicines); Article 195(Manufacturing and trading counterfeit goods being animal feeds, fertilizers, veterinary drugs, plant protection drugs, plant varieties, animal breeds); Article 196 (Speculation); Article 200 (Tax evasion); Article 203(Illegally printing, distributing or trading in invoices and receipts); Article 209(Intentionally disclosing false information or concealing truths in securities activities); Article 210 (Using internal information for securities trading); Article 211(Manipulating securities market); Article 213 (Insurance Fraud); Article 216 (Evasion of social, health, unemployment insurance for laborers); Article 217 (Infringement of competition regulations); Article 225 (Infringement of copyright and related rights); Article 226 (Infringement of industrial property rights); Article 227 (Breaching regulations on the research, exploration and exploitation of natural resources); Article 234 (Breaching regulations on the management and protection of wild animals);

2.Article 235 (Polluting the environment); Article 237 (Breaching regulations on the preventing, coping with and redressing environmental incidents); Article 238 (Breaching regulations on protecting the safety of irrigation works, dykes; preventing natural calamity; and protecting river banks, river beaches); Article 239 (Taking wastes into the territory of Vietnam); Article 242(Destroying aquatic resources); Article 244 (Breaching regulations on the protection of animals on the list of endangered, precious and rare species); Article 245 (Breaching regulations on management of nature reserves); Article 246 (Importing and dispersing harmful alien species).

#### **Article 77. Fine**

1. Fine shall be applied as the principal or additional penalty to legal commercial entities committing crimes.
2. The fine amounts shall be decided basing on the nature and extent of danger of the crimes committed and taking into account the financial situation of the commercial legal entities committing crimes, the price fluctuations but shall not be lower than 50.000.000 dong.

#### **Article 78. Suspension of operations for a fixed term**

1. Suspension of operations for a fixed term is the temporary cease of operations of commercial legal entities in one or a number of areas in which such commercial legal entities commit crimes, causing damage to humans' life and health, environment, or social security, order and safety and the consequences caused can be redressed in practice.
2. The term for suspension of operations is from 6 months to 3 years.

#### **Article 79. Permanent suspension of operations**

1. Permanent suspension of operations is the termination of operations of commercial legal entities in one or a number of areas in which such commercial legal entities commit crimes, causing or being practically capable of causing damage to the lives of many people, causing environmental incidents, or causing adverse impacts to the social security, order and safety and the consequences caused are unable to be redressed.
2. Commercial legal entities established for the only purpose of committing crimes

shall be permanently suspended of their operations.

#### **Article 80. Prohibition from doing business, operating in certain areas**

1. Prohibition from doing business, operating in certain areas shall be applied when it is deemed that if convicted commercial legal entities are allowed to continue doing business or operating in specific areas, they could cause harms to human's life, health or the society.

2. The Court shall decide specific areas in which doing business or operations are prohibited.

3. The period of prohibition from doing business or operating in specific areas is from 1 to 3 years from the effective date of the judgment.

#### **Article 81. Prohibition from raising capital**

1. Prohibition from raising capital shall be applied when it is deemed that if convicted commercial legal entities are allowed to raise capital, they shall run the risk of continuing to commit crimes.

2. Forms of prohibition from raising capital include:

a) Prohibition from borrowing capital from banks, credit institutions and investment funds;

b) Prohibition from issuing, offering and selling securities;

c) Prohibition from raising capital from customers.

d) Prohibition from forming domestic and oversea joint ventures and associates

d) Prohibition from establishing real estate trust fund.

3. The Court shall decide to apply one or a number of forms of prohibition from capital raising stipulated at clause 2 of this Article.4. The period of prohibition from raising capital is from 1 year to 3 years from the effective date of the judgment.

#### **Article 82. Judicial remedies applied to commercial legal entities committing crimes**

1. The courts may decide to apply the following judicial remedies to be applied to commercial legal entities committing crimes:

a) Judicial remedies as prescribed in Article 47, 48 of this Code;

b) Order the restoration to the original status.

c) Order the implementation a number of measures to redress and prevent further consequences from occurring.

2. The Court may decide to apply judicial remedies to order commercial legal entities committing crimes to restore to the original status of changes caused by their offences.

3. Based on each specific circumstance of committing crimes, the Court may decide to order commercial legal entities to perform one or a number of following judicial remedies to redress or prevent consequences of crimes:

a) Order the dismantlement of constructions, parts of constructions built without the permit or not in conformity with the permit.

b) Order the redress of environmental pollution or epidemic spreading;

- c) Order the taking out of the territory of the Socialist Republic of Vietnam or re-export of goods, items, means which are illegally brought into the territory of the Socialist Republic of Vietnam and illegally imported, or are temporarily imported for re-export but are not re-exported in accordance with the law; imports and goods in transit infringing intellectual property rights, IPR counterfeiting goods; facilities and materials imported to use primarily for the production and trading of IPR counterfeiting goods after infringing elements have been removed;
- d) Order the destruction of goods and products harmful to the health of humans, animals, plants and the environment; cultural products with harmful content or other exhibits subject to destruction as prescribed by the law;
- e) Order the removal of infringing elements on goods, goods packaging, means of doing business and items;
- e) Order the withdrawal from the market of infringing goods and products.

**Article 83. Basis for deciding penalties against commercial legal entities committing crimes.**

When deciding penalties, the Court shall base on provisions of this Code, consider the nature and extent of danger to the society of offences, the observance of the law by commercial legal entities, extenuating and aggravating circumstances applied to commercial legal entities.

**Article 84. Extenuating circumstances applied to commercial legal entities committing crimes**

1. The followings are circumstances extenuating penal liabilities:
  - a) Having prevented or lessened damage of the offences;
  - b) Voluntarily redressing, compensating for damages or solving consequences;
  - c) Committing crimes but causing no or minor damage;
  - d) Actively cooperating with procedure conducting agencies in the disposition of the case;
  - e) Making many contributions in the implementation of social policies.
2. When determining penalties, the Court may consider other circumstances as extenuating circumstances but must specify the reasons for extenuation in the judgment.
3. Extenuating circumstances prescribed by this Code as signs for determining crimes and penalty ranges shall not be considered as extenuating circumstances in determining penalties.

**Article 85. Aggravating circumstances applied to commercial legal entities committing crimes**

1. The followings are circumstances aggravating penal liabilities:
  - a) Colluding with other commercial legal entities to commit crimes;
  - b) Intentionally carrying out offenses to the end;
  - c) Committing crimes twice or more;

- d) Recidivism or dangerous recidivism;
  - e) Taking advantage of the war, emergencies, disasters, epidemics or other special difficulties of the society to commit crimes;
  - e) Using sophisticated tricks in committing crimes for the purpose of evading, concealing crimes.
2. Circumstances prescribed by this Code as signs for determining crimes and penalty ranges shall not be considered as aggravating circumstances.

### **Article 86. Deciding penalties in case commercial legal entities commit many crimes**

When adjudicating, at the same time, a commercial legal entity that commits many crimes, the Court shall decide the penalty for each crime, then augment the penalties according to the following regulations:

1. For principal penalties:

- a) If the declared penalties are all pecuniary penalties, such penalties shall be added together into a common penalty;
- b) If the declared penalties are all suspension of operations for a fixed term in each field of operations, such penalties shall not be added together;
- c) Pecuniary penalties shall not be added into other penalties.

2. For additional penalties:

- a) If the declared penalties are of the same type, the common penalty shall be decided within the limit prescribed by this Code for such type of penalty; for pecuniary penalties, the fine amounts shall be added up into the common fine;
- b) If the declared penalties are of different types, convicted commercial legal entities shall have to serve all the declared penalties.

### **Article 87. Augmentation of penalties of many judgments**

1. Where a legal commercial entity, that is serving a sentence, is adjudicated for a crime which was committed before such sentence is rendered, the Court shall decide penalties for the crime being adjudicated, then decide the joint penalties as provided for in Article 86 of this Code.

The time serving penalties in the previous sentence including the suspension of operations for a fixed term, prohibition from doing business, prohibition from operating in a number of specific areas or prohibition from mobilizing capital shall be subtracted from the term of executing the joint penalties.

2. When adjudicating a commercial legal entity that is serving a sentence but commits a new crime, the Court shall decide penalties for the new crime, then augment with the remainder of the previous sentence before deciding the joint penalties as provided for in Article 86 of this Code.

3. Where a legal commercial entity has to serve many sentences which have taken legal effect while penalties of such sentences have not yet been augmented, the Chief Judge of the competent Court shall decide the augmentation of the sentences as provided for in Clause 1 and Clause 2 of this Article.

#### **Article 88. Penalty exemption**

Commercial legal entities committing crimes may be exempt from penalties after redressing all the consequences and compensating for all damage caused by the offences.

#### **Article 89. Expungement of criminal records**

Convicted commercial legal entities shall have their criminal records expunged automatically if within the time limit of 2 years since the principal penalty, additional penalties and other decisions of the judgment have been completely served or since the expiry of the statute of limitation for judgment execution, such commercial legal entities do not commit new crimes.

### **Chapter XII**

#### **PROVISIONS APPLICABLE TOPERSONS AGED BELOW 18 YEARS OLD COMMITTING CRIMES**

##### **Section1.General provisions on the criminalization of persons aged below 18 years old committing crimes**

#### **Article 90. Application of the Penal Code to persons aged below 18 years old committing crimes**

Persons aged between full 14 years old to under 18 years old shall have to bear penal liability under provisions of this Chapter and other provisions of the First Part of this Code which are not contrary to provisions of this Chapter.

#### **Article 91. Principles for handling persons aged below 18 years old committing crimes**

1. The handling of persons aged below 18 years old committing crimes must ensure the best interests of persons aged below 18 years old and is mainly for the purpose of educating and helping them to redress their mistakes, develop healthily and become useful citizens to the society.

The handling of persons aged below 18 years old committing crimes must base on their age, their capability of awareness about the danger of their offences to the society, the causes and conditions for committing crimes.

2. Persons aged below 18 years old committing crimes in one of the following circumstances, having many extenuating circumstances, voluntarily redressing most of the consequences, if it is not under one of the circumstances provided for in Article

29 of this Code, can be exempted from penal liability and measures provided for in Section 2 of this Chapter shall be applied:

a) Persons aged from full 16 years old to below 18 years old committing less serious crimes, serious crimes except for cases provided for in Article 134 (Intentionally inflicting injury on or causing harm to the health of other persons); Article 141 (Rape); Article 171 (Robbery by sudden snatching); Article 248 (Illegally transporting narcotics); Article 249 (Illegally storing narcotics); Article 250 (Illegally transporting narcotics); Article 251 (Illegally trading narcotics); Article 252 (Appropriating narcotics) of this Code.

b) Persons aged from full 14 years old to below 16 years old committing very serious crimes intentionally which are provided for in Article 12.2 of this Code except for cases provided for in Article 123 (Murder); Article 134.4, 5, 6 (Intentionally inflicting injury on or causing harm to the health of other persons); Article 141 (Rape); Article 142 (Raping persons aged under 16 years old); Article 144 (Forcible sexual intercourse with persons aged from full 13 years old to below 16 years old); Article 150 (Human trafficking); Article 151 (Trafficking of persons aged under 16 years old); Article 168 (Plundering property); Article 171 (Robbery by sudden snatching); Article 248 (Illegally transporting narcotics); Article 249 (Illegally storing narcotics); Article 250 (Illegally transporting narcotics); Article 251 (Illegally trading narcotics); Article 252 (Appropriating narcotics) of this Code.

c) Persons aged below 18 years old who are accomplices but have insignificant role in the case.

3. Criminal prosecution against persons aged below 18 years old committing crimes shall only be applied in case of necessity and must base on their antecedents, the danger of their offences to the society, and requirements of crime prevention.

4. In the adjudication, the Court shall only apply penalties against persons aged below 18 years old committing crimes if it deems that the exemption of penal liability and the application of measures provided for in Section 2 or the application of educational measures at reformatories provided for in Section 3 of this Chapter shall not ensure the deterrent and educational effects.

5. Life imprisonment or capital punishment shall not be imposed against persons aged below 18 years old committing crimes.

6. The courts shall only apply the imprisonment for a fixed term against persons aged below 18 years old committing crimes if it deems that other penalties and educational measures have no deterrent and preventive effects.

When imposing the penalty of imprisonment for a fixed term, the Courts shall allow persons aged below 18 years old committing crimes to be entitled to penalties lighter than that applied to persons aged full 18 years old and above committing similar offences and within the shortest reasonable term.

Additional penalties shall not be applied against persons aged below 18 years old committing crimes.

7. The declared sentences against persons aged below 16 years old committing crimes shall not be accounted to determine the recidivism or dangerous recidivism.

## **Section 2**

### **EDUCATIONAL AND MONITORING MEASURES APPLIED IN CASE OF EXEMPTION FROM CRIMINAL LIABILITY**

#### **Article 92. Application conditions**

The Investigation Agencies, Procuracy or the Court shall only decide to allow the exemption from criminal liability and apply the measures of reprimand, reconciliation at the community or educational measures at communes, wards, towns if the persons aged below 18 years old committing crimes or their legal representatives agree with such application.

#### **Article 93. Reprimand**

1. Reprimand is applied to persons aged below 18 years old committing crimes in the following circumstances in order to help them be aware of the offences, consequences caused to the community, society and their duties:

- a) Persons aged between full 16 years old and under 18 years old committing less serious crimes for the first time;
- b) Persons aged under 18 years old, being the accomplices who play insignificant role in the case.

2. The Investigation Agencies, Procuracy or the Court shall decide to apply the measure of reprimand. The reprimand against persons aged below 18 years old committing crimes must be under the witness of the parents or legal representatives of such persons.

3. Persons being reprimanded shall have to perform the following duties:

- a) Abiding by the law, rules, regulations of the place of residence, study and work.
- b) Being present in front of competent authorities upon being requested.
- c) Attending programs of education, vocational training organized by local governments, participating in labor programs under appropriate forms.

4. Basing on each specific case, competent authorities shall decide the duration for performing the obligations prescribed in point b, c Clause 3 of this Article for between 3 months and 1 year.

#### **Article 94. Community-based reconciliation**

1. Community-based reconciliation is applied to persons aged below 18 years old committing crimes in the following circumstances:

- a) Persons aged between full 16 years and under 18 years committing less serious and

serious crimes;

b) Persons aged between full 14 years and under 16 years committing very serious crimes specified in Article 89.2.b of this Code.

2. The Investigation Agency, Procuracy, or the Court shall co-ordinate with the People's Committee at the commune level to conduct the community-based reconciliation when the victims or their legal representatives voluntarily reconcile and request for the exemption from criminal liability.

3. Persons against whom the community-based reconciliation is applied shall have to perform the following obligations:

a) Apologizing the victims and compensating for the damage;

b) Obligations prescribed in Article 93.3 of this Code.

### **Article 95. Education at the commune, ward and town**

1. The Investigation Agency, Procuracy and the Court may apply the measure of education at the commune, ward, town for from 1 to 2 years against persons aged below 18 years old committing crimes in the following circumstances:

a) Persons aged between full 16 years old and less than 18 years old commit less serious crimes or serious crimes prescribed in Article 91.2.a of this Code.

b) Persons aged between full 14 years old and less than 18 years old commit very serious crimes prescribed in Article 91.2.b of this Code.

2. The persons who are sent by the Police, Procuracy or the Court to the People's Committee of commune level for the latter's supervision and education shall have to perform the following duties:

a) Fully abiding obligations of studying and working;

b) Being subject to the supervision, education by the families, authorities of communes, wards and towns

b) Not leaving the residence place if not so being allowed;

c) Other obligations prescribed in Article 93.3 of this Code.

3. If the persons educated at the commune, ward and town have served one half of the term, made many progresses; basing on the proposal of the commune People's Committee assigned the task of educating and supervising, the agency applying this measure may decide to terminate the term for education at the commune, ward and town.

### **Section 3.**

#### **JUDICIAL REMEDY OF EDUCATION AT CORRECTIONAL CENTERS**

### **Article 96. Education at correctional centers**

1. The court may apply the measure of education at correctional centers against aged below 18 years old committing crimes for between 1 year to 2 years if it is deemed that due to the seriousness of their offences, their antecedents and the living environment, such persons need to be sent to correctional organizations with strict disciplines.

2. Persons who are sent to correctional centers have to fully fulfill their obligations of studying, serving the apprenticeship, working, living under management and education of the centers.

#### **Article 97. Early termination of the measure of education at correctional centers**

If the persons educated at correctional centers have served one half of the term, made many progresses, the Court may, basing on proposals of correctional centers which are assigned with the duty of education and supervision, decide to terminate the education term at the correctional centers.

#### **Section 4.**

### **PENALTIES**

#### **Article 98. Penalties applicable to persons aged under 18 years old committing crimes**

Persons aged under 18 years old committing crimes shall only be subject to one of following penalties for each offence:

1. Warning;
2. Fine;
3. Non-custodial rehabilitation;
4. Imprisonment for a fixed term.

#### **Article 99. Fine**

Fine shall be applied as the principal penalty to persons aged between full 16 years old to under 18 years old if such persons have income or private property.

The fine amount applicable to persons aged between full 16 years old to under 18 years old committing crimes shall not exceed 1/2 of the fine amount prescribed by the applied Article.

#### **Article 100. Non-custodial rehabilitation**

1. The penalty of non-custodial rehabilitation is applied to the persons aged between full 16 years old to under 18 years old unintentionally committing less serious crimes, serious crimes or persons aged between full 14 years old to under 16 years old committing very serious crimes intentionally.
2. When applying the penalty of non-custodial rehabilitation to persons aged under 18 years old committing crimes, the income of such persons shall not be deducted.

The term for non-custodial rehabilitation persons aged under 18 years old committing crimes shall not exceed one half of the term prescribed by the applied Article.

## **Article 101. Imprisonment for a fixed term**

Imprisonment for a fixed term applied to persons aged under 18 years old committing crimes is stipulated as follow:

1. For persons aged between full 16 years old and under 18 years old committing crimes, if the applied Article stipulates life imprisonment or death sentence as the penalty, the highest applied penalty shall not exceed 18 years of imprisonment; if it is imprisonment for a fixed term, the highest applied penalty shall not exceed three quarters of the imprisonment term prescribed by the Article;
2. For persons aged between full 14 years old and under 16 years old committing crimes, if the applied Article stipulates life imprisonment or death sentence as the penalty, the highest applied penalty shall not exceed 12 years; if it is the imprisonment for a fixed term, the highest applied penalty shall not exceed one half of the imprisonment term prescribed by the Article.

## **Section 5.**

### **DECIDING PENALTIES, AUGMENTING PENALTIES, EXEMPTING FROM PENALTIES AND EXPUNGING CRIMINAL RECORDS**

## **Article 102. Deciding penalties in case of preparing to commit crimes or incomplete crimes**

1. The Court shall decide the penalties against persons aged under 18 years old committing crimes in case of preparing to commit crimes or incomplete crimes in accordance with provisions specified at Article 57.1 of this Code.
2. The highest penalty applied against persons aged between full 14 years old and under 16 years old preparing to commit crimes shall not exceed one third of the penalty prescribed in the penalty range for the act of preparing to commit crimes in the applied Article.

The highest penalty applied against persons aged between full 16 years old and under 18 years old preparing to commit crimes shall not exceed one half of the penalty prescribed in the penalty range for the act of preparing to commit crimes in the applied Article.

3. The highest penalty applied against persons aged between full 14 years old and under 16 years old committing incomplete crimes shall not exceed one third of the highest penalty prescribed in Article 100 and 101 of this Code.

The highest penalty applied against persons aged between full 16 years old and under 18 years old shall not exceed one half of the penalty prescribed in Article 99, 100, and 101 of this Code.

## **Article 103. Augmentation of penalties in cases of committing many crimes**

1. In adjudicating, at the same time, a person aged under 18 years old committing many crimes, the Court shall decide the penalty for each crime, then augment the penalties into the combined penalty according to provisions of Article 55 of this Code.

If the combined penalty is non-custodial rehabilitation, the highest penalty applied is not more than 3 years. If the combined penalty is imprisonment for a fixed term, the highest penalty applied is not more than 18 years for persons aged from full 16 years old to under 18 years old when they commit crimes and 12 years for persons aged from full 14 years to under 16 years old when they commit crimes.

2. For persons aged under 18 years old committing many crimes, of which some are committed before they reach the age of full years old, some are committed after they are full sixteen years old, the augmentation of penalties is applied as follows:

a) If the penalty declared for the crime committed before such persons reach the full age of 16 years old is severer than or equal to the penalty declared for the crime committed after such persons are full 16 years old, the combined penalty shall not exceed the severest penalty for persons aged between full 14 years old and under 16 years old as prescribed in Clause 1 of this Article;

b) If the penalty declared for the crime committed after such persons reach the full age of 16 years old is severer than the penalty declared for the crime committed before such persons are full 16 years old, the combined penalty shall not exceed the severest penalty for persons aged between full 16 years old and under 18 years old as prescribed in Clause 1 of this Article;

3. For persons committing many crimes, of which some are committed before they reach the age of full 18 years old, some are committed after they are full 18 years old, the augmentation of penalties is applied as follows:

a) If the penalty decided by the Court for the crime committed before such persons reach the full age of 18 years old is severer than or equal to the penalty applied for the crime committed when such persons are full 18 years old, the combined penalty shall not exceed the severest penalty prescribed in Clause 1 of this Article;

b) If the penalty decided by the Court for the crime committed when such persons reach the full age of 18 years old is severer than the penalty applied for the crime committed before such persons are full 18 years old, the combined penalty shall be applied as the same for persons aged full 18 years old;

#### **Article 104. Augmentation of penalties of many judgments**

In case where a person who is serving a sentence is adjudicated for a crime committed before or after such sentence is rendered, the augmentation of penalties shall be implemented in accordance with provisions of Article 55 and Article 56 of this Code.

The combined penalty shall not exceed the highest penalty prescribed in Article 103 of this Code.

#### **Article 105. Reduction of the declared penalties**

1. For the persons aged under 18 years old committing crimes, who are sentenced to non-custodial rehabilitation or imprisonment, if they have made progress and already served one quarter of their term, they shall be considered by the Court for penalty reduction; for the imprisonment, their penalty can be reduced four years each time but only if they have already served two-fifths of the declared penalty term.

2. For the persons aged under 18 years old committing crimes, who are sentenced to non-custodial rehabilitation or imprisonment, if they achieve a feat or suffer from fatal diseases, they shall be immediately considered for penalty reduction and may be exempt from serving the remainder of their penalty.

3. For the persons aged under 18 years old committing crimes, who are sentenced to pecuniary penalty but fall into prolonged economic difficulties due to natural calamities, fires, accidents or ailments or who have achieved a great feat, the Court, at the proposal of the Chief Prosecutor of the Procuracy, may decide to reduce or exempt them from the remaining pecuniary penalty.

#### **Article 106. Conditional early release**

1. Persons aged under 18 years old who are serving imprisonment sentences, if it is not under one of the case provided for in Article 66.2 of this Code, shall be entitled to conditional early release when all of the following conditions are satisfied:

- a) Committing crimes for the first time;
- b) Having many progresses, good awareness of rehabilitation
- c) Having served one third of the imprisonment term;
- d) Having explicit place of residence;

2. The conditional early release shall be applied in accordance with Article 66.3,4 and 5 of this Code.

#### **Article 107. Expungement of criminal records**

1. Persons aged under 18 years old who are convicted shall be considered as having no criminal records if it is under one of the following circumstances:

- a) Persons aged between full 14 years old and under 16 years old;
- b) Persons aged between full 16 years old and under 18 years old, convicted for less serious crimes, serious crimes or particularly serious crimes committed unintentionally;
- c) Persons against whom judicial remedies prescribed in Section 3 of this Chapter are applied.

2. Persons aged between full 16 years old and under 18 years old, convicted for very serious crimes which are committed intentionally or particularly serious crimes, shall have their criminal records automatically expunged if within the time limit of 3 years from the date of completely serving the principal penalty or the date of expiry of the statute of limitation for executing the sentences, they do not commit new crimes.

## **PART II**

### **CRIMES**

## **Chapter XIII**

### **CRIMES AGAINST NATIONAL SECURITY**

#### **Article 108. High treason**

1. Any Vietnamese citizen acting in collusion with a foreign country with a view to causing harm to the independence, sovereignty, unity and territorial integrity of the Fatherland, the national defense forces, the socialist regime and the State of the Socialist Republic of Vietnam shall be sentenced to imprisonment of between 12 years and 20 years, life imprisonment or capital punishment.
2. Committing the crime with many extenuating circumstances, the offenders shall be sentenced to between 7 and 15 years of imprisonment.
3. Persons who prepare to commit this crime shall be sentenced to imprisonment of between 1 year and 5 years.

#### **Article 109. Carrying out activities aimed at overthrowing the people's administration**

The persons who carry out activities to establish or join organizations to overthrow the people's administration shall be subject to the following penalties:

1. Organizers, instigators and active participants or persons who cause serious consequences shall be sentenced to imprisonment of between 12 and 20 years, life imprisonment or capital punishment;
2. Other accomplices shall be sentenced to between 5 years and 12 years of imprisonment.
3. The persons who prepare to commit this crime shall be sentenced to imprisonment of between 1 year and 5 years.

#### **Article 110. Spying**

1. The persons who commit one of the following acts shall be sentenced to between 12 and 20 years of imprisonment, life imprisonment or capital punishment:
  - a) Conducting intelligence, sabotage activities or building up bases for intelligence, sabotage activities against the Socialist Republic of Vietnam;
  - b) Building up bases for intelligence, sabotage activities at the direction of foreign countries; conducting scouting, informing, concealing, guiding activities or other acts to help foreigners conduct intelligence, sabotage activities;
  - c) Supplying or collecting for the purpose of supplying State secrets to foreign countries; gathering or supplying information and other materials for the use by foreign countries against the Socialist Republic of Vietnam.
2. In case of less serious crimes, the offenders shall be sentenced to between 5 and 15 years of imprisonment.
3. The persons who prepare to commit this crime shall be sentenced to imprisonment of between 1 year and 5 years.

4. The persons who agree to act as spies but do not realize their assigned tasks and confess, truthfully declare and report such to the competent State bodies shall be exempt from penal liability for this crime.

#### **Article 111. Infringing upon territorial security**

The persons who infiltrate into the territory, commit acts of falsifying national borders or commit other acts in order to cause harm to the territorial security of the Socialist Republic of Vietnam shall be penalized as follows:

1. Organizers, active participants or the persons who cause serious consequences shall be sentenced to between 12 and 20 years of imprisonment or life imprisonment;
2. Other accomplices shall be sentenced to between 5 and 15 years of imprisonment.
3. The persons who prepare to commit this crime commission shall be sentenced to imprisonment of between 1 year and 5 years.

#### **Article 112. Rebellion**

The persons who conduct armed activities or resort to organized violence to oppose the people's administration shall be penalized as follows:

1. Organizers, active participants or the persons who cause serious consequences shall be sentenced to between 12 and 20 years of imprisonment, life imprisonment or capital punishment.
2. Other accomplices shall be sentenced to between 5 years and 15 years of imprisonment.
3. The persons who prepare to commit this crime shall be sentenced to imprisonment of between 1 year and 5 years.

#### **Article 113. Terrorism against the people's administration**

1. The persons who aim at opposing the people's administration by infringing upon the life of officials, public employees or other persons shall be sentenced to between 12 and 20 years of imprisonment, life imprisonment or capital punishment:
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to imprisonment of between 10 to 15 years:
  - a) Establishing, joining terrorist organizations, terrorist financing organizations;
  - b) Coercing, enticing, recruiting, training, coaching terrorists; manufacturing, providing weapons for terrorists;
  - c) Infringing upon the freedom of body, health of officials, public employees or other persons.
3. In the case of committing crimes by threatening to infringe upon life or committing other acts of moral intimidation, the offenders shall be sentenced to between 5 years and 10 years of imprisonment.
4. The persons who terrorize foreign people, organizations or other international organizations in order to cause difficulties to the international relations of the Socialist Republic of Vietnam shall also be penalized according to this Article.
5. The persons who prepare to commit this crime shall be sentenced to imprisonment of between 1 year and 5 years.

#### **Article 114. Sabotaging the material-technical foundations of the Socialist Republic of Vietnam**

1. The persons who aim at opposing the people's administration, by sabotaging the material- technical foundations of the Socialist Republic of Vietnam in the political, defense, security, economic, scientific-technical, cultural or social fields shall be sentenced to between 12 and 20 years of imprisonment, life imprisonment or capital punishment.
2. Committing the crime in case of less serious nature, the offenders shall be sentenced to between 5 years and 15 years of imprisonment.
3. The persons who prepare to commit this crime shall be sentenced to imprisonment of between 1 year and 5 years.

#### **Article 115. Undermining the implementation of socio-economic policies**

1. The persons who aim at opposing the people's administration by undermining the implementation of socio-economic policies shall be sentenced to between 7 and 20 years of imprisonment.
2. Committing the crime in case of less serious nature, the offenders shall be sentenced to between 5 years and 15 years of imprisonment.

#### **Article 116. Undermining the unity policy**

1. The persons who commit one of the following acts with a view to opposing the people's administration shall be sentenced to between 7 years and 15 years of imprisonment:
  - a) Sowing division among people of different strata, between the people and the people's administration, the armed forces or social – political organizations;
  - b) Sowing ethnic hatred, bias, division, separatism, infringing upon the right to equality among groups of the Vietnamese ethnic community;
  - c) Sowing division between religious people and non-religious people, division between followers of different religions, division between religious believers and the people's administration or political - social organizations;
  - d) Undermining the implementation of policies for international solidarity.
2. Committing the crime in case of less serious nature, the offenders shall be sentenced to between 2 years and 7 years of imprisonment.
3. The persons who prepare to commit this crime shall be sentenced to imprisonment of between 6 months and 3 years.

#### **Article 117. Producing, stockpiling, spreading or disseminating information, documents, objects against the State of the Socialist Republic of Vietnam**

The persons who commit one of the following acts against the Socialist Republic of Vietnam shall be sentenced to between 5 years and 12 years of imprisonment:

- a) Producing, stockpiling, spreading or disseminating information, documents, objects with contents of distorting, defaming the people's administration;
- b) Producing, stockpiling, spreading or disseminating information, documents, objects with contents being fabricated, fomenting confusion among people;

c) Producing, stockpiling, spreading or disseminating information, documents, objects which causes psychological warfare

2. Committing the crime in case of particularly serious nature, the offenders shall be sentenced to between 10 years and 20 years of imprisonment.

3. The persons who prepare to commit this crime shall be sentenced to imprisonment of between 1 year and 5 years.

#### **Article 118. Disrupting security**

1. The persons, who aim at opposing the people's administration by inciting, involving and gathering many people to disrupt security, oppose officials on public duties, obstruct activities of agencies and/or organizations in cases other than those stipulated in Article 112 of this Code, shall be sentenced to between 5 years and 15 years of imprisonment.

2. Other accomplices shall be sentenced to between 2 years and 7 years of imprisonment.

3. The persons who prepare to commit this crimes shall be sentenced to imprisonment of between 1 year and 5 years.

#### **Article 119. Destroying detention facilities**

1. The persons, who aim at opposing the people's administration by destroying detention facilities, rescuing detainees or persons being escorted, or escaping from detention facilities, shall be sentenced to between 10 years and 20 years of imprisonment or life imprisonment.

2. Committing the crime in case of less serious nature, the offenders shall be sentenced to between 3 years and 10 years of imprisonment.

3. The persons who prepare to commit this shall be sentenced to imprisonment of between 1 year and 5 years.

#### **Article 120. Organizing, coercing, inciting other persons to flee abroad or defect to stay overseas with a view to opposing the people's administration**

1. The persons who organize, coerce, incite other persons to flee abroad or defect overseas with a view to opposing the people's administration shall be sentenced to between 5 years and 15 years of imprisonment.

2. Committing the crime in case of particularly serious nature, the offenders shall be sentenced to between 12 years and 20 years of imprisonment or life imprisonment.

3. The persons who prepare to commit this shall be sentenced to imprisonment of between 1 year and 5 years.

#### **Article 121. Fleeing abroad or defecting to stay overseas with a view to opposing the people's administration (revised)**

1. The persons who flee abroad or defect overseas with a view to opposing the people's administration shall be sentenced to between 3 years and 10 years of imprisonment.

2. Committing the crime in case of particularly serious nature, the offenders shall be sentenced to between 12 years and 20 years of imprisonment.

3. The persons who prepare to commit this shall be sentenced to imprisonment of between 1 year and 5 years.

#### **Article 122. Additional penalties**

The persons who commit crimes defined in this Chapter shall also be deprived of a number of citizenship rights for between 1 year and 5 years, subject to probation, prohibition of residence for between 1 year and 5 years, confiscation of part or the whole of the property.

### **Chapter XIV**

#### **CRIMES AGAINST HUMAN LIFE, HEALTH, DIGNITY AND HONOR**

#### **Article 123. Murder**

1. The persons who commit murder in one of the following cases shall be sentenced to between 12 and 20 years of imprisonment, life imprisonment or capital punishment:

- a) Murder of two person or more than two persons;
- b) Murder of persons aged under 16 years old;
- c) Murder of women whom the offenders know being pregnant;
- d) Murder of persons being on public duties or for reason of the victims' public duties;
- đ) Murder of one's grand father, grand mother, father, fosterer, teacher;
- e) Murder and right before or after the murder, the offender commits a serious crime or a particularly serious crime;
- g) In order to carry out or conceal other crimes;
- h) In order to take body organs of victims
- i) Murder in a barbarous manner;
- k) Murder by abusing the profession;
- l) Murder by methods which may cause death to many persons;
- m) Contract killing including hiring killers or being hired killers;
- n) In a hooligan manner;
- o) In an organized manner;
- p) Dangerous recidivism;
- q) For despicable motivation.

2. Committing the crime not under the circumstances prescribed in clause 1 of this Article shall be sentenced to imprisonment of between 7 years to 15 years.<sup>3</sup>Persons who prepare to commit this crime shall be sentenced to the imprisonment of between 1 year to 5 years.

4. Offenders may also be prohibited from practicing certain occupations or doing certain jobs for between 1 and 5 years, subject to probation or prohibition of residence for between 1 and 5 years.

#### **Article 124. Murdering or abandoning one's new-born**

1. Any mother, who due to strong influence of backward ideology or special objective circumstances, kills her new-born within 7 days of age, shall be sentenced to between 6 months and 3 years of imprisonment.

2. Any mother, who due to strong influence of backward ideology or special objective circumstances, abandons her new-born within 7 days of age that lead to the death of the baby, shall be sentenced to non-custodial rehabilitation for up to 2 years or to imprisonment of between 3 months and 2 years.

#### **Article 125. Murdering people under provocation**

1. Any person committing murder as a result of provocation caused by serious illegal acts of the victim towards such person or his/her next of kin shall be sentenced to imprisonment of between 6 months and 3 years.

2. Committing the crime against two or more persons, the offenders shall be sentenced to between 2 and 5 years of imprisonment.

#### **Article 126. Murder beyond the limit of legitimate defense or beyond the necessary requirements of arresting offenders**

1. The persons who commit murder in circumstances exceeding the limit of legitimate defense or exceeding the necessary requirements of arresting offenders shall be sentenced to non-custodial rehabilitation for up to 2 years or between 3 months and 2 years of imprisonment.

2. Committing the crime against two or more persons, the offenders shall be sentenced to between 2 and 5 years of imprisonment.

#### **Article 127. Causing death to people in the performance of official duties**

1. The persons who, while performing their official duties, cause human death due to the use of violence beyond the cases permitted by the law shall be sentenced to between 5 and 10 years of imprisonment.

2. The persons who commit crimes in one of the following circumstances shall be sentenced to between 5 and 10 years of imprisonment:

a) Causing death to two or more persons;

b) Against persons aged under 16 years old, against women whom the offenders know they are pregnant.

3. Offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

#### **Article 128. Unintentionally causing human death**

1. Any person who unintentionally causes the death of another person shall be sentenced to between 1 year and 5 years of imprisonment.
2. Any person who causes the death of two or more than two persons shall be sentenced to between 3 and 10 years of imprisonment.

**Article 129. Accidentally causing human death due to the breach of professional or administrative regulations**

1. Any person who unintentionally causes the death of another person due to the breach of professional or administrative regulations shall be sentenced to between 1 and 5 years of imprisonment.
2. Committing the crime causing death of two or more than two persons, the offenders shall be sentenced to between 5 and 12 years of imprisonment.
3. Offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

**Article 130. Forced suicide**

1. Any person who cruelly treats, bullies on a regular basis, maltreats or humiliates the dependents, causing them to commit suicide, shall be sentenced to between 2 to 7 years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 to 12 years of imprisonment:
  - a) Against two or more person;
  - b) Against persons aged under 16 years old, against women whom the offenders know they are pregnant.

**Article 131. Inciting or assisting other persons to commit suicide**

1. The persons who commit one of the following acts, shall be sentenced to non-custodial rehabilitation for up to 3 years or imprisonment for 6 months and 3 years.
  - a) Inciting, enticing, or foster another person to kill himself;
  - b) Creating mental or physical conditions for another person to kill himself.
2. Committing the crime causing two or more than two persons to commit suicide, the offenders shall be sentenced to between 2 and 7 years of imprisonment.

**Article 132. Refusal to rescue people from life-threatening situation**

1. The persons, who know other persons being in life-threatening danger but refuse to rescue them despite of having the ability to do so, thus leading to the consequence of

the latter's death, shall be subject to warning, non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

2. Committing crimes in one of the following circumstances, the offenders shall be sentenced to between 1 year and 5 years of imprisonment:

a) The person who refuses to rescue the other person is the one who unintentionally causes the dangerous situation;

b) The person who refuses to rescue the other person is obliged to rescue people as required by the law or his/her occupation.

3. The person committing such crime which causes death of 2 or more persons shall be sentenced to imprisonment of from 3 years to 7 years

4. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

### **Article 133. Threatening to murder**

1. The persons, who threaten to murder other persons in circumstances such as to make the latter believe that such threat shall be realized, shall be sentenced to non-custodial rehabilitation for up to 3 years or sentenced to between 6 months and 3 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 and 7 years of imprisonment:

a) Against two or more than two persons;

b) Abusing the position and power;

c) Against persons who are performing official duties or for reasons of the victims' official duties;

d) Against persons aged under 16 years old;

đ) In order to conceal or avoid being handled of another crime.

### **Article 134. Intentionally inflicting injury on or causing harm to the health of other persons**

1. The persons, who intentionally injure or cause harm to the health of other persons with an injury rate of between 11% and 30%, or under 11% but in one of the following circumstances, shall be sentenced to non-custodial rehabilitation for up to 3 years, or between 6 months and 3 years of imprisonment:

a) Using dangerous weapons or tricks causing harm to two or more than two persons;

b) Using sulfuric acid (H<sub>2</sub>SO<sub>4</sub>) or other dangerous chemicals to cause injuries or harms to the health of other persons;

c) Causing mild permanent maim to the victims;

d) Committing the crime twice or more;

đ) Committing the crime against two or more than two persons;

e) Against persons aged under 16 years old, women whom they know being pregnant, old and weak or sick persons or other persons incapable of self-defense;

g) Against their own grandfather, grand mother, father, mother, fosterer, teacher;

h) In an organized manner;

i) Abusing the position, power;

k) Committing the crime during the time of being held in custody, detained; serving the imprisonment penalty; or being applied the measure of compulsory education at educational establishments, correction centers, compulsory drug rehabilitation centers;

l) Hiring other persons to cause injury or harm to the health of others, or being hired to cause injury or harm to the health of others;

m) Being of hooligan character;

n) Dangerous recidivism;

n) Against the person performing official duties or for the reasons of the victim's official duties.

2. Committing the crime of inflicting injury or causing harm to the health of other persons with an injury rate of between 11% and 30% but in one of the cases prescribed at point a, b, d, đ, e, g, h, i, k, l, m, n and o Clause 1 of this Article, the offenders shall be sentenced to between 2 and 5 years of imprisonment.

3. Committing the crime of injuring or causing harm to the health of other persons with an injury rate of between 31% and 60%, the offenders shall be sentenced to between 4 and 7 years of imprisonment.

4. Committing the crime of injuring or causing harm to the health of other persons with an injury rate of between 31% and 60% but in one of the cases prescribed at point a, b, d, đ, e, g, h, i, k, l, m, n and o Clause 1 of this Article, the offenders shall be sentenced to between 7 and 12 years of imprisonment.

5. Committing the crime of injuring or causing harm to the health of other persons with an injury rate of 61% or higher, if it is not under the case prescribed at point c clause 6 of this Article or the case of causing death, the offenders shall be sentenced to between 10 and 15 years of imprisonment.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 and 20 years of imprisonment or life imprisonment.

a) Causing the death of two or more persons;

b) Causing injury or harm to the health of two or more persons with an injury rate of 61% or higher for each person;

c) Causing facial trauma to other persons with an injury rate of 61% or higher;

5. Persons who prepare to commit this crime shall be sentenced to non-custodial rehabilitation for up to 2 years or to between 3 months and 2 years of imprisonment.

**Article 135. Intentionally inflicting injury on or causing harm to the health of other persons due to strong provocation**

1. The persons, who intentionally injure or cause harm to the health of other persons with an injury rate of from 31% to 60% in the state of being provoked as a result of serious illegal acts of the victims towards such persons or their next of kin, shall be sentenced to a fine of between 10.000.000 dong and 50.000.000 dong or non-custodial rehabilitation for up to 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 6 months and 3 years of imprisonment:

a) Against two or more than two persons with an injury rate of between 31% and 60% for each person;

b) Inflicting injury on or causing harm to the health of other persons with an injury rate of 61% or higher, or leading to human death.

**Article 136. Intentionally inflicting injury on or causing harm to the health of other persons due to the excess of legitimate defense limit or the excess of necessary requirements in arresting offenders**

1. The persons, who intentionally inflict injury on or cause harms to the health of other persons with an injury rate of between 31% and 60% due to the excess of legitimate defense limit or the excess of necessary requirements in arresting offenders, shall be sentenced to a fine of between 5.000.000 dong and 20.000.000 dong or non-custodial rehabilitation for up to 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 months and 2 years of imprisonment:

a) Against two or more persons with an injury rate of between 31% and 60% for each person;

b) Inflicting injury on or causing harm to the health of other persons with an injury rate of 61% or higher.

3. Committing the crime that leads to human death or inflicts injury or causes harm to the health of two or more persons with an injury rate of 61% or higher, the offenders

shall be sentenced to between 1 and 3 years of imprisonment.

**Article 137. Inflicting injury on or causing harm to the health of other persons while performing official duties**

1. The persons who, while performing their official duties, use violence not in the case so allowed by the law, thus inflicting injury on or causing harm to the health of other persons with an injury rate of between 31% and 60%, shall be sentenced to non-custodial rehabilitation for up to 3 years or to between 6 months and 3 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 and 7 years of imprisonment:

- a) Against 2 or more persons with an injury rate of 31% or higher for each person;
- b) Inflicting injury on or causing harm to the health of other persons with an injury rate of 61% or higher;
- c) Against persons aged under 16 years old, women whom they know being pregnant, old and weak or sick persons or other persons incapable of self-defense;

3. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

**Article 138. Unintentionally inflicting injury on or causing harm to the health of other persons**

1. The persons who unintentionally inflict injury on or cause harm to the health of other persons with an injury rate of between 31% and 60% shall be warned, sentenced to a fine of from between 5.000.000 dong and 20.000.000 dong, or sentenced to non-custodial rehabilitation for up to 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 and 2 years of imprisonment:

- a) Against 2 or more persons with an injury rate of between 31% and 60% for each person;
- b) Inflicting injury on or causing harm to the health of other persons with an injury rate of 61% or higher;

3. Committing the crime against two or more persons with an injury rate of 61% or higher for each person, the offenders shall be sentenced to between 1 and 3 years of imprisonment.

**Article 139. Unintentionally inflicting injury on or causing harm to the health of other persons due to the breach of professional or administrative regulations**

1. The persons who unintentionally inflict injury on or cause harm to the health of other persons with an injury rate of between 31% and 60% due to the breach of

professional or administrative regulations shall be sentenced to a fine of between 20.000.000 dong and 100.000.000 dong, or non-custodial rehabilitation for up to 3 years, or between 3 months and 1 year of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 6 months and 3 years of imprisonment:

a) Against 2 or more persons with an injury rate of between 31% and 60% for each person;

b) Inflicting injury on or causing harm to the health of other persons with an injury rate of 61% or higher;

3. Committing the crime against 2 or more persons with an injury rate of 61% or higher, the offenders shall be sentenced to between 1 and 5 years of imprisonment

4. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

#### **Article 140. Ill-treating other persons**

1. The persons cruelly treating or humiliating their dependents shall be sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 3 months and 2 years if it is not one of the cases prescribed in Article 185 of this Code.

2. Committing such crime in one of the following circumstances, the offenders shall be sentenced to between 1 and 3 years of imprisonment:

a) Against persons aged under 16 years old; women whom the offenders know that they are pregnant; old, feeble and ailing persons or persons incapable of self-defense;

b) Causing the psychosis or behavior disorder of victims with the affecting rate of 11% or higher;

c) Against two or more than two persons;

#### **Article 141. Rape**

1. The persons, who use violence, threaten to use violence, or take advantage of the victims' state of being unable to self-defense, or resort to other tricks in order to have sexual intercourse or other sexual acts with the victims against the latter's will, shall be sentenced to between 2 and 7 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 and 15 years of imprisonment:

a) In an organized manner;

b) Against a person whom the offender has the responsibility to look after, educate, cure;

- c) Many persons rape a person;
- d) Committing the crime twice or more;
- đ) Against two or more persons;
- e) Being of incestuous nature;
- g) Making victims pregnant;
- h) Inflicting injury or causing harm to the health of victims with an injury rate of between 31% and 60%;
- i) Causing the psychosis or behavior disorder of victims with the affecting rate of between 11% and 45%;
- k) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 and 20 years of imprisonment or life imprisonment:

- a) Inflicting injury or causing harm to the health of the victim with an injury rate of 61% or higher;
- b) Committing the crime even though the offenders know that they are infected with HIV;
- c) Causing the death of victims or causing victims to commit suicide.

4. Committing the crime against persons aged between full 16 and under 18 years old, the offenders shall be sentenced to between 5 and 10 years of imprisonment.

Committing the crime in one of the circumstances prescribed in clause 2 or clause 3 of this Article, the offenders shall be sentenced to the penalties specified in such clause.

5. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

#### **Article 142. Raping persons aged under 16 years old**

1. The persons who commit one of the following offences shall be sentenced to between 7 and 15 years of imprisonment:

- a) Using violence, threatening to use violence or taking advantage of the victims' state of being unable to self-defense or, resorting to other tricks in order to have sexual intercourse or other sexual acts with persons aged from full 13 years to under 16 years against the latter's will;
- b) Having sexual intercourse or other sexual acts with persons aged under 13 years old.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 and 20 years of imprisonment:

- a) Being of incestuous nature;
- b) Making the victim pregnant;
- c) Inflicting injury or causing harms to the victims' health with an injury rate of between 31% and 60%;
- d) Causing the psychosis or behavior disorder of victims with the affecting rate of between 11% and 45%;
- đ) Against the persons whom the offenders have the responsibility to look after, educate or cure;
- e) Committing the crime twice or more;
- h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to 20 years of imprisonment, life imprisonment or capital punishment:

- a) In an organized manner;
- b) Many persons rape one person;
- c) Against persons aged under 10 years old.
- d) Inflicting injury or causing harms to the victims' health with an injury rate of 61% or higher;
- đ) Causing the psychosis or behavior disorder of victims with the affecting rate of 46% or higher;
- e) Committing the crime though the offenders know that they are infected with HIV;
- g) Causing death to the victims or causing the victims to commit suicide.

4. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for from 1 to 5 years

#### **Article 143 Forcible sexual intercourse**

1. The persons, who employ every trickeries to induce their dependents or persons being in dire straits to have sexual intercourse or other sexual acts with them against the latter's will, shall be sentenced to between 3 and 5 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 and 10 years of imprisonment

- a) Many persons compel have forcible sexual intercourse with one person;
- b) Committing forcible sexual intercourses twice or more;
- c) Committing forcible sexual intercourses against two or more persons;
- d) Being of incestuous nature;
- đ) Making the victim pregnant;
- e) Inflicting injury or causing harms to the victims' health with an injury rate of between 31% and 60%;
- g)Causing the psychosis or behavior disorder of victims with the affecting rate of between 11% and 45%;
- h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 18 years of imprisonment:

- a) Inflicting injury or causing harms to the victims' health with an injury rate of 61% or higher;
- b) Causing the psychosis or behavior disorder of victims with the affecting rate of 46% or higher;
- c) Committing the crime even though the offenders know that they are infected with HIV;
- d) Causing death to the victims or causing the victims to commit suicide.

4. Committing forcible sexual intercourses against persons aged between full 16 years old and under 18 years old, the offenders shall be sentenced to between 2 and 7 years of imprisonment.

Committing the crime in one of the circumstances stipulated in clause 2 or clause 3 of this Article, the offenders shall be sentenced to the penalties specified in such clause.

5. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

#### **Article 144. Forcible sexual intercourse with persons aged between 13 years old and 16 years old**

1. The persons, who employ every trickeries to induce persons aged from full 13 years old to under 16 years old being in the situation of dependent on them, or being in dire straits to have sexual intercourse or other sexual acts against the latter's will, shall be sentenced to between 5 years and 10 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 and 15 years of imprisonment:

- a) Being of incestuous nature;
- b) Making the victim pregnant;
- c) Inflicting injury or causing harms to the victims' health with an injury rate of between 31% and 60%;

- d) Causing the psychosis or behavior disorder of victims with the affecting rate of between 11% and 45% or higher;
  - đ) Committing the crime twice or more;
  - e) Committing the crime against two or more persons;
  - g) Dangerous recidivism.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 and 20 years of imprisonment or life imprisonment:
- a) Many person have forcible sexual intercourse against one person;
  - b) Inflicting injury or causing harms to the victims' health with an injury rate of 61% or higher;
  - c) Causing the psychosis or behavior disorder of victims with the affecting rate of 46% or higher;
  - d) Committing the crime even though the offenders know that they are infected with HIV;
  - đ) Causing death to the victims or causing the victims to commit suicide.
4. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

**Article 145. Having sexual intercourse or other sexual acts with persons aged between full 13 years old and under 16 years old**

1. The persons aged from full 18 years old or older, having sexual intercourse or other sexual acts with persons aged from full 13 to under 16 years old, if it is not under circumstances prescribed in Article 142 and Article 144 of this Code, shall be sentenced to between 1 and 5 years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 and 10 years of imprisonment:
- a) Committing the crime twice or more;
  - b) Against two or more persons;
  - c) Being of an incestuous nature;
  - d) Making the victim pregnant;
  - đ) Inflicting injury or causing harms to the victims' health with an injury rate of between 31% and 60%;
  - e) Against the persons whom the offenders have the responsibility to look after, educate and cure.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 and 15 years of imprisonment:

- a) Inflicting injury or causing harm to the victims' health with an injury rate of 61% or higher;
  - b) Committing the crime even though the offenders know that they are infected with HIV.
4. Offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

#### **Article 146. Obscenity against children**

1. The persons aged from full 18 years old or older, who commit obscene acts against persons aged under 16 years old without the purpose of having sexual intercourse or other sexual acts, shall be sentenced to between 6 months and 3 years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 and 7 years of imprisonment:
  - a) Committing the crime in organizational manner;
  - b) Committing the crime twice or more;
  - c) Against two or more persons;
  - d) Against persons whom the offenders have the responsibility to take care of, educate or cure;
  - đ) Causing the psychosis or behavior disorder of victims with the affecting rate of between 11% and 45% or higher;
  - e) Serious recidivism.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 and 12 years of imprisonment.
  - a) Causing the psychosis or behavior disorder of victims with the affecting rate of 46% or higher;
  - b) Causing the victims to commit suicide.
4. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

#### **Article 147. Using persons aged under 16 years old for the purpose of pornography**

1. The persons aged from full 18 years old or older who induce, entice, force person aged under 16 years old to perform or directly witness obscene acts in any form, shall be sentenced to between 6 months and 3 years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 and 7 years of imprisonment:
  - a) In an organized manner;
  - b) Committing the crime twice or more;
  - c) Against two or more persons;

- d) Against persons whom the offenders have the responsibility to take care of, educate or cure;
  - đ) For commercial purposes;
  - e) Causing the psychosis or behavior disorder of victims with the affecting rate of between 11% and 45%;
  - g) Dangerous recidivism.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 and 12 years of imprisonment.
- a) Causing the psychosis or behavior disorder of victims with the affecting rate of 46% or higher;
  - b) Causing the victims to commit suicide.
4. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

#### **Article 148. Spreading HIV to other persons**

1. The persons, who know that they are infected with HIV and intentionally spread the disease to other persons except for the case where the victim is aware of the HIV infected status of such persons and is willing to have sex with them, shall be sentenced to between 1 and 3 years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 and 7 years of imprisonment:
- a) Against two or more persons;
  - b) Against persons aged under 18 years old;
  - c) Against women whom the offenders know being pregnant;
  - d) Against the doctors or medical workers who directly give medical treatment to them;
  - đ) Against persons performing their official duties or for the reason of the victims' official duties.

#### **Article 149. Intentionally spreading HIV to other persons**

1. The persons who intentionally spread HIV to other persons in cases not under the circumstances defined in Article 148 of this Code shall be sentenced to between 3 and 7 years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 and 15 years of imprisonment:
- a) In an organized manner;
  - b) Against persons performing their official duties or for reason of the victims' official duties;

- c) Against persons aged under 18 years old;
- d) Against from 2 to 5 persons;
- d) Abusing the profession;
- e) Causing the psychosis or behavior disorder of victims with the affecting rate of between 11% and 45%;

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 and 20 years of imprisonment or life imprisonment:

- a) Against women whom the offenders know being pregnant;
- b) Against 6 or more persons;
- c) Causing the psychosis or behavior disorder of victims with the affecting rate of 46% or higher;
- d) Causing the victims to commit suicide.

4. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

#### **Article 150. Human trafficking**

1. The persons who use violence, threat to use violence, deceive or apply other tricks to commit one of the following acts shall be sentenced to 5 years to 10 years of imprisonment:

- a) Transferring or receiving people in exchange for money, property or other material gains;
- b) Transferring or receiving people for the purpose of sexual exploitation, forced labor, harvesting body organs of victims or for other inhumane purposes;
- c) Recruiting, transporting, harboring other persons to carry out the acts prescribed under points a or b of this clause.

2. Offenders committing the crime in one of the following circumstances shall be sentenced to between 8 years and 15 years of imprisonment:

- a) In an organized manner;
- b) For despicable motives;
- c) Causing the psychosis or behavior disorder of victims with the affecting rate of between 11% and 45%;
- d) Inflicting injury or causing harm to the health of other persons with an injury rate of 31% or higher, except for the case provided for under point b clause 3 of this Article;

- đ) Taking the victims outside of the border of the Socialist Republic of Vietnam;
  - e) Against from 2 to 5 persons;
  - g) Committing the crime twice or more.
3. Offenders committing the crime in one of the following circumstances shall be sentenced to between 12 years and 20 years of imprisonment:
- a) Of professional nature;
  - b) Have removed body organs of victims;
  - c) Causing the psychosis or behavior disorder of victims with the affecting rate of 46% or higher;
  - d) Causing the death of victims or causing victims to commit suicide;
  - đ) Against 6 persons or more;
  - e) Dangerous recidivism.

4. Offenders may also be subject to a fine of between 20.000.000 dong and 100.000.000 dong, the probation, prohibition of residence for 1 year to 5 years, or confiscation of part of or the whole property.

#### **Article 151. Trafficking of persons aged under 16 years old**

1. The persons who commit one of the following acts shall be sentenced to between 7 years to 12 years of imprisonment;
  - a) Transferring or receiving persons aged under 16 years old in exchange for money, property or other material gains except for the case of humanitarian purpose;
  - b) Transferring or receiving persons aged under 16 years old for the purpose of sexual exploitation, forced labor, harvesting body organs of victims or for other inhumane purposes.
  - c) Recruiting, transporting, harboring persons aged under 16 years old to carry out the acts prescribed under points a or b of this clause.
2. Offenders committing the crime in one of the following circumstances shall be sentenced to between 12 years and 20 years of imprisonment.
  - a) Abusing the position, power;
  - b) Taking advantage of adoption activities to commit the crime;
  - c) Against from 2 to 5 persons;
  - d) Against the persons to whom they have the responsibility to care, nurture;
  - đ) Taking the victims outside of the border of the Socialist Republic of Vietnam;
  - e) Committing the crime twice or more;
  - g) For despicable motives;
  - h) Causing the psychosis or behavior disorder of victims with the affecting rate of between 11% and 45%;

i) Inflicting injury or causing harm to the health of other persons with an injury rate of 31% or higher, except for the case provided for under point d clause 3 of this Article;

3. Offenders committing the crime in one of the following circumstances shall be sentenced to between 18 years and 20 years of imprisonment, or life imprisonment:

a) In an organized manner;

b) Of professional nature;

c) Causing the psychosis or behavior disorder of victims with the affecting rate of 46% or higher;

d) Have removed body organs of victims;

đ) Causing the death of victims or causing victims to commit suicide;

e) Against 6 persons or more;

g) Dangerous recidivism.

4. Offenders may also be subject to a fine of 50.000.000 to 200.000.000 dong; the prohibition from holding certain posts, practicing certain occupations or doing certain jobs for between 1 year to 5 years; the probation for between 1 year to 5 years; or the confiscation of part or the whole of the property.

#### **Article 152. Fraudulently swapping persons aged under 1 year old**

1. The persons who swap a person aged under 1 year old to another shall be sentenced to between 2 years and 5 years of imprisonment.

2. Offenders committing the crime in one of the following circumstances shall be sentenced between 3 years and 7 years of imprisonment:

a) In an organized manner;

b) Abusing the position, power, profession;

c) Against persons aged under 1 year old to whom they have the responsibility to care and nurture;

d) Committing the crime twice or more

3. Offenders committing the crime in one of the following circumstances shall be sentenced to between 7 years and 1212 years of imprisonment.

a) Of professional nature;

b) Dangerous recidivism.

4. Offenders may also be subject to a fine of from 10.000.000 dong to 50.000.000 dong, the prohibition from holding certain posts, practicing certain occupations, doing certain jobs for between 1 year to 5 years.

#### **Article 153. Appropriating persons aged under 16 years old**

1. The persons who use violence, threaten to use violence, or other tricks to establish control over persons aged under 16 years old by themselves or by other persons shall be sentenced to between 3 years and 7 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced between 5 years and 10 years of imprisonment:

- a) In an organized manner;
  - b) Abusing the position, power, profession;
  - c) Against persons to whom they have the responsibility to care and nurture;
  - d) Against from 2 to 5 persons;
  - đ) Committing the crime twice or more;
  - e) Causing the psychosis or behavior disorder of victims with the affecting rate of between 11% and 45%;
  - g) Inflicting injury or causing harm to the health of victims with an injury rate of 31% or higher;
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment.
- a) Of professional nature;
  - b) Against 6 persons or more;
  - c) Causing the psychosis or behavior disorder of victims with the affecting rate of 46% or higher;
  - d) Causing the death of victims;
  - đ) Dangerous recidivism.
4. Offenders may also be subject to a fine of from 10.000.000 dong to 50.000.000 dong.

**Article 154. Trafficking in, appropriating human tissues or organs**

1. The persons who traffic in, appropriate human tissues, organs of others shall be sentenced to between 3 years to 7 years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years to 15 years of imprisonment:
- a) In an organized manner;
  - b) For commercial purpose;
  - c) Abusing the position, power, profession
  - d) Against from 2 to 5 persons;
  - đ) Committing twice or more;
  - e) Inflicting injury or causing harm to the health of other persons with an injury rate of between 31% and 60%;
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years of imprisonment or life imprisonment.
- a) Of professional nature;
  - b) Inflicting injury or causing harm to the health of other persons with an injury rate of 61% or higher;
  - c) Against 6 persons or more;

d) Causing human death;

đ) Dangerous recidivism.

4. Offenders may also be subject to a fine of between 10.000.000dong to 100.000.000 dong, the prohibition from practicing certain occupations or doing certain jobs for between 1 year to 5 years.

### **Article 155. Humiliating other persons**

1. The persons who seriously infringe upon the dignity or honor of other persons shall be subject to a fine of between 10.000.000 dong and 30.000.000 dong, non-custodial rehabilitation for up to 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 months and 2 years of imprisonment

a) Committing the crime twice or more;

b) Against two or more person;

c) Abusing the position, power;

d) Against persons who are performing their official duties;

đ) Against persons who educate, nurture, look after, cure them;

e) Using computer network or internet, electronic means to commit crimes;

g) Causing the psychosis or behavior disorder of victims with the affecting rate of between 11% and 45%.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 and 5 years of imprisonment:

a) Causing the psychosis or behavior disorder of victims with the affecting rate of 46% or higher;

b) Causing the victims to commit suicide.

4. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

### **Article 156. Slander**

1. The persons who commit one of the following acts shall be sentenced to a fine of between 10.000.000 dong and 50.000.000 dong or non-custodial rehabilitation for up to 2 years or imprisonment for between 3 months and 1 years.

a) Fabricating or spreading things that they obviously know to be untruthful in order to infringe upon the honor or damage the rights and legitimate interests of other persons;

b) Fabricating crimes against others and denounce them to the competent authorities.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to from 1 to 5 years of imprisonment:

- a) In an organized manner;
- b) Abusing the position and power;
- c) Against two or more than two persons;
- d) Against their grandfathers, grand mothers, fathers, mothers or persons who teach, nurture, look after, educate, cure them;
- đ) Against persons who are performing their official duties;
- e) Using computer network or telecommunications network, electronic means to commit crimes;
- g) Causing the psychosis or behavior disorder of victims with the affecting rate of between 11% and 45%.
- h) Slandering other persons of having committed very serious or particularly serious crimes.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to imprisonment for between 3 to 7 years:

- a) For despicable motivation;
- b) Causing the psychosis or behavior disorder of victims with the affecting rate of 46% or higher;
- c) Causing the victims to commit suicide.

4. The offenders may also be sentenced to a fine of between 10.000.000 and 50.000.000 dong, or prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

## **Chapter XV**

### **CRIMES INFRINGING UPON HUMAN FREEDOMS, DEMOCRATIC RIGHTS AND FREEDOMS OF CITIZENS**

#### **Article 157. Illegal arrest, custody or detention of people**

1. The persons who illegally arrest, take into custody or detain other persons, if it is a case defined under Article 377 of this Code, shall be sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

2. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between 2 and 7 years of imprisonment:

- a) In an organized manner;

- b) Abusing the position, power, profession;
  - c) Against persons who are performing the official duties;
  - d) Committing the crime twice or more;
  - đ) Against two persons or more;
  - e) Against persons aged under 18 years old, women whom they know being pregnant, old and weak persons or persons incapable of self-defense;
  - g) Causing the families of the persons who are held in custody or detention to fall into hardship and dire straits;
  - h) Causing the psychosis or behavior disorder of victims with the affecting rate of between 11% and 45%.
3. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between 5 years and 1212 years of imprisonment:
- a) Causing the persons who are illegally arrested, held in custody or detained to die or to commit suicide;
  - b) Torture; cruel, inhuman, or degrading treatment or punishment against victims;
  - c) Causing the psychosis or behavior disorder of persons who are illegally arrested, held in custody or detained with the affecting rate of 46% or higher.
4. The offenders may also be prohibited from holding certain posts for 1 year to 5 years.

#### **Article 158. Infringement upon other persons' places of residence**

1. The persons who commit one of the following acts of infringing upon other persons' places of residence shall be sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years:
- a) Illegally searching other persons' places of residence;
  - b) Using force, threatening to use force, causing mental pressure or employing other illegal trickeries to expel other persons from their legal places of residence;
  - c) Employing every illegal trickeries to occupy, hold the places of residence or illegally obstruct the persons who are legally living at or managing the places of residence to
  - d) Arbitrarily intruding into other persons' places of residence without the consent of the owners or legal managers of such places.
2. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between 1 year and 5 years of imprisonment:
- a) In an organized manner;
  - b) Abusing the position, power;
  - c) Committing the crime twice or more;
  - d) Causing the persons whose places of residence are infringed upon to commit suicide;
  - đ) Causing negative impacts on the security, order and safety of the society.

3. The offenders may also be prohibited from holding certain posts for 1 year to 5 years.

**Article 159. Infringement upon the confidentiality or safety of mail, telephone, telegram or other forms of communication of other persons**

1. The persons, who commit one of the following acts and have been disciplined or administratively sanctioned for such acts but continue to violate, shall be warned, sentenced to a fine of between 20.000.000 dong and 50.000.000 dong or non-custodial rehabilitation for up to 3 years.

a) Appropriating mails, telegrams, telexes, facsimiles or other documents of other persons transmitted by post or telecom network by any forms;

b) Intentionally damaging, misplacing or obtaining information, contents of the mails, telegrams, telexes, facsimiles or other documents transmitted by post or telecom network of other persons;

c) Illegally eavesdropping, recording conversations;

d) Illegally searching, seizing mails, telegrams;

đ) Other acts infringing upon the confidentiality or safety of mails, telephones telegraphs, telexes, facsimiles or other forms of private communication of other persons.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to imprisonment of between 1 year and 3 years:

a) In an organized manner;

b) Abusing the position, power;

c) Committing the crime twice or more;

d) Disclosing the appropriated information, affecting the honor, prestige and dignity of other persons;

đ) Causing the victims to commit suicide;

3. The offenders may also be subject to a fine of between 5.000.000 dong and 20.000.000 dong, prohibited from holding certain posts for 1 to 5 years.

**Article 160. Infringement upon the citizens' right to vote, to stand for election, or to vote when the state organizes a referendum**

1. The persons, who deceive, bribe, force or use other tricks to impede citizens from exercising the right to vote, to stand for election, or to vote when the state organizes a referendum, shall be warned, sentenced to non-custodial rehabilitation for up to 1 year or between 3 months and 1 year of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 1 and 3 years of imprisonment:

a) In an organized manner;

b) Abusing the position, power;

c) Leading to the postponement of the date of election, reorganization of the election, or the postponement of the referendum.

3. The offenders may also be prohibited from holding certain posts for 1 to 5 years.

#### **Article 161. Falsifying election results, referendum results**

1. The persons, who are responsible for organizing and supervising elections, organizing referendums but counterfeit documents, commit vote frauds or use other tricks to falsify election results, referendum results, shall be sentenced to non-custodial rehabilitation for up to 2 years or to between 3 months and 2 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 1 and 3 years of imprisonment:

a) In organized manner;

c) Leading to the reorganization of the election or the referendum;

3. The offenders may also be prohibited from holding certain posts for 1 to 5 years.

#### **Article 162. Illegally forcing civil servants, public officials to resign or illegal dismissing employees**

1. The persons who, for their own benefits or other personal motives, commit one of the following acts which causes the persons being forced to resign, dismissed or their family to fall into the situation of economic difficulties or leads to strikes, shall be subject to a fine of from 10.000.000 dong to 100.000.000 dong, non-custodial rehabilitation for up to 1 year or imprisonment of between 3 months and 1 year:

a) Making illegal decisions forcing civil servants, public officials to resign;

b) Illegal dismissing employees;

c) Coercing, threatening to force employees, civil servants, public officials to resign.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of from 100.000.000 dong to 200.000.000 dong, or sentenced to imprisonment of between 1 year and 3 years:

a) Against two or more persons;

b) Against women whom they know being pregnant;

c) Against persons who are nurturing children aged under 12 months old;

c) Causing the persons who are dismissed or forced to resign to commit suicide.

3. The offenders may also be prohibited from holding certain posts for 1 year to 5 years.

#### **Article 163. Infringement upon the right to assembly, association of citizens**

1. The persons who use force, threaten to use force or use other expedients for the obstruction or coercion of legal assembly and association against other persons, have been disciplined or administratively sanctioned for such acts but continue to violate,

shall be sentenced to non-custodial rehabilitation for up to 1 year or imprisonment of between 3 months and 1 year:

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to imprisonment of between 1 year and 3 years:

- a) In an organized manner;
- b) Abusing the position, power;
- c) Committing the crime twice or more;
- d) Leading to demonstrations;
- e) Causing negative impacts on the security, order and safety of the society;

3. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for from 1 year to 5 years.

#### **Article 164. Infringement upon the right to freedom of belief, religion of other persons**

1. The persons who use force, threaten to use force or use other expedients for the obstruction or coercion of the exercise of the right freedom of belief, religion of other persons, following or not following a specific religion; have been disciplined or administratively sanctioned for one of such acts but continue to violate, shall be sentenced to non-custodial rehabilitation for up to 1 year or imprisonment of between 3 months and 1 year:

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to imprisonment of between 1 year and 3 years:

- a) In an organized manner;
- b) Abusing the position, power;
- c) Committing the crime twice or more;
- d) Leading to demonstrations;
- e) Causing negative impacts on the security, order and safety of the society;

3. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for from 1 year to 5 years.

#### **Article 165. Infringement upon gender equality**

1. The persons, who commit any acts under any forms to obstruct other persons, for the reason of their genders, from participating in activities in the sector of politics, economics, labor, education and training, science and technology, gymnastics, sport, healthcare, culture, information; have been disciplined or administratively sanctioned for such act but continue to violate, shall be subject to warning, a fine of between 5.000.000 dong and 50.000.000 dong or sentenced non-custodial rehabilitation for up to 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 50.000.000 dong and 100.000.000 dong, or sentenced to imprisonment of between 3 months and 2 years:

- a) Abusing the position, power;

b) Committing the crime twice or more;

c) Against two or more persons.

3. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

#### **Article 166. Infringement upon the right to complain, denounce**

1. The persons who commit one of the following acts shall be sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

a) Using force, threatening to use force or other acts to obstruct the lodging of complaints, denunciations; the settlement of complaints, denunciations; or the handling of the persons who are the subject of complaints or denunciations;

b) Abusing the position, power to obstruct the enforcement of decisions issued by the agencies competent to consider and settle complaints and denunciations, thus causing damage to the complainants and the denunciators.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to imprisonment of between 2 years and 7 years:

a) In an organized manner;

b) Taking revenge on persons who make complaints, denunciations;

c) Abusing the position, power to commit the acts defined under point a clause 1 of this Article;

d) Leading to demonstrations;

đ) Causing the complainants, denunciators to commit suicide.

3. The offenders may also be prohibited from holding certain posts for from 1 year to 5 years.

#### **Article 167. Infringement upon the right to freedom of speech, freedom of press, to access information and to demonstrate of citizens**

1. The persons, who use force, threaten to use force or other expedients to obstruct citizens from exercising the right to freedom of speech, freedom of press, to access information and to demonstrate; have been disciplined or administratively sanctioned for one of such acts but continue to violate, shall be sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to imprisonment of between 1 year and 5 years:

a) In an organized manner;

b) Abusing the position, power;

c) Causing negative impacts on the security, order and safety of the society.

3. The offenders may also be prohibited from holding certain posts for 1 to 5 years.

## **Chapter XVI**

## **CRIMES OF OWNERSHIP INFRINGEMENT**

### **Article 168. Plundering property**

1. The persons who use force or threaten to use immediate force or commit other acts thus making resistance futile for persons being attacked in order to appropriate property shall be sentenced to between 3 and 10 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 and 15 years of imprisonment:

a) In an organized manner;

b) Being of professional character;

c) Inflicting injury or causing harm to the health of other persons with an injury rate of between 11% and 30%;

d) Using weapons or other dangerous means or tricks;

đ) Appropriating property valued at between 50.000.000 dong and under 200.000.000 dong;

e) Committing the crime against persons aged under 16 years old, women whom they know being pregnant, old and feeble persons, or persons incapable of self-defense.

g) Causing negative impacts on the security, order and safety of the society;;

h) Dangerous recidivism;

3. Committing the crime in one of the following circumstances, the offenders shall

a) Appropriating property valued at between 200.000.000 dong and under 500.000.000 dong;

b) Inflicting injury or causing harms to the health of other persons with an injury rate of between 31% and 60%;

c) Taking advantage of the natural calamities, epidemics

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 18 and 20 years of imprisonment, or life imprisonment:

a) Appropriating property valued at 500.000.000 dong or higher;

b) Inflicting injury or causing harm to the health of one person with an injury rate of 61% or higher, or inflicting injury or causing harm to the health of two or more person with an injury rate of 31% or higher for each person;

c) Causing human death;

d) Taking advantage of the war conditions, emergencies.

5. The persons who prepare to commit the crime shall be sentenced to between 1 and 5 years of imprisonment.

6. The offenders may also be sentenced to a fine of between 10.000.000 dong and 100.000.000 dong, subject to the probation or prohibition of residence for 1 to 5 years, or the confiscation of part or whole of property

### **Article 169. Kidnapping in order to appropriate property**

1. The persons who kidnap other persons as hostages in order to appropriate property shall be sentenced to between 2 and 7 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 and 12 years of imprisonment:

- a) In an organized manner;
- b) In a professional manner;
- c) Using weapons or other dangerous means or tricks;
- d) Against persons aged under 16 years old;
- đ) Against two or more than two persons;
- e) Appropriating property valued at between 50.000.000 dong and under 200.000.000 dong;
- g) Inflicting injury on or causing harms to the health of the hostages with an injury rate of between 11% and 30%;
- h) Causing the psychosis or behavior disorder of victims with the affecting rate of between 11% and 45%;
- i) Causing negative impacts on the security, order and safety of the society;;
- k) Causing serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 18 years of imprisonment:

- a) Appropriating property valued at between 200.000.000 dong and under 500.000.000 dong;
- b) Inflicting injury or causing harm to the health of the persons who are kidnapped as hostages with an injury rate of between 31% and 60%;
- c) Causing the psychosis or behaviour disorder of victims with the affecting rate of 46% or higher.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 and 20 years of imprisonment or life imprisonment:

- a) Appropriating property valued at 500.000.000 dong or higher;

b) Inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher, or inflicting injury or causing harm to the health of 2 or more person with an injury rate of 31% or higher for each person;

c) Causing the psychosis or behavior disorder of 2 persons with the affecting rate of 46% or higher for each person.

c) Causing human death.

5. The persons who prepare to commit this crime shall be sentenced to between 1 year to 3 years of imprisonment.

6. The offenders may also be sentenced to a fine of between 10.000.000 dong and 100.000.000 dong, the probation, the prohibition of residence for from 1 year to 5 years, the confiscation of part or the whole of property.

### **Article 170. Extortion of property**

1. The persons who threaten to use force or other tricks to spiritually intimidate other persons in order to appropriate property shall be sentenced to between 1 year and 5 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

a) In an organized manner;

b) Being of professional nature;

c) Against persons aged under 16 years old, women whom they know being pregnant, old and weak persons or persons incapable of self-defense

d) Appropriating property valued at between 50.000.000 dong and under 200.000.000 million dong;

d) Causing negative impacts on the security, order and safety of the society;

e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

a) Appropriating property valued at between 200.000.000dong and under 500.000.000 dong;

b) Taking advantage of the natural calamities, epidemics.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years of imprisonment:

a) Appropriating property valued at 500.000.000 dong or more;

b) Taking advantage of the situation of wars, emergencies.

5. The offenders may also be subject to a fine of between 10.000 dong and 100.000.000 million dong, the confiscation of part or the whole of property.

### **Article 171. Property robbery by snatching**

1. The persons who rob the property of other persons by snatching shall be sentenced to between 1 year and 5 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

a) In an organized manner;

b) Being of professional nature;

c) Appropriating property valued at between 50.000.000 dong and under 200.000.000 dong;

d) Employing dangerous tricks;

đ) Committing assaults in order to flee;

e) Inflicting injury or causing harm to the health of other persons with an injury rate of between 11% and 30%;

g) Committing the crime against persons aged under 16 years old, women whom they know being pregnant, old and weak persons or persons incapable of self-defense

h) Causing negative impacts on the security, order and safety of the society;

i) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

a) Appropriating property valued at between 200.000.000 and under 500.000.000 dong;

b) Inflicting injury or causing harms to the health of other persons with an injury rate of between 31% and 60%;

c) Taking advantage of the natural calamities, epidemics.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years of imprisonment or life imprisonment:

a) Appropriating property valued at 500.000.000 dong or higher;

b) Inflicting injury or causing harms to the health of other persons with an injury rate of 61% or higher, or inflicting injury or causing harms to the health of 2 or more persons with an injury rate of 31% or higher for each person;

c) Causing human death;

d) Taking advantage of the situation of wars, emergencies.

5. The offenders may also be subject to a fine of between 10.000.000 and 100.000.000 dong.

### **Article 172. Openly appropriating property**

1. The persons who openly appropriate other persons' property valued at between 2.000.000 dong to under 50.000.000 dong, or at under 2.000.000 dong but under one of the following circumstances, shall be sentenced to non-custodial rehabilitation for up to 3 years or between 6 months and 3 years of imprisonment:

- a) Having been administratively sanctioned for the offence of appropriating property but continue to violate;
- b) Having been sentenced for this crime or one of the crimes prescribed under Article 168, 169, 170, 171, 173, 174 and 209 of this Code, the criminal record has not yet been expunged but continue to violate;
- c) Causing negative impacts on the security, order and safety of the society;
- d) The property is the main means of livelihood of the victims and their families; the property is the souvenir, relic, worshipping object of special mental value to the victims.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

- a) Appropriating property valued at between 50.000.000 dong and under 200.000.000 dong;
- b) Committing assaults in order to flee;
- c) Dangerous recidivism;
- d) Appropriating property which is the relief
- d) Openly appropriating property valued at between 2.000.000 dong to below 500.000.000 dong which is under one of the cases prescribed at point a, b, c and d clause 1 of this Article;

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

- a) Appropriating property valued at between 200.000.000 dong and under 500.000.000 dong;
- b) Openly appropriating property valued at between 50.000.000 dong to below 200.000.000 dong which is under one of the cases prescribed at point a, b, c and d clause 1 of this Article;
- c) Taking advantage of the natural calamities, epidemics.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years of imprisonment:

- a) Appropriating property valued at 500.000.000 dong or higher;
- b) Openly appropriating property valued at between 200.000.000 dong and under 500.000.000 dong which is under one of the cases prescribed at point b, c, and d clause 2 of this Article;
- c) Taking advantage of the situation of wars, emergencies.

5. The offenders may also be subject to a fine of between 10.000.000 dong and 100.000.000 million dong.

### **Article 173. Stealing property**

1. The persons who steal other persons' property valued at between 2.000.000 dong and under 50.000.000 dong, or under 2.000.000 dong but it is under one of the

following circumstances, shall be sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

- a) Having been administratively sanctioned for the act of appropriating property but continue to commit the act;
  - b) Having been sentenced for this crime or one of the crimes provided for under Article 168, 169, 170, 171, 172, 174, 175 and 290 of this Code, the criminal record has not yet been expunged but continue to commit the crime;
  - c) Causing negative impacts on the security, order and safety of the society;
  - d) The property is the main means of livelihood of the victims and their families; the property is the souvenir, relic, worshipping object of special mental value to the victims.
2. Committing the crime in one of the following circumstances, the offender shall be sentenced to between 2 years and 7 years of imprisonment:

- a) In an organized manner;
- b) Being of professional nature;
- c) Appropriating property valued at between 50.000.000 dong and under 200.000.000 dong;
- d) Employing treacherous and dangerous tricks;
- đ) Committing assaults in order to flee;
- e) Appropriating property valued at between 2.000.000 dong and under 50.000.000 dong but it is one of the cases prescribed at point a, b, c and d, clause 1 of this Article;
- g) Dangerous recidivism;

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

- a) Appropriating property valued at between 200.000.000 dong and under 500.000.000 dong;
- b) Appropriating property valued at between 50.000.000 dong and under 200.000.000 dong but it is under one of the cases prescribed at point a, b, c and d of clause 1 of this Article;
- c) Taking advantage of natural calamities, epidemics.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years of imprisonment:

- a) Appropriating property valued at 500.000.000 dong or higher;
- b) Appropriating property valued at between 200.000.000 dong and under 500.000.000 dong but it is under one of the cases prescribed at point a, b, c and d of clause 1 of this Article;
- c) Taking advantage of the situation of wars, emergencies

5. The offenders may also be subject to a fine of between 5.000.000 dong and 50.000.000 dong.

#### **Article 174. Appropriating property through swindling**

1. The persons who appropriate through fraudulent tricks other persons' property valued at between 2.000.000 dong and under 50.000.000 dong, or under 2.000.000 dong but it is under one of the following cases, shall be sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

a) In an organized manner;

b) Being of professional nature;

c) Appropriating property valued between 50.000.000 dong and under 200.000.000 dong;

d) Dangerous recidivism;

đ) Abusing the position, power or abusing the name of agencies or organizations;

e) Employing treacherous tricks;

g) Appropriating property valued at between 2.000.000 dong and under 50.000.000 dong but it is under one of the cases prescribed at point a, b, c and d clause 1 of this Article;

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

a) Appropriating property valued at between 200.000.000 dong and under 500.000.000 dong;

b) Appropriating property valued at between 50.000.000 dong and under 200.000.000 dong but it is under one of the cases prescribed at point a, b, c and d clause 1 of this Article;

c) Taking advantage of natural calamities, epidemics.

d) Causing very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years or life imprisonment:

a) Appropriating property valued at 500.000.000 dong or higher;

b) Appropriating property valued at between 200.000.000 dong and under 500.000.000 dong but it is under one of the cases prescribed at point a, b, c and d, clause 1 of this Article;

c) Taking advantage of the situation of wars, emergencies.

5. The offenders may also be subject to a fine of between 10.000.000 dong and 100.000.000 dong; the prohibition from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years, the confiscation of part or the whole of property..

#### **Article 175. Abusing trust in order to appropriate property**

1. For the persons who commit one of the following acts of appropriating other persons' property valued at between 4.000.000 dong and under 50.000.000 dong or under 4.000.000 dong but have been administratively sanctioned for the act of

appropriating or have been sentenced for this crime or one of the crimes prescribed in Article 168, 169, 170, 171, 172, 173, 174 and 290 of this Code while the criminal record has not been expunged or the property is of special mental value to the victims, they shall be sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

a) Borrowing, borrowing with interest, renting or receiving property of other persons through contractual forms then using fraudulent tricks in order to appropriate such property, or deliberately not returning such property by the due date despite of being capable and having the conditions to return such property.

b) Borrowing, borrowing with interest, renting or receiving property of other persons through contractual forms and using such property for illegal purposes, thus being incapable of returning such property.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 1 year and 5 years of imprisonment:

a) In an organized manner;

b) Of professional nature;

c) Appropriating property valued at between 50.000.000 dong and under 200.000.000 dong;

d) Abusing the position, power or abusing the name of agencies or organizations;

đ) Employing treacherous tricks;

e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 12 years of imprisonment:

a) Appropriating property valued at between 200.000.000 dong and under 500.000.000 dong;

b) Causing negative impacts on the security, order and safety of the society.

4. Committing the crime of appropriating property valued at 500.000.000 dong or higher, the offenders shall be sentenced to between 12 years and 20 years of imprisonment.

5. The offenders may also be subject to a fine of between 10.000.000 dong and 100.000.000 dong; prohibited from holding certain posts, practicing certain occupations or doing certain jobs for from 1 to 5 years and the confiscation of part or the whole of property.

#### **Article 176. Illegally holding property**

1. For the persons who deliberately refuse to return to the lawful owners or managers or surrender to responsible authorities the property valued at between 10.000.000 dong and under 200.000.000 dong, relics, antiques or objects of historical and cultural value mistakenly assigned to them or discovered or found by them, after the lawful owners or managers or the responsible authorities request to get back such property according to the law, they shall be subject to a fine of between 10.000.000 dong and 50.000.000 dong, sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

2. The persons who illegally hold property valued at 200.000.000 dong or higher, or national treasures shall be sentenced to between 1 year and 5 years of imprisonment.

### **Article 177. Illegally using property**

1. For the persons who illegally use other persons' property valued at between 100.000.000 dong and under 500.000.000 dong, have been administratively sanctioned for such act or have been sentenced for this offence and criminal record has not yet been expunged but repeat the violations, or the property is the relics, antiques or objects of historical and cultural value where it is not a case under Article 220 of this Code, they shall be subject to a fine of between 10.000.000 dong to 50.000.000 dong, sentenced to non-custodial rehabilitation for up to 2 years or imprisonment for between 3 months and 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 50.000.000 dong and 100.000.000 dong or sentenced to between 1 year and 5 years of imprisonment:

- a) The property is valued at between 500.000.000 dong to under 1.500.000.000 dong;
- b) The property is the national treasure;
- c) Committing the crime twice or more;
- d) Abusing the position, power;
- d) Dangerous recidivism.

3. Committing the crime of illegal using the property valued at 1.500.000.000 dong or higher, the offenders shall be sentenced to imprisonment of between 3 years and 7 years.

4. The offenders may also be subject to a fine of between 5.000.000 dong and 20.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

### **Article 178. Destroying or deliberately damaging property**

1. For the persons who destroy or deliberately damage other persons' property valued at between 2.000.000 dong and under 50.000.000 dong; the property being the relics, antiques or objects of historical and cultural value; or the property valued at under 2.000.000 dong but it is one of the following circumstances, they shall be subject to a fine of between 10.000.000 dong and 50.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

- a) In an organized manner;
- b) Causing damage to the property valued at between 50.000.000 dong and under 200.000.000 dong;
- c) Causing damage to the property which is the national treasure;
- d) Employing explosives, inflammables, chemicals or other dangerous tricks;
- d) To conceal other crimes;
- e) For the reasons of the victims' official duties;

g) Causing damage to the property valued at between 2.000.000 dong and under 50.000.000 dong but it is one of the cases prescribed at points a, b, c and d clause 1 of this Article;

h) Dangerous recidivism;

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) Causing damage to the property valued at between 200.000.000 dong and under 500.000.000 dong;

b) Causing damage to the property valued at between 50.000.000 dong and under 200.000.000 dong but it is under one of the cases prescribed at point a, b, c and d or g of clause 1 of this Article;

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 20 years of imprisonment:

a) Causing damage to property valued at 500.000.000 dong or higher;

b) Appropriating property valued at between 200.000.000 dong and under 500.000.000 dong but it is under one of the cases prescribed at point a, b, c and d of clause 1 of this Article.

5. The offenders may also be subject to a fine of between 10.000.000 dong and 100.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for from 1 year to 5 years.

#### **Article 179. Neglecting responsibilities causing damage to the property of the State, agencies, organizations, enterprises**

1. The persons who are directly responsible for managing property of the State, agencies, organizations, enterprises but, due to their irresponsibility, cause loss, ruin, waste which damage property of the State, agencies, organizations, enterprises valued at between 100.000.000 dong and under 500.000.000 dong, shall be warned or sentenced to non-custodial rehabilitation for up to 3 years.

2. Committing the crime of damaging the property of State, agencies, organizations, enterprises valued at between 500.000.000 dong and under 2.000.000.000 dong, the offenders shall be sentenced to between 1 year and 5 years of imprisonment.

3. Committing the crime of damaging the property of State, agencies, organizations, businesses valued at f2.000.000.000 dong or higher, the offenders shall be sentenced to between 5 years and 10 years of imprisonment.

4. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for from 1 year to 5 years.

#### **Article 180. Unintentionally causing serious damage to property**

1. The persons who unintentionally cause damage to other persons' property valued at between 100.000.000 dong and under 500.000.000 dong shall be subject to warning, sentenced to non-custodial rehabilitation for up to 2 years. 2. Committing the crime of damaging other persons' property valued at 500.000.000 dong or higher, the offenders shall be sentenced to between 3 months and 2 years of imprisonment.

## **Chapter XVII**

### **CRIMES AGAINST THE MARRIAGE AND FAMILY REGIMES**

#### **Article 181. Forcible marriage, divorce or prevention of voluntary and progressive marriage, prevention of voluntary divorce**

For the persons who force other persons into marriage against their will, or prevent other persons from entering into marriage or maintaining voluntary and progressive marriage bonds, or force other persons to get divorced or prevent other persons from getting divorced through the persecution, ill-treatment, mental intimidation, property claim or other means, and they have been administratively sanctioned for such acts but repeat the violation, they shall be subject to warning, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 3 months and 3 years.

#### **Article 182. Monogamy infringement**

1. The married persons who marry or live together with another person as husband and wife or the unmarried persons who marry or live with another person whom they know being a married person under one of the following cases shall be subject to warning, sentenced to non-custodial rehabilitation for up to 1 year or imprisonment of between 3 months and 1 year:

- a) Causing the marital relation of one or both sides to end by divorce;
- b) Having been administratively sanctioned for this act but repeat the violation.

2. Committing the crime in one of the following cases, offenders shall be sentenced to between 6 months and 3 years of imprisonment:

- a) Causing the spouses or children of one or both sides to commit suicide;
- b) There has been a decision of the Court on the dissolution of the marriage or ordering the termination of co-habitation as husband and wife which is contrary to the monogamy but they continue to maintain such relationship.

#### **Article 183. Organizing underage marriage**

The persons who organize marriage for persons under the marriageable age, have already been administratively sanctioned for this act but repeat the violation, shall be subject to fine of between 10.000.000 dong and 30.000.000 dong or sentenced to non-custodial rehabilitation for up to 2 years.

#### **Article 184. Incest**

The persons who have sexual intercourse with other persons whom they know being of direct blood lines, siblings, half-brothers or half-sisters, shall be sentenced to between 6 months and 5 years of imprisonment.

#### **Article 185. Ill-treating or persecuting grand-parents, parents, spouses, children, grandchildren or fosterers**

1. The persons who ill-treat or commit acts of violence against their grand-parents, parents, spouses, children, grand-children or fosterers in one of the following cases shall be subject to warning, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

- a) Making the victims physically and mentally tormented on a regular basis;

b) Having already been administratively sanctioned for this act but repeating the violation.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 5 years of imprisonment:

a) Against person aged under 16 years old, women whom they know being pregnant, old and weak persons;

b) Against persons with severe, particularly severe disabilities, or persons suffering from fatal diseases.

#### **Article 186. Refusing or evading the obligation to provide financial support**

For the persons who have the obligation and the actual capability to provide financial support for the persons they are obliged to provide financial support according to the Court order, but refuse or evade such obligation, causing the persons to be provided with financial support to fall into the life and health threatening situation, or have been administratively sanctioned for this act but repeat the violation, they shall be subject to warning, sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years:

#### **Article 187. Organizing surrogacy for commercial purpose**

1. The persons who organize surrogacy for commercial purpose shall be subject to a fine of between 50.000.000 dong to 200.000.000 dong, sentenced to non-custody rehabilitation for up to 2 years or between 3 months and 2 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 1 year and 57 years of imprisonment:

a) Against two or more persons;

b) Committing the crime twice or more;

c) Abusing the name of agencies or organizations;

d) Dangerous recidivism.

3. The offenders may also be subject to a fine of between 10.000.000 dong to 50.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

### **Chapter XVIII**

#### **CRIMES AGAINST THE ECONOMIC MANAGEMENT ORDER**

##### **Section 1. CRIMES IN THE SECTOR OF PRODUCTION, BUSINESS AND TRADING**

#### **Article 188. Smuggling**

1. The persons who conduct illegal cross-border trading or trading from tax free zone into the inland or vice versa in one of the following cases, shall be subject to a fine of between 50.000.000 dong and 300.000.000 million dong or sentenced to imprisonment of between 6 months and 3 years:

a) Commodities, Vietnamese currency, foreign currencies, precious metals, gemstones valued at between 100.000.000 dong and under 300.000.000 dong, or under 100.000.000 dong but having been administratively sanctioned for the act prescribed

in this Article or in one of the articles including Article 189, 190, 191, 192, 193, 94, 195, 196 and 200 of this Code, or having been sentenced for one of these crimes and repeating the violation while the criminal record has not yet been expunged if it is not the case prescribed under Article 248, 249, 250, 251, 252, 253, 254, 304, 305, 306, 309 and 311 of this Code;

b) Relics, antiquities or objects of historical, cultural value;

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 300.000.000 dong and 1.500.000.000 dong or sentenced to between 3 years and 7 years of imprisonment:

a) In an organized manner;

b) Being of professional nature;

c) The objects illegally smuggled are valued at between 300.000.000 dongs and under 500.000.000 dong;

d) Gaining illicit profits of between 100.000.000 dong and under 500.000.000 dong;

đ) The objects illegally smuggled are national treasures;

e) Abusing the position, power;

g) Abusing the name of agencies or organizations;

h) Committing the crime twice or more;

i) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 1.500.000.000 dong and 5.000.000.000 dong or sentenced to between 7 years and 15 years of imprisonment:

a) Objects illegally smuggled are valued at between 500.000.000 dong and under 1.000.000.000 dong;

b) Gaining illicit profits of between 500.000.000 dong and under 1.000.000.000 dong.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years of imprisonment:

a) Objects illegally smuggled are valued at 1.000.000.000 dong or more;

b) Gaining illicit profits of 1.000.000.000dong or more;

c) Taking advantage of the war situation, natural calamities, epidemics or other particularly difficult situations.

5. The offenders may also be subject to a fine of between 20.000.000 dong and 100.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years, or the confiscation of part or the whole of property,

6. Legal commercial entities committing the crime stipulated under this Article shall be subject to the penalties as follows:

a) Committing the act stipulated at clause 1 of this Article with the commodities, Vietnamese currency, foreign currencies, precious metals, gemstones valued at between 200.000.000 dong and under 300.000.000 dong; or relics, antiquities or

objects of historical, cultural value and having been administratively sanctioned for the act prescribed in this Article or in one of the articles including Article 189, 190, 191, 192, 193, 94, 195, 196 and 200 of this Code; or having been sentenced for one of these crimes and continuing to commit the crime while the criminal record has not yet been expunged, except for the case prescribed under point d of this clause, legal commercial entities shall be subject to a fine of between 300.000.000 dong and 1.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 and 3.000.000.000 dong;

c) Committing the crime in the circumstances stipulated at Clause 3 of this Article, legal commercial entities shall be subject to a fine of between 3.000.000.000 dong and 7.000.000.000 dong;

d) Committing the crime in the circumstances stipulated at Clause 4 of this Article, legal commercial entities shall be subject to a fine of between 7.000.000.000 dong and 15.000.000.000 dong, or the suspension of the operation for a fixed term of between 6 months and 3 years;

đ) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of operation.

e) Legal commercial entities may also be subject to a fine of between 50.000.000 dong and 300.000.000 dong, prohibited from doing business, operating in certain areas or prohibited from mobilizing capital for between 1 year and 3 years.

#### **Article 189. Illegal cross-border transportation of goods, currencies**

1. The persons who illegally transport across borders or from the tax free zone into the inland or vice versa in one of the following cases, shall be subject to a fine of between 20.000.000 dong and 200.000.000 dong, sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 3 years:

a) Commodities, Vietnamese currency, foreign currencies, precious metals, gemstones valued at between 100.000.000 dong and under 300.000.000 dong; or under 100.000.000 dong but having been administratively sanctioned for the act prescribed in this Article or in one of the articles including Article 188, 190, 191, 192, 193, 94, 195, 196 and 200 of this Code; or having been sentenced for one of these crimes and continuing to commit the crime while the criminal record has not yet been expunged, if it is not under the cases stipulated in Article 248, 249, 250, 251, 252, 253, 254, 304, 305, 306, 309 and 311 of this Code;

b) Relics, antiquities or objects of historical, cultural value.

2. Committing the crime in one of the following cases, the offenders shall be subject to a fine of between 200.000.000 dong and 1.000.000.000 dong or sentenced to between 2 years and 5 years of imprisonment:

a) In an organized manner;

b) Objects illegally transported are valued at between 300.000.000 dong and under 500.000.000 dong;

c) Objects illegally transported are national treasures;

d) Abusing the position, power;

đ) Abusing the name of agencies or organizations;

e) Committing the crime twice or more;

g) Dangerous recidivism.

3. Committing the crime in case the goods illegally transported are valued at 500.000.000 dong or more, the offenders shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000dong or sentenced to from 5 years to 10 years of imprisonment.

4. The offenders may also be subject to a fine of between 10.000.000. dong and 50.000.000dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

5. Legal commercial entities committing the crime stipulated under this Article shall be subject to the penalties as follows:

a) Committing the act stipulated at clause 1 of this Article with the commodities, Vietnamese currency, foreign currencies, precious metals, gemstones valued at between 200.000.000 dong and under 300.000.000 dong; or relics, antiquities or objects of historical, cultural value and having been administratively sanctioned for the act prescribed in this Article or in one of the articles including Article 188, 190, 191, 192, 193, 94, 195, 196 and 200 of this Code; or having been sentenced for one of these crimes and continuing to commit the crime while the criminal record has not yet been expunged, except for the case prescribed under point d of this clause, legal commercial entities shall be subject to a fine of between 200.000.000 dong and 500.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 500.000.000 and 2.000.000.000 dong;

c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 2.000.000.000 dong and 5.000.000.000 dong or the suspension of the operation for fixed period of between 6 months and 3 years;

d) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of operation;

đ) Legal commercial entities may also be prohibited from doing business, operating in certain areas or from mobilizing capital for between 1 year and 3 years.

#### **Article 190. Manufacturing, trading in prohibited goods**

1. The persons, who manufacture, trade in goods which are prohibited by the State from trading, circulating, using, not yet approved for circulation, not yet approved for use in Vietnam in one of the following circumstances, if it is not one of the cases stipulated in Article 248, 251, 253, 254, 304, 305, 306, 309 and 311 of this Code, shall be subject to a fine of between 100.000.000 dong and 1.000.000.000 dong or sentenced to imprisonment of between 1 year and 5 years:

a) Goods illegally manufactured and traded in are chemicals, antibiotics, veterinary drugs, plant protection drugs prohibited from using in farming; breeding; aquaculture;

salt production; preparing, processing and preserving agricultural, aquacultural, forestry and salt products;

b) Goods illegally manufactured and traded are valued at between 100.000.000 dong and under 300.000.000 dong;

c) Gaining illicit profits of between 50.000.000 dong and under 200.000.000 dong;

d) Goods illegally manufactured and traded are valued at under 100.000.000 dong, or gaining illicit profits of under 50.000.000 dong but having been administratively sanctioned for the act prescribed in this Article or in one of the articles including Article 188, 189, 191, 192, 193, 194, 195, 196 and 200 of this Code, or having been sentenced for one of these crimes and continuing to commit the crime while the criminal record has not yet been expunged;

đ) Trading in prohibited goods across borders or from the tax free zone into the inland or vice versa which are valued at between 50.000.000 dong and under 100.000.000, gaining illicit profits of between 20.000.000 dong and under 50.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong or sentenced to between 5 years and 10 years of imprisonment:

a) In an organized manner;

b) Abusing the position, power;

c) Abusing the name of agencies or organizations;

d) Being of professional character;

đ) Goods illegally manufactured and traded are valued at between 300.000.000 dong and under 500.000.000 dong;

e) Gaining illicit profits of between 200.000.000 dong and under 500.000.000 dong;

g) Committing the crime under one of the circumstances prescribed at point a, b, c and d clause 1 of this Article across borders or from the tax free zone into the inland or vice versa;

h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, offenders shall be sentenced to between 8 years and 15 years of imprisonment:

a) Goods illegally manufactured and traded are valued at 500.000.000 dong or higher;

b) Gaining illicit profits of 500.000.000 dong or higher.

4. The offenders may also be subject to a fine of between 20.000.000 dong and 100.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

5. Legal commercial entities committing the crime stipulated under this Article shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 3.000.000.000 and 6.000.000.000 dong;

c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 6.000.000.000 dong and 9.000.000.000 dong or the suspension of operation for a fixed term of between 6 months and 3 years;

d) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of the operation;

đ) Legal commercial entities may also be subject to a fine of between 50.000.000 and 200.000.000 dong; prohibited from doing business, operating in certain areas or from mobilizing capital for between 1 year and 3 years.

### **Article 191. Stockpiling, transporting prohibited goods**

1. The persons who stockpile, transport goods which are prohibited by the State from trading, circulating, using, not yet approved for circulation, not yet approved for use in Vietnam in one of the following circumstances, if it is not one of the cases stipulated in Article 249, 250, 253, 254, 304, 305, 306, 309 and 311 of this Code, shall be subject to a fine of between 50.000.000 dong and 300.000.000 dong or sentenced to imprisonment of between 6 months and 3 years:

a) Goods illegally stockpiled and transported are chemicals, antibiotics, veterinary drugs, plant protection drugs prohibited from using in farming; breeding; aquaculture; salt production; preparing, processing and preserving agricultural, aquaculture, forestry and salt products;

b) Goods illegally stockpiled and transported are valued at between 100.000.000 dong and under 300.000.000 dong;

c) Gaining illicit profits of between 50.000.000 dong and under 200.000.000 dong;

d) Goods illegally stockpiled and transported are valued at under 100.000.000 dong, or gaining illicit profits of under 50.000.000 dong but having been administratively sanctioned for the act prescribed in this Article or in one of the articles including Article 188, 189, 190, 192, 193, 194, 195, 196 and 200 of this Code, or having been sentenced for one of these crimes and continuing to commit the crime while the criminal record has not yet been expunged;

đ) Transporting prohibited goods across borders or from the tax free zone into the inland or vice versa which are valued at between 50.000.000 dong and under 100.000.000, gaining illicit profits of between 20.000.000 dong and under 50.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 300.000.000 dong and 1.000.000.000 dong or sentenced to between 2 years and 5 years of imprisonment:

a) In an organized manner;

b) Abusing the position, power;

c) Abusing the name of agencies or organizations;

d) Being of professional nature;

đ) Goods illegally stockpiled and transported are valued at between 300.000.000 dong and under 500.000.000 dong;

e) Gaining illicit profits of between 200.000.000 dong and under 500.000.000 dong;

g) Committing the crime under one of the circumstances prescribed at point a, b, c and d clause 1 of this Article across borders or from the tax free zone into the inland or vice versa;

h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) Goods illegally stockpiled and transported are valued at 500.000.000 dong or higher;

b) Gaining illicit profits of 500.000.000 dong or higher.

c) Committing the crime under one of the circumstances prescribed at point a, b, c, d, đ, e and h clause 2 of this Article across borders or from the tax free zone into the inland or vice versa.

4. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

5. Legal commercial entities committing the crime stipulated under this Article shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 300.000.000 dong and 1.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 and 3.000.000.000 dong;

c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 3.000.000.000 dong and 5.000.000.000 dong or the suspension of operation for a fixed period of between 6 months and 3 years;

d) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of the operation;

đ) Legal commercial entities may also be subject to a fine of between 50.000.000 and 200.000.000 dong; prohibited from doing business, operating in certain areas or from mobilizing capital for between 1 year and 3 years.

#### **Article 192. Manufacturing, trading in counterfeit goods**

1. The persons who manufacture, trade in counterfeit goods in one of the following cases shall be subject to a fine of between 100.000.000 dong and 1.000.000.000 dong or sentenced to imprisonment of between 1 year and 5 years:

- a) Counterfeit goods valued at between 20.000.000dong and under 100.000.000 dong according to the sale price, listed price, invoice price;
- b) Counterfeit goods are equivalent to the quantity of authentic goods or goods of the same technical features and uses valued at between 30.000.000 and under 150.000.000 dong in case where the sale price, listed price, invoice price can not be identified;
- c) Counterfeit goods valued at under 20.000.000 dong according to the sale price, listed price, invoice price; or counterfeit goods which are equivalent to the quantity of authentic goods or goods of the same technical features and uses valued at under 30.000.000 dong but having been administratively sanctioned for the act prescribed in this Article or in one of the articles including Article 188, 189, 190, 191, 193, 194, 195, 196 and 200 of this Code; or having been sentenced for one of these crimes and continuing to commit the crime while the criminal record has not yet been expunged;
- d) Counterfeit goods valued at under 20.000.000 dong according to the sale price, listed price, invoice price; or counterfeit goods which are equivalent to the quantity of authentic goods or goods of the same technical features and uses valued at under 30.000.000 dong but causing consequences under one of the following circumstances: causing harm to the health of 1 person with the injury rate of between 31% and 60%; causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all; or causing property damage of between 100.000.000 dong and under 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

- a) In an organized manner;
- b) Being of professional character;
- c) Abusing the position, power;
- d) Abusing the name of agencies or organizations;
- đ) Counterfeit goods valued at between 100.000.000 dong and under 200.000.000 dong according to the sale price, listed price, invoice price;
- e) Counterfeit goods are equivalent to the quantity of authentic goods or goods of the same technical features and uses valued at between 150.000.000 dong and under 500.000.000 dong in case where the sale price, listed price, invoice price can not be identified;
- g) Gaining illicit profits of between 100.000.000 dong and under 500.000.000 dong;
- g) Causing human death;
- i) Causing harm to the health of 1 person with the injury rate of 61% or higher;
- k) Causing harm to the health of 2 or more persons with the total injury rate of between 61% and 121% for all;
- l) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong;
- m) Committing the crime under one of the circumstances prescribed at clause 1 of this Article across borders or from the tax free zone into the inland or vice versa;

n) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

a) Counterfeit goods having the production cost of 100.000.000 dong or higher;

b) Counterfeit goods having the sale price, listed price, invoice price of 200.000.000 dong or higher;

c) Counterfeit goods are equivalent to the quantity of authentic goods or goods of the same technical features and uses valued at 500.000.000 dong or higher in case where the sale price, listed price, invoice price can not be identified;

d) Gaining illicit profits of 500.000.000 dong or higher;

đ) Causing the death of two or more persons;

e) Causing harm to the health of 2 or more persons with the injury rate of 61% or higher for each persons;

g) Causing harm to the health of 2 or more persons with the total injury rate of 122% or higher for all;

h) Causing property damage of 1.500.000.000 dong or higher.

4. The offenders may also be subject to a fine of between 20.000.000 dong and 50.000.000 dong, prohibited from holding certain posts, practicing certain occupations or from doing certain jobs for from 1 year to 5 years, or the confiscation of part of or the whole property.

5. Legal commercial entities committing the crime stipulated under this Article shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 3.000.000.000 and 6.000.000.000 dong;

c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 6.000.000.000 dong and 9.000.000.000 dong or the suspension of operation for a fixed period of between 6 months and 3 years;

d) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of the operation;

đ) Legal commercial entities may also be subject to a fine of between 50.000.000 and 200.000.000 dong; prohibited from doing business, operating in certain areas or from mobilizing capital for between 1 year and 3 years.

**Article 193. Manufacturing, trading in counterfeit goods being rations, foods, food additives**

1. The persons who produce, trade in counterfeit goods being rations, foods, food additives shall be sentenced to between 2 years and 5 years of imprisonment.

2. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) In an organized manner;

b) Being of professional nature;

c) Dangerous recidivism;

d) Abusing the position, power;

đ) Abusing the name of agencies, organizations;

e) Committing the crime across borders or from the tax free zone into the inland or vice versa;

g) Counterfeit goods valued at between 100.000.000 dong and under 200.000.000 dong according to the sale price, listed price, invoice price;

h) Counterfeit goods are equivalent to the quantity of authentic goods valued at between 150.000.000 dong and under 500.000.000 dong in case where the sale price, listed price, invoice price can not be identified;

i) Gaining illicit profits of between 100.000.000 dong and under 500.000.000 dong;

k) Causing harm to the health of 1 person with the injury rate of between 31% and 60%;

l) Causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all;

m) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

a) Counterfeit goods have the sale price, listed price, invoice price of 200.000.000 dong or higher;

b) Counterfeit goods are equivalent to the quantity of authentic goods valued at 500.000.000 dong or higher in case where the sale price, listed price, invoice price can not be identified;

c) Gaining illicit profits of between 500.000.000 dong and under 1.500.000.000 dong;

d) Causing human death;

e) Causing harm to the health of 2 or more persons with the total injury rate of between 61% and 121% for all;

g) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

4. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between 15 years and 20 years of imprisonment or life imprisonment:

a) Gaining illicit profits of 1.500.000.000 dong or higher;

- b) Causing death of 2 or more persons;
- c) Causing harm to the health of 2 or more persons with the injury rate of between 61% or higher for each person;
- d) Causing harm to the health of 2 or more persons with the total injury rate of 122% or higher for all;
- đ) Causing property damage of 1.500.000.000 dong or higher.

5. The offenders may also be subject to a fine of between 20.000.000 dong and 100.000.000dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years, the confiscation of part or the whole of property.

6. Legal commercial entities committing the crime stipulated under this Article shall be subject to the penalties as follows:

- a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong;
- b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 3.000.000.000 and 6.000.000.000 dong;
- c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 6.000.000.000 dong and 9.000.000.000 dong ;
- d) Committing the crime in the circumstances stipulated at clause 4 of this Article, legal commercial entities shall be subject to a fine of between 9.000.000.000 dong and 18.000.000.000 dong; or the suspension of operation for a fixed period of between 6 months and 3 years;
- đ) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of the operation;
- e) Legal commercial entities may also be subject to a fine of between 100.000.000 and 300.000.000 dong; prohibited from doing business, operating in certain areas or from mobilizing capital for between 1 year and 3 years.

**Article 194. Manufacturing, trading in counterfeit goods being curative, preventive medicines**

- 1. The persons who produce, trade in counterfeit goods being curative, preventive medicines shall be sentenced to between 2 years and 7 years of imprisonment.
- 2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 1212 years of imprisonment:
  - a) In an organized manner;
  - b) Being of professional nature;
  - c) Dangerous recidivism;
  - d) Abusing the positions, power;

- d) Abusing the name of agencies or organizations;
  - e) Committing the crime across borders or from the tax free zone into the inland or vice versa;
  - g) Counterfeit goods valued at between 100.000.000 dong and under 200.000.000 dong according to the sale price, listed price, invoice price;
  - h) Counterfeit goods are equivalent to the quantity of authentic goods valued at between 150.000.000 dong and below 500.000.000 dong in case where the sale price, listed price, invoice price can not be identified;
  - i) Gaining illicit profits of between 100.000.000 dong and under 500.000.000 dong;
  - k) Inflicting injury or causing harm to the health of 1 person with the injury rate of between 31% and 60%;
  - l) Inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all;
  - m) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years of imprisonment:
- a) Counterfeit goods have the sale price, listed price, invoice price of 200.000.000 dong or higher;
  - b) Counterfeit goods are equivalent to the quantity of authentic goods valued at 500.000.000 dong or higher in case where the sale price, listed price, invoice price can not be identified;
  - c) Gaining illicit profits of between 500.000.000 dong and under 2.000.000.000 dong;
  - d) Causing human death;
  - đ) Causing harm to the health of 1 person with the injury rate of 61% or higher;
  - e) Causing harm to the health of 2 or more persons with the total injury rate of between 61% and 121% for all;
  - g) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

4. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to 20 years of imprisonment, life imprisonment or death penalty:

- a) Gaining illicit profits of 2.000.000.000 dong or higher;
- b) Causing death of 2 or more persons;
- c) Causing harm to the health of 2 or more persons with the injury rate of between 61% or higher for each person;
- d) Causing harm to the health of 2 or more persons with the total injury rate of 122% or higher for all;
- đ) Causing property damage of 1.500.000.000 dong or higher.

5. The offenders may also be subject to a fine of between 20.000.000 dong and 100.000.000 dong, prohibited from holding certain posts, practicing certain occupations

or doing certain jobs for 1 year to 5 years, the confiscation of part or the whole of property.

6. Legal commercial entities committing the crime stipulated under this Article shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 4.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 4.000.000.000 and 9.000.000.000 dong;

c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 9.000.000.000 dong and 15.000.000.000 dong ;

d) Committing the crime in the circumstances stipulated at clause 4 of this Article, legal commercial entities shall be subject to a fine of between 15.000.000.000 dong and 20.000.000.000 dong; or the suspension of operation for a fixed period of between 1 year and 3 years;

đ) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of the operation;

e) Legal commercial entities may also be subject to a fine of between 100.000.000 and 300.000.000 dong; prohibited from doing business, operating in certain areas or from mobilizing capital for between 1 year and 3 years.

**Article 195. Manufacturing, trading in counterfeit goods being livestock feeds, fertilizers, veterinary drugs, plant protection drugs, plant varieties and animal breeds**

1. The persons who manufacture, trade in counterfeit goods being livestock feeds, fertilizers, veterinary drugs, plant protection drugs, plant varieties and animal breeds in one of the following cases shall be subject to a fine of between 100.000.000 dong and 1.000.000.000 dong or sentenced to between 1 year and 5 years of imprisonment.

a) Counterfeit goods valued at between 20.000.000 dong and under 100.000.000 dong according to the sale price, listed price, invoice price;

b) Counterfeit goods are equivalent to the quantity of authentic goods or goods of the same use valued at between 30.000.000 dong and below 150.000.000 dong in case where the sale price, listed price, invoice price can not be identified;

c) Counterfeit goods valued at below 20.000.000 dong according to the sale price, listed price, invoice price; or counterfeit goods are equivalent to the quantity of authentic goods or goods of the same use valued at below 30.000.000 dong and having been administratively sanctioned for the act prescribed in this Article or in one of the following articles including Article 188, 189, 190, 191, 192, 193, 194, 196 and 200 of this Code, or having been sentenced for one of these crimes and commit the crime while the criminal record has not been expunged.

d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) In an organized manner;

b) Being of professional nature;

c) Dangerous recidivism;

d) Abusing the positions, power;

đ) Abusing the name of agencies or organizations;

e) Committing the crime across borders or from the tax free zone into the inland or vice versa;

g) Counterfeit goods valued at between 100.000.000 dong and under 200.000.000 dong according to the sale price, listed price, invoice price;

h) Counterfeit goods are equivalent to the quantity of authentic goods valued at between 150.000.000 dong and below 500.000.000 dong in case where the sale price, listed price, invoice price can not be identified;

i) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

k) Gaining illicit profits of between 100.000.000 dong and under 500.000.000 dong;

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

a) Counterfeit goods have the sale price, listed price, invoice price of 200.000.000 dong or higher;

b) Counterfeit goods are equivalent to the quantity of authentic goods valued at 500.000.000 dong or higher in case where the sale price, listed price, invoice price can not be identified;

c) Causing property damage of between 1.500.000.000 dong and under 3.000.000.000 dong.

d) Gaining illicit profits of between 500.000.000 dong and under 2.000.000.000 dong;

4. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between 15 and 20 years of imprisonment:

a) Causing property damage of 3.000.000.000 dong or higher.

b) Gaining illicit profits of 2.000.000.000 dong or higher;

5. The offenders may also be subject to a fine of between 20.000.000 dong and 100.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years, the confiscation of part or the whole of property.

6. Legal commercial entities committing the crime stipulated under this Article shall be subject to the penalties as follows:

- a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong;
- b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 3.000.000.000 and 6.000.000.000 dong;
- c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 6.000.000.000 dong and 9.000.000.000 dong ;
- d) Committing the crime in the circumstances stipulated at clause 4 of this Article, legal commercial entities shall be subject to a fine of between 9.000.000.000 dong and 15.000.000.000 dong; or the suspension of operation for a fixed period of between 6 months and 3 years;
- đ) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of the operation;
- e) Legal commercial entities may also be subject to a fine of between 100.000.000 and 300.000.000 dong; prohibited from doing business, operating in certain areas or from mobilizing capital for between 1 year and 3 years.

#### **Article 196. Speculation**

1. The persons who take advantage of scarcity or create the sham scarcity of goods during natural calamities, epidemics, war time or situation of economic difficulties to buy up goods in the list of stabilized-price goods or the list of State-priced goods in one of the following cases, shall be subject to a fine of between 30.000.000 dong and 300.000.000 dong or sentenced to imprisonment of between 6 months and 3 years:

- a) Goods valued at between 500.000.000 dong and under 1.500.000.000 dong;
- b) Gaining illicit profits of between 100.000.000 dong and under 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 300.000.000 dong and 1.500.000.000 dong or sentenced to between 3 years and 7 years of imprisonment:

- a) In an organized manner;
- b) Abusing the positions, power;
- c) Abusing the name of agencies or organizations;
- d) Goods valued at between 1.500.000.000 dong and under 3.000.000.000 dong;
- đ) Gaining illicit profits of between 500.000.000 dong and under 1.000.000.000 dong.
- e) Causing negative impacts on the security, order and safety of the society.

3. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 1.500.000.000 dong and 5.000.000.000 dong or sentenced to between 7 years and 15 years of imprisonment:

- a) Goods valued at 3.000.000.000 dong or higher;
- b) Gaining illicit profits of 1.000.000.000 dong or higher.

c) Dangerous recidivism.

4. The offenders may also be subject to a fine of between 20.000.000dong and 200.000.000dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

5. Legal commercial entities committing the crime stipulated under this Article shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 300.000.000 dong and 1.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 and 4.000.000.000 dong;

c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 4.000.000.000 dong and 9.000.000.000 dong ;

d) Legal commercial entities may also be subject to a fine of between 100.000.000 dong and 300.000.000 dong; prohibited from doing business, operating in certain areas or from mobilizing capital for between 1 year and 3 years.

#### **Article 197. Making false advertisements**

1. The persons who falsely advertise goods, services and have been administratively sanctioned for such act or have been sentenced for such offense and the criminal record has not been expunged but commit the crime, shall be subject to a fine of between 10.000.000 dong and 100.000.000 dong or sentenced to non-custodial rehabilitation for up to 3 years.

2. The offenders may also be subject to a fine of between 5.000.000 dong and 50.000.000 dong, prohibited from practicing certain occupations or doing certain jobs for 1 year to 5 years.

#### **Article 198. Deceiving customers**

1. The persons who, in the purchase or sale of goods or provision of services, trickily weigh, measure, fraudulently calculate goods, services or use other deceitful tricks in one of the following circumstances, shall be subject to a fine of between 10.000.000 and 100.000.000 dong or sentenced to non-custodial rehabilitation for up to 3 years:

a) Having been administratively sanctioned for this act or having been sentenced for this offence, committing the crime while the criminal record has not yet been expunged;

b) Gaining illicit profits of between 5.000.000 dong and under 50.000.000 dong.

2. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to a fine of between 100.000.000 dong and 500.000.000 dong or between 1 year and 5 years of imprisonment.

a) In an organized manner;

b) Being of professional nature;

c) Using treachery tricks.

d) Gaining illicit profits of 50.000.000 dong or more;

3. The offenders may also be subject to a fine of between 20.000.000 dong and 100.000.000 dong, prohibited from practicing certain occupations or doing certain jobs for 1 year to 5 years.

### **Article 199. Violating regulations on electricity supply**

1. Any responsible persons who commit one of the following acts, inflicting injury or causing harm to the health of 1 person with the injury rate of between 31% and 61%, inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all, or causing property damage of between 100.000.000 dong and under 500.000.000 dong, or have been disciplined or administratively sanctioned for this act or have been sentenced for this crime, not yet been entitled to the expungement of the criminal record remission but repeat the violation, shall be subject to a fine of between 10.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years:

a) Cutting the electricity supply without grounds or without notices as prescribed;

b) Groundlessly refusing to supply electricity;

c) Delaying the handling of electricity incident without plausible reasons.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine between 150.000.000 dong and 500.000.000 dong or sentenced to between 1 year and 5 years of imprisonment:

a) Causing human death;

b) Inflicting injury or causing harm to the health of 1 person with the injury rate of 61% or higher, inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 61% and 121% for all;

c) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

a) Causing death of 2 or more persons;

b) Inflicting injury or causing harm to the health of 2 or more persons with the injury rate of 61% or higher for each person, inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of 122% or higher for all;

c) Causing property damage of 1.500.000.000 dong or higher.

4. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

## **Section 2**

### **CRIMES IN THE FIELD OF TAXATION, FINANCE, BANKING, SECURITIES AND INSURANCE**

## **Article 200. Tax evasion**

1. For the persons who commit one of the following acts to evade tax with the amount of between 100.000.000 dong and under 300.000.000dong;or under 100.000.000dong and have been administratively sanctioned for the act of tax evasion or sentenced for one of the crimes prescribed in Article 189, 190, 191, 192, 193, 94, 195, 196, 202, 248, 249, 250, 251, 252, 253, 254, 304, 305, 306, 309 and 311 of this Code, commit the crime while the criminal record has not yet been expunged, they

shall be subject to a fine of between 100.000.000 dong and500.000.000or sentenced to imprisonment of between 3 months and 2 years:

a) Not applying for tax registration; not filling tax returns; filling tax return not in line with the time-limit prescribed by the law;

b) Not recording in the accounting books revenues related to the determination of the amount of payable tax;

c) Not issuing invoices when selling goods, services or the value recorded on the sales invoices is lower than the value of actual payment for goods or services sold;

d) Using unlawful invoices and vouchers to record goods, inputs in activities that result in tax liability which reduces the amount of tax payable or increases the mount of tax exempted, the amount of tax reduced or increases of the amount of tax deductible, refundable;

đ) Using unlawful vouchers, documents to wrongfully determine the mount of tax payable, the amount of tax refundable;

e) Wrong declaration of the actual goods imported and exported and not filling additional tax returns after the customs clearance of goods;

g) Deliberately not filling or wrongfully filling tax returns for importing and exporting goods;

h) Collusion with the consignors to import goods;

i) Using the goods which are non-taxable, tax-exempted or considered for tax exemption against the purposes as prescribed by the law without informing tax authorities about the change of their uses.

2. Committing the crimes in one of the following circumstances, the offenders shall be subject to a fine of between 500.000.000 dong and1.500.000.000 dong or sentenced to imprisonment of between 6 months and 3 years.

a) In an organized manner;

b) Evading tax with the amount of between 300.000.000 dong and under 1.000.000.000 dong;

c) Abusing the position, power;

d) Committing the crime twice or more;

đ) Dangerous recidivism.

3. Committing the crime of evading tax with the amount of 1.000.000.000 dong or higher, the offenders shall be subject to a fine of between1.500.000.000 dong and

under 4.500.000.000 dong or sentenced to imprisonment of between 2 years and 7 years.

4. The offenders may also be subject to a fine of between 20.000.000 dong and 100.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years, or subject to the confiscation of part or the whole of property.

5. Legal commercial entities committing the crime stipulated under this Article shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, having been administratively sanctioned for this act or sentenced for this crime and continuing to commit the crime while the criminal record has not yet been expunged, legal commercial entities shall be subject to a fine of between 300.000.000 dong and 1.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 and 3.000.000.000 dong;

c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 3.000.000.000 dong and 10.000.000.000 dong, or the suspension of operation for a fixed term of between 6 months and 3 years;

d) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of the operation;

đ) Legal commercial entities may also be subject to a fine of between 50.000.000 and 200.000.000 dong; prohibited from doing business, operating in certain areas or from mobilizing capital for between 1 year and 3 years.

#### **Article 201. Usury in civil transactions**

1. The persons who provide loans for civil transactions at an interest rate of 5 times higher than the highest interest rate prescribed by the Civil Code, gaining illicit profits of between 30.000.000 dong and under 100.000.000 dong, or have been administratively sanctioned for this act or sentenced for this crime and continue to commit the crime while the criminal record has not yet been expunged, shall be subject to a fine of 50.000.000 dong and 200.000.000 dong or sentenced to non-custodial rehabilitation for up to 3 years.

2. Committing the crime, gaining illicit profits of 100.000.000 dong or more, the offenders shall be subject to a fine of between 200.000.000 dong and 1.000.000.000 dong or sentenced to between 6 months and 3 years.

3. The offenders may also be subject to a fine of between 30.000.000 dong and 100.000.000 dong, prohibited from holding certain post, practicing certain occupations or doing certain jobs for 1 year to 5 years.

#### **Article 202. Making, trading in counterfeit stamps, tickets**

1. The persons who make, trade in counterfeit stamps, tickets in one of the following circumstances, shall be subject to a fine of between 30.000.000 dong and 100.000.000

dong or sentenced to non-custodial rehabilitation for up to 3 year or imprisonment of between 6 months and 3 years:

- a) Counterfeit stamps, tickets of no par value with the quantity of between 15.000 to under 30.000 units;
- b) Counterfeit stamps, tickets having the par value with the total value of between 50.000.000 dong and under 200.000.000 dong;
- c) Having been administratively sanctioned for this act or sentenced for this crime, and committing the crime while the criminal record has not yet been expunged;
- d) Gaining illicit profits of between 30.000.000 dong and under 100.000.000 dong.

2. Committing the crimes in one of the following circumstances, the offenders shall be subject to a fine of between 100.000.000 dong and under 500.000.000 dong or sentenced to between 2 years and 7 years of imprisonment:

- a) In an organized manner;
- b) Abusing the position, power;
- c) Counterfeit stamps, tickets of no par value with the quantity of 30.000 units or more;
- d) Counterfeit stamps, tickets having the par value with the total value of 200.000.000 dong or higher;
- d) Gaining illicit profits of 100.000.000 dong or more;
- e) Dangerous recidivism.

3. The offenders may also be subject to a fine of between 5.000.000 dong and 50.000.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

### **Article 203. Illegal printing, issuing and trading in invoices and vouchers for collection and payment into the state budget**

1. The persons who illegally print, issue or trade in invoices and receipts in blank forms of between 50 numbers and 100 numbers, or invoices and receipts with printed contents of between 10 numbers and 30 numbers, or gain illicit profits of between 30.000.000 dong and under 100.000.000 dong, shall be subject to a fine of between 50.000.000 and 200.000.000 dong, or sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to a fine of between 100.000.000 million and 500.000.000 dong or sentenced to between 1 year and 5 years of imprisonment:

- a) In an organized manner;
- b) In a professional manner;
- c) Abusing the position and power;
- d) Invoices and receipts in blank forms of 100 numbers or more, or invoices and receipts with printed contents of 30 numbers or more;
- d) Gaining illicit profits of 100.000.000 dong or higher;

e) Causing loss of 100.000.000 dong or higher to the State budget;

g) Dangerous recidivism.

3. Offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong, prohibited from holding certain posts or practicing certain professions or doing certain jobs for between 1 year and 5 years.

4. Committing the crime stipulated under this article, commercial legal entities shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 100.000.000 dong and 500.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 500.000.000 and 1.000.000.000 dong;

c) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of the operation;

d) Legal commercial entities may also be subject to a fine of between 50.000.000 and 200.000.000 dong; prohibited from doing business, operating in certain areas or from mobilizing capital for between 1 year and 3 years.

#### **Article 204. Breaching regulations on preservation and management of invoices and vouchers for collection and payment into the state budget**

1. The persons who are responsible for preserving and managing invoices and vouchers but violate state regulations on preservation and management of invoices and vouchers for collection and payment into the state budget, causing loss for other persons or for the State budget valued at between 100.000.000 dong and under 500.000.000 dong, shall be subject to a fine of between 10.000.000 dong and 100.000.000 dong or sentenced to non-custodial rehabilitation for up to 3 years.

2. Committing the crime in one of the following circumstances, offenders shall be sentenced to a fine of between 100.000.000dong and 500.000.00 dong or sentenced to between 6 months and 3 years of imprisonment:

a) Committing the crime twice or more;

b) Causing a loss of 500.000.000 dong or more.

3. Offenders may also be prohibited from holding certain posts or doing certain jobs for between 1 year and 5 years.

#### **Article 205. Establishing illegal funds**

1. The persons who abuse their position, power to set up an illegal fund and have used such fund, causing loss to the State property of between 50.000.000 dong and under 200.000.000 dong, or have been administratively sanctioned for this act but continue to commit, shall be subject to a fine of between 50.000.000 dong and 100.000.000 dong, or sentenced to non-custodial rehabilitation for up to 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 100.000.000 dong and 500.000.000 dong or sentenced to between 1 year and 5 years of imprisonment:

- a) Employing treacherous tricks to escape the control;
- b) To commit other illegal acts;
- c) Causing a loss of between 200.000.000 dong and under 1.000.000.000 dong to the State property.

3. Committing the crime and causing a loss of 1.000.000.000 dong or higher to the State property, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

4. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years, subject to a fine of between 10.000.000 dong and 50.000.000 dong.

#### **Article 206. Violating regulations in the operation of foreign credit institutions, bank branches**

1. The persons who, in the operation of foreign credit institutions and bank branches, deliberately commit one of the following acts, causing property damage valued at between 100.000.000 dong and under 300.000.000 dong, shall be subject to a fine of between 50.000.000 dong and 300.000.000 dong or imprisonment of between 6 months and 37 years:

- a) Granting credit in cases where credit granting is not allowed, except the case of granting through the form of credit card issuance;
- b) Granting unsecured credit or credit with preferential conditions for the persons who are not entitled to credit granting in accordance with the law;
- c) Violating the restrictions for ensuring the safety of the credit operation in accordance with the Law on credit institutions, or intentionally make false increase of the value of collaterals in the valuation to grant credit;
- d) Violating law provisions on the total credit outstanding loans to the subjects to whom credit granting is limited;
- đ) Granting credit exceeding the limit compared to the self-financed capital for a client and related persons, except otherwise approved by a competent person in accordance with the law.
- e) Violating provisions of the law on capital contribution, limit of capital contribution, purchase of shares, conditions for credit granting or trading in properties;
- g) Issuing, supplying, using illegal means of payment; counterfeiting payment vouchers, payment means; using false payment documents and means; conducting banking operation when not yet have the permit from the competent state authorities.

2. Committing the crime and causing the property damage of below 1.000.000.000 dong, the offenders shall be sentenced to between 3 years and 712 years of imprisonment.

3. Committing the crime and causing the property damage of between 1.000.000.000 dong and under 3.000.000.000 dong, the offenders shall be sentenced to between 7 years and 12 years of imprisonment.

4. Committing the crime and causing the property damage of 3.000.000.000 dong or more, the offenders shall be sentenced to between 12 years and 20 years of imprisonment.

5. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for from 1 year to 5 years.

#### **Article 207. Making, storing, transporting, circulating counterfeit money**

1. The persons who make, store, transport, circulate counterfeit money shall be sentenced to between 3 years and 7 years of imprisonment.

2. Committing the crime in case the counterfeit money valued at an equivalent of between 5.000.000 dong and under 50.000.000 dong, the offenders shall be sentenced to between 5 years and 12 years of imprisonment.

3. Committing the crime in case the counterfeit money valued at an equivalent of 50.000.000 dong or higher, the offenders shall be sentenced to between 10 years and 20 years of imprisonment or life imprisonment.

4. The persons who prepare to commit this crime shall be sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 1 year and 3 years.

5. The offenders may also be subject to a fine of between 10.000.000 dong and 100.000.000 dong, the confiscation of part or the whole of the property.

#### **Article 208. Making, storing, transporting, circulating counterfeit negotiable instruments or other counterfeit valuable papers**

1. The persons who make, store, transport, circulate counterfeit negotiable instruments or other counterfeit valuable papers shall be sentenced to between 2 years and 7 years of imprisonment.

2. Committing the crime in case the counterfeit negotiable instruments or other counterfeit valuable papers are valued at an equivalent of between 10.000.000 dong and under 100.000.000 dong, the offenders shall be sentenced to between 5 years and 10 years of imprisonment.

3. Committing the crime in case the counterfeit negotiable instruments or other counterfeit valuable papers are valued at an equivalent of between 100.000.000 dong and under 300.000.000 dong, the offenders shall be sentenced to between 10 years and 15 years of imprisonment.

4. Committing the crime in case the counterfeit negotiable instruments or other counterfeit valuable papers are valued at an equivalent of 300.000.000 dong or higher, the offenders shall be sentenced to between 15 years and 20 years of imprisonment.

5. The offenders may also be subject to a fine of between 10.000.000 dong and 100.000.000 dong, the confiscation of part or the whole of property.

#### **Article 209. Intentionally publishing false information or concealing information in securities activities**

1. The persons, who intentionally disclose false information or conceal information in securities offering, listing, transaction and trading, organization of securities markets, registration, deposit, clearing or payment in one of the following circumstances, shall be subject to a fine of between 100.000.000 dong and 500.000.000 dong, non-custodial rehabilitation for up to 2 years or imprisonment of between 6 months and 2 years:

- a) Causing the damage of between 1.000.000.000 dong and under 3.000.000.000 dong to investors;
- b) Gaining illicit profits of between 500.000.000 dong and under 1.000.000.000 dong;
- c) Having been administratively sanctioned for the act of publishing false information or concealing information in securities activities but continue to commit the act.

2. Committing the crime in any of the following circumstances, offenders shall be subject a fine of between 500.000.000 dong and 2.000.000.000 dong or sentenced to between 1 year and 5 years of imprisonment:

- a) In an organized manner;
- b) Gaining illicit profits of 1.000.000.000 dong or higher;
- c) Causing the damage of 3.000.000.000 dong or higher to investors;
- d) Dangerous recidivism.

3. Offenders may also be subject to a fine of between 50.000.000 dong and 2.000.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years.

4. Committing the crime stipulated under this Article, commercial legal entities shall be subject to the penalties as follows:

- a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 500.000.000 dong and 2.000.000.000 dong;
- b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 2.000.000.000 dong and 5.000.000.000 dong;
- c) Legal commercial entities may also be prohibited from doing business, operating in certain areas or mobilizing capital for between 1 year and 3 years.

#### **Article 210. Using internal information for securities trading**

1. The persons who know information relating to a public company or a public fund which has not yet been disclosed and if being disclosed, will significantly affect the price of securities of such public company or fund, use such information for securities trading or reveal, provide such information or advice other persons to trade in securities on the basis of such information and gain illicit profits of between 300.000.000 dong and under 1.500.000.000 dong, shall be subject to a fine of between 500.000.000 dong and 2.000.000.000 dong or imprisonment of between 6 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 2.000.000.000 dong and 5.000.000.000 dong or sentenced to between 2 years and 7 years of imprisonment:

- a) In an organized manner;
- b) Gaining illicit profits of 1.000.000.000 dong or higher;
- c) Causing the damage of 1.500.000.000 dong to investors;
- d) Dangerous recidivism.

3. Offenders may also be subject to a fine of between 50.000.000 dong and 200.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years.

4. Committing the crime stipulated under this Article, commercial legal entities shall be subject to the penalties as follows:

- a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 5.000.000.000 dong;
- b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 5.000.000.000 dong and 10.000.000.000 dong;
- c) Legal commercial entities may also be prohibited from doing business, operating in certain areas or mobilizing capital for between 1 year and 3 years.

#### **Article 211. Manipulating securities prices**

1. The persons who commit one of the following acts, gaining illicit profits of between 500.000.000 dong and 1.500.000.000 dong, or causing the damage of between 1.000.000.000 dong and under 3.000.000.000 dong to investors, shall be subject to a fine of between 500.000.000 dong and 2.000.000.000 dong or sentenced to imprisonment of between 6 months and 3 years:

- a) Using one or more transaction accounts of themselves or other persons, or collude with each other to trade in securities on a continuous basis in order to create false supply and demand;
- b) Colluding with other persons to place orders to buy and sell the same securities in the same transaction day, or colluding with each other to trade in securities transactions but not leading to the actual transfer of ownership or the ownership is transferred only within members of a group to create false securities price, supply and demand;
- c) Conducting arbitrage transactions with dominant volumes at the market opening or closing time to set new market closing price or opening price for such types of securities on the market;
- d) Conducting securities transactions under the form of colluding with or inciting other persons to place orders to buy and sell securities on a continuous basis which have significant impacts on the supply, demand and price of securities, and manipulate the price of securities;
- đ) Giving opinions directly or indirectly through the mass media about a type of securities or issuers of securities in order to influence the price of such securities after conducting transactions and holding the position for such type of securities;

e) Using other methods or conducting other transactions to create false demand and supply or manipulate the price of securities.

2. Committing the crime in one of the following circumstances, offenders shall be subject to a fine of between 2.000.000.000 dong and 4.000.000.000 dong or sentenced to between 2 years and 7 years of imprisonment:

- a) In an organized manner;
- b) Gaining illicit profits of 1.500.000.000dong or higher;
- c) Causing the damage of 3.000.000.000 dong or higher to investors;
- d) Dangerous recidivism.

3. Offenders may also be subject to a fine of between 50.000.000 dong and 250.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years.

4. Committing the crime stipulated under this Article, commercial legal entities shall be subject to the penalties as follows:

- a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 2.000.000.000 dong and 5.000.000.000 dong;
- b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 5.000.000.000 dong and 10.000.000.000 dong;
- c) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of operation;
- d) Legal commercial entities may also be subject to a fine of between 500.000.000 dong and 2.000.000.000 dong, prohibited from doing business, operating in certain areas or mobilizing capital for between 1 year and 3 years.

#### **Article 212. Forging documents in securities offering, listing dossiers**

1. The persons who forge documents in securities offering, listing dossiers, gaining illicit profits of between 1.000.000.000 dong and under 2.000.000.000 dong, or causing the damage of between 1.500.000.000 dong and under 3.000.000.000 to investors, shall be subject a fine of between 500.000.000 dong and 2.000.000.000 dong or sentenced to imprisonment of between 6 months and 3 years.

2. Committing the crime in one of the following circumstances, offenders shall be subject a fine of between 2.000.000.000 dong and 5.000.000.000 dong or sentenced to between 2 years and 7 years of imprisonment:

- a) Gaining illicit profits of 2.000.000.000 dong or more;
- b) Causing the damage of 3.000.000.000 dong or higher to investors;
- c) In an organized manner;
- d) Dangerous recidivism.

3. Offenders may also be subject to a fine of between 50.000.000 dong and 250.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years.

### **Article 213. Frauds in insurance business**

1. The persons who commit one of the following acts to appropriate insurance amount valued at between 20.000.000 dong and under 100.000.000 dong, or causing the damage of between 50.000.000 dong and under 200.000.000 dong, shall be sentenced to a fine of between 30.000.000 dong and 100.000.000 dong or sentenced to non-custodial rehabilitation for up to 3 years:

- a) Colluding with the beneficiaries of insurance benefits to settle the insurance indemnity, insurance payment illegally;
- b) Falsifying documents, deliberately falsifying information to deny compensation, insurance payment when the insured event has occurred;
- c) Falsifying documents, deliberately falsifying information in the file of insurance claim, insurance payment;
- d) Causing damages to their property or health in order to claim insurance, except as otherwise provided by the law.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 100.000.000 dong and 300.000.000 dong or sentenced to between 1 year and 3 years of imprisonment:

- a) In an organized manner;
- b) Using sophisticated and treacherous tricks;
- c) Appropriating the amount of insurance of between 100.000.000 dong and under 500.000.000 dong;
- d) Causing the damage of between 200.000.000 dong and under 1.000.000.000 dong;
- d) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

- a) Appropriating the amount of insurance of 500.000.000 dong or higher;
- b) Causing the damage of 1.000.000.000 dong or higher.

4. Offenders may also be subject to a fine of between 10.000.000 dong and 100.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 years and 5 years.

5. Committing the crime stipulated under this Article, commercial legal entities shall be subject to the penalties as follows:

- a) Committing the crime in the circumstances stipulated at clause 1 of this Article with the appropriated amount of between 200.000.000 dong and under 1.000.000.000 dong or causing the damage of between 400.000.000 dong and under 2.000.000.000 dong, legal commercial entities shall be subject to a fine of between 200.000.000 dong and 1.000.000.000 dong;
- b) Committing the crime in the circumstances stipulated at point a, b, c and d clause 2 of this Article with the appropriated amount of between 1.000.000.000 dong and under 3.000.000.000 dong or causing the damage of between 200.000.000 dong and under

5.000.000.000 dong, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong;

c) Committing the crime with the appropriated amount of 3.000.000.000 dong or higher, or causing the damage of 5.000.000.000 dong or higher, legal commercial entities shall be subject to a fine of between 3.000.000.000 dong and 7.000.000.000 dong;

d) Legal commercial entities may also be prohibited from doing business, operating in certain areas or mobilizing capital for between 1 year and 3 years.

#### **Article 214. Social insurance and unemployment insurance fraud**

1. The persons, who commit one of the following acts to appropriate the amount of social insurance, unemployment insurance valued at between 10.000.000 dong and under 100.000.000 dong, or cause the damage of between 20.000.000 dong and under 200.000.000 dong which is not under the cases prescribed in Article 174, 353 and 355 of this Code, shall be subject to a fine of between 20.000.000 dong and under 100.000.000 dong or sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years:

a) Creating false dossiers or falsifying social insurance, unemployment insurance dossiers to deceive social insurance agencies;

b) Using false or falsified dossiers to deceive social insurance agencies in order to enjoy social insurance, unemployment insurance;

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 100.000.000 dong and 200.000.000 dong or sentenced to between 1 year and 5 years of imprisonment:

a) In an organized manner;

b) Of professional nature;

c) Appropriating the amount of social insurance, unemployment insurance of between 100.000.000 dong and under 500.000.000 dong;

d) Causing the damage of between 200.000.000 dong and under 500.000.000 dong;

đ) Using sophisticated and treacherous tricks;

e) Dangerous recidivism;

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) Appropriating the amount of social insurance, unemployment insurance of 500.000.000 dong or higher;

b) Causing the damage of 500.000.000 dong or higher.

4. Offenders may also be subject to a fine of between 10.000.000 dong and 100.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years.

#### **Article 215. Medical insurance fraud**

1. The persons, who commit one of the following acts to appropriate the amount of medical insurance of between 10.000.000 dong and under 100.000.000 dong, or cause

the damage of between 20.000.000 dong and under 200.000.000 dong which is not under the cases prescribed in Article 174, 353 and 355 of this Code, shall be subject to a fine of between 20.000.000 dong and under 100.000.000 dong or sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years:

a) Creating made-up medical records and prescriptions, inflating the number and types of drugs, medical consumables, technical services, bed fees and other fees that patients do not use in practice;

b) Falsifying documents, insurance cards or using fraudulently issued, counterfeiting, revoked, amended medical insurance cards or medical insurance cards of other persons in medical examination and treatment to illegally enjoy medical insurance benefits.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 100.000.000 dong and 200.000.000 dong or sentenced to between 1 year and 5 years of imprisonment:

a) In an organized manner;

b) Of professional nature;

c) Appropriating the amount of medical insurance of between 100.000.000 dong and under 500.000.000 dong;

d) Causing the damage of between 200.000.000 dong and under 500.000.000 dong;

đ) Using sophisticated and treacherous tricks;

e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) Appropriating the amount of medical insurance of 500.000.000 dong or higher;

b) Causing the damage of 500.000.000 dong or higher.

4. Offenders may also be subject a fine of between 10.000.000 dong and 100.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years.

#### **Article 216. Avoiding the payment of social insurance, medical insurance, unemployment insurance premiums for employees**

1. The persons, who have responsibility to pay social, medical insurance, unemployment insurance premiums for employees but deceitfully or by other tricks not paying or not fully paying the premiums for 6 months or more and have already been administratively sanctioned for such act but continue to commit, shall be subject to a fine of between 50.000.000 dong and 200.000.000 dong or sentenced to non-custodial rehabilitation for up to 1 year or imprisonment of between 3 months and 1 years:

a) Avoiding the payment of insurance premiums of between 50.000.000 dong and under 300.000.000 dong;

b) Avoiding the payment of insurance premiums for between 10 and 50 employees.

2. Committing the crime in one of the following circumstances, offenders shall be subject to a fine of between 200.000.000 dong and 500.000.000dong or sentenced to between 6 months and 3 years of imprisonment:

- a) Committing the crimes twice or more;
- b) Avoiding the payment of insurance premiums of between 300.000.000 dong and under1.000.000.000 dong;
- c) Avoiding the payment of insurance premiums for between 50 and under 200persons.

3. Committing the crime in one of the following circumstances, offenders shall be subject to a fine of between 500.000.000 dong and 1.000.000.000dong or sentenced to between 2 years and 7 years of imprisonment:

- a) Avoiding the payment of insurance premiums of 1.000.000.000 dong or higher;
- b) Avoiding the payment of insurance premiums for 200or more persons.

4. Offenders may also be subject to a fine of between 20.000.000 dong and 100.000.000dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years.

5. Committing the crime stipulated under this Article, commercial legal entities shall be subject to the penalties as follows:

- a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 200.000.000 dong and 500.000.000 dong;
- b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 500.000.000 dong and 1.000.000.000 dong;
- c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong;

### **Section 3**

#### **OTHER CRIMES OF ECONOMIC MANAGEMENT ORDER INFRINGEMENT**

##### **Article 217. Violating regulations on competition**

1. The persons who directly participate in or conduct acts violating competition regulations under one of the following circumstances, gaining illicit profits of between 500.000.000 dong and under 300.000.000 dong, or causing the damage to other persons of between 1.000.000.000 dong and under 5.000.000.000 dong, shall be subject to a fine of between 200.000.000 dong and 1.000.000.000 dong, sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years:

- a) Making agreement to prevent, impede or not to allow other enterprises to participate in the market or to develop business;

b) Making agreement to exclude from the market other enterprises which are not parties to the agreement;

c) Making agreement to restrict competition when the parties to the agreement have a combined market share on the relevant market by 30% or more in one of the following cases: agreement fixing the price of goods and services directly or indirectly; agreement dividing consumer markets, supply of goods and services; agreement limiting or controlling the quantity and volume of production, purchase and sale of goods and services; agreement limiting technical and technology development, restricting investment; agreement imposing conditions on other enterprises for signing contracts to buy and sell goods, services or forcing other enterprises to accept obligations not directly related to the subject of the contract.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong or sentenced to between 1 year and 57 years of imprisonment:

a) Committing the crime twice or more;

b) Employing sophisticated, treacherous tricks;

c) Abusing the dominant market position or monopoly market position;

d) Gaining illicit profits of 5.000.000.000 dong or higher;

đ) Causing damage of 3.000.000.000 dong or higher to other persons.

3. Offenders may also be subject to a fine of between 50.000.000 dong and 200.000.000dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years.

4. Committing the crime stipulated under this Article, commercial legal entities shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 3.000.000.000 dong and 5.000.000.000 dong, or the suspension of operation for a fixed term of between 6 months and 2 years;

c) Legal commercial entities may also be subject to a fine of between 100.000.000 dong and 500.000.000 dong, prohibited from doing business, operating in certain areas or mobilizing capital for between 1 year and 3 years.

#### **Article 218. Violating regulations on property auctions**

1. The persons who commit one of the following acts, gaining illicit profits of between 30.000.000 dong and under 200.000.000dong, causing damage to other persons of between 50.000.000 dong and under 300.000.000dong, shall be subject to fine of between 20.000.000 dong and 200.000.000dong, sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years:

a) Creating made-up lists of people registered to purchase auctioned assets;

b) Creating made-up, false applications to participate in asset auction activities;

c) Colluding or dumping prices in asset auction activities.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 200.000.000 dong and 1.000.000.000dong or sentenced to between 1 year and 57 years of imprisonment:

a) In an organized manner;

b) Gaining illicit profits of 200.000.000 dong or more;

c) Causing damage to other persons of 200.000.000 dong or more;

d) Committing the crimes twice or more;

đ) Employing sophisticated, treacherous tricks.

3. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000dong or prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

**Article 219. Violating regulations on the management and use of State property causing loss, waste**

1. The persons who are assigned to manage and use the State property but violate regulations on the management and use of property, causing loss, waste valued at between 100.000.000 dong and under 300.000.000 dong, or under 100.000.000 dong but have been administratively sanctioned for this act but continue to commit, shall be sentenced to non-custodial rehabilitation for up to 03 years or imprisonment of between 1 year and 5 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to imprisonment of between 3 years and 12 years:

a) For profits;

b) In an organized manner;

c) Using sophisticated, treacherous tricks;

d) Causing property damage of between 300.000.000 dong and under 1.000.000.000 dong.

3. Committing the crime, causing property damage of 1.000.000.000 dong or more, the offenders shall be sentenced to between 10 years and 20 years of imprisonment.

4. The offenders may also be prohibited from holding certain posts or doing certain jobs for between 1 year and 5 years, subject to the confiscation of part or the whole of property.

**Article 220. Violating State regulations on management and use of public investment fund which causes serious consequences**

1. The persons, who abuse their position and power to implement one of the following acts causing damage of between 100.000.000 dong and under 300.000.000 dong, or under 100.000.000 dong but have been disciplined for this act and continue to commit the act, if is not under the cases specified in Article 224 of this Code, shall be sentenced to non-custodial rehabilitation for up to 03 years or imprisonment of between 1 year and 5 years:

a) Violating provisions on deciding investment policies;

- b) Violating regulations on establishing, evaluating investment policies;
  - c) Violating regulations on deciding program and project investment;
  - d) Violating provisions on consulting, designing programs and projects.
2. Committing the crime in one of the following circumstances, the offender shall be sentenced to imprisonment of between 3 years to 12 years:
- a) For profits;
  - b) In an organized manner;
  - c) Using sophisticated, treacherous tricks;
  - d) Causing property damage of between 300.000.000 dong and under 1.000.000.000 dong.
3. Committing the crime, causing property damage of 1.000.000.000 dong or more, the offenders shall be sentenced to between 10 years and 20 years of imprisonment.
4. The offenders may also be prohibited from holding certain posts or doing certain jobs for between 1 year and 5 years, subject to the confiscation of part of or the whole property.

**Article 221. Violating the State regulations on accounting causing serious consequences**

1. The persons who abuse their position and power to commit one of the following acts, causing damage of between 100.000.000 dong and under 300.000.000 dong, or under 100.000.000 dong but have been disciplined for this act and continue to commit the act, shall be sentenced to non-custodial rehabilitation for up to 03 years or imprisonment of between 1 year and 5 years:
- a) Falsifying, providing false information on, agreeing with or forcing other persons to falsify, provide false information, erase accounting records;
  - b) Enticing, agreeing or forcing other persons to provide, verify false accounting information and data;
  - c) Excluding assets of or related to accounting units from their ledger;
  - d) Destroying or deliberately damaging accounting records before the archiving period expires as prescribed by the Law on accounting;
  - e) Establishing two or more principal financial ledgers to exclude the assets, funds, budgets of the accounting units from the ledgers.
2. Committing the crime in one of the following circumstances, the offender shall be sentenced to imprisonment of between 3 years to 12 years:
- a) For profits;
  - b) In an organized manner;
  - c) Using sophisticated, treacherous tricks;
  - d) Causing property damage of between 300.000.000 dong and under 1.000.000.000 dong.

3. Committing the crime, causing property damage of 1.000.000.000 dong or more, the offenders shall be sentenced to between 10 years and 20 years of imprisonment.

4. The offenders may also be prohibited from holding certain posts or doing certain jobs for between 1 year and 5 years, subject to the confiscation of part of or the whole property.

2. Committing the crime in one of the following circumstances, the offender shall be sentenced to imprisonment of between 3 years to 12 years:

a) For profits;

b) In an organized manner;

c) Using sophisticated, treacherous tricks;

d) Causing property damage of between 300.000.000 dong and under 1.000.000.000 dong.

3. Committing the crime, causing property damage of 1.000.000.000 dong or more, the offenders shall be sentenced to between 10 years and 20 years of imprisonment.

4. The offenders may also be prohibited from holding certain posts or doing certain jobs for between 1 year and 5 years, subject to the confiscation of part of or the whole property.

#### **Article 222. Violating regulations on bidding which cause serious consequences**

1. The persons who commit one of the following acts, causing damage of between 100.000.000 dong and under 300.000.000 dong, or under 100.000.000 dong but have been disciplined for this act and continue to commit the act, shall be sentenced to non-custodial rehabilitation for up to 03 years or imprisonment of between 1 year and 5 years:

a) Illegally intervening in bidding activities;

b) Collusive bidding;

c) Committing frauds in bidding;

d) Obstructing bidding activities;

e) Violating provisions of the law on ensuring the fairness and transparency in bidding activities;

e) Organizing the selection of contractors while the funds for bidding packages have not yet been determined resulting in arrears of the contractors;

g) Illegally transferring of bids.

2. Committing the crime in one of the following circumstances, the offender shall be sentenced to imprisonment of between 3 years to 12 years:

a) For profits;

b) In an organized manner;

c) Using sophisticated, treacherous tricks;

d) Causing property damage of between 300.000.000 dong and under 1.000.000.000 dong.

3. Committing the crime, causing property damage of 1.000.000.000 dong or more, the offenders shall be sentenced to between 10 years and 20 years of imprisonment.

4. The offenders may also be prohibited from holding certain posts or doing certain jobs for between 1 year and 5 years, subject to the confiscation of part of or the whole property.

**Article 223. Colluding with, shielding taxpayers which causes serious consequences**

1. The persons who abuse their position and power to commit one of the following acts, causing loss of tax amount of between 100.000.000 dong and under 300.000.000 dong, or under 100.000.000 dong but have been disciplined for this act and continue to commit the act, shall be sentenced to non-custodial rehabilitation for up to 03 years or imprisonment of between 1 year and 5 years:

a) Illegally implement tax exemption, tax reduction, tax debt relief, fine relief, tax refund against provisions of the Tax Administration Law and other provisions of the tax law;

b) Illegally verifying the implementation of tax liability by taxpayers against provisions of the Tax Administration Law and other provisions of the tax law.

2. Committing the crime in one of the following circumstances, the offender shall be sentenced to imprisonment of between 3 years to 12 years:

a) For profits;

b) In an organized manner;

c) Using sophisticated, treacherous tricks;

d) Causing loss of tax amount of between 300.000.000 dong and under 1.000.000.000 dong.

3. Committing the crime, causing loss of tax amount of 1.000.000.000 dong or more, the offenders shall be sentenced to between 10 years and 20 years of imprisonment.

4. The offenders may also be prohibited from holding certain posts or doing certain jobs for between 1 year and 5 years, subject to the confiscation of part of or the whole property.

**Article 224. Violating regulations on construction investment which causes serious consequences**

1. The persons who abuse their position and power to commit one of the following acts, causing damage of between 100.000.000 dong and under 300.000.000 dong, or under 100.000.000 dong but have been disciplined for this act and continue to commit the act, shall be sentenced to non-custodial rehabilitation for up to 03 years or imprisonment of between 1 year and 5 years:

a) Deciding the construction investment against the Construction Law;

b) Establishing, appraising, approving designs and estimates, adjusting estimates, inspecting constructions using state budget against the Construction Law;

c) Selecting contractors not eligible for conducting construction activities;

d) Arranging or colluding which falsifies the result of project planning, surveying, designing, supervising, building constructions.

2. Committing the crime in one of the following circumstances, the offender shall be sentenced to imprisonment of between 3 years to 12 years:

a) For profits;

b) In an organized manner;

c) Using sophisticated, treacherous tricks;

d) Causing loss of tax amount of between 300.000.000 dong and under 1.000.000.000 dong.

3. Committing the crime, causing loss of tax amount of 1.000.000.000 dong or more, the offenders shall be sentenced to between 10 years and 20 years of imprisonment.

4. The offenders may also be prohibited from holding certain posts or doing certain jobs for between 1 year and 5 years, subject to the confiscation of part of or the whole property.

#### **Article 225. Infringing upon copyright and related rights**

1. The persons who without permission of holders of copyright and related rights, intentionally commit one of the following acts of infringing upon the copyright and related rights currently protected in Vietnam, gaining illicit profits of between 50.000.000 dong and under 300.000.000 dong, or causing damage of between 100.000.000 dong and under 500.000.000 dong to holders of copyright and related rights, or the infringing goods are valued at between 100.000.000 dong and under 500.000.000 dong, shall be subject to a fine of between 50.000.000 dong and 300.000.000 dong or sentenced to non-custodial rehabilitation for up to 3 years:

a) Reproducing works, phonograms or video recordings;

b) Distributing to the public copies of works, phonograms or video recordings.

2. Committing the crime in one of the following circumstances, offenders shall be subject to a fine of between 300.000.000 dong and 1.000.000.000dong, or sentenced to between 6 months and 3 years of imprisonment:

a) In an organized manner;

b) Committing the crime twice or more.

c) Gaining illicit profits of 300.000.000 dong or higher;

d) Causing damage of 500.000.000 dong or higher to the holders of copyright and related rights;

đ) Infringing goods are valued at 500.000.000 dong or higher.

3. The offenders may also be subject to a fine of between 20.000.000 dong and 200.000.000dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years.

4. Committing the crime stipulated under this Article, commercial legal entities shall be subject to the penalties as follows:

- a) Committing the crime in the circumstances stipulated at clause 1 of this Article, having been administratively sanctioned for this act, or having been sentenced for this crime and continuing to commit the crime while the criminal record has not yet been expunged, legal commercial entities shall be subject to a fine of between 300.000.000 dong and 1.000.000.000 dong;
- b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong, or the suspension of operation for a fixed term of between 6 months and 2 years;
- c) Legal commercial entities may also be subject to a fine of between 100.000.000 dong and 300.000.000 dong, prohibited from doing business, operating in certain areas or mobilizing capital for between 1 year and 3 years.

#### **Article 226. Infringing upon industrial property rights**

1. The persons who intentionally infringe upon industrial property rights to brands or geographical indications currently under protection in Vietnam, gaining illicit profits of between 100.000.000 dong and under 300.000.000 dong, or causing damage of between 200.000.000 dong and under 500.000.000 dong to holders of brands or geographical indications, or the infringing goods are valued at between 200.000.000 dong and under 500.000.000 dong, shall be subject to a fine of between 50.000.000 dong and 500.000.000 dong or sentenced to non-custodial rehabilitation for up to 3 years:
2. Committing the crime in either of the following circumstances, offenders shall be subject to a fine of between 500.000.000 dong and 1.000.000.000dong, or sentenced to between 6 months and 3 years of imprisonment:
  - a) In an organized manner;
  - b) Committing the crime twice or more;
  - c) Gaining illicit profits of 300.000.000 dong or higher;
  - d) Causing damage of 500.000.000 dong or higher to the holders of brands or geographical indications;
  - đ) Infringing goods are valued at 500.000.000 dong or higher.
3. The offenders may also be imposed a fine of between 20.000.000 dong and 200.000.000dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years.
4. Committing the crime stipulated under this Article, commercial legal entities shall be subject to the penalties as follows:
  - a) Committing the crime in the circumstances stipulated at clause 1 of this Article, having been administratively sanctioned for this act, or having been sentenced for this crime and continuing to commit the crime while the criminal record has not yet been expunged, legal commercial entities shall be subject to a fine of between 500.000.000 dong and 2.000.000.000 dong;
  - b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 2.000.000.000 dong and

5.000.000.000 dong, or the suspension of operation for a fixed term of between 6 months and 2 years;

c) Legal commercial entities may also be subject to a fine of between 100.000.000 dong and 500.000.000 dong, prohibited from doing business, operating in certain areas or mobilizing capital for between 1 year and 3 years.

#### **Article 227. Violating regulations on the research, exploration and exploitation of natural resources**

1. The persons who violate the state regulations on the research, exploration and exploitation of natural resources, in the inland, islands, inland waters, territorial waters, exclusive economic zones, continental shelf and air space of Vietnam by conducting such activities without the permit or in contravention of the permit content in one of the following circumstances, or have been administratively sanctioned for this act, or have been sentenced for this crime and continue to commit the crime while the criminal record has not yet been expunged, shall be subject to a fine of between 300.000.000 dong and 1.500.000.000 dong or sentenced to imprisonment of between 6 months and 3 years:

a) Gaining illicit profits of between 100.000.000 dong and under 500.000.000 dong from the research, exploration and exploitation of oil and gas or other minerals;

b) Minerals are valued at between 500.000.000 dong and under 1.000.000.000 dong;

c) Inflicting injury or causing harm to the health of other persons with an injury rate of between 31% and 60%.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 1.500.000.000 dong and 5.000.000.000 dong or sentenced to between 2 years and 7 years of imprisonment:

a) Gaining illicit profits of 500.000.000 dong or higher from the research, exploration and exploitation of oil and gas or other minerals;

b) Minerals are valued at 1.000.000.000 or higher;

c) In an organized manner;

d) Causing environmental incidents;

đ) Inflicting injury or causing harm to the health of two persons with an injury rate of 61% or higher for each person, or inflicting injury or causing harm to the health of 4 persons with an injury rate of 31% or higher for each person;

e) Causing human death.

3. The offenders may also be subject to a fine of between 50.000.000 dong and 500.000.000 dong.

4. Committing the crime stipulated under this Article, commercial legal entities shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, having been administratively sanctioned for this act but continuing to commit the act, or having been sentenced for this crime and continuing to commit the crime while the criminal record has not yet been expunged, legal commercial entities shall be subject to a fine of between 1.500.000.000 dong and 3.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 3.000.000.000 dong and 7.000.000.000 dong, or the suspension of operation for a fixed term of between 6 months and 3 years;

c) Legal commercial entities may also be subject to a fine of between 100.000.000 dong and 500.000.000 dong, prohibited from doing business, operating in certain areas or mobilizing capital for between 1 year and 3 years.

#### **Article 228. Violating regulations on land use**

1. The persons who encroach and occupy land or transfer the land use right or use land in contravention of the state regulations on land management and use, have been administratively sanctioned for this act, or have been sentenced for this crime and continue to commit the crime while the criminal record has not yet been expunged, shall be subject to a fine of between 50.000.000 dong and 500.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 500.000.000 dong and 2.000.000.000 dong or imprisonment of between 2 and 7 years:

a) In an organized manner;

b) Committing the crimes twice or more;

c) Dangerous recidivism.

3. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong.

#### **Article 229. Breaching regulations on land management**

1. The persons who take advantage of or abuse their position, power to allocate, acquire and lease land, permit the transfer of the right to use or permit the change of use of land in contravention of the law in one of the following circumstances, shall be sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

a) Paddy land with an area of between 5.000 m<sup>2</sup> to under 30.000.000 m<sup>2</sup>; special-use forest land, protective forest land, production forest land with an area of between 10.000 m<sup>2</sup> and under 50.000 m<sup>2</sup>; other agricultural land and other non-agricultural land with an area of between 10.000 m<sup>2</sup> and under 40.000 m<sup>2</sup>;

b) Land with land use right with converted value of between 500.000.000 dong and under 2.000.000.000 dong for agricultural land or between 1.000.000.000 dong and under 5.000.000.000 dong for non-agricultural land;

c) Having been administratively sanctioned for this act but continue to commit.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

a) In an organized manner;

b) Paddy land with an area of between 30.000 m<sup>2</sup> to under 70.000.000 m<sup>2</sup>; special-use forest land, protective forest land, production forest land with an area of between

50.000 m<sup>2</sup> and under 100.000 m<sup>2</sup>; other agricultural land and other non-agricultural land with an area of between 40.000 m<sup>2</sup> and under 80.000 m<sup>2</sup>;

b) Land with land use right with converted value of between 2.000.000.000 dong and under 7.000.000.000 dong for agricultural land or between 5.000.000.000 dong and under 15.000.000.000 dong for non-agricultural land;

d) Causing negative impacts on the security, order and safety of the society.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 12 years of imprisonment:

a) Paddy land with an area of 70.000.000 m<sup>2</sup> or more; special-use forest land, protective forest land, production forest land with an area of 100.000 m<sup>2</sup> or more; other agricultural land and other non-agricultural land with area of 80.000 m<sup>2</sup> or more;

b) Land with land use right with converted value of 7.000.000.000 dong or more for agricultural land or 15.000.000.000 or more for non-agricultural land;

c) Causing particularly serious consequences.

4. The offenders may also be subject to a fine of between 10.000.000 dong and under 150.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

#### **Article 230. Violating regulations on the compensation, support and resettlement when the State acquires lands**

1. The persons who abuse their position and power to commit one of the following acts, causing property damage of 100.000.000 dong and under 300.000.000 dong, or under 100.000.000 but have been disciplined for such act and continue to commit, shall be sentenced to non-custodial rehabilitation for up to 03 years or imprisonment of between 1 year and 5 years:

a) Violating provisions of the law on land compensation, support and resettlement;

b) Violating provisions of the law on compensation for property, production and business.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 12 years:

a) For profit or for other personal motives;

b) In an organized manner;

c) Using sophisticated, treacherous tricks;

d) Causing negative impacts on the security, order and safety of the society.

e) Causing damage of between 300.000.000 dong and under 1.000.000.000 dong.

3. Committing the crime, causing damage of 1.000.000.000 dong or more, the offenders shall be sentenced to imprisonment of between 10 years and 20 years.

4. The offenders may also be prohibited from holding certain positions or doing certain jobs for from 1 year to 5 years, or the confiscation of part of or the whole property.

#### **Article 231. Deliberately acting against the regulations on distribution of relief money and goods**

1. The persons who abuse their position, power and deliberately act against the regulations on distribution of relief money and goods, causing damage or loss of relief money and goods valued at between 100.000.000 dong and under 300.000.000 dong, shall be subject to warning or a fine of 50.000.000 dong and 200.000.000 dong or sentenced to non-custodial rehabilitation for up to 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to a fine of between 200.000.000 dong and 1.000.000.000 dong or between 1 year and 5 years of imprisonment:

a) In an organized manner;

b) Committing the crime twice or more;

c) Causing damage or loss of relief money and goods valued at 300.000.000 dong or higher;

d) Causing negative impacts on the security, order and safety of the society.

3. The offenders may also be prohibited from holding certain posts for 1 to 5 years.

### **Article 232. Breaching regulations on forest exploitation, protection and management of forest products**

1. The persons who commit one of the following acts, if it is not under cases stipulated in Articles 243 this Code, shall be subject to a fine of between 50.000.000 dong and 300.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

a) Illegally exploiting production forests with the volume of between 20m<sup>3</sup> and under 40m<sup>3</sup> of wood of regular plants; between 12.5 m<sup>3</sup> and under 25 m<sup>3</sup> of wood of endangered, rare or valuable forest plants under Group IIA;

b) Illegally exploiting protection forests with the volume of between 15m<sup>3</sup> and under 30m<sup>3</sup> of wood of regular plants; between 10m<sup>3</sup> and under 20 m<sup>3</sup> of wood of endangered, rare or valuable forest plants under Group IIA;

c) Illegally exploiting special-use forests with the volume of between 15 m<sup>3</sup> and under 30 m<sup>3</sup> of wood of regular plants; between 5 m<sup>3</sup> and under 10 m<sup>3</sup> of wood of endangered, rare or valuable forest plants under Group IIA; plants under Group IIA valued at between 50.000.000 dong and under 100.000.000 dong;

d) Illegally exploiting forest plants except wood valued at between 100.000.000 dong and under 200.000.000 dong;

đ) Exploiting endangered, rare or valuable plants whose protection is prioritized, other plants under Group IA valued at between 30.000.000 dong and under 60.000.000 dong, or between 1 m<sup>3</sup> and under 2 m<sup>3</sup> of wood in production forests, or between 0,5 m<sup>3</sup> and under 1,5 m<sup>3</sup> of wood in protection forests, or between 0,5 m<sup>3</sup> and under 1,5 m<sup>3</sup> of wood in special-use forests or nature conservation areas;

e) Illegally storing, transporting, processing and trading in between 1,5 m<sup>3</sup> and under 3 m<sup>3</sup> of wood of endangered, rare or valuable forest plants under Group IA or exotic wood of plants under Annex I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora or List of endangered, valuable, rare species whose protection is prioritized; from 10 m<sup>3</sup> and under 20 m<sup>3</sup> of wood of endangered, rare or valuable forest plants under Group IIA or exotic wood of plants under Annex II of the

Convention on International Trade in Endangered Species of Wild Fauna and Flora;  
from 20 m<sup>3</sup> and under 40 m<sup>3</sup> of wood of regular plants;

g) Illegally storing, transporting, processing and trading in other wild plants valued at between 300.000.000 dong and under 600.000.000 dong;

h) Illegal objects with the quantity or value under the lowest level prescribed at one of the points including point a, b, c, d, đ or e of this clause but having been administratively sanctioned for this act or sentenced for this crime and continue to commit the crime while the criminal record has not yet been expunged.

2. Committing the crime in one of the following cases, the offenders shall be subject to a fine of between 300.000.000 dong and under 1.500.000.000 dong or sentenced to between 2 years and 7 years of imprisonment:

a) Illegally exploiting production forest with the volume of between 40 m<sup>3</sup> and under 80m<sup>3</sup>of wood of regular plants; between 25 m<sup>3</sup> and under 50 m<sup>3</sup> of wood of endangered, rare or valuable forest plants under Group IIA;

b)Illegally exploiting protection forests with the volume of between 30 m<sup>3</sup> and under 60 m<sup>3</sup> of wood of regular plants; between 20m<sup>3</sup> and under 40 m<sup>3</sup> of wood of endangered, rare or valuable forest plants under Group IIA;

c) Illegally exploiting special-use forests with the volume of between 30 m<sup>3</sup> and under 60 m<sup>3</sup> of wood of regular plants; between 10 m<sup>3</sup> and under 20 m<sup>3</sup> of wood of endangered, rare or valuable forest plants under Group IIA;

d) Illegally exploiting forest plants except wood valued at between 200.000.000 dong and under 400.000.000 dong;

đ) Illegally storing, transporting, processing and trading in between 3 m<sup>3</sup> and under 6 m<sup>3</sup> of wood of endangered, rare or valuable forest plants under Group IA or exotic wood of plants under Annex I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora or List of endangered, valuable, rare species whose protection is prioritized; from 20 m<sup>3</sup> and under 40 m<sup>3</sup> of wood of endangered, rare or valuable forest plants under Group IIA or exotic wood of plants under Annex II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora; from between 40 m<sup>3</sup> and under 80 m<sup>3</sup> of wood of regular plants;

e) Illegally storing, transporting, processing and trading in other wild plants valued at between 600.000.000 dong and under 1.200.000.000 dong;

g) Committing the crime across borders or from the tax free zone into the inland or vice versa;

h) In an organized manner;

i) Dangerous recidivism.

3. Committing the crime in one of the following cases, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) Illegally exploiting production forest with the volume of 80m<sup>3</sup>or higher of wood of regular plants; 50 m<sup>3</sup> or higher of wood of endangered, rare or valuable forest plants under Group IIA;

- b) Illegally exploiting protection forests with the volume of 60 m<sup>3</sup> or higher of wood of regular plants; 40 m<sup>3</sup> or higher of wood of endangered, rare or valuable forest plants under Group IIA;
  - c) Illegally exploiting special-use forests with the volume of 60 m<sup>3</sup> or higher of wood of regular plants; 20 m<sup>3</sup> or higher of wood of endangered, rare or valuable forest plants under Group IIA;
  - d) Illegally exploiting forest plants except wood valued at 400.000.000 dong or higher;
  - đ) Illegally storing, transporting, processing and trading in 6 m<sup>3</sup> or higher of wood of endangered, rare or valuable forest plants under Group IA or exotic wood of plants under Annex I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora or List of endangered, valuable, rare species whose protection is prioritized; 40 m<sup>3</sup> or higher of wood of endangered, rare or valuable forest plants under Group IIA or exotic wood of plants under Annex II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora; 80 m<sup>3</sup> or higher of wood of regular plants;
  - e) Illegally storing, transporting, processing and trading in other wild plants valued at 1.200.000.000 dong or higher.
4. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000dong.

5. Committing the crime stipulated under this Article, commercial legal entities shall be subject to the penalties as follows:

- a) Committing the crime in the circumstances stipulated at clause 1 of this Article, having been administratively sanctioned for this act but continuing to commit the act except for the case prescribed at point g clause 1 of this Article, legal commercial entities shall be subject to a fine of between 300.000.000 dong and 1.000.000.000 dong;
- b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong, or the suspension of operation for a fixed term of between 6 months and 3 years;
- c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 3.000.000.000 dong and 6.000.000.000 dong, or the suspension of operation for a fixed term of between 6 months and 3 years;
- d) Legal commercial entities may also be subject to a fine of between 100.000.000 dong and 500.000.000 dong, prohibited from doing business, operating in certain areas or mobilizing capital for between 1 year and 3 years.

### **Article 233. Breaching regulations on forest management**

1. The persons who take advantage of or abuse their position, power to commit one of the following acts, shall be sentenced to non-custodial rehabilitation for up to 3 years or to imprisonment of between 6 months and 3 years:

- a) Illegally allocating forests, forest land; acquiring forests, forest land of between 20.000 m<sup>2</sup> to under 25.000 m<sup>2</sup> of production forest; of between 15.000 m<sup>2</sup> to under

20.000 m<sup>2</sup> of protection forest; of between 10.000 m<sup>2</sup> to under 15.000 m<sup>2</sup> of special-use forest, if it is not under the case prescribed in Article 229 of this Code;

b) Illegally permitting the transfer of the use purposes of forests, forest land of between 10.000 m<sup>2</sup> to under 12.500 m<sup>2</sup> of production forest; of between 7.500 m<sup>2</sup> to under 10.000 m<sup>2</sup> of protection forest; of between 5.000 m<sup>2</sup> to under 7.500 m<sup>2</sup> of special-use forest, if it is not under the case prescribed in Article 229 of this Code;

c) Illegally permitting the exploitation, transportation of forest products against the law in one of the cases stipulated under clause 1 of Article 232 of this Code;

d) Having been disciplined for this act but continuing to commit.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years to 7 years of imprisonment:

a) In an organized manner;

b) Committing the crime twice or more;

c) Illegally allocating forests, forest land or acquiring forests, forest land of between 25.000 m<sup>2</sup> to under 40.000 m<sup>2</sup> of production forest; of between 20.000 m<sup>2</sup> to under 30.000 m<sup>2</sup> of protection forest; of between 15.000 m<sup>2</sup> to under 25.000 m<sup>2</sup> of special-use forest;

d) Illegally permitting the transfer of the use purposes of forests, forest land of between 12.500 m<sup>2</sup> to under 17.000 m<sup>2</sup> of production forest; of between 10.000 m<sup>2</sup> to under 15.000 m<sup>2</sup> of protection forest; of between 7.500 m<sup>2</sup> to under 12.000 m<sup>2</sup> of special-use forest;

đ) Illegally permitting the exploitation, transportation of forest products against the law in one of the cases stipulated under clause 2 of Article 232 of this Code;

3. Committing the crime in one of the following cases, the offenders shall be sentenced to between 5 and 1212 years of imprisonment:

a) Illegally allocating forest, forest land or acquiring forests, forest land of 40.000 m<sup>2</sup> or more of production forest; of 30.000 m<sup>2</sup> or more of protection forest; of 25.000 m<sup>2</sup> or more of special-use forest;

b) Illegally permitting the transfer of the use purposes of forests, forest land of 17.000 m<sup>2</sup> or more of production; of 15.000 m<sup>2</sup> or more of protection forest; of 12.000 m<sup>2</sup> or more of special-use forest;

4. The offenders may also be subject to a fine of between 10.000.000 dong and 100.000.000 dong, prohibited from holding certain posts for 1 year to 5 years.

#### **Article 234. Breaching regulations on the management and protection of wildlife**

1. The persons who commit one of the following acts, if not under the cases specified in Article 242 and Article 244 of this Code, shall be fined from 50.000.000 dong to 300.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

a) Illegal hunting, killing, raising, caging, transporting, trading in endangered, rare and precious animals under Group IIB or Annex II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora valued at between 300.000.000

dong and 1.000.000.000 dong; regular wildlife valued at between 500.000.000 dong and 1.500.000.000 dong;

b) Storing, transporting, trafficking unauthorized individuals, body parts or products of endangered, rare, precious animals under Group IIB of Annex II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora valued at between 300.000.000 dong and 1.000.000.000 dong; regular wildlife valued at between 500.000.000 dong and 1.500.000.000 dong;

c) Committing the crime in case the animals, body parts or products of animals are valued at below the level specified at point a, b of this clause but having been administratively sanctioned for this act or sentenced for this crime, and continuing to commit the crime while the criminal record has not yet been expunged.

2. Committing the crime in one of the following circumstances, the offenders shall be fined from 300.000.000 dong to 1.500.000.000 dong, sentenced to imprisonment of between 3 years and 7 years:

a) In an organized manner;

b) Abusing the position, power or abusing the name of agencies and organizations;

c) Use prohibited tools or means of hunting;

d) Hunting in the restricted areas or during at the prohibited period;

e) Trading in, transporting across borders;

e) The number of endangered, rare, precious animals under Group IIB or Annex II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora valued at between 1.000.000.000 dong and 2.000.000.000 dong; regular wildlife or their body parts, products valued at 1.500.000.000 dong or higher;

g) Gaining illicit profits of between 200.000.000 dong and under 500.000.000 dong;

h) Dangerous recidivism.

3. Committing the crime in one of the following cases, the offenders shall be sentenced to between 7 and 12 years of imprisonment:

a) The quantity of endangered, rare, precious animals under Group IIB or Annex II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora or their body parts, products valued at 2.000.000.000 dong or higher;

b) Gaining illicit profits of 500.000.000 dong or higher.

4. The offenders may also be subject to a fine of between 50.000.000 dong and 200.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for 1 year to 5 years.

5. Committing the crime stipulated under this Article, commercial legal entities shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 300.000.000 dong and 1.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong;

c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 3.000.000.000 dong and 6.000.000.000 dong, or the suspension of operation for a fixed term of between 6 months and 3 years;

d) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of operation;

đ) Legal commercial entities may also be subject to a fine of between 50.000.000 dong and 200.000.000 dong, prohibited from doing business, operating in certain areas or mobilizing capital for between 1 year and 3 years.

## **Chapter XIX**

### **ENVIRONMENTAL CRIMES**

#### **Article 235. Polluting the environment**

1. The persons who commit one of the following acts shall be subject to a fine of between 100.000.000 dong and 1.000.000.000 dong sentenced to imprisonment of between 1 year and 5 years:

a) Illegally burying, filling, dumping, discharging into the environment from 3.000 kilograms to under 5.000 kilograms of hazardous wastes or persistent organic substances that need to be eliminated as specified in Annex A of the Stockholm Convention on persistent organic pollutants;

b) Discharging into the environment from 5.000 m<sup>3</sup> per day to below 10.000 m<sup>3</sup> per day of wastewater with hazardous environmental parameters in excess of the technical standard on wastes of 10 times or higher;

c) Discharging into the environment waste water containing radioactive substances which causes the radioactive contamination to the environment in excess the technical standard of between 2 times and less than 4 times;

d) Discharging into the environment from 5.000 m<sup>3</sup> per day to less than 10.000 m<sup>3</sup> per day of wastewater with the level of pH from 0 to under 2, or from 12.5 to 14;

đ) Discharging into the environment from 300.000 m<sup>3</sup> per hour to less than 500.000 m<sup>3</sup> per hour of dust and gas emissions in excess of the technical standard of 10 times or higher;

e) Illegally burying, filling, dumping, discharging into the environment normal solid wastes of between 200.000 kilograms and under 500.000 kilograms;

g) Wastes containing radioactive substances, causing the radioactive contamination to the environment from the source of radioactive with the medium level of danger in accordance with the national technical standard on radiation safety, sorting and classifying sources of radioactive exceeding the permitted standard;

h) Emitting the radiation, radioactive which exceeds the technical standard or the prescribed limit of between 2 times and less than 4 times.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong or sentenced to between 3 years and 7 years of imprisonment:

- a) Illegally burying, filling, dumping, discharging into the environment 5.000 kilograms or more of hazardous wastes or persistent organic substances that need to be eliminated as specified in Annex A of the Stockholm Convention on persistent organic pollutants;
- b) Discharging into the environment 10.000 m<sup>3</sup> per day of wastewater with hazardous environmental parameters in excess of the technical standard on wastes of 10 times or higher;
- c) Discharging into the environment waste water containing radioactive substances which causes the radioactive contamination to the environment in excess the technical standard of 4 times or higher;
- d) Discharging into the environment 10.000 m<sup>3</sup> per day or more of wastewater with the level of pH from 0 to under 2, or from 12.5 to 14;
- đ) Discharging into the environment 500.000 m<sup>3</sup> or more per hour of dust and gas emissions in excess of the technical standard of 10 times or higher;
- e) Illegally burying, filling, dumping, discharging into the environment normal solid wastes of 500.000 kilograms or higher;
- g) Wastes containing radioactive substances, causing the radioactive contamination to the environment from the source of radioactive with the above-medium level of danger in accordance with the national technical standard on radiation safety, sorting and classifying sources of radioactive exceeding the permitted standard;
- h) Emitting the radiation, radioactive which exceeds the technical standard or the prescribed limit of 4 times or higher.

3. Committing the crime in one of the following circumstances, having been administratively sanctioned for this act or having been sentenced for this crime and continue to commit the act while the criminal record has not yet been expunged, the offenders shall be subject to a fine of between 50.000.000 dong and 500.000.000 dong or sentenced to between 3 months and 2 years of imprisonment:

- a) Illegally burying, filling, dumping, discharging into the environment from 1.000 kilograms to under 3.000 kilograms of hazardous wastes or persistent organic substances that need to be eliminated as specified in Annex A of the Stockholm Convention on persistent organic pollutants;
- b) Illegally transferring, giving, buying, selling from 2.000 kilograms of hazardous wastes or persistent organic substances under the list of prohibition.
- c) Discharging into the environment from 1.000 m<sup>3</sup> per day to 10.000 m<sup>3</sup> per day of wastewater with hazardous environmental parameters in excess of the technical standard on wastes of between 5 times and less than 10 times;
- d) Discharging into the environment waste water containing radioactive substances which causes the radioactive contamination to the environment in excess the technical standard of between 1 times and less than 2 times;

- d) Discharging into the environment from 1.000 m<sup>3</sup> per day to less than 10.000 m<sup>3</sup> per day of wastewater with the level of pH from 0 to under 2, or from 12.5 to 14;
- e) Discharging into the environment from 150.000 m<sup>3</sup> per hour to less than 300.000 m<sup>3</sup> per hour of dust and gas emissions in excess of the technical standard of 10 times or higher;
- g) Illegally burying, filling, dumping, discharging into the environment normal solid wastes of between 100.000 kilograms and 200.000 kilograms;
- h) Wastes containing radioactive substances, causing the radioactive contamination to the environment from the source of radioactive with the below-medium level of danger in accordance with the national technical standard on radiation safety, sorting and classifying sources of radioactive exceeding the permitted standard;
- i) Emitting the radiation, radioactive which exceeds the technical standard or the prescribed limit of between 1 times and less than 2 times.

4. Offenders may also be subject to a fine of between 30.000.000 dong and 200.000.000dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years.

5. Committing the crime stipulated under this Article, commercial legal entities shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 5.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 5.000.000.000 dong and 10.000.000.000 dong, or the suspension of operation for a fixed term of between 6 months and 3 years;

c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 500.000.000 dong and 3.000.000.000 dong;

d) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of operation;

đ) Legal commercial entities may also be subject to a fine of between 50.000.000 dong and 500.000.000 dong, prohibited from doing business, operating in certain areas for between 1 year and 3 years.

#### **Article 236. Breaching regulations on management of hazardous wastes**

1. The person who have the competence but allow the illegal burying, filling, dumping, discharging into the environment of from 3.000 kilograms to under 5.000 kilograms of hazardous wastes under the list of persistent organic substances that need to be eliminated as specified in Annex A of the Stockholm Convention on persistent organic pollutants; wastes containing radioactive substances, causing the radioactive contamination to the environment from the source of radioactive with the below-medium level of danger in accordance with the national technical standard on radiation safety, sorting and classifying sources of radioactive exceeding the permitted standard, shall be subject to a fine of between 200.000.000 dong and 1.000.000.000 dong, or

sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 200.000.000 dong and 1.000.000.000 dong or sentenced to between 2 years and 57 years of imprisonment:

a) From 5.000 kilograms and under 10.000 kilograms of hazardous wastes under the list of persistent organic substances that need to be eliminated as specified in Annex A of the Stockholm Convention on persistent organic pollutants; wastes containing radioactive substances, causing the radioactive contamination to the environment from the source of radioactive with the medium level of danger in accordance with the national technical standard on radiation safety, sorting and classifying sources of radioactive exceeding the permitted standard

b) In an organized manner:

c) Committing the crime twice or more;

d) Dangerous recidivism.

3. Committing the crime in case the hazardous wastes under the list of persistent organic substances that need to be eliminated as specified in Annex A of the Stockholm Convention on persistent organic pollutants weight 100.000 kilograms or more; wastes containing radioactive substances, causing the radioactive contamination to the environment from the source of radioactive with the above-medium level of danger in accordance with the national technical standard on radiation safety, sorting and classifying sources of radioactive exceeding the permitted standard, the offenders shall sentenced to between 5 years and 10 years of imprisonment.

4. The offenders may also be subject to a fine of between 10.000.000 dong and 150.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years.

### **Article 237. Breaching regulations on preventing, coping with and redressing environmental incidents**

1. The persons who commit one of the following acts shall be subject to a fine of between 50.000.000 dong and 500.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

a) Violating regulations on prevention of environmental incidents which causes environmental incidents;

b) Violating regulations on coping with, redressing environmental incidents which causes serious environmental pollution or cause harm to the health of other persons with an injury rate of 31% or higher, or cause damage of between 1.000.000.000 dong and under 3.000.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 500.000.000 dong and 2.000.000.000 dong or sentenced to between 2 years and 7 years of imprisonment:

a) Causing human death;

b) Causing damage of between 3.000.000.000 dong and under 7.000.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

- a) Causing death to two or more persons;
- b) Causing property damage of 7.000.000.000 dong or higher.

4. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years.

5. Committing the crime stipulated under this Article, commercial legal entities shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 3.000.000.000 dong and 5.000.000.000 dong;

c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 5.000.000.000 dong and 10.000.000.000 dong;

d) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of operation;

đ) Legal commercial entities may also be subject to a fine of between 100.000.000 dong and 500.000.000 dong, prohibited from doing business, operating in certain areas for between 1 year and 3 years.

**Article 238. Breaching regulations on protecting the safety of irrigation works, dykes and preventing natural calamities; breaching regulations on protecting river banks, sandbars**

1. The persons who commit one of the following acts, inflicting injury or causing harm to the health of other persons with an injury rate of 31% or higher, or causing damage of between 100.000.000 dong and under 300.000.000 dong, shall be subject to a fine of between 50.000.000 dong and 300.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 2 years:

a) Illegal construction of houses, works within the safety corridor of irrigation works, dykes, or works for the prevention of natural calamities;

b) Destroying or damaging irrigation works, dykes, or works for the prevention of natural calamities; works for protecting, exploiting, using, monitoring and supervising water resources; works for preventing and addressing the consequences caused by water, except for the case specified under Article 303 of this Code;

c) Illegally drilling, digging for exploration; surveying, exploiting soil, rock, sand, gravel, minerals, underground water;

d) Illegal using explosives, causing fire and explosion within the domain of protection of irrigation works, dykes, or works for the prevention of natural calamities; works for protecting, exploiting, using, monitoring and supervising water resources; works for

preventing and addressing the consequences caused by water, except for the case of having the permit or emergencies as specified by the law.

đ) Operating reservoirs, inter-reservoirs, works for flood diversion, flood delaying inconsistently with the permitted technical standards and procedures, except special cases of operating under the direction of competent persons.

2. Committing the crime in one of the following circumstances, the offender shall be subject to a fine of between 300.000.000 dong and 2.000.000.000 dong or sentenced to imprisonment of between 2 years and 7 years:

a) In an organized manner;

b) Committing the crime twice or more;

c) Causing human death;

d) Causing property damage of between 300.000.000 dong and under 1.000.000.000 dong;

đ) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) Causing death to two or more persons;

b) Causing property damage of 1.000.000.000 dong or higher.

4. The offenders may also subject to a fine of between 10.000.000 dong and 50.000.000 dong, prohibited from practicing certain professions or performing certain jobs for between 2 year and 5 years.

5. Committing the crime stipulated under this Article, commercial legal entities shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 300.000.000 dong and 1.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong;

c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 3.000.000.000 dong and 5.000.000.000 dong;

d) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of operation;

đ) Legal commercial entities may also be subject to a fine of between 100.000.000 dong and 500.000.000 dong, prohibited from doing business, operating in certain areas for between 1 year and 5 years.

### **Article 239. Taking wastes into Vietnamese territory**

1. The persons who commit one of the following acts shall be subject to a fine of between 200.000.000 dong and 1.000.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

a) Taking into Vietnamese territory from 1.000 kilograms to 3.000 kilograms of hazardous wastes or persistent organic substances that need to be eliminated as specified in Annex A of the Stockholm Convention;

b) Taking into Vietnamese territory from 70.000 kilograms to under 170.000 kilograms of other wastes.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 1.000.000.000 dong and 2.000.000.000 dong or sentenced to between 2 years and 7 years of imprisonment:

a) In an organized manner;

b) Hazardous wastes or persistent organic substances that need to be eliminated as specified in Annex A of the Stockholm Convention weight from 3.000 kilograms to under 5.000 kilograms;

c) Other wastes weight from 170.000 kilograms to under 300.000 kilograms.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) Hazardous wastes or persistent organic substances that need to be eliminated as specified in Annex A of the Stockholm Convention weight from 5.000 kilograms above;

b) Other wastes weight from 300.000 kilograms above.

4. Offenders may also be subject to a fine of between 50.000.000 dong and 200.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years

5) Committing the crime stipulated under this article, commercial legal entities shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 3.000.000.000 dong and 5.000.000.000 dong, or the suspension of operation for a fixed term of between 6 months and 1 year;

c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 5.000.000.000 dong and 7.000.000.000 dong, or the suspension of operation for a fixed term of between 6 months and 3 years;

d) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of operation;

đ) Legal commercial entities may also be subject to a fine of between 100.000.000 dong and 500.000.000 dong, prohibited from doing business, operating in certain areas for between 1 year and 3 years.

#### **Article 240. Spreading dangerous epidemics to human beings**

1. The persons who commit one of the following acts of spreading dangerous epidemics to human beings, shall be subject to a fine of between 50.000.000 dong and 200.000.000 dong or sentenced to between 1 and 5 years of imprisonment:

a) Taking out or allowing the taking out of epidemic areas animals, plants, animal or plant products or other objects capable of spreading dangerous epidemics to human beings except as otherwise provided by the law;

b) Bringing into or allowing the bringing into Vietnam animals, plants or animal or plant products, which are infected with diseases or carry dangerous pathogens capable of spreading to human beings;

c) Other acts of spreading dangerous epidemics to human beings.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment;

a) Leading to the declaration of epidemics under the authority of the Chairman of the provincial People's Committee or the Minister of Health;

b) Causing human death.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 12 years of imprisonment;

a) Leading to the declaration of epidemics under the authority of the Prime Minister;

b) Causing death of two or more persons.12 years

4. The offenders may also be subject to a fine of between 20.000.000 dong and 100.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for between 1 year and 5 years.

#### **Article 241. Deliberately spreading dangerous epidemics to animals, plants**

1. The persons who commit one of the following acts, spreading dangerous epidemics to animals, plants; causing property damage of between 100.000.000 dong and 500.000.000 dong; or have been administratively sanctioned for one of these acts, but continue to commit, shall be subject to a fine of between 50.000.000 dong and 200.000.000 dong, non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

a) Bringing into, taking out or allowing the bringing into, taking out of epidemic areas animals, plants, animal or plant products or other objects, which are infected with diseases or carry pathogens;

b) Bringing into or allowing the bringing into Vietnam animals, plants, animal or plant products in the category that must be quarantined, without complying with provisions of the law on quarantine;

c) Other acts of spreading dangerous epidemics to animals, plants.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 5 years of imprisonment:

a) Causing property damage of between 500.000.000 dong and under 1.000.000.000 dong;

b) Leading to the declaration of epidemics under the authority of the Chairman of the district and provincial People's Committees.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment;

a) Causing property damage of 1.000.000.000 dong or higher;

b) Leading to the declaration of epidemics under the authority of the Minister of Agriculture and Rural Development.

4. The offenders may also be subject to a fine of between 20.000.000 dong and 1.000.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

#### **Article 242. Destroying aquatic resources**

1. The persons who breach regulations on the protection of aquatic resources in one of the following circumstances, causing damage to aquatic resources of between 100.000.000 dong and under 500.000.000 dong, or the obtained aquatic products valued at between 50.000.000 dong and under 200.000.000 dong, or have been administratively sanctioned for one of these acts or have been sentenced for this crime but continue to commit while the criminal record has not yet been expunged, shall be subject to a fine of between 50.000.000 dong and 300.000.000dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

a) Using toxic substances, explosives, other chemicals, electric current or other prohibited means and fishing tools to exploit aquatic products or destroy aquatic resources;

b) Exploiting aquatic products in restricted areas, during restricted periods as specified by the law;

c) Exploiting aquatic products which are prohibited from exploitation as specified by the law;

d) Destroying the habitats of aquatic species under the list of endangered, precious and rare species as specified by the law;

đ) Inflicting injury or causing harm to the health of other persons with the injury rate of between 31% and 61%;

e) Violating other regulations on the protection of aquatic resources.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 300.000.000 dong and 1.000.000.000dong, or sentenced to between 3 years and 5 years of imprisonment:

a) Causing damage to aquatic resources of between 500.000.000 dong and under 1.500.000.000 dong, or the obtained aquatic products are valued at between 200.000.000 dong and under 500.000.000 dong;

b) Inflicting injury or causing harm to the health of 2 persons with the injury rate of 61% or higher for each person, or inflicting injury or causing harm to the health of 4 persons with the injury rate of 31% or higher for each person;

c) Causing human death.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment;

a) Causing damage aquatic resources of 1.500.000.000 dong or higher, or the obtained aquatic products are valued at 500.000.000 or higher;

b) Causing death to two or more persons.

4. The offenders may also be subject to a fine of between 20.000.000 dong and 100.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for between 1 year and 5 years.

5) Committing the crime stipulated under this article, commercial legal entities shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 300.000.000 dong and 1.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong;

c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 3.000.000.000 dong and 5.000.000.000 dong, or the suspension of operation for a fixed term of between 6 months and 3 years;

d) Legal commercial entities may also be subject to a fine of between 50.000.000 dong and 200.000.000 dong, prohibited from doing business, operating in certain areas or mobilizing capitals for between 1 year and 3 years.

#### **Article 243. Destroying forests**

1. The persons who illegally burn, destroy forests or commit other acts destroying forest in one of the following circumstances, shall be subject to a fine of between 50.000.000 dong and 500.000.000dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 5 years:

a) Plants that have not developed into forest or delineated forest for regeneration in the forest of no reserve covering an area of between above 30.000 m<sup>2</sup> and under 50.000m<sup>2</sup>;

b) Production forests covering an area of between above 5.000 m<sup>2</sup> and under 10.000 m<sup>2</sup>;

c) Protection forests covering an area of between above 3.000 m<sup>2</sup> and under 10.000m<sup>2</sup>;

d) Special-use forests covering an area of between above 1.000m<sup>2</sup> and under 3.000 m<sup>2</sup>;

đ) Causing damage of forest products valued at between above 30.000.000 dong and under 60.000.000 dong for production forests being natural forests; between above 50.000.000 dong and under 100.000.000 dong for production forests being planted forest, delineated forest for regeneration in case where damaged forests can not be calculated by the areas being burned, deforested or there are other destruction acts which do not concentrate but otherwise disperse, scatter in a sub-zone or many sub-zones;

e) The forest area or value of forest products is below the level specified under point a, b, c, d and d clause 1 of this Article, having been administratively sanctioned for one of this act but continue to commit, or have been sentenced for this crime but continue to commit while the criminal record has not yet been expunged.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

a) In an organized manner;

b) Abusing the position, power or abusing the name of agencies, organizations;

c) Dangerous recidivism;

d) Plants that have not developed into forest or delineated forest for regeneration under the category of forests covering an area of between above 50.000 m<sup>2</sup> and under 100.000m<sup>2</sup>;

đ) Production forests covering an area of between above 10.000 m<sup>2</sup> and under 50.000 m<sup>2</sup>;

e) Protection forests covering an area of between above 7.000 m<sup>2</sup> and under 10.000m<sup>2</sup>;

g) Special-use forests covering an area of between above 3.000m<sup>2</sup> and under 5.000 m<sup>2</sup>;

h) Causing damage of forest products valued at between 60.000.000 dong and under 120.000.000 dong for production forests being natural forests; between 100.000.000 dong and under 200.000.000 dong for production forests being planted forest, delineated forest for regeneration in case where damaged forests can not be calculated by the areas being burned, deforested or there are other destruction acts which do not concentrate but otherwise disperse, scatter in a sub-zone or many sub-zones;

i) The plants are engendered, specious and rare species prioritized for protection, other species of plants under Group IA valued at between above 60.000.000 dong and under 100.000.000 dong, under Group IIA valued at between 100.000.000 dong and under 200.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

a) Plants that have not developed into forest or delineated forest for regeneration under the category of forests covering an area of 100.000m<sup>2</sup> or higher;

b) Production forests covering an area of 50.000 m<sup>2</sup> or higher;

c) Protection forests covering an area of 10.000m<sup>2</sup> or higher;

d) Special-use forests covering an area of 5.000 m<sup>2</sup> or higher;

đ) Causing damage of forest products valued at 120.000.000 dong or higher for production forests being natural forests; 200.000.000 dong or higher for production forests being planted forest, delineated forest for regeneration in case where damaged forests can not be calculated by the areas being burned, deforested or there are other destruction acts which do not concentrate but otherwise disperse, scatter in a sub-zone or many sub-zones;

e) The plants are endangered, precious and rare species prioritized for protection, other species of plants under Group IA valued at 100.000.000 dong or higher, under Group IIA valued at 200.000.000 dong or higher.

4. The offenders may also be subject to a fine of between 20.000.000 dong and 100.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for between 1 year to 5 years.

5) Committing the crime stipulated under this article, commercial legal entities shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 500.000.000 dong and 2.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 2.000.000.000 dong and 5.000.000.000 dong;

c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 5.000.000.000 dong and 7.000.000.000 dong, or the suspension of operation for a fixed term of between 6 months and 3 years;

d) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of operation;

đ) Legal commercial entities may also be subject to a fine of between 50.000.000 dong and 200.000.000 dong, prohibited from doing business, operating in certain areas or mobilizing capitals for between 1 year and 3 years.

#### **Article 244. Breaching regulations on the management and protection of endangered, precious and rare animals**

1. The persons, who violate regulations on the management and protection of animals in the list of endangered, precious and rare species prioritized for protection; endangered, precious and rare animals under Group IB or under Annex I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora in one of the following circumstances, shall be sentenced to a fine of between 500.000.000 dong and 2.000.000.000 dong or sentenced to imprisonment of between 1 year and 5 years.

a) Illegally hunting, killing, raising, caging, transporting, trafficking in animals in the list of endangered, precious and rare species prioritized for protection;

b) Illegally storing, transporting, trafficking in individuals, body parts or products of animals specified in point a of this clause; ivories weigh between 2 kilograms and under 20 kilograms; rhino horns weigh between 0.05 kilograms and under 1 kilogram;

c) Illegally hunting, killing, raising, caging, transporting, trafficking in endangered, precious and rare animals under Group IB or under Annex I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which are not the species prescribed under point a of this clause, in the quantity of between 3 and 7 individuals of mammals, 7 and 10 individuals of birds, reptiles or between 10 and 15 individuals of other classes of animals;

d) Illegally storing, transporting, trafficking in from 3 to 7 body parts of the same category that are inseparable from alive bodies of mammals, of between 7 to 10 individuals of birds, reptiles or between 10 to 15 individuals of other classes of animals under the species specified in point c of this clause;

e) Illegally hunting, killing, raising, caging, transporting, trafficking in animals or illegally storing, transporting, trafficking in body parts of the same category that are inseparable from alive bodies of animals in the quantity lower than the lowest level specified in point b, c and d of this clause; but having been administratively sanctioned for these acts or been sentenced for this crime, and continue to commit the act while the criminal record has not yet been expunged.

2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) In an organized manner;

b) Abusing the position, power or abusing the name of agencies and organizations;

c) Using prohibited hunting tools or devices;

d) Hunting in restricted zones or restricted periods;

đ) Trafficking, transporting cross borders;

e) The number of animals in the list of endangered, precious and rare species prioritized for protection; or body parts of the same category that are inseparable from alive bodies of from 7 to 10 individuals of mammals, from 7 to 10 individuals of birds, reptiles or from 10 to 15 individuals of other classes in the list of endangered, precious and rare species prioritized for protection.

g) The number of animals in the list of endangered, precious and rare species prescribed at point c clause 1 of this Article; or the number of body parts of the same category that are inseparable from alive bodies of from 8 to 11 individuals of mammals, from 11 to 15 individuals of birds, reptiles or from 16 to 20 individuals of other classes;

h) From 1 to 2 individuals of elephants, rhinos or body parts of the same category that are inseparable from alive bodies; from 3 to 5 individuals of bears, tigers or body parts of the same category that are inseparable from alive bodies; ivories weigh from 20 kilograms to under 90 kilograms; rhino horns weigh from 1 kilogram to under 9 kilograms;

i) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, offenders shall be sentenced to between 10 years and 15 years of imprisonment:

a) The number of animals in the list of endangered, precious and rare species prioritized for protection; or the number of body parts of the same category that are inseparable from alive bodies of from 8 or more individuals of mammals, 11 or more individuals of birds, reptiles, or 16 or more individuals of other classes in the list of endangered, precious and rare species prioritized for protection.

b) The number of animals in the list of endangered, precious and rare species prescribed at point c clause 1 of this Article; or the number of body parts of the same

category that are inseparable from alive bodies of 12 or more individuals of mammals, 16 or more individuals of birds, reptiles, or 21 or more individuals of other classes;

c) From 3 or more individuals of elephants, rhinos or body parts of the same category that are inseparable from alive bodies; 6 or more individuals of bears, tigers or body parts of the same category that are inseparable from alive bodies; ivories weigh 90 kilograms or higher; rhino horns weigh 9 kilograms or higher.

4. The offenders may also be subject to a fine of between 50.000.000 dong and 200.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years

5. Committing the crime stipulated under this article, commercial legal entities shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 5.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 5.000.000.000 dong and 10.000.000.000 dong;

c) Committing the crime in the circumstances stipulated at clause 3 of this Article, legal commercial entities shall be subject to a fine of between 10.000.000.000 dong and 15.000.000.000 dong, or the suspension of operation for a fixed term of between 6 months and 3 years;

d) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of operation;

đ) Legal commercial entities may also be subject to a fine of between 300.000.000 dong and 600.000.000 dong, prohibited from doing business, operating in certain areas or mobilizing capitals for between 1 year and 3 years.

#### **Article 244. Breaching regulations on the management of nature reserves**

1. The persons who violate regulations on the management of nature reserves in one of the following circumstance shall be subject to a fine of between 50.000.000 dong and 300.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

a) Causing property damage of between 50.000.000 dong and 200.000.000 dong;

b) Causing damage to the landscape, natural ecosystem in the strictly protected zone of the nature reserve with the total area of between 300 m<sup>2</sup> to 500 m<sup>2</sup>;

c) Having been administratively sanctioned for one of these acts and continue to commit, or having been sentenced for this crime and continue to commit while the criminal record has not yet been expunged.

2. Committing the crime, in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

a) Causing property damage of 200.000.000 dong or higher;

b) Causing damage to the landscape, natural ecosystem in the strictly protected zone of the nature reserve with the total area of 500 m<sup>2</sup> or higher;

- c) In an organized manner;
- d) Using prohibited tools, devices, methods;
- đ) Dangerous recidivism.

3. The offenders may also be subject to a fine of between 10.000.000dong and 100.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years

4. Committing the crime stipulated under this article, commercial legal entities shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 300.000.000 dong and 1.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong, or the suspension of operation for a fixed term of between 6 months and 3 years;

c) Committing the crime in the circumstances stipulated in Article 79 of this Code, legal commercial entities shall be subject to the permanent suspension of operation;

d) Legal commercial entities may also be subject to a fine of between 50.000.000 dong and 500.000.000 dong, prohibited from doing business, operating in certain areas or mobilizing capitals for between 1 year and 3 years.

#### **Article 246. Importing and dispersing harmful alien species**

1. The persons who conduct one of the following acts shall be subject to a fine of between 100.000.000 dong and 1.000.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 5 years.

a) Illegal importing harmful alien animals and plants, or alien animals and plants which have the risk of being harmful in case the infringing objects are valued at between 250.000.000 dong and under 500.000.000 dong, or in case of infringing objects are valued at under 250.000.000 dong but having been administratively sanctioned for this act and continuing to commit the act;

b) Dispersing harmful alien animals and plants or alien animals and plants which have the risk of being harmful, causing property damage of between 150.000.000 dong and under 500.000.000 dong.

2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between 3 years and 7 years of imprisonment:

a) In an organized manner;

b) Illegal importing harmful alien animals and plants, or alien animals and plants which have the risk of being harmful in case the infringing objects are valued at 500.000.000 dong or higher;

c) Dispersing harmful alien animals and plants or alien animals and plants which have the risk of being harmful, causing property damage of 500.000.000 dong or higher.

c) Dangerous recidivism.

3. The offenders may also be subject to a fine of between 50.000.000dong and 500.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years

4. Committing the crime stipulated under this article, commercial legal entities shall be subject to the penalties as follows:

a) Committing the crime in the circumstances stipulated at clause 1 of this Article, legal commercial entities shall be subject to a fine of between 1.000.000.000 dong and 3.000.000.000 dong;

b) Committing the crime in the circumstances stipulated at clause 2 of this Article, legal commercial entities shall be subject to a fine of between 3.000.000.000 dong and 5.000.000.000 dong, or the suspension of operation for a fixed term of between 6 months and 3 years;

c) Legal commercial entities may also be subject to a fine of between 100.000.000 dong and 1.000.000.000 dong, prohibited from doing business, operating in certain areas or mobilizing capitals for between 1 year and 3 years.

12 years

## **Chapter XX**

### **NARCOTICS-RELATED CRIMES**

#### **Article 247. Illegally growing opium poppy, cocoa shrubs, marijuana and other kinds of plant bearing narcotic substance**

1. The person who grow opium poppy, coca shrubs, marijuana or other plants which bear narcotic substance in one of the following circumstances shall be sentenced to between 6 months and 3 years of imprisonment:

a) Having been educated twice, and been given conditions to stabilize their life;

b) Having been administratively sanctioned for this act or sentenced for this crime but continue to commit while the criminal record has not yet been expunged.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

a) In an organized manner;

b) With the quantity of 3.000 plants or more;

c) Dangerous recidivism.

3. The offenders may also be subject to a fine of between 5.000.000 dong and 50.000.000 dong.

4. The persons who commit the act stipulated under clause 1 of this Article but volunteer to destroy or hand over the plants to competent agencies before harvesting them may be exempted from criminal liability.

#### **Article 248. Illegally producing narcotics**

1. The persons who illegally produce narcotics in any form shall be sentenced to between 2 years and 7 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 and 15 years of imprisonment:

- a) In an organized manner;
- b) Committing the crime twice or more;
- c) Abusing the position, power;
- d) Abusing the name of agencies or organizations;
- đ) Poppy resin, marijuana resin or coca plasma has the weight between 500 grams and under 1 kilogram;
- e) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of between 5 grams and under 30 grams;
- g) Other narcotic substances in solid form have the weight of between 20 grams and under 100 grams;
- h) Other narcotic substances in liquid form of between 100 milliliters and under 200 milliliters;
- i) Dangerous recidivism.
- k) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point d to h of this clause.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 years and 20 years of imprisonment:

- a) Of professional nature;
- b) Poppy resin, marijuana resin or coca plasma has the weight of between 1 kilogram and under 5 kilograms;
- c) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of between 30 grams and under 100 grams;
- d) Other narcotic substance in solid form have weight of between 100 grams and under 300 grams;
- đ) Other narcotic substance in liquid form measuring between 200 milliliters and under 270 milliliters;
- e) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point b to đ of this clause.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to 20 years of imprisonment, life imprisonment or death penalty:

- a) Poppy resin, marijuana resin or coca plasma, has the weight of 5 kilograms or more;
- b) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of 100 grams or more;
- c) Other narcotic substances in solid form have the weight of 300 grams or more;
- d) Other narcotic substances in liquid form of 750 milliliters or more;
- đ) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point a to d of this clause.

5. The offenders may also be subject to a fine of between 5.000.000 dong and 500.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years, the confiscation of part of or the whole property.

**Article 249. Illegally stockpiling narcotics**

1. The persons who illegally stockpile narcotics but not for the purpose of illegally trafficking in, transporting, producing narcotics in one of the following circumstances shall be sentenced to between 1 year and 5 years of imprisonment:

- a) Having already been administratively sanctioned for this act or have been convicted for this crime, repeat the offence while the criminal record has not yet been expunged;
- b) Poppy resin, marijuana resin or coca plasma, has the weight of between 1 gram and under 500 grams;
- c) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of between 0,1 gram and under 5 grams;
- d) The marijuana leaves, roots, stems, branches, flowers, fruits or the coca leaves have the weight of between 10 kilogram and under 25 kilograms;
- đ) Dried poppy fruit has the weight of between 5 kilogram and under 50 kilograms;
- e) Fresh poppy fruit has the weight of between 1 kilogram and under 10 kilograms;
- g) Other narcotic substances in solid form have the weight of between 1 gram and under 20 grams;
- h) Other narcotic substances in liquid form of between 10 milliliters and under 100 milliliters;
- i) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point b to h of this clause.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 and 10 years of imprisonment:

- a) In an organized manner;
- b) Committing the crime twice or more;
- c) Abusing the position, power;
- d) Abusing the name of agencies or organizations;
- đ) Using persons aged under 16 years old in the crime commission;
- e) Poppy resin, marijuana resin or coca plasma, has the weight of between 500 grams and under 1 kilogram;
- g) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of between 5 grams and under 30 grams;
- h) The marijuana leaves, roots, stems, branches, flowers, fruits or the coca leaves have the weight of between 25 kilogram and under 75 kilograms;
- i) Dried poppy fruit has the weight of between 50 kilogram and under 200 kilograms;
- k) Fresh poppy fruit has the weight of between 10 kilogram and under 50 kilograms;

l) Other narcotic substances in solid form have the weight of between 20 grams and under 100 grams;

m) Other narcotic substances in liquid form of between one 100 milliliters and under 250 milliliters;

n) Dangerous recidivism;

o) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point e to m of this clause.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

a) Poppy resin, marijuana resin or coca plasma has the weight of between 1 kilogram and under 5 kilograms;

b) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of between 30 grams and under 100 grams;

c) The marijuana leaves, roots, stems, branches, flowers, fruits or the coca leaves have the weight of between 25 kilogram and under 75 kilograms;

d) Dried poppy fruit has the weight of between 200 kilogram and under 600 kilograms;

đ) Fresh poppy fruit has the weight of between 100 kilogram and under 150 kilograms;

e) Other narcotic substance in solid form have the weight of between 100 grams and under 300 grams;

g) Other narcotic substance in liquid form of between 250 milliliters and under 750 milliliters;

h) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point a to g of this clause.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to imprisonment of between 15 years and 20 years or life imprisonment:

a) Poppy resin, marijuana resin or coca plasma, has the weight of 5 kilograms or more;

b) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of 100 or more;

c) The marijuana leaves, roots, stems, branches, flowers, fruits or the coca leaves have the weight of 75 kilograms or more;

d) Dried poppy fruit has the weight of 600 kilograms or more;

đ) Fresh poppy fruit has the weight of 150 kilograms or more;

e) Other narcotic substances in solid form have the weight of 300 grams or more;

g) Other narcotic substances in liquid form of 750 milliliters or more;

h) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point a to g of this clause.

5. The offenders may also be subject to a fine of between 5.000.000 dong and 50.000.000 dong, prohibited from holding certain posts, practicing certain occupations

or doing certain jobs for 1 year to 5 years, the confiscation of part of or the whole property.

### **Article 250. Illegally transporting narcotics**

1. The persons who illegally transport narcotics but not for the purpose of illegally trafficking in, transporting, producing narcotics shall be sentenced to between 2 years and 7 years of imprisonment:

- a) Having already been administratively sanctioned for this act or have been convicted for this crime, repeating the offence while the criminal records has not yet been expunged;
- b) Poppy resin, marijuana resin or coca plasma, has the weight of between 1 gram and under 500 grams;
- c) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of between 0,1 gram and under 5 grams;
- d) The marijuana leaves, roots, stems, branches, flowers, fruits or the coca leaves have the weight of between 10 kilograms and under 25 kilograms;
- d) Dried poppy fruit has the weight of between 5 kilograms and under 50 kilograms;
- e) Fresh poppy fruit has the weight of between 1 kilogram and under 10 kilograms;
- g) Other narcotic substances in solid form have the weight of between 1 gram and under 20 grams;
- h) Other narcotic substances in liquid form of between 10 milliliters and 100 milliliters;
- i) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point b to h of this clause.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

- a) In an organized manner;
- b) Committing the crime twice or more;
- c) Abusing the position, power;
- d) Abusing the name of agencies or organizations;
- d) Using persons aged under 16 years old in the crime commission;
- e) Transporting narcotics across borders;
- g) Poppy resin, marijuana resin or coca plasma, has the weight of between 500 grams and under 1 kilogram;
- h) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of between 5 grams and under 30 grams;
- i) The marijuana leaves, roots, stems, branches, flowers, fruits or the coca leaves have the weight of between 10 kilograms and under 25 kilograms;
- k) Dried poppy fruit has the weight of between 50 kilograms and under 200 kilograms;
- l) Fresh poppy fruit has the weight of between 10 kilograms and under 50 kilograms;

- m) Other narcotic substances in solid form have the weight of between 20 grams and under 100 grams;
- n) Other narcotic substances in liquid form of between 100 milliliters and under 250 milliliters;
- o) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point g to n of this clause.
- p) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 years and 20 years of imprisonment:

- a) Poppy resin, marijuana resin or coca plasma has the weight of between 1 kilogram and under 5 kilograms;
- b) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of between 30 grams and under 100 grams;
- c) The marijuana leaves, roots, stems, branches, flowers, fruits or the coca leaves have the weight of between 25 kilograms and under 75 kilograms;
- d) Dried poppy fruit has the weight of between 200 kilograms and under 600 kilograms;
- đ) Fresh poppy fruit has the weight of between 50 kilograms and under 150 kilograms;
- e) Other narcotic substance in solid form have the weight of between 100 grams and under 300 grams;
- g) Other narcotic substance in liquid form of between 250 milliliters and under 750 milliliters;
- h) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point a to g of this clause.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to 20 years of imprisonment, life imprisonment or death penalty:

- a) Poppy resin, marijuana resin or coca plasma, has the weight of 5 kilograms or more;
- b) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of 100 grams or more;
- c) The marijuana leaves, roots, stems, branches, flowers, fruits or the coca leaves have the weight of 75 kilograms or more;
- d) Dried poppy fruit has the weight of 600 kilograms or more;
- đ) Fresh poppy fruit has the weight of 150 kilograms or more;
- e) Other narcotic substances in solid form have the weight of 300 kilograms or more;
- g) Other narcotic substances in liquid form of 750 milliliters or more;
- h) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point a to g of this clause.

5. The offenders may also be subject to a fine of between 5.000.000 dong and five 500.000.000 dong, prohibited from holding certain posts, practicing certain

occupations or doing certain jobs for between 1 year to 5 years, the confiscation of part of or the whole property.

### **Article 251. Illegally trading in narcotics**

1. The persons who illegally trade in narcotics shall be sentenced to between 2 years and 7 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

- a) In an organized manner;
- b) Committing the crime twice or more;
- c) Trading with two or more persons;
- d) Abusing the position, power;
- đ) Abusing the name of agencies or organizations;
- e) Using persons aged under 16 years old in crime commission or selling narcotics to persons aged under 16 years old;
- g) Poppy resin, marijuana resin or coca plasma has the weight of between 500 grams and under 1 kilograms;
- h) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of between 5 grams and under 30 grams;
- i) The marijuana leaves, roots, stems, branches, flowers, fruits or the coca leaves have the weight of between ten kilograms and under thirty kilograms;
- k) Dried poppy fruit has the weight of between 10 kilograms and under 25 kilograms;
- l) Fresh poppy fruit has the weight of between 10 kilograms and under 50 kilograms;
- m) Other narcotic substances in solid form have the weight of between 20 grams and under 100 grams;
- n) Other narcotic substances in liquid form of between 100 milliliters and under 250 milliliters;
- o) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point a to n of this clause.
- p) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 years and 20 years of imprisonment:

- a) Poppy resin, marijuana resin or coca plasma has the weight of between 1 kilogram and under 5 kilograms;
- b) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of between 30 grams and under 100 grams;
- c) The marijuana leaves, roots, stems, branches, flowers, fruits or the coca leaves have the weight of between 25 kilograms and under 75 kilograms;
- d) Dried poppy fruit has the weight of between 200 kilograms and under 600 kilograms;

- d) Fresh poppy fruit has the weight of between 50 kilograms and under 150 kilograms;
- e) Other narcotic substance in solid form have the weight of between 100 grams and under 300 grams;
- g) Other narcotic substance in liquid form of between 250 milliliters and under 750 milliliters;
- h) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point a to g of this clause.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to 20 years of imprisonment, life imprisonment or death penalty:

- a) Poppy resin, marijuana resin or coca plasma, has the weight of 5 kilograms or more;
- b) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of 100 grams or more;
- c) The marijuana leaves, roots, stems, branches, flowers, fruits or the coca leaves have the weight of 75 kilograms or more;
- d) Dried poppy fruit has the weight of 600 kilograms or more;
- d) Fresh poppy fruit has the weight of 150 kilograms or more;
- e) Other narcotic substances in solid form have the weight of 300 grams or more;
- g) Other narcotic substances in liquid form of 750 milliliters or more;
- h) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point a to g of this clause.

5. The offenders may also be subject to a fine of between 5.000.000 dong and 500.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years, subject to the confiscation of part of or the whole property,

#### **Article 252. Illegally appropriating narcotics**

1. The persons who illegally appropriate narcotics in any forms under one of the following circumstances shall be sentenced to between 1 year and 5 years of imprisonment:

- a) Having already been administratively sanctioned for this act or have been convicted for this crime, repeating the offense while the criminal record has not yet been expunged;
- b) Poppy resin, marijuana resin or coca plasma, has the weight of between 1 gram and under 500 grams;
- c) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of between 0,1 gram and under 5 grams;
- d) The marijuana leaves, roots, stems, branches, flowers, fruits or the coca leaves have the weight of between 10 kilogram and under 25 kilograms;
- d) Dried poppy fruit has the weight of between 5 kilograms and under 50 kilograms;
- e) Fresh poppy fruit has the weight of 1 kilogram and 10 kilograms;

g) Other narcotic substances in solid form have the weight of between 1 gram and under 20 grams;

h) Other narcotic substances in liquid form of between 10 milliliters and under 100 milliliters;

i) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point b to h of this clause.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) In an organized manner;

b) Committing the crime twice or more;

c) Abusing the position, power;

d) Abusing the name of agencies or organizations;

đ) Using persons aged under 16 years old in crime commission;

e) Poppy resin, marijuana resin or coca plasma, has the weight of between 500 grams and under 1 kilogram;

g) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of between 5 grams and under 30 grams;

h) The marijuana leaves, roots, stems, branches, flowers, fruits or the coca leaves have the weight of between 10 kilograms and under 25 kilograms;

i) Dried poppy fruit has the weight of between 50 kilograms and under 200 kilograms;

k) Fresh poppy fruit has the weight of 10 kilograms and 50 kilograms;

l) Other narcotic substances in solid form have the weight of between 20 grams and under 100 grams;

m) Other narcotic substances in liquid form of between 100 milliliters and under 250 milliliters;

n) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point e to m of this clause.

o) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

a) Poppy resin, marijuana resin or coca plasma has the weight of between 1 kilogram and under 5 kilograms;

b) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of between 30 grams and under 100 grams;

c) The marijuana leaves, roots, stems, branches, flowers, fruits or the coca leaves have the weight of between 25 kilograms and under 75 kilograms;

d) Dried poppy fruit has the weight of between 200 kilograms and under 600 kilograms;

đ) Fresh poppy fruit has the weight of 50 kilograms and 150 kilograms;

e) Other narcotic substance in solid form have the weight of between 100 grams and under 300 grams;

g) Other narcotic substance in liquid form of between 250 milliliters and under 750 milliliters;

h) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point a to g of this clause.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to imprisonment of between 15 years and 20 years or life imprisonment:

a) Poppy resin, marijuana resin or coca plasma, has the weight of 5 kilograms or more;

b) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA has the weight of 100 grams or more;

c) The marijuana leaves, roots, stems, branches, flowers, fruits or the coca leaves have the weight of 75 kilograms or more;

d) Dried poppy fruit has the weight of 600 kilograms or more;

đ) Fresh poppy fruit has the weight of 150 kilograms or more;

e) Other narcotic substances in solid form have the weight of 300 grams or more;

g) Other narcotic substances in liquid form of 750 milliliters or more;

h) There are 02 or more narcotics of which the total amount is equivalent to the amount of the narcotic prescribed at one of the points from point a to g of this clause.

5. The offenders may also be subject to a fine of between 5.000.000 dong and 500.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years, subject to the confiscation of part of or the whole property.

### **Article 253. Stockpiling, transporting, trading in or appropriating pre-substances used in the illegal production of narcotics**

1. The persons who store, transport, trade in or appropriate pre-substances used in the illegal production of narcotics in one of the following circumstances shall be sentenced to between 1 year and 6 years of imprisonment.

a) Having already been administratively sanctioned for such acts or have been convicted for this crime, repeating the offence while the criminal records has not yet been expunged;

b) Pre-substances have the weight of between 50 gram and under 200 grams in the solid form, the volume of between 75 milliliters and under 300 milliliters in the liquid form.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 6 years and 13 years of imprisonment:

a) In an organized manner;

b) Committing the crime twice or more;

c) Abusing the position, power;

d) Abusing the name of agencies or organizations;

- d) Pre-substances in solid form have the weight of between two 200grams and under 500 grams;
- e) Pre-substances in liquid form have the volume of between 300milliliters and under 750 milliliters;
- g) Using persons aged under 16 years old in crime commission;
- h) Transporting, trading in across the border;
- h) Dangerous recidivism.

3. Committing the crime in case the pre-substances in solid form have the weight of between 500 grams and under 1200 kilograms in solid form, or the volume of between 750milliliters and under 1.850 milliliters in liquid form, the offenders shall be sentenced to 20 years of imprisonment or life imprisonment.

4. Committing the crime in the case of pre-substances in solid form have the weight of one point eight kilograms or more, or pre-substances in liquid form measuring one point eight liters or more, the offenders shall be sentenced to between fifteen years and twenty years of imprisonment or life imprisonment.

5. Committing the crime in case involving pre-substances both in solid and liquid form, such pre-substances can be converted into the same type with the ratio of 1 gram of solid pre-substance being equivalent to 1,5 milliliter of liquid pre-substance which is served as the basis for criminal prosecution. After being converted, basing on the amount of the pre-substance, the offenders shall be criminally prosecuted in accordance with the corresponding clause.

6. The offenders may also be subject to a fine of between 5.000.000 dong and 500.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years, subject to the confiscation of part of or the whole property.

#### **Article 254. Manufacturing, stockpiling, transporting or trading in means, tools used in the illegal production or use of narcotics**

1. The persons who illegally manufacture, stockpile, transport or trade in means, tools used in the illegal production or use of narcotics in one of the following circumstances shall be sentenced to between 1 year and 5 years of imprisonment:

- a) Having already been administratively sanctioned for this act or have been convicted for this crime, repeating the offence while the criminal record has not yet been expunged;
- b) The number of means, tools of the same or different types are from 6 units to 19 units.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 and 10 years of imprisonment:

- a) In an organized manner;
- b) Committing the crime twice or more;
- c) Abusing the position, power;
- d) Abusing the name of agencies or organizations;

- d) Transporting means, tools in the quantity of 20 units of the same or different types.
- e) Using persons aged under 16 years in crime commission;
- g) Dangerous recidivism.

3. The offenders may also be subject to a fine of between 5.000.000 dong and 500.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years, subject to the confiscation of part of or the whole property.

#### **Article 255. Organizing the illegal use of narcotics**

1. Those who organize the illegal use of narcotics in any form shall be sentenced to between 2 years and 7 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

- a) Committing the crime twice or more ;
- b) Against two more persons;
- c) Against persons aged from full 13 years old to under 18 years old;
- d) Against women whom the offenders know being pregnant;
- d) Against persons who are under drug rehabilitation;
- e) Causing harms to the health of other persons with an injury rate of between 31% and 60%;
- g) Infecting other persons with dangerous diseases;
- h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 years and 20 years of imprisonment;

- a) Causing harm to the health of other person with an injury rate of 61% or higher or causing human death;
- b) Causing harm to the health of two or more persons with an injury rate of between 31% and 60%;
- c) Infecting two or more persons with dangerous diseases;
- d) Against persons aged under 13 years old.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to 20 years of imprisonment or life imprisonment:

- a) Causing harm to the health of two or more person with an injury rate of 61% or higher for each person;
- b) Causing death of two or more than one persons.

5. The offenders may also be subject to a fine of between 50.000.000 dong and 500.000.000 dong, the probation or prohibition of residence for 1 year to 5 years, the confiscation of part of or the whole property.

#### **Article 256. Harboring the illegal use of narcotics**

1. The persons who lease or lend places or commit any other act of harboring the illegal use of narcotics, if it is not under the cases specified in Article 255 of this Code, shall be sentenced to between 2 years and 7 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

- a) Abusing the position, power;
- b) Committing the crime twice or more;
- c) Against persons aged under 16 years old;
- d) Against 2 or more persons;
- đ) Dangerous recidivism.

3. The offenders may also be subject to a fine of between 50.000.000 dong and 200.000.000 dong, the confiscation of part of or the whole property.

#### **Article 257. Forcing other persons to illegally use narcotics**

1. The persons who use force or threat to use force or use other tricks to spiritually intimidate other persons to compel them to illegally use narcotics against their will shall be sentenced to between 2 year and 7 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

- a) In an organized manner;
- b) Committing the crime twice or more;
- c) For despicable motives or for their own benefits;
- d) Against persons aged from full 13 years old to under 18 years old;
- đ) Against women whom the offenders knows being pregnant;
- e) Against two or more person;
- g) Against persons who are under drug rehabilitation;
- h) Causing harms to other persons' health with an injury rate of between 31% and 60%;
- i) Infecting other persons with dangerous diseases;
- k) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 years and 20 years of imprisonment:

- a) Causing harm to the health of other persons with an injury rate of 61% or higher or causing human death;
- b) Infecting two or more persons with dangerous diseases;
- c) Against persons aged under 13 years old.

4. Committing the crime in case of causing death of two or more persons, the offenders shall be sentenced to 20 years of imprisonment or life imprisonment.

5. The offenders may also be subject to a fine of between 5.000.000 dong and 100.000.000 dong.

**Article 258. Inducing other persons to illegally use narcotics**

1. The persons who invite, induce, instigate or use other tricks to entice other persons to illegally use narcotics shall be sentenced to between 1 year and 5 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 107 years of imprisonment:

- a) In an organized manner;
- b) Committing the crime twice or more;
- c) For despicable motives or for their own benefits;
- d) Against persons aged from full 13 years old to under 18 years old;
- đ) Against women whom the offenders knows being pregnant;
- e) Against 2 or more persons;
- g) Against persons who are under drug rehabilitation;
- h) Causing harm to other persons' health with an injury rate of between 31% and 60%;
- i) Infecting other persons with dangerous diseases;
- k) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

- a) Causing harm to other persons' health with an injury rate of 61% or higher or causing human death;
- b) Infecting 2 or more persons with dangerous diseases;
- c) Against persons aged under 13 years old.

4. Committing the crime in case causing death of two or more persons, the offenders shall be subject to 15 years to 20 years of imprisonment or life imprisonment.

5. The offenders may also be subject to a fine of between 5.000.000 dong and 100.000.000dong.

**Article 259. Breaching regulations on the management and use of narcotic substances, pre-substances, addictive drugs, psychotropic drugs**

1. The persons who have responsibilities in manufacturing, transporting, preserving, stockpiling, trading in, distributing, using, disposing, exchanging, exporting, importing, transiting through the territory of Vietnam, prescribing, selling, assessing, researching narcotic substances, pre-substances, addictive drugs, psychotropic drugs but commit one of the following acts, have been administratively sanctioned for one of these acts or sentenced for one of the narcotic-related crimes and repeat the offence while the criminal record has not yet been expunged, shall be subject to a fine of between 10.000.000 dong and 100.000.000dong or imprisonment of between 1 year and 5 years:

- a) Violating regulations on exporting, importing, temporarily importing, re-exporting, transiting through the territory of Vietnam, narcotic substances, pre-substances, addictive drugs, psychotropic drugs;
  - b) Violating regulations on researching, assessing, manufacturing, preserving narcotic substances, pre-substances;
  - c) Violating regulations on delivering, stockpiling, transporting narcotic substances, pre-substances;
  - d) Violating regulations on distributing, trading in, using, exchanging narcotic substances, pre-substances;
  - d) Violating regulations on managing, controlling, storing narcotic substances, pre-substances at border gates, borders and in the sea;
  - e) Transferring narcotic substances, psychotropic substances or other drug substances for persons who are unauthorized to store and use.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:
- a) In an organized manner;
  - b) Committing the crime twice or more;
  - c) Dangerous recidivism.
3. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

## **Chapter XXI**

### **CRIMES OF INFRINGEMENT UPON PUBLIC SAFETY, PUBLIC ORDER**

#### **Section1. CRIMES OF INFRINGEMENT UPON TRAFFIC SAFETY**

##### **Article 260. Violating regulations on participating in land traffic**

1. The persons who participate inland traffic and violate regulations on land traffic safety in one of the following circumstances shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 1 year and 5 years:
  - a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
  - b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
  - c) Inflicting injury or causing harm to the health of 3 persons with the combined injury rate of between 61% and 121% for all;

d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

a) Without driving licenses as prescribed by the law;

b) In the state of having used alcohol or beer with the alcoholic concentration in the blood or breath exceeding the prescribed limit, or using narcotic substances or using other strong stimulants prohibited by the law;

c) Causing accidents then fleeing in order to shirk responsibility or deliberately refusing to rescue the victims;

d) Failing to obey the signals and orders of persons who are performing the task of controlling or guiding the traffic;

đ) Causing death to 2 persons;

e) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

g) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 122% and 200% for all;

h) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

a) Causing death of 3 or more persons;

b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of 201% or higher for all;

d) Causing property damage of 1.500.000.000 dong or higher.

4. Participants in land traffic violating regulations on the safety of land traffic, inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60% or higher, or inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong or sentenced to non-custodial rehabilitation for up to 3 years.

5. Violating regulations on the safety of road transportation which may practically lead to the consequence of causing damage to the life, health or property of other persons if not being timely prevented, the offenders shall be subject to a fine of between 10.000.000 dong and 50.000.000 dong or sentenced to non-custodial rehabilitation for up to 1 year or imprisonment of between 3 months and 1 year.

6. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

#### **Article 261. Obstructing land traffic**

1. The persons who illegally dig, drill, cut, backfill and traffic works; illegally place materials, wastes, garbage, discharge slippery substances, sharp objects or other obstacles that obstruct land traffic; illegally dismantle, remove, dislocate, falsify, shield or destroy traffic signals, signal lights, pickets, spherical mirrors, demarcation strips or other land road safety facilities; illegally open intersections across land roads, roads with median strips; illegally use pavements, road sides, or road surfaces; illegally use road safety corridors; or violate regulations on the safety of road transportation when constructing on the roads under one of the following circumstances, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

- a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 61% and 121% for all;
- d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 100.000.000 dong and 300.000.000 dong or sentenced to between 2 years and 7 years of imprisonment:

- a) At passes, slopes, highways and dangerous road sections;
- b) Causing death of 2 persons;
- c) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- d) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 122% and 200% for all;
- đ) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

- a) Causing death of 3 or more persons;
- b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of 201% or higher for all;
- d) Causing property damage of 1.500.000.000 dong or higher.

4. The persons who illegally dig, drill, cut, backfill and traffic works; illegally place materials, wastes, garbage, discharge slippery substances, sharp objects or other obstacles that obstruct land traffic; illegally dismantle, remove, dislocate, falsify, shield or destroy traffic signals, signal lights, pickets, spherical mirrors, demarcation

strips or other land road safety facilities; illegally open intersections across land roads, roads with median strips; illegally use pavements, road sides, or road surfaces; illegally use road safety corridors; or violate regulations on the safety of road transportation when constructing on the roads; thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, or sentenced to non-custodial rehabilitation for up to 3 years.

5. Committing the crime in case which may practically lead to the consequence of causing damage to the life, health or property of other persons if not being timely prevented, the offenders shall be subject to a fine of between 5.000.000 dong and 20.000.000 dong or sentenced to non-custodial rehabilitation for up to 1 year.

**Article 262. Using motorized vehicles for land traffic, specialized motorbikes which fail to meet standards of technical safety for participating in the traffic**

1. The persons who are directly responsible for the mobilization or technical status of motorized vehicles for land traffic, specialized motorbikes and permit the use of motorized vehicles for land traffic, specialized motorbikes which fail to meet technical safety standards for participating in the traffic in one of the following circumstances, shall be subject to a fine of between 20.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 1 year:

- a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 61% and 121% for all;
- d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

- a) Causing death of 2 persons;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 122% and 200% for all;
- d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

- a) Causing death of 3 or more persons;
- b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of 201% or higher for all;

d) Causing property damage of 1.500.000.000 dong or higher.

4. The persons who are directly responsible for the mobilization or technical status of motorized vehicles for land traffic, specialized motorbikes and permit the use of motorized vehicles for land traffic, specialized motorbikes which fail to meet technical safety standards for participating in the traffic, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all, shall be subject to a fine of between 20.000.000 dong and 100.000.000 dong, or sentenced to non-custodial rehabilitation for up to 3 years.

5. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

### **Article 263. Mobilizing unqualified persons to operate vehicles in land traffic**

1. The competent persons who obviously know that other persons do not have driving license, are unqualified in term of health and age, in the state of having used alcohol, beer with the alcoholic concentration in the blood or breath exceeding the prescribed limit, or having used narcotic substances or other strong stimulants but still mobilize them to operate vehicles in land traffic, shall be subject to a fine of between 20.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 1 year and 3 years:

a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 61% and 121% for all;

d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 12 years of imprisonment:.

a) Causing death of 3 or more persons;

- b) Inflicting injury or causing harm to the health of 3 or more persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 persons with the combined injury rate of 201% or higher for all;
- d) Causing property damage of 1.500.000.000 dong or higher.

12 years<sup>4</sup>. The competent persons who obviously know that other persons do not have driving license, are unqualified in term of health and age, in the state of having used alcohol, beer with the alcoholic concentration in the blood or breath exceeding the prescribed limit, or having used narcotic substances or other strong stimulants but still mobilize them to operate vehicles in land traffic, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all, shall be subject to a fine of between 20.000.000 dong and 100.000.000 dong, or sentenced to non-custodial rehabilitation for up to 3 years.

5. The offenders may also be subject to a fine of between 10.000.000 dong and 30.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

#### **Article 264. Assigning unqualified persons to operate vehicles in land traffic**

1. The persons who own, manage vehicles for land traffic and assign persons not having driving license, being unqualified in term of health and age, in the state of having used alcohol, beer with the alcoholic concentration in the blood or breath exceeding the prescribed limit, or having used narcotic substances or other strong stimulants, or being unqualified of other conditions as specified by the law to operate vehicles in land traffic shall be subject to a fine of between 10.000.000 dong and 50.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years:

- a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 61% and 121% for all;
- d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 50.000.000 dong and 200.000.000 dong, or sentenced to between 6 months and 3 years of imprisonment:

- a) Causing death of 2 persons;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

a) Causing death of 3 or more persons;

b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of 201% or higher for all;

d) Causing property damage of 1.500.000.000 dong or higher.

4. The persons who own, manage vehicles for land traffic and assign persons not having driving license, being unqualified in term of health and age, in the state of having used alcohol, beer with the alcoholic concentration in the blood or breath exceeding the prescribed limit, or having used narcotic substances or other strong stimulants, or being unqualified of other conditions as specified by the law to operate vehicles in land traffic, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all, shall be subject to a fine of between 10.000.000 dong and 50.000.000 dong, or sentenced to non-custodial rehabilitation for up to 2 years.

5. The offenders may also be subject to a fine of between 10.000.000 dong and 30.000.000 dong.

#### **Article 265. Organizing illegal motor racings**

1. The persons who illegally organize car racings, motorcycle racings or racings of other types of motorized vehicles shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, non-custodial rehabilitation for up to 3 years or imprisonment of between 1 and 5 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 100.000.000 dong and 500.000.000 dong or sentenced to between 3 years and 7 years of imprisonment:

a) Organizing illegal motor racing for 10 or more vehicles or organizing two or more motor racings at the same time.

b) Organizing betting;

c) Organizing the resistance against persons responsible for ensuring traffic order and safety or persons responsible for dispersing illegal racings;

d) Organizing motor racings in densely populated areas;

đ) Disassembling safety devices on racing vehicles;

e) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

g) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

h) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 61% and 121% for all;

i) Causing property damage of between 100.000.000 dong and under 500.000.000 dong;

h) Relapsing into this crime or the crime of illegal racing.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:.

a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

đ) Dangerous recidivism.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years of imprisonment, or life imprisonment:

a) Causing death of 3 or more persons;

b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 persons with the combined injury rate of 201% or higher for all;

d) Causing property damage of 1.500.000.000 dong or higher.

5. The persons who illegally organize car racings, motorcycle racings or racings of other types of motorized vehicles, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all, shall be sentenced to imprisonment of between 1 year and 6 years.

6. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong.

#### **Article 266. Illegal motor racing**

1. The persons who participate in illegal car racings, motorcycle racings or other motorized vehicle racings in one of the following circumstances, shall be subject to a fine of between 10.000.000 dong and 50.000.000 dong, sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years:

a) Inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%;

b) Inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all;

c) Having been administratively sanctioned for this act or having been sentenced for this offence, committing the offence while the criminal record has not yet been expunged.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 50.000.000 dong and 150.000.000 dong or sentenced to between 1 year and 5 years of imprisonment:

a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 61% and 121% for all;

d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

đ) Causing accidents then fleeing away in order to shirk the responsibility or deliberately refusing to rescue the victims;

e) Participating in betting;

g) Opposing the persons responsible for ensuring traffic order and safety or persons responsible for dispersing illegal motor racings.

h) Racing in densely populated areas;

i) Disassembling safety devices on the racing vehicles;

k) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

a) Causing death of 3 or more persons;

b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of 201% or higher for all;

d) Causing property damage of 1.500.000.000 dong or higher.

5. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong.

**Article 267. Breaching regulations on operating railway vehicles**

1. The persons who command, operate railway vehicles and violate regulations on railway traffic safety under one of the following circumstances, shall be subject to a fine of between 50.000.000 dong and 200.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 1 year and 5 years:

- a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 61% and 121% for all;
- d) Causing property damage of between 100.000.000 dong and 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

- a) Having no permits, licenses or professional certificates corresponding to the assigned tasks;
- b) In the state of having used alcohol or beer with the alcoholic concentration in the blood or breath exceeding the prescribed limit, or using narcotic substances or using other strong stimulants prohibited by the law;
- c) Causing accidents then fleeing in order to shirk responsibility but do not make report of accident;
- d) Failing to obey the orders of the commanders or persons competent to control and maintain railway traffic order and safety;
- đ) Causing death of 2 persons;
- e) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- g) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 122% and 200% for all;
- h) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

- a) Causing death of 3 or more persons;
- b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of 201% or higher for all;
- d) Causing property damage of 1.500.000.000 dong or higher.

4. Committing the crime in case which may practically lead to the consequence of causing damage to the life, health or property of other persons if not being timely prevented, the offenders shall be subject to a fine of between 10.000.000 dong and 50.000.000 dong or sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

5. The persons who command, operate railway vehicles and violate regulations on railway traffic safety, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to noncustodial rehabilitation for up to 3 years or imprisonment of between 3 months and 2 years.

6. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

#### **Article 268. Obstructing railway traffic**

1. The persons who place obstacles on railways; dislocating rails, sleepers; illegally drill, dig, cutting railway beds; illegally open roads across railway lines, illegally building drains or other construction across railway lines; damage, change, remove, shield signals, signboards, marker posts of railway traffic works; let animals cross railways in contravention of regulations or let animals drag carts across railways without persons handling the animals; illegally operate self-made rail vehicles, prohibited vehicles on railways or destroy rail vehicles; illegally encroach and occupy safety railway corridors, protection areas of railway traffic works thus obstructing railway traffic, causing damage in one of the following circumstances, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, non-custodial rehabilitation for up to 3 years or imprisonment of between 1 year and 3 years:

- a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 61% and 121% for all;
- d) Causing property damage of between 100.000.000 dong and 500.000.000 dong.
- đ) Having been administratively sanctioned for this act or having been sentenced for this crime, committing the offence while the criminal record has not yet been expunged.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

- a) Causing death of 2 persons;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:.

a) Causing death of 3 or more persons;

b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of 201% or higher for all;

d) Causing property damage of 1.500.000.000 dong or higher.

4. The persons who place obstacles on railways; dislocating rails, sleepers; illegally drill, dig, cutting railway beds; illegally open roads across railway lines, illegally building drains or other construction across railway lines; damage, change, remove, shield signals, signboards, marker posts of railway traffic works; let animals cross railways in contravention of regulations or let animals drag carts across railways without persons handling the animals; illegally operate self-made rail vehicles, prohibited vehicles on railways or destroy rail vehicles; illegally encroach and occupy safety railway corridors, protection areas of railway traffic works thus obstructing railway traffic, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all, shall be subject to a fine of between 10.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years

5. Committing the crime in case which may practically lead to the consequence of causing damage to the life, health or property of other persons if not being timely prevented, the offenders shall be subject to a fine of between 10.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

#### **Article 269. Putting into use railway vehicles, equipments which fail to meet safety standards**

1. The persons who are directly responsible for the mobilization or the mechanical status of railway vehicles and permit the use of railway vehicles, equipments which do not have certificates of registration, certificate of registries or vehicles, equipment having certificates of registration, certificate of registries which they know fail to meet technical safety standards, causing damage, shall be subject to a fine of between 20.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 1 year and 5 years:

a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 61% and 121% for all;

d) Causing property damage of between 100.000.000 dong and 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

a) Causing death of 3 or more persons;

b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of 201% or higher for all;

d) Causing property damage of 1.500.000.000 dong or higher.

4. The persons who are directly responsible for the mobilization or the mechanical status of railway vehicles and permit the use of railway vehicles, equipments which do not have certificates of registration, certificate of registries or vehicles, equipment having certificates of registration, certificate of registries which they know fail to meet technical safety standards, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all, shall be subject to a fine of between 20.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

5. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

#### **Article 270. Mobilizing unqualified persons to operate railway traffic means**

1. The persons who mobilize or assign persons having no license for operating trains, being in the state of having used alcohol or beer with the alcoholic concentration in the blood or breath exceeding the prescribed limit or using narcotic substances or using other strong stimulants, or unqualified of other conditions specified by the law to operate railway vehicles means, causing damage in one of the following circumstances, or having been disciplined for this act but continue to commit, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 1 year and 5 years:

- a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 61% and 121% for all;
- d) Causing property damage of between 100.000.000 dong and 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

- a) Causing death of 2 persons;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 122% and 200% for all;
- d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:.

- a) Causing death of 3 or more persons;
- b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of 201% or higher for all;
- d) Causing property damage of 1.500.000.000 dong or higher.

4. The persons who mobilize or assign persons having no license for operating trains, being in the state of having used alcohol or beer with the alcoholic concentration in the blood or breath exceeding the prescribed limit or using narcotic substances or using other strong stimulants, or unqualified of other conditions specified by the law to operate railway vehicles means, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all, or having been disciplined for this act but continue to commit, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 3 months and 2 years.

5. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

#### **Article 271. Assigning unqualified persons to operate railway traffic means**

1. The persons who assign persons having no license for operating trains, being in the state of having used alcohol or beer with the alcoholic concentration in the blood or breath exceeding the prescribed limit, or using narcotic substances or using other

strong stimulants, or unqualified of other conditions specified by the law to operate railway vehicles means, causing damage in one of the following circumstances, or having been disciplined for this act but continue to commit, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

- a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 61% and 121% for all;
- d) Causing property damage of between 100.000.000 dong and 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

- a) Causing death of 2 persons;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 122% and 200% for all;
- d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 12 years of imprisonment:.

- a) Causing death of 3 or more persons;
- b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of 201% or higher for all;
- d) Causing property damage of 1.500.000.000 dong or higher.

4. The persons who assign persons having no license for operating trains, being in the state of having used alcohol or beer with the alcoholic concentration in the blood or breath exceeding the prescribed limit, or using narcotic substances or using other strong stimulants, or unqualified of other conditions specified by the law to operate railway vehicles means, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all or having been disciplined for this act but continue to commit, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years.

5. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

## **Article 172. Breaching regulations on operating waterway traffic means**

1. The persons who operate waterway traffic means and violate the regulations on waterway traffic safety, causing damage in one of the following circumstances, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 1 year and 5 years:

- a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 61% and 121% for all;
- d) Causing property damage of between 100.000.000 dong and 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

- a) Having no licenses, professional certificates corresponding to the titles, means of transport as specified;
- b) Being in the state of having used alcohol or beer with the alcoholic concentration in the blood or breath exceeding the prescribed limit, or having used narcotic substances or using other strong stimulants
- c) Causing accidents then fleeing in order to shirk responsibility or deliberately refusing to assist the victims;
- d) Failing to obey the orders of the persons who command or persons competent to control and maintain waterway traffic order and safety;
- đ) Causing death to 2 persons;
- e) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- g) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 122% and 200% for all;
- h) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:.

- a) Causing death of 3 or more persons;
- b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of 201% or higher for all;
- d) Causing property damage of 1.500.000.000 dong or higher.

4. Committing the crime in case which may practically lead to the consequence of causing damage to the life, health or property of other persons if not being timely prevented, the offenders shall be subject to a fine of between 10.000.000 dong and 50.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

5. The persons who operate waterway traffic means and violate the regulations on waterway traffic safety, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all or having been disciplined for this act but continue to commit, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

6. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

### **Article 273. Obstructing waterway traffic**

1. The persons who illegally drill, dig, thus damaging the structure waterway traffic works; create barricades, thus obstructing waterway traffic without placing and maintaining signals; remove signals, thus reducing their effect and usefulness; dismantle signals or destroy waterway traffic works; encroach and occupy waterway traffic lines or their protection corridors; or commit other acts of obstructing waterway traffic, causing damage in one of the following circumstances, shall be subject to a fine of between twenty30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for 2 years or imprisonment of between 1 year and 5 years:

a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 61% and 121% for all;

d) Causing property damage of between 100.000.000 dong and 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:.

- a) Causing death of 3 or more persons;
- b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of 201% or higher for all;
- d) Causing property damage of 1.500.000.000 dong or higher.

4. The persons who illegally drill, dig, thus damaging the structure waterway traffic works; create barricades, thus obstructing waterway traffic without placing and maintaining signals; remove signals, thus reducing their effect and usefulness; dismantle signals or destroy waterway traffic works; encroach and occupy waterway traffic lines or their protection corridors; or commit other acts of obstructing waterway traffic, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all, shall be subject to a fine of between 10.000.000 dong and 50.000.000 dong, sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

5. Committing the crime in case which may practically lead to the consequence of causing damage to the life, health or property of other persons if not being timely prevented, the offenders shall be subject to a fine of between 10.000.000 dong and 50.000.000 dong, sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

**Article 274. Putting into use waterway traffic means which fail to meet safety standards**

1. The persons who are directly responsible for the mobilization or technical status of waterway traffic means but permit the use of the waterway traffic means which obviously fail to meet safety standards, causing damage in one of the following circumstances, or who have already been disciplined or administratively sanctioned for such act or have already been sentenced for such offense, not yet entitled to the expungement of criminal record but continue to commit it, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 1 year and 5 years:

- a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 61% and 121% for all;
- d) Causing property damage of between 100.000.000 dong and 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

- a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:.

a) Causing death of 3 or more persons;

b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of 201% or higher for all;

d) Causing property damage of 1.500.000.000 dong or higher.

4. The persons who are directly responsible for the mobilization or technical status of waterway traffic means but permit the use of the waterway traffic means which obviously fail to meet safety standards, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all, or having been disciplined or administratively sanctioned for such act or having already been sentenced for such offense, not yet entitled to the expungement of criminal record but continue to commit it, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 3 months and 2 years.

5. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

#### **Article 275. Mobilizing unqualified persons to operate waterway traffic means**

1. The persons who mobilize persons having no permits, licenses or professional certificates as prescribed by the law or being unqualified of other conditions specified by the law on waterway traffic, causing damage in one of the following circumstances, or who have already been disciplined or administratively sanctioned for such act or have already been sentenced for such offense, not yet entitled to the expungement of criminal record but continue to commit it, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for 3 years or to imprisonment of between 1 year and 5 years:

a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 61% and 121% for all;

- d) Causing property damage of between 100.000.000 dong and 500.000.000 dong.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:
- a) Causing death of 2 persons;
  - b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
  - c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 122% and 200% for all;
  - d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:.
- a) Causing death of 3 or more persons;
  - b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;
  - c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;
  - d) Causing property damage of 1.500.000.000 dong or higher.
4. The persons who mobilize persons having no permits, licenses or professional certificates as prescribed by the law or being unqualified of other conditions specified by the law on waterway traffic, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all, or having been disciplined or administratively sanctioned for such act or having already been sentenced for such offense, not yet entitled to the expungement of criminal record but continue to commit it, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 3 months and 2 years.
5. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

**Article 276. Assigning unqualified persons to operate waterway traffic means**

1. The persons who assign persons having no permits, licenses or professional certificates as prescribed by the law or being unqualified of other conditions specified by the law on operating waterway traffic means, causing damage in one of the following circumstances, or who have already been disciplined or administratively sanctioned for such act or have already been sentenced for such offense, not yet entitled to the expungement of criminal record but continue to commit it, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for 3 years or to imprisonment of between 6 months and 3 years:
- a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of between 61% and 121% for all;

d) Causing property damage of between 100.000.000 dong and 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:.

a) Causing death of 3 or more persons;

b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the combined injury rate of 201% or higher for all;

d) Causing property damage of 1.500.000.000 dong or higher.

4. The persons who assign persons having no permits, licenses or professional certificates as prescribed by the law or being unqualified of other conditions specified by the law on operating waterway traffic means, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all, or who have been disciplined or administratively sanctioned for such act or been sentenced for such offense, not yet entitled to the expungement of criminal record but continue to commit it, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 3 months and 2 years.

5 The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

#### **Article 277. Violating regulations on the operation of air traffic safety**

1. The persons who command or operate aircrafts but violate the regulations on air traffic safety, thus may practically entail the consequence of causing damage to the life, health or property of other persons if not being timely prevented, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, non-custodial rehabilitation for up to 3 years or imprisonment of between 1 year and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

- a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;
- d) Causing property damage of between 100.000.000 dong and 500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:.

- a) Causing death of 2 persons;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;
- d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years of imprisonment:.

- a) Causing death of 3 or more persons;
- b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;
- d) Causing property damage of 1.500.000.000 dong or higher.

5. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

#### **Article 278. Obstructing air traffic**

1. The persons who commit one of the following acts of obstructing air traffic, thus causing death of 1 person or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher, or inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person, or inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 62% and 121% for all, or causing property damage of between 100.000.000 and under 500.000.000 dong, or who have been disciplined or administratively sanctioned for such act or been sentenced for such offense, not yet entitled to the expungement of criminal record but continue to commit it, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 3 years and 5 years:

- a) Placing barricades which obstruct air traffic;

- b) Illegally removing, dislocating, shielding or destroying air traffic safety signs, signals;
- c) Wrongly using or interfering with communications frequencies;
- d) Intentionally providing wrong information to the extent that threaten the safety of aircrafts which are flying or landing, safety of passengers, crews, ground staffs or other persons at terminals, airports and works, devices or equipment of civil aviation;
- d) Damaging airport equipments or other support facilities for air traffic safety;
- e) Other acts of obstructing air traffic.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

- a) Causing death of 2 persons;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;
- d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong;
- e) Being the persons directly responsible for ensuring the safety of air traffic or managing air traffic safety equipments.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:.

- a) Causing death of 3 or more persons;
- b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;
- d) Causing property damage of 1.500.000.000 dong or higher.

4. The persons who place barricades obstructing air traffic; illegally remove, dislocate, shield or destroy air traffic safety signs, signals; wrongly use or interfere with communications frequencies; intentionally provide wrong information to the extent that threaten the safety of aircrafts which are flying or landing, safety of passengers, crews, ground staffs or other persons at terminals, airports and works, devices or equipment of civil aviation; damage airport equipments or other support facilities for air traffic safety or commit other acts of obstructing air traffic, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all, or who have been disciplined or administratively sanctioned for such act or been sentenced for such offense, not yet entitled to the expungement of criminal record but continue to commit it, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 2 years.

5. Committing the crime in case which may practically entail the consequence of causing damage to the life, health or property of other persons if not being timely prevented, the offenders shall be subject to a fine of between 10.000.000 dong and 50.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

6. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

#### **Article 279. Putting into use aircrafts which fail to meet safety standards**

1. The persons who are directly responsible for the mobilization or technical status of aircrafts but permit the use of the aircrafts which obviously fail to meet technical safety standards shall be sentenced to between 1 year and 5 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;

d) Causing property damage of between 100.000.000 dong and 500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 8 years and 15 years of imprisonment:

a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years of imprisonment:.

a) Causing death of 3 or more persons;

b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;

d) Causing property damage of 1.500.000.000 dong or higher.

5. The persons who are directly responsible for the mobilization or technical status of aircrafts but permit the use of the aircrafts which obviously fail to meet technical safety standards, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the

health of 2 or more persons with the total injury rate of between 31% and 60% for all, shall be sentenced to imprisonment of between 6 months and 3 years.

6. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

**Article 280. Mobilizing or assigning unqualified persons to operate air traffic means**

1. The persons who mobilize or assign persons having no piloting licenses or being unqualified of other conditions specified by the law on operating air traffic means shall be sentenced to between 1 year and 5 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;

d) Causing property damage of between 100.000.000 dong and 500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 years and 20 years of imprisonment:.

a) Causing death of 3 or more persons;

b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;

d) Causing property damage of 1.500.000.000 dong or higher.

5. The persons who mobilize or assign persons having no piloting licenses or being unqualified of other conditions specified by the law on operating air traffic means, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all, shall be sentenced to imprisonment of between 6 months and 3 years.

6. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years.

**Article 281. Violating regulations on maintenance, repair, management of traffic works**

1. The persons who are responsible for the maintenance, repair, management of road, railway, waterway or airway traffic works but commit one of the following acts, inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years:

a) Not implementing or wrongly implementing regulations on the repair, maintenance, management of traffic works, resulting in the failure to ensure technical safety status and technical standards of the works related to the ensure of traffic safety.

b) Not timely repairing damaged traffic works, threatening the traffic safety;

c) Not implementing or wrongly implementing measures on guiding, controlling traffic, placing traffic signals, pickets, fence in order to prevent accidents when the damaged traffic works are not yet or are being maintained, repaired;

d) Not regularly examining and conducting measures to ensure traffic safety on dangerous slopes, roads having stone slide or landslides, waterlogged roads or other roads which are in danger of not ensuring the traffic safety;

đ) Not taking timely measures to deal with or prevent accidents upon detecting or being informed of damaged traffic works under their management;

e) Not placing or placing insufficient warning signals required for the construction and repair of traffic works;

g) Not removing, clearing warning signs, barriers, means and materials when the construction is complete;

g) Other violations in the repair, maintenance and management of traffic works.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 6 months and 3 years of imprisonment:

a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;

d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

a) Causing death of 3 or more persons;

b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;

d) Causing property damage of 1.500.000.000 dong or higher.

5. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

#### **Article 282. Hijacking aircrafts, ships**

1. The persons who use force, threaten to use force or use other tricks to appropriate aircrafts or ships shall be sentenced to between 7 years and 15 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 1/2 years and 20 years of imprisonment:

a) In an organized manner;

b) Using weapons or dangerous means;

c) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

d) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

đ) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;

e) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

g) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to 20 years of imprisonment or life imprisonment:

a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 122% or higher for all;

d) Causing property damage of 500.000.000 dong or higher.

4. The offenders may also be subject to the probation or prohibition of residence for between 1 year and 5 years.

### **Article 283. Operating aircrafts in violation of aviation regulations of the Socialist Republic of Vietnam**

1. The persons who operate aircrafts into or out of Vietnam and violate the aviation regulations of the Socialist Republic of Vietnam, if not under circumstances stipulated in Articles 110 and 111 of this Code, shall be subject to a fine of between 100.000.000 dong and 300.000.000 dong or imprisonment of between 3 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 300.000.000 dong and 500.000.000 dong or sentenced to imprisonment of between 3 months and 3 years:

a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;

d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 500.000.000 dong and 1.500.000.000 dong or sentenced to imprisonment of between 3 years and 7 years:

a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

4. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 1.500.000.000 dong and 3.000.000.000 dong, or sentenced to between 5 years and 12 years of imprisonment:.

a) Causing death of 3 or more persons;

b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;

d) Causing property damage of 1.500.000.000 dong or higher.

5. The persons who operate aircrafts into or out of Vietnam and violate the aviation regulations of the Socialist Republic of Vietnam, if not under circumstances stipulated in Articles 110 and 111 of this Code, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all, shall be subject to a fine of between 100.000.000 dong and 300.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years.

**Article 284. Operating means of maritime traffic in violation of navigation regulations of the Socialist Republic of Vietnam**

1. The persons who operate ships or other means of maritime traffic into or out of Vietnam or through Vietnam's territorial waters and commit the following acts, inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person, or who have been disciplined or administratively sanctioned for such act or been sentenced for such offense, not yet entitled to the expungement of criminal record but continue to commit it, if not under the cases specified in Articles 110 and 111 of this Code, shall be subject to a fine of between 50.000.000 dong and 200.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years:

- a) Running over the speed limit allowed in sea port water zones;
- b) Not running in permitted zones as regulated;
- c) Not implementing or inadequately implementing procedures on port entry, exist, navigator regime, anchoring, mooring to or alongside other ships, order – hygienic requirements, fire safety, preventing pollution caused by maritime traffic means;
- d) Not implementing or wrongly implementing regulations on running, avoiding, overtaking, giving way in maritime traffic; or maritime traffic means not having or ensuring proper horns, rings, gongs with volume in accordance with regulations;
- đ) Not having journey lights, signal lights in accordance with regulations; not implementing or wrongly implementing regulations on transmitting sound signals, light signals.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 50.000.000 dong and 200.000.000 dong or sentenced to imprisonment of between 3 months and 2 years:

- a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;
- d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 200.000.000 dong and 500.000.000 dong or sentenced to imprisonment of between 1 year and 3 years:

- a) Causing death of 2 persons;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;
- d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

4. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 500.000.000 dong and 1.500.000.000 dong, or sentenced to between 3 years and 7 years of imprisonment:.

- a) Causing death of 3 or more persons;
- b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;
- d) Causing property damage of 1.500.000.000 dong or higher.

## **Section B**

### **CRIMES IN INFORMATION TECHNOLOGY, TELECOMMUNICATIONS NETWORK**

#### **Article 285. Producing, trading in, exchanging or donating devices, equipments, software used for illegal purposes**

1. The persons who produce, trade in, exchange or donate devices, equipments, software with the feature of attacking computer networks, telecommunications networks; digital devices used for illegal purposes, shall be subject to a fine of between 20.000.000 and 100.000.000 dong or sentenced to imprisonment of between 3 months and 2 years.

2. Committing the crime in any of the following circumstances, offenders shall be subject to a fine of between 100.000.000 and 500.000.000 dong or sentenced to between 1 year and 5 years of imprisonment:

- a) In an organized manner;
- b) Committing the crime twice more;
- c) Of professional nature;
- d) Gaining illicit profits of between 50.000.000 dong and under 500.000.000 dong;
- đ) Causing property damage of between 100.000.000 dong and under 1.000.000.000 dong;
- e) Dangerous recidivism.

3. Committing the crime in any of the following circumstances, offenders shall be subject to a fine of between 500.000.000 and 1.000.000.000 dong or sentenced to between 3 years and 7 years of imprisonment:

- a) Gaining illicit profits of 500.000.000 dong or higher;
- b) Causing property damage of 1.000.000.000 dong or higher.

4. The offenders may also be subject to a fine of between 5.000.000.000 and 100.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years, the confiscation of part of or the whole property.

**Article 286. Spreading computer programs harming the operation of computer networks, telecommunications networks, digital devices**

1. The persons who intentionally spread computer programs harming the operation of computer networks, telecommunications networks, digital devices, shall be subject to a fine of between 50.000.000.000 and 200.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

- a) Gaining illicit profits of between 50.000.000 dong and under 200.000.000 dong;
- b) Causing damage of between 50.000.000 dong and under 300.000.000 dong;
- c) Causing the infection to between 50 digital devices and under 200 digital devices, or information system with between 50 users to under 200 users;
- d) Having been administratively sanctioned for this act or sentenced for this offence, not yet entitled to the expungement of criminal record but continue to commit it.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 200.000.000.000 and 500.000.000 dong, sentenced to imprisonment of between 3 years and 7 years:

- a) In an organized manner;
- b) Gaining illicit profits of between 200.000.000 dong and under 500.000.000 dong;
- c) Causing damage of between 300.000.000 dong and under 1.000.000.000 dong;
- d) Causing the infection to between 200 digital devices and under 500 digital devices, or information system with between 200 users to under 500 users;
- đ) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, offenders shall be sentenced to between 7 years and 12 years of imprisonment:

- a) Affecting data systems classified as state secrets; the communications system serving the national security and defense;
- b) Affecting the national communication infrastructure; information system regulating the national power grid; financial and banking information system; traffic-control information system;
- c) Gaining illicit profits of 50.000.000 dong or higher;
- d) Causing damage of 1.000.000.000 dong or higher;

đ) Causing the infection to 500 or more digital devices or information system with 500 or more users.

4. Offenders may also be subject to a fine of between 30.000.000 dong and under 200.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years.

**Article 287. Obstructing or disordering the operation of computer networks, telecommunications networks, digital devices**

1. The persons who delete, damage or alter software and digital data; illegally block the data transmission of computer networks, telecommunications networks and digital devices; or commit other acts of obstructing or disordering the operation of computer networks, telecommunications networks and digital devices in one of the following circumstances, if not under one of the cases specified in Articles 286 and 289 of this Code, shall be subject to a fine of between 30.000.000 dong and under 200.000.000 dong or sentenced to imprisonment of between 6 months and 3 years:

a) Gaining illicit profits of between 50.000.000 dong and under 200.000.000 dong;

b) Causing damage of between 100.000.000 dong and under 500.000.000 dong;

c) Crippling, interrupting, stalling the operation of computer networks, telecommunications networks, electronic devices for between 30 minutes to less than 24 hours, or between 3 times to less than 10 times in a 24 hour period;

d) Stalling the operation of agencies and organizations for between 24 hours and 72 hours;

đ) Having been administratively sanctioned for this act or have been sentenced for this offence, not yet entitled to the expungement of criminal record but continue to commit it.

2. Committing the crime in any of the following circumstances, offenders shall be subject to a fine of between 200.000.000 dong and under 1.000.000.000 dong or sentenced to between 3 years and 7 years of imprisonment:

a) In an organized manner:

b) Abusing the right of administration of computer networks, telecommunications networks;

c) Dangerous recidivism.

d) Gaining illicit profits of between 200.000.000 dong and under 1.000.000.000 dong;

đ) Causing damage of between 500.000.000 dong and under 1.500.000.000 dong;

e) Crippling, interrupting, stalling the operation of of computer networks, telecommunications networks, electronic devices for between 24 hours to less than 168 hours, or between 10 times to less than 50 times in a 24 hour period;

g) Stalling the operation of agencies and organizations for between 72 hours and 168 hours.

3. Committing the crime in any of the following circumstances, offenders shall be sentenced to between 7 years and 12 years of imprisonment:

- a) Affecting data systems classified as state secrets; the communication system serving the national security and defense;
  - b) Affecting the national communication infrastructure; the information system regulating the national power grid; financial and banking information system; traffic-control information system;
  - c) Gaining illicit profits of 1.000.000.000 dong or higher;
  - d) Causing damage of 1.500.000.000 dong or higher;
  - đ) Crippling, interrupting, stalling the operation of computer networks, telecommunications networks, electronic devices for 168 hours or longer, or 50 times or more in a 24 hour period;
  - e) Stalling the operation of agencies and organizations for 168 hours or longer.
4. Offenders may also be subject to a fine of between 30.000.000 dong and 200.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 and 5 years.

**Article 288. Illegally uploading on or using information of computer networks and telecommunications networks**

1. The persons who commit one of the following acts gaining illicit profits of between 50.000.000 dong and under 200.000.000 dong, or causing damage of between 100.000.000 dong and under 500.000.000 dong, or creating bad publicity thus discrediting agencies, organizations, individuals, shall be subject to a fine of between 30.000.000 dong and 200.000.000 dong or sentenced to non-custodial rehabilitation for up to 3 years or between 6 months and 3 years of imprisonment:

- a) Uploading on computer networks, telecommunications networks information contrary to provisions of the law, if not under the cases specified in Articles 117, 155, 156 and 326 of this Code;
- b) Trading in, exchanging, donating, modifying, changing or making public lawful private information of other agencies, organizations and individuals on computer networks, telecommunications networks without permission of the owners of such information;
- c) Other acts of illegally using information on computer networks, telecommunications networks.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 200.000.000 dong and 1.000.000.000 dong, or sentenced to between 2 years and 7 years of imprisonment:

- a) In an organized manner;
- b) Abusing the right of administration of computer networks, telecommunications networks;
- c) Gaining illicit profits of 200.000.000 dong or more;
- d) Causing damage of 500.000.000 dong or more;
- đ) Infringing upon personnel privacy that cause the persons whose privacy is infringed to commit suicide;

e) Causing negative impacts on the security, order, safety of the society or the foreign relations of Vietnam;

g) Leading to demonstrations.

3. Offenders may also be subject to a fine of between 20.000.000 dong and 200.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years.

**Article 289. Illegally accessing computer networks, telecommunications networks or digital devices of other persons**

1. The persons who intentionally pass warnings, access codes or firewalls, use the administration right of other persons or use other means to illegally access computer networks, telecommunications networks, or digital devices of other persons. appropriate their control right; intervene in the operational functions of digital equipments; hack, modify, destroy or counterfeit data or illegally use services, shall be subject to a fine of between 50.000.000 dong and 300.000.000 dong or sentenced to imprisonment of between 1 year and 5 years.

2. Committing the crime in one of the following circumstances, offenders shall be shall be subject to a fine of between 300.000.000 dong and 1.000.000.000 dong or sentenced to between 3 years and 7 years of imprisonment:

a) In an organized manner;

b) Abusing the position and power;

c) Gaining illicit profits of between 200.000.000 dong and under 500.000.000 dong;

d) Causing damage of between 300.000.000 dong and under 1.000.000.000 dong;

đ) Against the national internet hubs, national domain database system and domain host system;

e) Dangerous recidivism.

3. Committing the crime in any of the following circumstances, offenders shall be sentenced to between 7 years and 12 years of imprisonment:

a) Accessing data systems classified as state secrets; the communication system serving the national security and defense;

b) Accessing the national communication infrastructure; information system for regulating the national power grid; financial and banking information systems: traffic control information systems;

c) Gaining illicit profits of 500.000.000 dong or more;

d) Causing material damage of 1.000.000.000 dong or more;

4. Offenders may also be sentenced to a fine of between 5.000.000.000 dong and 50.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years.

**Article 290. Using computer networks, telecommunications networks or digital devices to appropriate property**

1. The persons who use computer networks, telecommunications networks or digital devices to commit one of the following acts, if not under the cases specified in Article

173 and 174 of this Code, shall be sentenced to noncustodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

- a) Using account information, bank cards of agencies, organizations and individuals to appropriate property of the account holders, cardholders or to pay for goods and services;
- b) Making, storing, trading in, using and circulating fake bank cards in order to appropriate property of the account holders, the cardholders or to pay for goods and services;
- c) Illegally access the accounts of agencies, organizations and individuals to appropriate property;
- d) Committing fraud in e-commerce, e-payment, currency trading, capital mobilization, multi-level marketing, online transactions of securities to appropriate property;
- d) Setting up, providing illegally telecommunications services, internet to appropriate property.

2. Committing the crime in one of the following circumstances, offenders shall be sentenced to between 2 years and 7 years of imprisonment:

- a) In an organized manner;
- b) Committing the crime twice or more;
- c) In a professional manner;
- d) The number of fake cards are from 50 cards to under 200 cards;
- d) Appropriating property valued at between 50.000.000 dong and under 200.000.000 dong;
- e) Causing damage of between 50.000.000 dong and under 300.000.000 dong;
- e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, offenders shall be sentenced to between 7 years and 15 years of imprisonment:

- a) Appropriating property valued at between 200.000.000 dong and under 500.000.000 dong;
- b) Causing damage of between 300.000.000 dong and under 500.000.000 dong;
- c) The number of fake cards are from 200 cards to under 500 cards;

4. Committing the crime in one of the following circumstances, offenders shall be sentenced to between 12 years and 20 years of imprisonment:

- a) Appropriating property valued at five 500.000.000 dong or more;
- b) Causing damage of 500.000.000 dong or more;
- c) The number of fake cards are 500 or more cards;

5. The offenders may also be subject to a fine of between 20.000.000 dong and 100.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years, the confiscation of part of or the whole property,

**Article 291. Illegally collecting, stockpiling, exchanging, trading in, making public information on bank accounts**

1. The persons who illegally collect, stockpile, exchange, trade in, make public information on bank accounts of other persons with the number of accounts being between 20 accounts and under 50 accounts, or gaining illicit profits of between 20.000.000 dong to under 50.000.000 dong, shall be subject to a fine of between 20.000.000 dong to 100.000.000 dong or sentenced to non-custodial rehabilitation for up to 3 years.

2. Committing the crime in one of the following circumstances, offenders shall be subject to a fine of between 100.000.000 dong to 200.000.000 dong or sentenced to between 3 months and 2 years of imprisonment:

- a) Collecting, stockpiling, exchanging, trading in, making public information on bank accounts of other persons in the quantity of between 50 accounts and under 200 accounts;
- b) In an organized manner;
- c) In a professional manner;
- d) Gaining illicit profits of between 50.000.000 dong to under 200.000.000 dong;
- đ) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, offenders shall be subject to a fine of between 200.000.000 dong to 500.000.000 dong or sentenced to between 2 years and 7 years of imprisonment:

- a) Collecting, stockpiling, exchanging, trading in, making public information on bank accounts of other persons in the quantity of 200 accounts or more;
- b) Gaining illicit profits of 200.000.000 dong or more.

4. The offenders may also be subject to a fine of between 10.000.000 dong to 50.000.000 dong , prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years, the confiscation of part of or the whole property.

**Article 292. Providing illegal services on computer networks, telecommunications networks**

1. The persons who provide one of the following services on computer networks, telecommunications networks without permits or not consistent with the contents permitted, gaining illicit profits of between 500.000.000 dong to under 2.000.000.000 dong, shall be subject to a fine of between 200.000.000 dong to 500.000.000 dong or sentenced to non-custodial rehabilitation for up to 2 years.

- a) Trading gold on accounts;
- b) E-commerce exchanges;
- c) Multi-level marketing;
- d) Payment intermediation;
- e) Online games;

e) Other services on computer networks, telecommunications networks as specified by the law.

2. Committing the crime in one of the following circumstances, offenders shall be subject to a fine of between 500.000.000 dong to 1.500.000.000 dong or sentenced to between 3 months and 2 years of imprisonment:

a) In an organized manner;

b) Committing the crime twice or more;

c) In a professional manner;

d) Dangerous recidivism;

đ) Gaining illicit profits of between 200.000.000 dong to under 500.000.000 dong, or having the revenue of between 2.000.000.000 dong to under 5.000.000.000 dong.

3. Committing the crime in case of gaining illicit profits of 500.000.000 dong or higher, or having the revenue of 5.000.000.000 dong or higher, offenders shall be subject to a fine of between 1.500.000.000 dong to 5.000.000.000 dong or sentenced to between 2 years and 5 years of imprisonment.

4. The offenders may also be subject to a fine of between 20.000.000 dong to 100.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years, the confiscation of part of or the whole property.

### **Article 293. Illegally using radio frequencies dedicated only for the purpose of emergency, safety, search, salvage and rescue, national defense and security**

1. Those who illegally use radio frequencies dedicated only for the purpose of emergency, safety, search, salvage and rescue, national defense and security for other purposes, causing damage of between 200.000.000 dong and 500.000.000 dong, or who have been administratively sanctioned for such act or have already been sentenced for such offense, not yet entitled to the expungement of criminal record but continue to commit it, shall be subject to a fine of between 50.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be shall be sentenced to between 1 year and 5 years of imprisonment:

a) In an organized manner;

b) Causing damage of 500.000.000 dong or higher;

c) Dangerous recidivism.

### **Article 294. Intentionally causing harmful radio-frequency interference**

1. The persons who intentionally cause harmful radio-frequency interference, obstructing the regular operation of the radio-frequency communication system, causing damage of between 200.000.000 dong to under 500.000.000 dong, or who have been administratively sanctioned for such act or have already been sentenced for such offense, not yet entitled to the expungement of criminal record but continue to commit it, shall be subject to a fine of between 50.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 1 year and 5 years of imprisonment:

- a) In an organized manner;
- b) Causing damage of 500.000.000 dong or higher;
- c) Dangerous recidivism.

### **Section 3.**

## **OTHER CRIMES AGAINST PUBLIC SAFETY**

### **Article 295. Violating regulations on labor safety, labor hygiene, safety in crowded places**

1. The persons who violate regulations on labor safety, labor hygiene, safety in crowded places in one of the following circumstances, shall be subject to a fine of between 20.000.000 dong to 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 1 year and 5 years:

- a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;
- d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

- a) Causing death of 2 persons;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;
- d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.
- đ) Being the persons responsible for labor safety, labor hygiene, safety in crowded places.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 12 years of imprisonment:.

- a) Causing death of 3 or more persons;
- b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;

d) Causing property damage of 1.500.000.000 dong or higher.

4. The persons who violate regulations on labor safety, labor hygiene, safety in crowded places, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the combined injury rate of between 31% and 60% for all, shall be subject to a fine of between 20.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

5. Committing the crime in case that may practically entail the consequence of causing damage to the life, health or property of other persons if not being timely prevented, shall be sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

6. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

#### **Article 296. Violating regulations on using employees aged under 16 years old**

1. The persons who use persons aged under 16 years old to do hard, dangerous work exposed to toxic substances under the list prescribed by the State in one of the following circumstances, shall be subject to a fine of between 30.000.000 dong and 200.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

a) Having been administratively sanctioned for this act or sentenced for this offence, not yet entitled to the expungement of criminal record but continue to commit it;

b) Inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%;

c) Inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

a) Committing the crime twice or more;

b) Against 2 or more persons;

c) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

d) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

đ) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% or higher for all;

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) Causing death of 2 or more persons;

- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
  - c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 122% or higher for all;
4. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong.

**Article 297. Forced labor**

1. The persons who use force, threaten to use force or use other tricks to force others persons to work in one of the following circumstances, shall be subject to a fine of between 50.000.000 dong and 200.000.000 dong, non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

- a) Having been administratively sanctioned for this act or sentenced for this offence, not yet entitled to the expungement of criminal record but continue to commit it;
- b) Inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%;
- c) Inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

- a) In an organized manner;
- b) Against 2 or more persons;
- c) Against persons aged under 16 years old, women whom they know being pregnant, old and weak persons or persons with severe or particulay severe disabilities;
- d) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- đ) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- e) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 61% or higher for all;
- g) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 12 years of imprisonment:

- a) Causing death of 2 or more persons;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 122% or higher for all;

4. The offenders may also be subject to a fine of between 30.000.000 dong and 100.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

## **Article 298. Violating regulations on construction, causing serious consequences**

1. The persons who violate regulations on construction in the fields of survey, design, construction, use of raw materials, materials, machineries, monitoring, site inspection in one of the following circumstances, if not under the cases specified in Article 224 and 281 of this Code, shall be subject to a fine of between 50.000.000 dong and 500.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 1 year and 5 years:

- a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;
- d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

- a) Being the persons who hold positions and have power;
- b) Causing death of 2 persons;
- c) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- d) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;
- đ) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 8 years and 20 years of imprisonment:.

- a) Causing death of 3 or more persons;
- b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;
- d) Causing property damage of 1.500.000.000 dong or higher.

4. The persons who violate regulations on construction in the fields of survey, design, construction, use of raw materials, materials, machineries, monitoring, site inspection or other fields, if not under the cases specified in Article 225 and 281 of this Code, inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all, shall be subject to a fine of between 50.000.000 dong and 200.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

5. The offenders may also be subject to a fine of between 30.000.000 dong and 100.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

#### **Article 299. Terrorism**

1. The persons who aim at causing panic among the public by infringing upon the life of other persons or destroy the property of agencies, organizations or individuals, shall be sentenced to between 10 years and 20 years of imprisonment, life imprisonment or capital punishment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 15 years of imprisonment:

a) Establishing, joining terrorism groups, terrorism financing groups;

b) Forcing, enticing, recruiting, training, coaching terrorists; manufacturing and supplying weapons for terrorists;

c) Infringing upon the freedom of body, health of individuals or seizing, damaging the property of the agencies, organizations and individuals.

3. Committing the crime in case of threatening to commit one of the acts specified under clause 1 of this Article or committing other acts of mental intimidation, the offenders shall be sentenced to between 2 years and 7 years of imprisonment.

4. The persons who prepare to commit this crime shall be sentenced to imprisonment of between 1 year and 5 years.

5. The offenders may also be deprived of a number of citizenship rights, subject to the probation, prohibition of residence for between 1 year to 5 years, confiscation of part of or the whole property.

#### **Article 300. Terrorism financing**

1. The persons who mobilize, provide financial support including money, property in any form to individual terrorists, terrorist groups, shall be sentenced to between 5 years and 10 years of imprisonment .

2. The persons who prepare to commit this crime shall be sentenced to imprisonment of between 1 year and 5 years.

3. The offenders may also be subject to the probation, prohibition of residence for from 1 year to 5 years, confiscation of part of or the whole property .

#### **Article 301. Kidnapping hostages**

1. The persons who arrest, detain other persons as hostages and threaten to kill, injure or continue to detain, keep such person to force a country, territory, international organization or agency, organization or individual to do or not to do something as a condition to release the hostages, shall be sentenced to between 1 year and 5 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

a) In an organized manner;

b) Abusing the position, power;

- c) Against persons aged under 18 years old, women whom they know being pregnant, or persons aged full 70 years old or older.
  - d) Against officials on public duties
  - d) Against 2 or more persons;
  - e) Inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all;
  - g) Causing the psychosis or behavior disorder of victims with the affecting rate of between 11% and 45%.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:
- a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
  - b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
  - c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;
  - d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.
  - e) Causing the psychosis or behavior disorder of victims with the affecting rate of 46% or higher.
4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:
- a) Causing death of 2 persons;
  - b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
  - c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;
  - d) Causing property damage of 500.000.000 dong or higher.
5. The persons who prepare to commit this crime shall be sentenced to imprisonment of between 6 months and 3 years.

### **Article 302. Piracy**

1. The persons who commit one of the following acts shall be sentenced to between 5 years and 10 years of imprisonment:
- a) Attacking ships, aircrafts or other means of maritime traffic on the high seas or in places not under the jurisdiction of any country;
  - b) Assaulting or arresting people on board of ships, aircrafts or other means of maritime traffic as specified at point a of this clause;
  - c) Looting property on ships, aircrafts or other means of maritime traffic as specified at point a of this clause.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

- a) In an organized manner;
- b) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- c) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- d) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;
- đ) Appropriating property valued at between 50.000.000 dong and under 300.000.000 dong;
- e) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 years and 20 years of imprisonment:

- a) Causing death of 2 persons;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;
- d) Appropriating property valued at between 300.000.000 dong and under 1.000.000.000 dong;
- đ) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to 20 years of imprisonment or life imprisonment:

- a) Causing death of 3 or more persons;
- b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;
- d) Appropriating property valued at 1.000.000.000 dong or higher;
- đ) Causing property damage of 1.500.000.000 dong or higher.

5. The persons who prepare to commit this crime shall be sentenced to imprisonment of between 1 year and 5 years.

**Article 303. Destroying important national security works, establishments, facilities**

1. The persons who destroy transport, information-communication works, establishments or facilities; electricity, fuel pipeline, irrigation works or other important works of security, national defense, economy, sciences and technology,

culture and social affairs in the circumstances, if not under the cases specified in Article 114 of this Code, shall be sentenced to between 3 years and 12 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 20 years of imprisonment, life imprisonment:

- a) In an organized manner;
- b) Seriously damaging or causing the inactivation of important national security works, establishments, facilities;
- c) Causing death of 3 or more persons;
- d) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;
- đ) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 200% or higher for all;
- e) Appropriating property valued at 1.500.000.000 dong or higher;
- g) Causing negative impacts on the socio-economic situation;
- h) Dangerous recidivism.

3. The persons who prepare to commit this crime shall be sentenced to imprisonment of between 1 year and 3 years.

4. The offenders may also be subject to the probation for 1 year to 5 years.

**Article 304. Illegally manufacturing, stockpiling, transporting, using, trading or appropriating military weapons, military technical facilities**

1. The persons who illegally manufacture, stockpile, transport, use, trade in or appropriate military weapons, military technical facilities shall be sentenced to between 1 year and 7 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 12 years of imprisonment:

- a) In an organized manner;
- b) Illegal objects are in the quantity of from 03 to 10 handguns, rifles, submachine guns; from 1 to 5 other infantry rifles such as light-machine guns, machine guns, anti-aircraft machine guns sized from 12.7 mm to 25 mm, B40, B4; from 5 to 15 mines, grenades; from 3 to 10 mortar rounds, artillery shells; from 300 to 1.000 infantry bullets sized 11,43 mm or smaller; from 200 to 600 anti-aircraft machine gun bullets sized from 12,7 mm to 25mm; from 10 kilograms to 30 kilograms of explosives of different types; or from 1.000 and 3.000 fueling buds or detonating pipes; or from 3.000 m to under 10.000 m of fuses, detonating cord.
- c)Transporting, trading-in across borders;
- d) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- đ) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

e) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;

g) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

đ) Illegal objects involved are in the quantity of: from 11 to 30 handguns, rifles, submachine guns; from 6 to 20 other infantry rifles such as light-machine guns, machine guns, anti-aircraft machine guns sized from 12.7 mm to 25 mm, B40, B4; from 16 to 45 mines, grenades; from 11 to 30 mortar rounds, artillery shells; from 1.001 to 3.000 infantry bullets sized 11,43 mm or smaller; from 601 to 2.000 anti-aircraft machine gun bullets sized from 12,7 mm to 25mm; from 31 kilograms to 100 kilograms of explosives of different types; or from 3.001 and 10.000 fueling buds or detonating pipes; or from 10.000 m to under 30.000 m of fuse, detonating cord.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 years and 20 years of imprisonment or life imprisonment:

a) Illegal objects involved are in the quantity of: from 31 to 30 handguns, rifles, submachine guns; from 21 or more other infantry rifles such as light-machine guns, machine guns, anti-aircraft machine guns sized from 12.7 mm to 25 mm, B40, B4; from 46 or more mines, grenades; from 31 or more rounds, artillery shells; from 3.001 or more infantry bullets sized 11,43 mm or smaller; from 2.001 or more anti-aircraft machine gun bullets sized from 12,7 mm to 25mm; from 101 kilograms or more of explosives of different types; or from 10.001 fueling buds or detonating pipes; or from 30.000 m or more of fuse, detonating cord.

b) Causing death of 3 or more persons;

c) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

d) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;

đ) Appropriating property valued at 1.500.000.000 dong or higher.

5. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong, to the probation or prohibition of residence for 1 to 5 years.

**Article 305. Illegally manufacturing, stockpiling, transporting, using, trading in or appropriating explosive materials**

1. The persons who illegally manufacture, stockpile, transport, use, trade in or appropriate explosive materials, shall be sentenced to between 1 year and 5 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 5 years of imprisonment:

a) In an organized manner;

b) From 10 to 30 kilograms of explosives of different types or 1.000 to 3.000 fueling buds or detonating pipes, or from 3.000 m to under 10.000 m of fuse, detonating cord;

c) Transporting, trading-in across borders;

d) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

đ) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

e) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;

g) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

a) From 31 kilograms to 100 kilograms of explosives of different types or from 3.001 to 10.000 fueling buds or detonating pipes, or from 10.000 m to under 30.000 m of fuse, detonating cord;

b) Causing death of 2 persons;

c) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

d) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;

đ) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 years and 20 years of imprisonment or life imprisonment:

a) From 101 kilograms or more of explosives of different types or from 10.001 or more fueling buds or detonating pipes, or from 30.000 m or more of fuse, detonating cord;

b) Causing death of 3 or more persons;

c) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

d) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;

d) Causing property damage of 1.500.000.000 dong or higher.

5. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong, to the probation or prohibition of residence for 1 to 5 years.

**Article 306. Manufacturing, stockpiling, transporting, using, trading in or appropriating shotguns, primitive weapons, sport weapons, support tools and other weapons with similar functions and features**

1. The persons who manufacture, stockpile, transport, use, trade in or appropriate shotguns, primitive weapons, sport weapons, support tools and other weapons with similar functions and features as of shotguns, primitive weapons, sport weapons, or who have been administratively sanctioned for such act or have already been sentenced for such offense, not yet entitled to the expungement of criminal record but continue to commit it, shall be sentenced to imprisonment of between 3 months and 2 years.

2. Commit the crime in one of the following circumstances, the offenders shall be sentenced to between 1 year and 5 years of imprisonment:

a) In an organized manner;

b) There are 11 units of shotguns, primitive weapons, sport weapons, support tools and other weapons not under the list of weapons issued by the Government but having similar or better functions and features as of military weapons;

c) Transporting, trading in across borders;

d) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

d) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

e) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;

g) Causing property damage of 100.000.000 dong or higher.

h) Dangerous recidivism.

3. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong, to the probation or prohibition of residence for 1 to 5 years.

**Article 307. Violating regulations on the management of weapons, explosive materials, support devices**

1. The persons who violate regulations on the management of the production, repair, supply, use, maintenance, storage, transport and trading of military weapons, shotguns, sport weapons, explosive materials, support devices in one of the following circumstances, shall be sentenced to between 1 year and 5 years of imprisonment:

a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;

d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

a) Causing death of 3 or more persons;

b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;

d) Appropriating property valued at 1.500.000.000 dong or higher.

4. Committing the crime in case of inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all, the offenders shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

5. Committing the crime in case which may practically lead to the consequence of causing damage to the life, health or property of other persons if not being timely prevented, the offenders shall be sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

6. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

3. The offenders may also be subject to a fine of between 10.000.000 dong and under 50.000.000 dong, the probation or prohibition of residence for between 1 year to 5 years.

### **Article 308. Neglecting responsibilities in keeping weapons and explosive materials, support tools causing serious consequences**

1. The persons who are equipped with military weapons, shotguns, sport weapons, explosive materials, support tools and due to their irresponsibility, let other persons use weapons, explosive materials, support tools in one of the following circumstances,

shall be subject to non-custodial rehabilitation for up to 3 years or sentenced to imprisonment of between 6 months and 3 years:

- a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;
- d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

- a) Causing death of 2 persons;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;
- d) Causing property damage of 1.500.000.000 dong.

4. The persons who are equipped with military weapons, shotguns, sport weapons, explosive materials, support tools and due to their irresponsibility, let other persons use, inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

5. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

### **Article 309. Illegally producing, stockpiling, transporting, using, spreading, trading in or appropriating radioactive substances, nuclear materials**

1. The persons who illegally produce, stockpile, transport, use, trade in or appropriate radioactive substances, nuclear materials shall be sentenced to between 2 years and 7 years of imprisonment.

2. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between 5 years and 12 years of imprisonment:

- a) In an organized manner;
- b) Cross-border transportation, trade;
- c) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- d) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

d) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;

e) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

g) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 years and 20 years of imprisonment:

a) Causing death of 3 or more persons;

b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;

d) Causing damage of 1.500.000.000 dong or higher.

5. The persons who illegally produce, stockpile, transport, use, trade in or appropriate radioactive substances, nuclear materials, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

6. The offenders may also be subject to a fine of between 5.000.000 dong and 50.000.000 dong, the probation or prohibition of residence for 1 to 5 years.

### **Article 310. Violating regulations on the management of radioactive substances, nuclear materials**

1. The persons who violate regulations on managing the production, supply, use, preservation, storage, transport, trading of radioactive substances, nuclear materials in one of the following circumstances, shall be sentenced to imprisonment of between 3 years and 10 years:

a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;

d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 years and 20 years of imprisonment:

a) Causing death of 3 or more persons;

b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;

d) Causing damage of 1.500.000.000 dong or higher.

4. The persons who violate regulations on managing the production, supply, use, preservation, storage, transport, trading of radioactive substances, nuclear materials thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to imprisonment of between 1 year and 3 years.

5. Committing the crime in case which may practically lead to the consequence of causing damage to the life, health or property of other persons if not being timely prevented, the offenders shall be sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

6. The offenders may also be subject to a fine of between 5.000.000 dong and 50.000.000 dong, the probation or prohibition of residence for 1 to 5 years.

#### **Article 311. Illegally producing, stockpiling, transporting, using or trading in inflammables, toxins**

1. The persons who illegally produce, stockpile, transport, use, trade in inflammables, toxins shall be sentenced to between 1 year and 5 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

a) Inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%;

b) Inflicting injury or causing harm to the health of 2 persons with the total injury rate of between 31% and 60% for all.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

a) In an organized manner;

b) Cross-border transportation, trading;

c) Toxic chemicals under Schedule 3 of the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction;

d) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

đ) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

e) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;

g) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

đ) Dangerous recidivism.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

a) Toxic chemicals under Schedule 2 of the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction;

b) Causing death of 2 persons;

c) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

d) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;

đ) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

5. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 years and 20 years of imprisonment or life imprisonment:

a) Toxic chemicals under Schedule 1 of the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction;

b) Causing death of 3 or more persons;

c) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

d) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;

đ) Causing damage of 1.500.000.000 dong or higher.

6. The offenders may also be sentenced to a fine of between 50.000.000 dong and under 50.000.000 dong, the probation or prohibition of residence for 1 year to 5 years.

### **Article 312. Violating regulations on the management of inflammables, toxins**

1. The persons who violate regulations on managing the production, supply, use, preservation, storage, transport or trading of inflammables, toxins in one of the following circumstances, shall be sentenced to between 1 year and 5 years of imprisonment:

a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;

d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

a) Causing death of 3 or more persons;

b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;

d) Causing damage of 1.500.000.000 dong or higher.

4. The persons who violate regulations on managing the production, supply, use, preservation, storage, transport or trading of inflammables, toxins, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all, shall be sentenced to non-

custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

5. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

### **Article 313. Violating regulations on fire prevention and fire-fighting**

1. The persons who violate regulations on fire prevention and fire-fighting in one of the following circumstances, shall be sentenced to non-custodial rehabilitation for up to 3 years or to between 2 years and 5 years of imprisonment:

- a) Causing death of 1 person, or inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;
- d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 8 years of imprisonment:

- a) Causing death of 2 persons;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;
- d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 12 years of imprisonment:

- a) Causing death of 3 or more persons;
- b) Inflicting injury or causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;
- d) Causing damage of 1.500.000.000 dong or higher.

4. The persons who violate regulations on fire prevention and fire-fighting, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all, shall be subject to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

5. Committing the crime in case which may practically lead to the consequence of causing damage to the life, health or property of other persons if not being timely

prevented, the offenders shall be sentenced to non-custodial rehabilitation for up to 1 year or imprisonment of between 3 months and 1 year.

6. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

#### **Article 314. Violating regulations on the safe operation of electricity facilities**

1. The persons who commit one of the following acts, inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all, or causing property damage of between 100.000.000 dong and under 500.000.000 dong, or who have already been disciplined or administratively sanctioned for such act but continue to commit it, shall be subject to a fine of between 20.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

a) Allowing the building of houses, constructions or arbitrarily building houses, constructions within the safe corridors of electricity facilities;

b) Causing explosion, fire; burning forest for cultivation; causing trees to fall which affect the safe operation of electricity facilities;

c) Digging holes, piling, building houses on on the safe corridors of underground electric cables;

d) Anchoring ships and boats in the safe corridors of underground electric cables placed in river-beds and sea-beds which have been notified or alerted with signboards;

e) Installing electrical equipments or constructing electricity lines which fail to guarantee the safety.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between 100.000.000 dong and under 300.000.000 dong, or sentenced to between 2 years and 7 years of imprisonment:

a) Causing human death;

b) Inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher, or inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 61% and 121% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) Causing death of 2 persons;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person, or inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of 122% or higher for all;

c) Causing property damage of 1.500.000.000 dong or higher.

4. Committing the crime in case which may practically lead to the consequence of causing damage to the life, health or property of other persons if not being timely prevented, the offenders shall be subject to a fine of between 20.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

5. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

**Article 315. Violating regulations on medical examination and treatment; production, preparation, supply and sale of medicines or other medical services**

1. The persons who violate regulations on medical examination and treatment, production, preparation, supply and sale of medicines or other medical services, if not under the cases stipulated in Article 259 of this Code, in one of the following circumstances, or who have been disciplined or administratively sanctioned for this act or have sentenced for this offence, not yet been entitled to the expungement of criminal record but continue to commit, shall be sentenced to between 1 year and 5 years of imprisonment:

a) Causing death of 1 person, or causing harm to the health of 1 person with an injury rate of 61% or higher;

b) Causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;

d) Causing property damage of between 100.000.000 dong and under 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

a) Causing death of 2 persons;

b) Causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;

d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

a) Causing death of 3 or more persons;

b) Causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;

d) Causing damage of 1.500.000.000 dong or higher.

4. The persons who violate regulations on medical examination and treatment, production, preparation, supply and sale of medicines or other medical services, if not under the cases stipulated in Article 259 of this Code, thus inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all, or who have been disciplined or administratively sanctioned for this act or have sentenced for this offence, not yet been entitled to the expungement of criminal record but continue to commit, the offenders shall be subject to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

5. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

#### **Article 316. Illegal abortion**

1. The persons who perform illegal abortions for other persons in one of the following circumstances shall be sentenced to non-custodial rehabilitation for up to 3 years or between 1 year and 3 years of imprisonment:

- a) Causing death of 1 person, or causing harm to the health of 1 person with an injury rate of 61% or higher;
- b) Causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;
- d) Having been disciplined or administratively sanctioned for this act or have sentenced for this offence, not yet been entitled to the expungement of criminal record but continue to commit the offence.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

- a) Causing death of 2 persons;
- b) Causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

- a) Causing death of 3 or more persons;
- b) Causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;
- c) Causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;
- d) Causing damage of 1.500.000.000 dong or higher.

4. The offenders may also be subject to a fine of between 5.000.000 dong and 50.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

#### **Article 317. Violating regulations on food safety**

1. The persons who commit one of the following acts shall be subject to a fine of between 50.000.000 dong and 200.000.000 dong or sentenced to between 1 year and 5 years of imprisonment:

a) Using prohibited substances in the production, preparation, processing, preservation of food; or sell, provide food that they obviously know to have used prohibited substances;

b) Using chemicals, antibiotics, veterinary drugs, plant protection drugs prohibited from using in farming, breeding, aquaculture, salt production, preparing, processing and preserving agricultural, aquaculture, forestry and salt products, thus creating the surplus of the amount of such prohibited substances permitted in the products;

c) Using chemicals, antibiotics, veterinary drugs, plant protection drugs, substances used in environmental treatment and rehabilitation not in the permitted list for use, or with unknown origin, or not consistent with the provisions on the manufacture, preparation, processing, preservation of food in farming, breeding, aquaculture, salt production, thus creating the surplus of the amount of such prohibited substances permitted in the products; or having been administratively sanctioned for one of the acts specified at this point or point a of this clause but repeating the violation.

d) Processing, supplying or selling food that they obviously know not guaranteeing technical standards and regulations on food safety; using of chemicals, additives, processing aids not in the list permitted, or with unknown origin in the production, preparation, processing, preservation of food: causing harm to the health of 1 person with an injury rate of between 31% and 60%, or causing harm to the health of 2 or more persons with the total injury rate of between 31% and 60% for all, or gaining illicit profits of between 50.000.000 dong and 100.000.000 dong.

2. Committing the crime in one of the following consequences, the offenders shall be sentenced to a fine of between 200.000.000 dong to 500.000.000 dong or between 3 years and 7 years of imprisonment:

a) In an organized manner;

b) Causing death of 1 person, or causing harm to the health of 1 person with an injury rate of 61% or higher;

c) Causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

d) Causing harm to the health of 3 or more persons with the total injury rate of between 61% and 121% for all;

đ) Gaining illicit profits of between 100.000.000 dong and under 500.000.000 dong;

e) Committing the crime twice or more;

g) Dangerous recidivism.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

a) Causing death of 2 persons;

b) Causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Causing harm to the health of 3 or more persons with the total injury rate of between 122% and 200% for all;

d) Gaining illicit profits of between 500.000.000 dong and under 1.000.000.000 dong.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years of imprisonment:

a) Causing death of 3 or more persons;

b) Causing harm to the health of 3 persons with an injury rate of 61% or higher for each person;

c) Causing harm to the health of 3 or more persons with the total injury rate of 201% or higher for all;

d) Gaining illicit profits of 1.000.000.000 dong or higher.

5. The offenders may also be subject to a fine of between 20.000.000 dong and 100.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

## **Section D. OTHER CRIMES OF INFRINGEMENT UPON PUBLIC ORDER**

### **Article 318. Causing public disorder**

1. The persons who disturb public order, causing negative impacts on the security, order and safety of the society, or have been administratively sanctioned for this act or have been sentenced for this offence, not yet been entitled to the expungement of criminal record but continue to commit the offence, shall be subject to a fine of between 5.000.000 dong and 50.000.000 dong, to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

a) In an organized manner;

b) Using weapons, attack tools or committing acts of devastation;

c) Seriously obstructing the traffic or causing the cessation of public activities;

d) Inciting other persons to cause disorder;

đ) Assaulting persons who intervene to keep the public order;

e) Dangerous recidivism.

### **Article 319. Interfering with human corpses, graves, remains**

1. The persons who dig, destroy graves; appropriate objects left therein or thereon or commit other acts of interference with human corpses, graves, remains, shall be sentenced to non-custodial rehabilitation for up to 2 years or between 3 months and 2 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

- a) Causing negative impacts on the security, order and safety of the society;
- b) Appropriating or destroying objects of historical, cultural value;
- c) For despicable motives;
- d) Appropriating parts of the human corpses, remains.

### **Article 320. Performing superstitious practices**

1. The persons who perform fortune-telling, medium practices or other forms of superstition, or who have been administratively sanctioned for this act or sentenced for this offence, not yet been entitled to the expungement of criminal record but continue to commit the offence, shall be subject to a fine of between 10.000.000 dong and 100.000.000 dong, non-custodial rehabilitation for up to 3 years or to between 6 months and 3 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

- a) Causing human death;
- b) Gaining illicit profits of 200.000.000 dong or higher;
- c) Causing negative impacts on the security, order and safety of the society;

3. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong.

### **Article 321. Gambling**

1. The persons who illegally gamble in any forms, winning or losing money or objects valued at between 5.000.000 dong and 50.000.000 dong, or under 5.000 but have been administratively sanctioned for this act or the act specified in Article 322 of this Code, or have been convicted of this crime or the crime specified in Article 322 of this Code, and have not yet had this criminal record expunged but relapse into the crime, shall be sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

- a) In a professional manner;
- b) Money or objects used in gambling are valued at 50.000.000 dong or more;
- c) Using the internet, computer networks, telecommunications network, digital devices to commit the crime.
- d) Dangerous recidivism;

3. Offenders may be also subject to a fine of between 10.000.000 dong and 50.000.000 dong.

### **Article 322. Organizing gambling or running gambling dens**

1. The persons who illegally organize gambling or run gambling dens in one of the following circumstances shall be subject to a fine of between 50.000.000 dong and 300.000.000 dong or sentenced to between 1 year and 5 years of imprisonment:

a) Organizing, using places under their ownership or management for ten or more persons gambling at the same time, or for two or more gambling groups in which the money, objects used for gambling are valued at 5.000.000 dong or higher.

b) The total amount of money or objects used for gambling at one time are valued at 20.000.000 dong or more;

c) Organizing places for people involved in gambling to pledge their property; setting up facilities for gambling; assigning guards, waiters for gambling, arranging escaping routes in case of police roundup; using vehicles to facilitate the gambling;

d) Having been administratively sanctioned for this act or the act specified in Article 321 of this Code, or have been convicted of this crime or the crime specified in Article 321 of this Code, and have not yet had this criminal record expunged but relapse into the crime

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) Of professional manner;

b) Gaining illicit profits of 50.000.000 or more;

c) Dangerous recidivism.

3. The offenders may also be subject to a fine of between 20.000.000 dong and 100.000.000 dong, the confiscation of part of or the whole property.

### **Article 323. Harboring or consuming criminal property of crimes committed by other persons**

1. The persons who, without prior promise, harbor or consume property which they know is the proceeds of crimes committed by other persons, shall be sentenced to a fine of between 10.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

2. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

a) In an organized manner;

b) Being of professional nature;

c) Criminal property or objects are valued at between 100.000.000 dong and under 300.000.000;

d) Gaining illicit profits of between 20.000.000 dong and under 100.000.000;

đ) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced between 7 years and 10 years of imprisonment:

a) Criminal property or objects are valued at between 30.000.000 dong and under 1.000.000.000 dong;

b) Gaining illicit profits of between 100.000.000 dong and under 300.000.000 dong;

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

a) Criminal property or objects are valued at between 1.000.000.000 dong or more;

b) Gaining illicit profits of 300.000.000 dong or more.

5. The offenders may also be subject to a fine of between 5.000.000 dong and 50.000.000 dong and/or the confiscation of part or whole or their property.

### **Article 324. Money laundering**

1. The persons who commit one of the following acts shall be sentenced to between 1 year and 5 years of imprisonment:

a) Participating directly or indirectly in financial, banking transactions or any other transactions in order to conceal the illegal origin of money, property which is the proceeds of crimes committed by themselves, or which they know or should have the reason to know such property, money is the proceeds of crimes committed by other persons;

b) Using money or property which is the proceeds of crimes committed by themselves, or which they know or should have the reason to know such property, money is the proceeds of crimes committed by other persons to conduct business activities or other activities;

c) Concealing information about the origin, true nature, location, movement or ownership of money, property which is the proceeds of crimes committed by themselves, or which they know or should have the reason to know such property, money is the proceeds of crimes committed by other persons to obstruct the verification of such information.

d) Committing one of the acts specified at point a. b and c of this clause with regard to the money, property which they know are acquired from the movement, transfer or conversion of money, property being the proceeds of crimes committed by other persons.

2. Committing the crime in one of the following circumstances, offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) In an organized manner;

b) Abusing the position and power;

c) Committing the crime twice or more;

d) In a professional manner;

đ) Employing sophisticated or treacherous tricks;

e) Criminal money, property valued at between 200.000 dong and under 500.000.000 dong;

g) Gaining illicit profits of between 50.000.000 dong and under 100.000.000 dong;

h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

a) Criminal money and property valued at 500.000.000 dong or more;

b) Gaining illicit profits of 100.000.000 or more;

c) Causing negative impacts on the national financial, monetary system.

4. The persons who prepare to commit this crime shall be sentenced to imprisonment of between 1 year and 5 years.

5. Offenders may also be subject to a fine of between 20.000.000 dong and 100.000.000 dong, prohibited from holding certain posts or practicing certain professions or performing certain jobs for between 1 year and 5 years, confiscation of part of or the whole property

### **Article 325. Enticing, compelling persons aged under 18 years old to commit criminal offences or harboring persons aged under 18 years old who commit criminal offences**

1. The persons aged full 18 years old or older, committing one of the following acts shall be sentenced to between 1 year and 5 years of imprisonment:

a) Inviting, enticing, inducing, buying off, inciting, instigating persons aged under 18 years to commit criminal offences, to have depraved lifestyle;

b) Threatening, intimidating, using force or doing other acts to compel persons aged under 18 years old to commit criminal offences;

c) Harboring persons aged under 18 years old who commit criminal offences.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

a) In an organized manner;

b) Inviting, enticing, inducing, buying off, inciting, instigating many persons;

c) Against persons aged under 13 years old;

d) Inviting, enticing, inducing, buying off, inciting, instigating persons aged under 18 years old to commit very serious or particularly serious crime;

đ) Dangerous recidivism.

3. The offenders may also be subject to a fine of between 10.000.000 dong and 100.000.000 dong.

Offenders committing the crime in case prescribed at point đ, clause 2 of this Article may also be subject to probation for 1 year to 5 years.

### **Article 326. Disseminating debauched cultural products**

1. The persons who make, duplicate, circulate, transport, trade in, stockpile to disseminate debauched books, newspapers, pictures, photographs, films, music or other items having pornographic or debauched content, or commit other acts of

disseminating debauched cultural products in one of the following circumstances, shall be sentenced to a fine of between 10.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to three 3 or to between 6 months and 3 years of imprisonment:

- a) Digitized data of with the capacity of between 1 gigabytes (GB) and under 5 gigabytes (GB);
- b) Printed books, newspapers with the quantity of between 50 units to 100 units;
- c) Printed photos with the quantity of between 100 photos to 200 photos;
- d) Disseminating to between 10 persons and 20 persons;
- đ) Having been administratively sanctioned for such act or have already been sentenced for such offence, not yet entitled to the expungement of the criminal record but continue to commit it.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

- a) In an organized manner;
- b) Digitized data of with the capacity of between 5 gigabytes (GB) and under 10 gigabytes (GB);
- b) Printed books, newspapers with the quantity of between 51 units to 100 units;
- c) Printed photos with the quantity of between 201 photos to 500 photos;
- d) Disseminating to between 21 persons and 100 persons;
- đ) Against persons aged under 18 years old;
- g) Using the Internet, computer networks, telecommunications networks, digital devices to commit the crime.

h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

- a) Digitized data of with the capacity of 10 gigabytes (GB) or more;
- b) Printed books, newspapers with the quantity 101 units;
- c) Printed photos with the quantity of 501 photos or more;
- d) Disseminating to 101 persons or more.

4. The offenders may also be subject to a fine of between 5.000.000 dong and 30.000.000 dong, prohibited from practicing certain occupations or doing certain jobs for 1 year to 5 years.

### **Article 327. Harboring prostitution**

1. The persons who harbor prostitution shall be sentenced to between 1 year and 5 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

- a) In an organized manner;

- b) Coercing other persons into prostitution;
- c) Committing the crime twice or more;
- d) Harboring prostitution for 4 or more persons;
- đ) Against persons aged between full 16 years old and under 18 years old;
- e) Causing the psychosis or behavior disorder of prostitutes with the affecting rate of between 11% and 45%;
- g) Gaining illicit profits of between 50.000.000 dong and under 200.000.000 dong;
- h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

- a) Against the person aged between full 13 years old and under 16 years old;
- b) Gaining illicit profits of between 200.000.000 dong and under 500.000.000 dong;
- c) Causing the psychosis or behavior disorder of prostitutes with the affecting rate of 46% or higher.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 years and 20 years of imprisonment or life imprisonment:

- a) Against 2 or more persons aged between full 13 years old and under 16 years old;
- b) Gaining illicit profits of 500.000.000 dong or more;
- c) Coercing other persons into prostitution that causes their death or cause them to commit suicide.

5. The offenders may also be subject to a fine of between 10.000.000 dong and 100.000.000, the probation of between 1 year and 5 years, or confiscation of part of or the whole property.

### **Article 328. Prostitution brokerage**

1. The persons who acts as intermediaries to entice, lead other persons to buy and sell sex shall be sentenced to between 6 months and 3 years of imprisonment.

2. Committing the offenses in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

- a) Against persons aged between full 16 years old and under 18 years old;
- b) In an organized manner;
- c) Of professional nature;
- d) Committing the crime twice or more;
- đ) Against 2 or more persons;
- e) Gaining illicit profits of between 100.000.000 dong and under 500.000.000 dong;
- g) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

- a) Against persons aged between full 13 years old and under 16 years old;
  - b) Gaining illicit profits of 500.000.000 dong or higher.
4. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000.

#### **Article 329. Buying sex from persons aged under 18 years old**

1. The persons, who are 18 years old or above buying sex from persons aged under 18 years old, except the case specified under Article 142.1.b, shall be sentenced to between 1 year and 5 years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:
  - a) Buying sex twice or more;
  - b) Buying sex from persons aged between full 13 years old and under 16 years old;
  - c) Causing harm to health of victims with an injury rate of between 31% and 60%.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:
  - a) Committing the crime twice or more against persons aged between full 13 years old and under 16 years old;
  - b) Causing harm to the health of victims with an injury rate of 61% or higher.
4. The offenders shall also be subject to a fine of between 10.000.000 dong and 50.000.000 dong.

### **Chapter XXII**

#### **CRIMES AGAINST ADMINISTRATIVE MANAGEMENT ORDER**

#### **Article 330. Resisting public officials in the execution of their official duties**

1. The persons, who use force, threaten to use force or use other tricks to obstruct public officials from executing their public duties or coerce them to execute illegal acts, shall be sentenced to non-custodial rehabilitation for up to 03 years or between 06 months and 03 years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 years and 07 years of imprisonment:
  - a) In an organized manner;
  - b) Committing the offense twice or more;
  - c) Instigating, inducing, inciting other persons to commit the crime;
  - d) Causing property damage of 50.000.000 dong or higher;
  - đ) Dangerous recidivism.

#### **Article 331. Abusing democratic freedoms to infringe upon the interests of the State, the rights and legitimate interests of organizations, individuals**

1. The persons who abuse the rights to freedom of speech, freedom of press, freedom of belief, religion, assembly, association and other democratic freedoms to infringe

upon the interests of the State, the rights and legitimate interests of organizations, individuals, shall be subject to warning, sentenced to non-custodial rehabilitation for up to 03 years or between 06 months and 03 years of imprisonment.

2. Committing the crime, cause negative impacts on the social security, order and safety, the offenders shall be sentenced to between 02 years and 07 years of imprisonment.

#### **Article 332. Evading military service**

1. The persons who fail to strictly abide by legal provisions on military service registration; fail to abide by the order for enlistment into the army, the summoning order for military training; have been administratively sanctioned for this act or have been sentenced for this crime, not yet been entitled to the expungement of criminal record but continue to commit the offence, shall be sentenced to non-custodial rehabilitation for up to 02 years or between 03 months and 02 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 year and 05 years of imprisonment:

- a) Inflicting injuries on themselves or causing harm to their health;
- b) Committing the crime during war time;
- c) Enticing other persons to commit the crime.

#### **Article 333. Failure to obey the order summoning reservists to join the army**

1. Persons who are reservists but refuse to obey the order for enlistment into the army in case of general mobilization, local mobilization, war or there is a demand to reinforce the regular force of the army for combat to defend the localities, to defend the territorial sovereignty, shall be sentenced to non-custodial reform for up to 03 years or between 06 months and 03 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 years and 07 years of imprisonment:

- a) Inflicting injuries on themselves or causing harm to their health;
- b) Enticing other persons to commit the crime.

#### **Article 334. Acting against regulations on performing military service**

1. The persons who abuse their position, power to act against regulations on the military service registration, order for enlistment into the army, summoning order for military training shall be sentenced to non-custodial reform for up to 03 years or between 06 months and 03 years of imprisonment.

2. Committing the crime during war time, the offenders shall be sentenced to between 02 years and 07 years of imprisonment.

3. The offenders may also be prohibited from holding certain posts for between 01 year to 05 years.

#### **Article 335. Obstructing the performance of military service**

1. The persons who deliberately obstruct the military service registration, the summon for enlistment into the army, the summon for military training, shall be subject to

warning, sentenced to non-custodial rehabilitation for up to 02 years or imprisonment of between 03 months and 02 years.

2. Committing the crime in case of abusing the position, power or during war time, the offenders shall be sentenced to between 02 years and 05 years of imprisonment.

### **Article 336. Illegal registration of civil status**

1. The persons who have duty and power for but illegally conduct the registration of and, issue documents on civil status, have been disciplined for this act but continue to commit the offence, shall be subject to warning, sentenced to non-custodial rehabilitation for up to 03 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 months and 02 years of imprisonment:

a) Illegally conducting the registration of and issuing documents on civil status for 2 or more persons;

b) Civil status documents illegally issued and registered are used to commit illegal acts.

3. The offenders may also be prohibited from holding certain posts for 01 year to 05 years.

### **Article 337. Deliberately disclosing State secrets; appropriating, trading in, destroying State secret documents**

1. The persons who deliberately disclose or trade in State secrets, if not under the case specified in Article 110 of this Code, shall be sentenced to between 02 years and 07 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 05 years and 10 years of imprisonment:

a) State secrets classified as top secrets;

b) Abusing the position, power;

c) Causing damage to the national defense, security, foreign affairs, economy and culture.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

a) In an organized manner;

b) State secrets classified as strictly absolute secrets;

c) Committing the offense twice or more;

d) Causing damage to the political regime, independence, sovereignty, territorial unity and integrity.

4. The offenders may also be subject to a fine of between 10.000.000 dong and 100.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 01 year to 05 years.

**Article 338. Unintentionally disclosing State secrets; losing State secret objects, documents**

1. The persons who unintentionally disclose State secrets or lose State secret objects, documents shall be sentenced to non-custodial rehabilitation for up to 03 years or between 06 months and 03 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 years and 07 years of imprisonment:

- a) State secrets classified as top, strictly absolute secret;
- b) Causing damage to the national defense, security, foreign affairs, economy, culture, political regime, independence, sovereignty, territorial unity and integrity.

3. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 01 to 05 years.

**Article 339. Assuming false leadership position, rank, work position**

Persons who assume false position or rank, work position in order to commit illegal acts but not to appropriate property shall be sentenced to non-custodial rehabilitation for up to 02 years or between 03 months and 02 years of imprisonment.

**Article 340. Amending, using certificates and documents issued by agencies, organizations**

1. The persons who amend, falsify the content of passports, visas, household registration, civil status registration, various kinds of certificates or other documents of agencies, organizations and use such papers to commit crimes, or who have been administratively sanctioned for this actor have been sentenced for this crime, not yet been entitled to the expungement of the criminal record but continue to commit the offence, shall be subject to warning, a fine of between 10.000.000 dong and 50.000.000 dong, sentenced non-custodial rehabilitation for up to 03 years or imprisonment of between 06 months and 03 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 years and 05 years of imprisonment:

- a) Committing the crime twice or more;
- b) Using papers amended or falsified to commit very serious crimes or particularly serious crimes.

3. The offenders may also be subject to a fine of between 5.000.000 dong and 20.000.000dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 01 year to 05 years.

**Article 341. Forging seals, documents of agencies, organizations; using forged seal, documents of agencies, organizations**

1. The persons who forge seals, documents or other papers of agencies, organizations or use such seals, documents, papers to commit illegal acts, shall be subject to a fine of between 30.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 03 years or between 06 months and 03 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 years and 05 years of imprisonment:

- a) In an organized manner;
- b) Committing the crime twice or more;
- c) Forging 02 to 05 seals, documents or other papers;
- d) Using forged seals, documents or other papers to commit crimes;
- đ) Gaining illicit profits of between 10.000.000 dong and under 50.000.000 dong;
- e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 years and 07 years of imprisonment:

- a) Forging 06 or more seals, documents or other papers;
- b) Using forged seals, documents or other papers to commit very serious crimes or particularly serious crimes;
- c) Gaining illicit profits of 50.000.000 dong or more.

4. The offenders may also be subject to a fine of between 5.000.000 dong and 50.000.000dong.

#### **Article 342. Appropriating, trading in, destroying seals, documents of agencies, organizations**

1. The persons who appropriate, trade in, destroy seals, documents of State agencies, social organizations, which are not classified as State secrets or work secrets, shall be subject to a fine of between 5.000.000 dong and 50.000.000 dong, sentenced to non-custodial reform for up to 02 years or between 03 months and 02 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 years and 05 years of imprisonment:

- a) In an organized manner;
- b) Gaining illicit profits of 10.000.000 dong or more;
- c) In order to perform illegal acts;
- d) Dangerous recidivism.

3. The offenders may also be subject to a fine of between 5.000.000 dong and 20.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 01 year to 05 years.

#### **Article 343. Violating regulations on the management of dwelling houses**

1. The persons who appropriate dwellings, build dwelling houses illegally, or have already been administratively sanctioned for this act or sentenced for this crimes, not yet entitled to the expungement of the criminal record but continue to commit the offence, shall be sentenced to non-custodial rehabilitation for up to 02 years or between 03 months and 02 years of imprisonment.

Illegally-built dwelling houses and works may be dismantled, compulsorily purchased or confiscated.

2. The offenders may also be subject to a fine of between 5.000.000 dong and 50.000.000 dong.

**Article 344. Violating regulations on publication activities**

1. The persons who violate regulations on publication activities under one of the following circumstances shall be subject to warning, a fine of between 20.000.000 dong and 200.000.000 dong, sentenced to non-custodial rehabilitation for up to 02 years or imprisonment of between 03 months and 02 years:

a) Failing to comply with the regulations on manuscript editing and approving but still publishing publications, having been administratively sanctioned for this act but continuing to commit the offence;

b) Printing out more than 2000 copies of each publication without the certificate of publication registration, decision for publication, or permit for non-commercial publishing of publications; without approved manuscripts in accordance with provisions of the law;

c) Publishing, printing or distributing publications which have been suspended from distribution, revoked, confiscated, prohibited from circulation, destroyed or illegally imported with the quantity of 500 copies or more of each publication;

d) Uploading in electronic media publications with contents being prohibited under provisions of the law or publications without certificate of publication registration, decision for publication; without approved manuscripts for publishing such publications;

đ) Committing the crime with the quantity lower than the level specified in point b or c of this clause, having been administratively sanctioned for this act, or having been sentenced for this crime, not yet been entitled to the expungement of the criminal record remission but continuing to commit the offence.

e) Failing to deposit publications but still distributing publications, having been administratively sanctioned for this act but continuing to commit the offence.

2. Committing the crime in one of the following circumstances, if not under the case specified in Article 117 of this Code, the offenders shall be sentenced to between 02 years and 05 years of imprisonment:

a) In an organized manner;

b) Modifying, falsifying contents of the manuscripts that have been approved, or manuscripts of non-commercial publications which have been stamped by publishing licensing agencies to publish with contents prohibited under provisions of the Publication Law;

c) Distributing publications with contents prohibited under provisions of the Publication Law.

3. The offenders may also be subject to a fine of between 20.000.000 dong and 100.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 01 year to 05 years.

**Article 345. Violating regulations on the protection and use of historical-cultural relics, famous landscapes and scenic places, causing serious consequences**

1. The persons who violate regulations on the protection and use of historical -cultural relics, famous landscapes and scenic places, causing damage valued at between 100.000.000 dong and under 500.000.000 dong to historical - cultural relics, famous landscapes and scenic places; destroy, change original elements constituting historical - cultural relics, famous landscapes and scenic places at provincial level, or who have been administratively sanctioned for this act or been sentenced for this crime, not yet been entitled to the expungement of the criminal record but continue to commit the offence, shall be subject to warning, a fine of between 10.000.000 dong and one 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 03 years or between 06 months and 03 years of imprisonment.

2. Committing the crime in the case that causes damage valued at 500.000.000 dong or more to historical - cultural relics, famous landscapes and scenic places, or destroy, change original elements constituting historical - cultural relics, famous landscapes and scenic places at national level or at special national level, shall be sentenced to between 03 years and 07 years of imprisonment.

#### **Article 346. Violating regulations on border regions**

1. The persons who violate the regulations on residence, movement or other regulations relating to border regions, have been administratively sanctioned for this act or have been sentenced for this crime, not yet been entitled to the expungement of the criminal record but continue to commit the offence, shall be subject to a fine of between 10.000.000 dong and 100.000.000 dong or sentenced to between 06 months and 3 years of imprisonment.

2. Recidivism or committing crime which causes negative impacts on the social security, order and safety in border regions, the offender shall be sentenced to between 02 years and 07 years of imprisonment.

3. The offenders may also be subject to a fine of between 5.000.000 dong and 50.000.000 dong, the prohibition of residence ban for between 01 year to 05 years.

#### **Article 347. Violating regulations on entry and exit; illegally staying in Vietnam**

The persons who illegally exit, enter Vietnam or illegally stay in Vietnam, have been administratively sanctioned for this act but continue to commit the offence, shall be subject to a fine of between 5.000.000dong and 50.000.000 dong or shall be sentenced to between 06 months and 03 years of imprisonment.

#### **Article 348. Organizing, intermediating for other persons to illegally exit, enter Vietnam or illegally stay in Vietnam**

1. Persons who, due to their own benefits, organize or intermediate for other persons to illegally exit, enter Vietnam or illegally stay in Vietnam shall be sentenced to between 01 year and 05 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 05 years and 10 years of imprisonment:

- a) Abusing the position, power;
- b) Committing the crime twice or more;
- c) Against 05 to 10 persons;
- d) In a professional manner;

d) Gaining illicit profits of between 100.000.000 dong and under 500.000.000 dong;

e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 years and 15 years of imprisonment:

a) Against 11 people or more;

b) Gaining illicit profits of 500.000.000 dong or more;

c) Causing human death.

4. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 01 year to 05 years.

#### **Article 349. Organizing, intermediating for other persons to flee abroad or to stay abroad illegally**

1. Persons who organize, intermediate for other persons to flee abroad or stay abroad illegally, if not under the case specified in Article 120 of this Code, shall be sentenced to between 01 year and 05 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 05 years and 10 years of imprisonment:

a) Abusing the position, power;

b) Committing the crime twice or more;

c) Against 05 to 10 people;

d) In a professional manner;

d) Gaining illicit profits of between 100.000.000 dong and under 500.000.000 dong;

e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 years and 15 years of imprisonment:

a) Against 11 people or more;

b) Gaining illicit profits of 500.000.000 dong or more;

c) Causing human death.

4. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong, prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 01 year to 05 years.

#### **Article 350. Coercing other persons to flee abroad or to stay abroad illegally**

1. The persons who coerce other persons to flee abroad or to stay abroad illegally, if not in the circumstance specified in Article 120 of this Code, shall be sentenced to between 02 years and 07 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 05 years and 12 years of imprisonment:

a) Committing the crime twice or more;

- b) Against 05 to 10 persons;
- c) In a professional manner;
- d) For despicable motives;
- đ) Dangerous recidivism.

3. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years of imprisonment:

- a) Against 11 or more people;
- b) Causing human death.

#### **Article 351. Affronting the national flag, national emblem and national anthem**

The persons who deliberately affront the national flag, national emblem, national anthem shall be subject to a warning, sentenced to non-custodial rehabilitation for up to 03 years or imprisonment of between 06 months and 03 years.

### **Chapter XXIII**

#### **POSITION-RELATED CRIMES**

##### **Article 352. Definition of position-related crimes**

1. Position-related crimes are acts of infringing upon the legitimate activities of agencies, organizations, which are carried out by persons holding positions whilst they are performing official duties and tasks.
2. The persons with positions are the persons assigned through appointment, election, contract or other arrangements, with or without salary to perform certain duties and have certain powers while performing their duties and tasks.

#### **SECTION 1.**

#### **CRIMES OF CORRUPTION**

##### **Article 353. Embezzling property**

1. The persons who abuse the position, power to appropriate property which they have the responsibility to manage valued at between 2.000.000 dong and under 100.000.000 dong, or under 2.000.000 dong but in one of the following circumstances, shall be sentenced to between 02 years and 07 years of imprisonment:

- a) The offenders have been administratively sanctioned for such act but continue to commit the offence;
- b) The offenders have been sentenced for one of the crimes stipulated in Section 1 of this Chapter, not yet been entitled to the expungement of the criminal record but continue to commit the offence.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 year and 15 years of imprisonment:

- a) In an organized manner;

- b) Employing treacherous and dangerous tricks;
- c) Committing the offence twice or more;
- d) Appropriating property valued at between 100.000.000 dong and under 500.000.000 dong;
- đ) Appropriating money or properties used for hunger eradication and poverty reduction; allowances, subsidies for persons having contribution to the revolution; reserve funds or money, properties subscribed and subsidized for areas subject to natural calamities, epidemics or areas with particularly difficult economic situation;;
- e) Causing property damage valued at between 1.000.000.000 dong and under 3.000.000.000 dong;
- g) Negatively affecting the life of officials, public servants, public employees and other employees working in agencies, organizations.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 years and 20 years of imprisonment:

- a) Appropriating property valued at between 500.000.000dong and under 1.000.000.000 dong;
- b) Causing property damage valued at between 3.000.000.000 dong and under 5.000.000.000 dong;
- c) Causing negative effects on the social security, order and safety;
- d) Causing other enterprises and organizations to go bankrupt or to cease the operation.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to 20 years of imprisonment, life imprisonment or capital punishment:

- a) Appropriating property valued at 1.000.000.000 dong or more;
- b) Causing property damage valued at 5.000.000.000 dong or more.

5. The offenders may also be prohibited from holding certain posts for 01 year to 05 years, be subject to a fine of between 30.000.000 dong and 100.000.000 dong, the confiscation of part of or the whole property.

#### **Article 354. Receiving bribes**

1. The persons who abuse the position, power; accept or will accept directly or through intermediaries any of the following benefits for themselves or for other persons or organizations in order to perform or not to perform certain duties for the benefits of or at the request of the bribe givers, shall be sentenced to between 2 year and 7 years of imprisonment:

- a) Money, property or other material interests valued at between 2.000.000 dong and under 100.000.000 dong, or under 2.000.000 dong but the offenders have been disciplined for this act but continue to commit the offence or have been convicted for one of the crimes stipulated in Section 1of this Chapter, not yet been entitled to the expungement of the criminal record but continue to commit the offence;.
- b) Non-material benefits.

2. Committing the crime in one of the following circumstances, the offenders shall be

sentenced to between 7 year and 15 years of imprisonment:

- a) In an organized manner;
- b) Abusing the position, power;
- c) The bribes are money, property or other material benefits valued at between 100.000.000 dong and under 500.000.000 dong;
- d) Causing property damage valued at between 1.000.000.000 dong and under 3.000.000.000 dong;
- d) Committing the crime twice or more;
- e) Knowing obviously that the bribes are the State's property;
- g) Asking for bribes, causing bureaucratic harassment or employing treacherous tricks.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 years and 20 years of imprisonment:

- a) The bribes are money, property or other material benefits valued at between 500.000.000 dong and under 1.000.000.000 dong;
- b) Causing property damage valued at between 3.000.000.000 dong and under 5.000.000.000 dong;

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to 20 years of imprisonment, life imprisonment or capital punishment:

- a) The bribes are money, property or other material benefits valued at 1.000.000.000 dong or more;
- b) Causing property damage valued at 5.000.000.000 dong or more;

5. The offenders shall also be prohibited from holding certain posts for 01 year to 05 years, may be subject to a fine of between 30.000.000 dong and 100.000.000 dong, the confiscation of part of or the whole property.

6. The persons with positions, powers in non-state enterprises, organizations who receive bribes shall be handled in accordance with provisions of this Article.

### **Article 355. Abusing positions, powers to appropriate property**

1. Persons who abuse the position, power to appropriate other persons' property valued at between 2.000.000 dong to under 100.000.000 dong, or under 2.000.000 dong but in one of the following circumstances shall be sentenced to between 01 year and 06 years of imprisonment:

- a) Having been disciplined for this act but committing the offence again;
- b) Having been sentenced for one of the crimes stipulated in Section 1 of this Chapter, not yet been entitled to the expungement of the criminal record but committing the offence again the violation;

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 06 years and 13 years of imprisonment:

- a) In an organized manner;
- b) Employing treacherous and dangerous tricks;

- c) Committing the crime twice and more;
  - d) Appropriating the property valued at between 100.000.000 dong and under 500.000.000 dong;
  - đ) Causing property damage valued at between 1.000.000.000 dong and under 3.000.000.000 dong.
  - e) Appropriating money or properties used for hunger eradication and poverty reduction; allowances, subsidies for persons having contribution to the revolution; reserve funds or money, properties subscribed and subsidized for areas subject to natural calamities, epidemics or areas with particularly difficult economic situation.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 13 years and 20 years of imprisonment:
- a) Appropriating the property valued at between 500.000.000 dong and under 1.000.000.000 dong;
  - b) Causing property damage valued at between 3.000.000.000 dong and under 5.000.000.000 dong;
  - c) Causing other enterprises and organizations to go bankrupt or to cease operation;
  - d) Causing negative effects on social security, order and safety;
4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to 20 years of imprisonment or life imprisonment:
- a) Appropriating property valued at 1.000.000.000 dong or more;
  - b) Causing property damage valued at 5.000.000.000 dong or more.
5. The offenders shall also be prohibited from holding certain posts for 01 year to 05 years, may be subject to a fine of between 30.000.000 dong to 100.000.000 dong, the confiscation of part of or the whole property.

**Article 356. Abusing positions, powers while performing official duties**

1. The persons who, for the purpose of gaining benefits or other personal motives, abuse the position, power to act contrarily to their official duties, causing property damage valued at between 10.000.000 dong and under 200.000.000 dong, or causing damage to the interests of the State, rights and legitimate interests of organizations, individuals, shall be sentenced to non-custodial rehabilitation for up to 03 years or between 01 year and 05 years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 05 year and 10 years of imprisonment:
- a) In an organized manner;
  - b) Committing the crime twice or more;
  - c) Causing property damage valued at between 200.000.000 dong and under 1.000.000.000 dong.
3. Committing the crime and causing property damage valued at 1.000.000.000 dong or more, the offenders shall be sentenced to between 10 year and 15 years of imprisonment.

4. The offenders shall also be prohibited from holding certain posts for 01 year to 05 years, may be subject to a fine of between 10.000.000 dong and 100.000.000 dong.

**Article 357. Misfeasance while performing official duties**

1. Persons who, the purpose of gaining benefits or other personal motivates, act beyond their powers contrarily to their official duties, causing property damage valued at between 10.000.000 dong and under 100.000.000 dong or causing damage to the interests of the State, rights and legitimate interests of organization or individuals, shall be sentenced to between 01 year and 07 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 05 years and 10 years of imprisonment:

a) In an organized manner;

b) Committing the crime twice or more;

c) Causing property damage valued at between 100.000.000 dong and under 500.000.000 dong.

3. Committing the crime and causing property damage valued at between 500.000.000 dong and under 1.500.000.000 dong, the offenders shall be sentenced to between 10year and 15 years of imprisonment.

4. Committing the crime and causing property damage valued at 1.500.000.000 dong or more, the offenders shall be sentenced to between 15 years and 20 years of imprisonment.

5. The offenders shall also be prohibited from holding certain posts for 01 year to 05 years, may be subject to a fine of between 10.000.000 dong and 100.000.000 dong.

**Article 358. Abusing positions, powers to influence other persons for personal profits**

1. The persons who abuse the position, power; ask for, accept or will accept directly or through intermediaries any of the following benefits in any form to use their influence to incite persons with positions, powers to do or not to do something within the sphere of their responsibility or directly related to their work or to do something they are not allowed to do, shall be sentenced to between 01 year and 06years of imprisonment:

a) Money, property or other material interests valued at between 2.000.000 dong and under 100.000.000 dong, or under 2.000.000 dong but having been disciplined for this act and commit the offence again;

b) Non-material benefits.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 06 years and 13 years of imprisonment:

a) In an organized manner;

b) Committing the crime twice or more;

c) The money, property or other material interests are valued at between 100.000.000 dong and under 500.000.000 dong;

d) Causing property damage valued at between 1.000.000.000 dong and under 3.000.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 13 years and 20 years of imprisonment:

- a) The money, property or other material interests are valued between 500.000.000 dong and under 1.000.000.000 dong;
- b) Causing property damage valued between 3.000.000.000 dong and under 5.000.000.000 dong.

4. Committing the offence in one of the following circumstances, the offenders shall be sentenced to 20 years of imprisonment or life imprisonment:

- a) The money, property or other material interests are valued at 1.000.000.000 dong or more;
- b) Causing property damage valued at 5.000.000.000 dong or more.

5. The offenders shall also be prohibited from holding certain posts for 01 year to 05 years, may be subject to a fine of between 30.000.000 dong and 100.000.000 dong.

### **Article 359. Forgery in the course of employment**

1. The persons who, for the purpose of gaining benefits or other personal motives, abuse the position, power to commit one of the following acts, shall be sentenced to between 01 year and 05 years of imprisonment:

- a) Amending, falsifying contents of papers, documents;
- b) Making, granting counterfeit papers;
- c) Forging signatures of persons with positions, powers.

2. Committing the offence in one of the following circumstances, the offenders shall be sentenced to between 03 years and 10 years of imprisonment:

- a) In an organized manner;
- b) The offenders are persons responsible for making or granting the papers, documents;
- c) Making, granting counterfeit papers with the quantity of between 02 papers and 05 papers.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 years and 15 years of imprisonment:

- a) Making, granting counterfeit papers with the quantity of between 05 papers and 10 papers;
- b) In order to commit less serious crimes or serious crimes.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years of imprisonment:

- a) Making, granting counterfeit papers with the quantity of 11 papers or more.
- b) In order to commit very serious crimes or particularly serious crimes.

5. The offenders shall also be prohibited from holding certain posts or doing certain jobs for 01 year to 05 years, may be subject to a fine of between 10.000.000 dong and 100.000.000 dong.

## **Section2**

### **OTHER POSITION-RELATED CRIMES**

#### **Article 360. Neglecting responsibility causing serious consequences**

1. The persons with positions, powers who, due to their lack of responsibilities, fail to perform or improperly perform the assigned tasks in one of the following circumstances, except the cases defined in Articles 179, 308 and 376 of this Code, shall be sentenced to non-custodial rehabilitation for up to 03 years or between 06 months and 05 years of imprisonment:

- a) Causing death of 01 person, or inflicting injury or causing harm to the health of 01 person with an injury rate of 61% or more;
- b) Inflicting injury or causing harm to the health of 02 people with an injury rate of from 31% to 60% for each person;
- c) Inflicting injury or causing harm to the health of 03 or more persons with the total injury rate of from 61% to 121% for all;
- d) Causing property damage valued at between 100.000.000 dong and under 500.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 years and 07 years of imprisonment:

- a) Causing death of 02 people;
- b) Inflicting injury or causing harm to the health of 02 people with an injury rate of 61% or more for each person;
- c) Inflict injury or causing harm to the health of 03 or more persons with the total injury rate of from 122% to 200% for all.
- d) Causing property damage of between 500.000.000 dong and under 1.500.000.000 dong.

3. Committing the offence in one of the following circumstances, the offenders shall be sentenced to between 07 years and 12 years of imprisonment:

- a) Causing death of 03 people;
- b) Inflicting injury or causing harm to the health of 03 or more people with an injury rate of 61% or more for each person;
- c) Inflicting injury or causing harm to the health of 03 or more people with the total injury rate of 201% or more for all.
- d) Causing property damage valued at 1.500.000.000 dong or more.

4. The persons with positions, powers who, due to their lack of responsibilities, fail to perform or improperly perform the assigned tasks, inflicting injury or causing harm to the health of 01 person with an injury rate of between 31% and 60%, or inflicting injury or causing harm to the health of 02 or more persons with the total injury rate of from 31% to 60% for all, except the cases defined in Articles 179, 308 and 376 of this Code, shall be sentenced to non-custodial rehabilitation for up to 02 years or

between 03 months and 02 years of imprisonment.

5. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs from 01 year to 05 years.

#### **Article 361. Deliberately disclosing work secrets; appropriating, trading in, destroying work confidential documents**

1. The persons who deliberately disclose work secrets or appropriate, trade in, destroy work confidential documents, if not in circumstances defined in Articles 110, 337 and 342 of this Code, shall be sentenced to non-custodial rehabilitation for up to 03 years or between 06 months and 03 years of imprisonment.

2. Committing the offence in one of the following circumstances, the offenders shall be sentenced to between 02 years and 07 years of imprisonment:

- a) In an organized manner;
- b) Committing the offence twice or more;
- c) Gaining illicit profits of 50.000.000 dong or more;
- d) Causing property damage valued at 100.000.000 dong or more;
- d) Causing negative effects on the operation of agencies, organizations;
- e) Letting other persons use in order to commit illegal acts.

3. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 01 year to 05 years.

#### **Article 362. Unintentionally disclosing work secrets, losing work confidential documents**

1. The persons who unintentionally disclose work secrets or lose work confidential documents in one of the following circumstances, if not under the circumstance defined in Article 338 of this Code, Code, shall be subject to warning, sentenced to non-custodial rehabilitation for up to 03 years:

- a) Causing negative effects on the operation of agencies, organizations;
- b) Causing property damage valued at between 100.000.000 dong and under 500.000.000 dong;
- c) Letting other persons use in order to commit less serious crimes or serious crimes.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 months and 02 years of imprisonment:

- a) Causing property damage valued at 500.000.000 dong or more;
- b) Letting other persons use in order to commit very serious crimes or particularly serious crimes.

3. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 01 year to 05 years.

#### **Article 363. Desertion**

1. Persons who are officials, public servants, public employees but deliberately desert from their public duties in one of the following circumstances, shall be sentenced to

non-custodial reform for up to 03 years or to between 6 months and 3 years of imprisonment:

- a) Inflicting injury or causing harm to the health of other persons with an injury rate of 31% or more;
- b) Causing property damage valued at between 300.000.000 dong and under 1.000.000.000 dong;
- c) Having been disciplined for this act but repeat the violation.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 years and 07 years of imprisonment:

- a) Causing human death;
- b) Inciting other persons to desert;
- c) Causing property damage valued at 1.000.000.000 dong or more;
- b) Committing the crime in the circumstance of war, natural calamity, epidemics or in other particularly difficult situation of the society.

3. The offenders may also be prohibited from holding certain posts for 01 year to 05 years.

#### **Article 364. Offering bribes**

1. The persons who, directly or through intermediaries, have offered or will offer any of the following benefits to persons with positions, powers or other persons or organizations in order for the persons with positions, powers to perform or not to perform certain duties for the benefits of or at the request of the bribe givers, shall be subject to a fine of between 20.000.000 dong and 200.000.000 dong, sentenced to non-custodial rehabilitation for up to 03 years or between 06 months and 03 years of imprisonment:

- a) Money, property or other material interests valued at between 2.000.000 dong and under 100.000.000 dong;
- b) Non-material benefits.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 years and 07 years of imprisonment:

- a) In an organized manner;
- b) Employing treacherous tricks;
- c) Using State property as the bribe to be offered;
- d) Abusing the position, power;
- đ) Committing the crime twice or more;
- e) The bribes are money, property, other material benefits valued at between 100.000.000 dong and under 500.000.000 dong.

3. Committing the crime in case where the bribes are money, property, other material benefits valued at 1.000.000.000 or more, the offenders shall be sentenced to between 07 years and 12 years of imprisonment.

4. Committing the crime in case where the bribes are money, property, other material benefits valued at between 500.000.000 dong and under 1.000.000.000, the offenders shall be sentenced to between 12 years and 20 years of imprisonment.

5. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong.

6. The persons who offer or will offer bribes to foreign public officials, public employees of international organizations, persons with positions in non-state enterprises, organizations shall also be handled under provisions of this Article.

7. The persons who are coerced to offer bribes but take initiative in reporting the offence before being detected shall be considered innocent and have the entire property offered as bribes returned.

The persons who offer bribes without being forced but take initiative in reporting the offence before being detected may be exempt from penal liability and have part of or the entire property offered as bribes returned.

### **Article 365. Acting as intermediaries in bribery**

1. The persons who act as intermediaries in bribery in one of the following circumstances shall be subject to a fine of between 20.000.000 dong and 200.000.000 dong, sentenced to non-custodial rehabilitation for up to 03 years or between 06 months and 03 years of imprisonment:

a) Money, property or other material interests valued at between 2.000.000 dong and under 100.000.000 dong;

b) Non-material benefits.

2. Committing the offence in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

a) In an organized manner;

b) In an professional manner;

c) Employing treacherous tricks;

d) Knowing that bribes are the State properties;

đ) Abusing the position, power;

e) Committing the offence twice or once;

g) The bribes are money, property, other material benefits valued at between 100.000.000 dong and under 500.000.000 dong.

3. Committing the crime in the circumstance where the bribes are valued at between 500.000.000 dong and under 1.000.000.000 dong, the offenders shall be sentenced to between 05 years and 10 years of imprisonment.

4. Committing the crime in the circumstance where the bribes are valued at 1.000.000.000 dong or more, the offenders shall be sentenced to between 08 years and 15 years of imprisonment.

5. The offenders may also be subject to a fine of between 20.000.000 dong and 200.000.000 dong.

6. Persons who act as intermediaries in bribery but take initiative in reporting the offence before being detected may be exempt from penal liability.

7. Persons who act as bribery intermediaries in non-state enterprises or organizations shall also be handled under provisions of this Article.

**Article 366. Taking advantage of the influence over persons with positions and powers to seek personal benefits**

1. The persons who, directly or through intermediaries, receive any of the following benefits in any forms or have been disciplined for this act but continue to commit the offence, in order to use their influence to incite persons with positions, powers to do or not to do a thing within their responsibility or to do a thing they are not allowed to do, shall be sentenced to non-custodial rehabilitation for up to 03 years or between 06 month and 03 years of imprisonment:

a) Money, property or other material interests valued at between 2.000.000 dong and under 100.000.000 dong;

b) Non-material benefits.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

a) Committing the offence twice or more;

b) The money, property or other material interests are valued at between 100.000.000 and under 500.000.000 dong;

c) Dangerous recidivism.

3. Committing the crime in the circumstance where the money, property or other material interests are valued at 500.000.000 dong or more, the offenders shall be sentenced to between 05 years and 10 years of imprisonment.

4. The offenders may also be subject to a fine of between 10.000.000 dong and 50.000.000 dong.

**Chapter XXIV**

**CRIMES AGAINST JUDICIAL ACTIVITIES**

**Article 367. Definition of crimes against judicial activities (revised)**

Crimes against judicial activities are acts of infringements upon the legitimacy of procedural activities and judgment enforcement.

**Article 368. Criminal prosecution against innocent persons**

1. The persons, who have competence but criminally prosecute persons whom they know obviously to be innocent, shall be sentenced to between 1 year and 5 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

- a) Criminal prosecution of crimes against the national security or other particularly serious crimes;
- b) Against 2 to 5 persons;
- c) Committing the crime against persons aged under 18 years old, women whom they know being pregnant, old and weak persons;
- d) Causing the psychosis or behavior disorder of victims with the affecting rate of between 11% and 45%;
- đ) Resulting in the wrong conviction of innocent persons for less serious crimes or serious crimes;
- e) Causing negative impacts on the social security, order and security.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

- a) Against 6 or more persons;
- b) Resulting in the wrong conviction of innocent persons for very serious crimes or particularly serious crimes;
- c) Causing the psychosis or behavior disorder of victims with the affecting rate of 46% or higher;
- d) Causing the persons wrongly prosecuted for criminal liability to commit suicide.

4. The offenders may also be prohibited from holding certain posts for 1 year to 5 years.

#### **Article 382. Failure to criminally prosecute guilty persons**

1. The persons who have competence but fail to criminally prosecute persons whom they know obviously to be guilty, shall be sentenced to between 6 months and 3 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offender shall be sentenced to between 2 years and 7 years of imprisonment:

- a) Failure to criminally prosecute persons who have committed very serious crimes;
- b) Against 2 to 5 persons;
- c) The persons who are not criminally prosecuted flee or commit acts of obstructing the investigation, prosecution, adjudication or continue committing less serious crimes or serious crimes;
- đ) The persons who are not criminally prosecuted take revenge on the whistleblowers, persons reporting crimes, victims, witnesses;
- e) Causing negative impacts on the social security, order and safety.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 12 years of imprisonment:

- a) Against 5 or more persons;
- b) Failure to criminally prosecute persons who have committed crimes against national security or other particularly serious crimes;

c) The persons who are not criminally prosecuted continue committing very serious crimes or particularly serious crimes;

d) Causing the victims to commit suicide.

4. The offenders shall also be prohibited from holding certain posts for 1 year to 5 years.

#### **Article 370. Rendering illegal judgments**

1. The Judges, Assessors who render judgments which they obviously know to be illegal shall be sentenced to between 1 year and 5 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) Committing the crime twice or more;

b) Committing the crime against persons aged under 18 years old, women whom they know being pregnant, old and weak persons;

c) Wrongly convicting innocent persons for serious crimes or very serious crimes;

d) Leaving serious crimes, very serious crimes, persons committing serious crimes, very serious crimes unadjudicated;

đ) Causing the psychosis or behavior disorder of defendants, victims, plaintiffs, respondent, claimants, persons being sued with the affecting rate of between 11% and 45%;

e) Causing property damage of between 500.000.000 dong and 1.000.000.000 dong;

g) Causing negative impacts on the social security, order and safety.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:

a) Wrongly convicting innocent persons for particularly serious crimes;

b) Leaving particularly serious crimes, persons committing particularly serious crimes unadjudicated;

c) Causing the psychosis or behavior disorder of defendants, victims, plaintiffs, respondent, claimants, persons being sued with the affecting rate of 46% or higher;

d) Causing defendants, victims, plaintiffs, respondent, claimants, persons being sued to commit suicide;

đ) Causing property damage of 1.000.000.000 dong or higher.

4. The offenders shall also be prohibited from holding certain posts for 1 year to 5 years.

#### **Article 371. Making illegal decisions**

1. The persons who have competence in procedural and judgment enforcement activities, deliberately issue decisions which they obviously know are illegal, causing property damage of between 50.000.000 dong and under 200.000.000 dong, or causing damage, to the rights and legitimate interests of individuals and organizations, if not under the cases stipulated in Articles 368, 369, 370, 377 and 378 of this Code, shall be

sentenced to non-custodial rehabilitation for up to 3 years or between 6 months and 3 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

- a) In an organized manner;
- b) Committing the crime twice or more;
- c) Against persons aged under 18 years old, women whom they know being pregnant, old and weak persons;
- d) Causing the psychosis or behavior disorder of defendants, victims, plaintiffs, respondent, claimants, persons being sued with the affecting rate of between 11% and 45%;
- d) Causing property damage of between 200.000.000 dong and under 1.000.000.000 dong;
- e) Causing negative impacts on the social security, order and safety.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 12 years of imprisonment.

- a) Causing the psychosis or behavior disorder of defendants, victims, plaintiffs, respondent, claimants, persons being sued with the affecting rate of 46% or higher;
- b) Causing defendants, victims, plaintiffs, respondent, claimants, persons being sued to commit suicide;
- c) Causing property damage of 1.000.000.000 dong or higher.

4. The offenders shall also be prohibited from holding certain posts for 1 year to 5 years.

### **Article 372. Coercing competent persons for judicial activities to act against the law**

1. The persons who abuse the position, power to coerce competent persons for procedural and judgment enforcement activities to act against the law, causing damage to the State interests, rights and legitimate interests of individuals and organizations, or causing property damage of between 50.000.000 dong and under 200.000.000 dong, shall be sentenced to between 6 months and 3 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 5 years of imprisonment:

- a) Committing the crime twice or more;
- b) Resulting in the issuance of illegal decisions or judgments;
- c) Using force, threatening to use force or using other dangerous and treacherous tricks;
- d) Causing property damage of between 200.000.000 dong and under 1.000.000.000 dong;
- e) Causing negative impacts on the social security, order and safety.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) Resulting in the wrong conviction of innocent persons or leaving criminals unadjudicated;

c) Causing property damage of 1.000.000.000 dong or higher.

4. The offenders shall also be prohibited from holding certain posts for 1 year to 5 years.

### **Article 373. Using corporal punishment**

1. The persons who use corporal punishment or cruel, degrading treatment in any forms against other persons in procedural, judgment enforcement activities, or in enforcing the measure of taking into correctional centers, compulsory training facilities, compulsory rehabilitation establishments, shall be sentenced to between 6 months and 3 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 5 years of imprisonment:

a) Committing the crime twice or more;

b) Against 2 or more persons;

c) Using sophisticated, treacherous tricks;

d) Against persons aged under 18 years old, women whom they know being pregnant, old and weak persons or persons with severe or particularly severe disabilities;

đ) Inflicting injury or causing harm to the health of other persons with an injury rate of between 11% and 60%.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 12 years of imprisonment:

a) Inflicting injury or causing harm to the health of other persons with an injury rate of 61% or more;

b) Causing the persons corporally punished to commit suicide.

4. Committing the crimes that cause death to persons corporally punished, the offenders shall be sentenced to between 12 years and 20 years of imprisonment or life imprisonment.

5. The offenders shall also be prohibited from holding certain posts and practicing certain occupations for 1 year to 5 years.

### **Article 374. Extortion of confessions**

1. The persons who, while conducting procedural activities, employ illegal tricks in order to force persons being testifies, questioned to give information related to the case shall be sentenced to between 6 months and 3e years of imprisonment.

2. Committing the crime in one of the following circumstances shall be sentenced to between 2 years and 7 years of imprisonment:

a) Committing the crime twice or more;

b) Against 2 or more persons;

- c) Committing the crime against persons aged under 18 years old, women whom they know being pregnant, old and weak persons or persons with severe or particularly severe disabilities;
  - d) Using corporal punishment or cruel, degrading treatment against persons being questioned, testified;
  - đ) Using sophisticated, treacherous tricks;
  - e) Falsifying results of institution, investigation, prosecution, adjudication;
  - g) Forcing persons being testified, questioned to give false testimonies.
3. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between 7 years and 12 years of imprisonment.
- a) Causing the persons extorted for confessions to commit suicide.
  - b) Resulting in less serious and serious crimes unadjudicated.
4. Committing the crimes in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years of imprisonment or life imprisonment:
- a) Causing death of the persons extorted for confessions;
  - b) Resulting in the wrong conviction of innocent persons;
  - c) Resulting in very serious and particularly serious crimes unadjudicated.
5. The offenders shall also be prohibited from holding certain posts and practicing certain occupations for 1 year to 5 years.

#### **Article 375. Falsifying case files**

1. Investigators, Procurators, Judges, Assessors, Court clerks or other persons having positions, powers in judicial activities, defense counsels or defenders of interests of the parties, who add, cut, amend, fraudulently exchange, destroy or damage documents, material evidences of the case, or employ other means with a view to falsifying the content of the case shall be sentenced to between 1 and 5 years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:
- a) In an organized manner;
  - b) Resulting in the wrong dissolution of the case;
  - c) Causing damage of between 500.000.000 dong and under 1.000.000.000 dong.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 years and 15 years of imprisonment:
- a) Resulting in the wrong conviction of innocent persons or leaving criminals unadjudicated;
  - b) Causing the arrestees, detainees, accused, defendants, convicts, persons who have to serve the sentence, victims, plaintiffs, respondents, claimants, persons being sued to commit suicide;
  - c) Causing damage of 1.000.000.000 dong or higher.

4. The offenders shall also be prohibited from holding certain posts, doing certain jobs for 1 year to 5 years.

**Article 376. Neglecting responsibility resulting in the escape of persons being arrested, held in custody, detained or serving a prison sentence**

1. The persons who are assigned to directly control, guard or escort people being arrested, held in custody, detained or serving a prison sentence but fail to or improperly implement regulations on controlling, guarding or escorting, resulting in the escape of the latter in one of the following circumstances, shall be subject to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

- a) Causing the case to be temporarily suspended;
  - b) The escapees take revenge on persons conducting, participating in the procedure;
  - c) The escapees continue to commit less serious crimes or serious crimes.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

- a) Causing the case to be suspended;
- b) The escapees continue to commit very serious crimes;
- c) Letting from 2 to 5 persons escape;
- d) Letting persons committing very serious crimes escape;
- đ) Causing negative impacts on the social security, order and safety.

3. Committing in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

- a) The escapees continue to commit particularly serious crimes;
- c) Letting 6 or more persons escape;
- d) Letting persons committing particularly serious crimes escape.

4. The offenders shall also be prohibited from holding certain posts for 1 year to 5 years.

**Article 377. Abusing the position and power to illegally detain, keep in custody other persons**

1. The persons who abuse the position, power to commit one of the following acts, shall be sentenced to between 6 months and 3 years of imprisonment:

- a) Refusing to issue decisions on the release of persons eligible therefor in accordance with provisions of the law;
- b) Making decisions to arrest, hold in custody and detain persons without legal grounds;
- c) Failing to abide by decisions on the release of persons eligible therefor in accordance with provisions of the law;
- d) Arresting, holding in custody, detaining persons without warrants as prescribed or with warrants which are not yet effective;

d) Not issuing the order, decision to extend the custody, detention or to change, revoke the measure of custody, detention upon the expiry of custody, detention period which results in the overdue detention and custody.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

- a) Illegally detaining or keeping in custody from 2 to 5 persons;
- c) Causing harm to the health of the persons who are held in custody or detained with injury rate of between 31% and 60%
- c) Driving the persons who are held in custody or detained or their family to economic exhaustion;
- d) Against persons aged under 18 years old, women whom they know being pregnant, old and weak persons or persons with severe or particularly severe disabilities.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 12 years of imprisonment:

- a) Illegally detaining or keeping in custody 6 or more persons;
- b) Causing harm to the health of the persons who are held in custody or detained with injury rate of 61% or higher, or causing their death;
- c) Causing the persons detained, kept in custody to commit suicide;
- d) Causing the family of the persons detained, kept in custody to be torn apart, separated.

4. The offenders shall also be prohibited from holding certain posts for 1 year to 5 years.

**Article 378. Illegally releasing persons being held in custody, being detained or serving a prison sentence**

1. The persons who abuse the position, powers or take advantage of the power to illegally release persons being held in custody, being detained or serving a prison sentence, shall be subject to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

- a) Illegally releasing persons being held in custody, being detained or serving a prison sentence for very serious crimes or particularly serious crimes;
- b) The illegally released persons escape or obstruct the investigation, prosecution, adjudication of the case or continue to commit less serious crimes or serious crimes;
- c) The illegally released take revenge on the persons conducting, participating in the procedure;
- d) Illegally releasing from 2 to 5 persons.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

- a) Illegally releasing 6 or more persons;

b) The illegally released persons commit very serious crimes or particularly serious crimes.

4. The offenders shall also be prohibited from holding certain posts for 1 year to 5 years.

#### **Article 379. Failure to enforce judgments**

1. The competent persons who deliberately refuse to issue the decision to enforce judgments or refuse to execute the decision to enforce the court's judgments or decisions in one of the following circumstances, shall be subject to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

a) Having been administratively sanctioned for this act but repeating the violation;

b) The convicts, persons who have to serve the sentence escape;

c) Resulting in the expiry of the statute of limitations for judgment enforcement;

d) Resulting in the dispersion and hiding of property by the convicts, persons who have to serve the sentence, persons who have the duty to execute the judgment; and failure to execute the duty of judgment enforcement with the amount of between 50.000.000 dong and under 200.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

a) Committing the crime twice or more;

b) The convicts, persons who have to serve the sentence continue to commit less serious crimes or serious crimes;

c) Resulting in the dispersion and hiding of property by the convicts, persons who have to serve the sentence, persons who have the duty to execute the judgment; and failure to execute the duty of judgment enforcement with the amount of between 200.000.000 dong and under 1.000.000.000 dong.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) The convicts, persons who have to serve the sentence continue to commit very serious crimes or particularly serious crimes;

b) Resulting in the dispersion and hiding of property by the convicts, persons who have to serve the sentence, persons who have the duty to execute the judgment; and failure to execute the duty of judgment enforcement with the amount 1.000.000.000 dong or higher.

4. The offenders shall also be prohibited from holding certain posts for 1 year to 5 years.

#### **Article 380. Failure to execute judgments (revised)**

1. The persons who have ability but refuse to execute the court's judgments or decisions which have already taken legal effect, though coercive measures have been applied in accordance with the law, or have been administratively sanctioned for this act but repeat the violation, shall be sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 3 months and 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 5 years of imprisonment:

- a) Opposing executors or officials on public duties;
- b) Using dangerous, treacherous tricks;
- c) Dispersing and hiding properties.

3. The offenders may also be subject to a fine of between 5.000.000 and 50.000.000 dong .

### **Article 381. Obstructing the enforcement of judgments**

1. The persons who abuse the position, power, deliberately obstructing the enforcement of judgments in one of the following circumstances, shall be subject to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years:

- a) The convicts, persons who are obliged to execute the judgments escape;
- b) Resulting in the expiry of the statute of limitations for judgment enforcement;
- c) Resulting in the dispersion and hiding of properties by the convicts, persons who have to serve the sentence, persons who have the duty to execute the judgment; and failure to execute the duty of judgment enforcement with the amount of between 50.000.000 dong and under 200.000.000 dong;
- d) Causing damage of between 50.000.000 dong and under 200.000.000 dong.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 5 years of imprisonment:

- a) Committing the crime twice or more;
- b) The convicts, persons who are obliged to execute the judgments continue to commit crimes;
- c) Resulting in the dispersion and hiding of property by the convicts, persons who have to serve the sentence, persons who have the duty to execute the judgment; and failure to execute the duty of judgment enforcement with the amount of 200.000.000 dong or higher;
- d) Causing damage of 200.000.000 dong or higher.

3. The offenders shall also be prohibited from holding certain posts for 1 year to 5 years.

### **Article 382. Making false declarations or supplying false documents**

1. The witnesses, examiners, property evaluators, interpreters, translators, defense counsels who make false conclusions, interpretation or declarations or supply documents which they surely know are untrue, shall be subject to warning, sentenced to non-custodial rehabilitation for up to 1 year or imprisonment of between 3 months and 1 year.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 1e year and 3 years of imprisonment:

- a) In an organized manner;

b) Resulting in the wrong dissolution of the case, matter.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 year and 7 years of imprisonment:

a) Committing the crime twice or more;

b) Resulting in the wrong conviction of innocent persons or leaving criminals unadjudicated.

4. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

**Article 383. Refusal to testify, provide expert conclusions, evaluate property or supply documents**

1. The witnesses, if not under the case specified in Article 19.2 of this Code, examiners, property evaluators, interpreters, translators who refuse to testify, avoid providing expert conclusions, evaluating property, verifying property value or refuse to supply documents without plausible reasons, shall be subject to warning, sentenced to non-custodial rehabilitation for up to 1 year or imprisonment of between 3 months and 1 year.

2. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

**Article 384. Bribing or coercing other persons in testifying or supplying documents**

1. The persons who bribe or coerce witnesses, victims, involved parties in criminal, administrative, civil, economic or labor cases to make false testimonies, supply untrue documents or not to testify, supply documents; bribe or coerce examiner, property evaluators to make false conclusions; bribe or coerce interpreters, translators to make distorted interpretation, translation , shall be sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 3 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

a) Using force, threatening to use force, or employing other dangerous tricks;

b) Abusing the position, power.

**Article 385. Violating the sealing, distraintment of property, account freeze**

1. The persons who are assigned to keep, manage distrainted or sealed properties or sealed material evidences, frozen accounts and commit one of the following acts shall be shall be sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years:

a) Destroying seals, removing account freeze without the decision of competent persons;

b) Consuming, assigning, fraudulently exchanging, concealing or destroying distrainted property;

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

- a) Resulting in the wrong dissolution of the case, matter;
  - b) Resulting in the dispersion and hiding of properties by the accused, defendants, convicts, persons who have to duty to execute the judgment; and failure to execute the duty of judgment enforcement with the amount of 100.000.000 dong or higher.
3. The offenders may also be prohibited from holding certain posts, practicing certain occupations or doing certain jobs for 1 year to 5 years.

**Article 386. Escaping from places of detention or custody or escaping whilst being escorted or adjudicated**

1. The persons who are being detained, held in custody, escorted, adjudicated or are serving a prison sentence but escape, shall be sentenced to between 6 months and 3 years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:
  - a) In an organized manner;
  - b) Using force against guards or escorts.

**Article 387. Rescuing persons being arrested, being held in detention or custody, persons being escorted, persons being on trial or serving a prison sentence**

1. The persons who rescue the arrestees, persons being detained, held in custody, escorted, adjudicated or serving a prison sentence, if not under the circumstance stipulated in Article 119 of this Code, shall be sentenced to between 2 years and 7 years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 year and 12 years of imprisonment:
  - a) In an organized manner;
  - b) Abusing the position, power;
  - c) Using force against guards or escorts;
  - d) Rescuing persons being convicted of crimes against national security or persons sentenced to death.
3. The offenders may also be banned from holding certain posts for 1 year to 5 years.

**Article 388. Violating regulations on detention**

1. The persons who commit one of the following acts, violating provisions of the law on detention and have been disciplined, administratively sanctioned for this act or sentenced for this crime, have not yet been entitled to the expungement of the criminal record but continue to repeat the violation, if not under one of the cases specified in Article 119, 170, 252, 253, 254 and 255 of this Code, shall be sentenced to imprisonment of between 6 months and 3 years:
  - a) Disrupting or opposing the orders of persons having competence for the management of detention;
  - b) ,Destroying, deliberately damaging facilities;
  - c) Extortion of properties;

d) Bringing in, stockpiling, appropriating or organizing the use of narcotics, addictive drugs and psychotropic medicines;

đ) Bringing in, stockpiling, using personnel communication devices.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to a prison term of between 2 years and 7 years:

a) In an organized manner;

b) Abusing the position and power;

c) Using sophisticated, treacherous tricks;

d) Dangerous recidivism.

3. The offenders may also be subject to the prohibition of residence for between 1 year and 3 years.

### **Article 389. Concealing crimes**

1. The persons who, without prior promise, conceal one of the crimes defined in the following articles, if not under the case specified in Article 18.2 of this Code, shall be sentenced to non-custodial rehabilitation for up to 3 years or between 6 months and 5 years of imprisonment:

a) Articles 108 to 121 on crimes against the national security;

b) Article 123 (murder); Article 141, Clauses 2, 3 and 4 (rape); Article 142 (rape against persons aged under 16 years old); Article 144 (forcible sex intercourse with persons aged between full 13 years old and under 16 years old); Article 146, Clauses 2 and 3 (Obscenity against persons aged under 16 years old); Article 150, Clauses 2 and 3 (human trafficking);

c) Article 151 (trafficking of persons aged under 16 years old), Article 152 (fraudulently exchanging persons aged under 1 year old); Article 153 (appropriating persons aged under 16 years old); Article 154 (trading in, appropriating human tissues, organs).

d) Article 168 (robbery of property); Article 169 (kidnapping for the purpose of property appropriation); Article 173, Clauses 2, 3 and 4 (stealing property); Article 174, Clauses 2, 3 and 4 (appropriating property through swindling); Article 175, Clauses 2, 3 and 4 (abusing trust to appropriate property); Article 178, Clauses 2, 3 and 4 (destroying or intentionally damaging property);

đ) Article 188, Clause 3 and 4 (smuggling); Article 189, Clause 3 (illegal cross-border transportation of goods, currencies); Article 192, Clauses 2 and 3 (Manufacturing, trading in banned goods); Article 191, Clauses 2 and 3 (stockpiling, transporting prohibited goods); Article 192, Clauses 2 and 3 (manufacturing and trading in counterfeit goods); Article 193, (manufacturing, trading in counterfeit goods being rations, food, food additives); Article 194, (manufacturing, trading in counterfeit goods being curative, preventive medicines); Article 195, Clauses 2 and 3 (trading in counterfeit goods being animal feeds, fertilizers, veterinary drugs, plant protection drugs, plant varieties and animal breeds); Article 196, Clauses 2 and 3 (speculation); Article 205, Clauses 3 and 4 (setting up illegal funds); Article 206, Clauses 2 and 3 (violating regulations in the operations of credit institutions, branches of foreign banks); Article 207 (making, storing, transporting, circulating counterfeit money);

Article 208 (making, storing, transporting, circulating counterfeit checks, counterfeit negotiable instruments, other counterfeit valuable papers); Article 219, Clause 2 and 3 (Violating regulations on the management and use of State property causing loss, waste); Article 220, Clause 2 and 3 (Violating State regulations on management and use of public investment fund which causes serious consequences); Article 221, Clause 2 and 3 (Violating the State regulations on accounting causing serious consequences), Article 222, Clause 2 and 3 (Violating regulations on bidding which cause serious consequences); Article 223, Clause 2 and 3 (Colluding with, shielding taxpayers which causes serious consequences); Article 224, Clause 2 and 3 (Violating regulations on construction investment which causes serious consequences); Article 243, Clauses 2 and 3 (destroying forests);

e) Article 248 (illegally producing narcotics); Article 249 (illegally stockpiling narcotics); Article 250 (Illegally transporting narcotics); Article 251 (Illegally trading in narcotics); Article 252 (Illegally appropriating narcotics); Article 253 (Stockpiling, transporting, trading in or appropriating pre-substances used in the illegal production of narcotics); Article 254, Clause 2 (Manufacturing, stockpiling, transporting or trading in means, tools used in the illegal production of narcotics); Article 255 (Organizing the illegal use of narcotics); Article 256 (Harboring the illegal use of narcotics); Article 257 (Forcing other persons into the illegal use of narcotics); Article 258 (Inducing other persons into the illegal use of narcotics); Article 259, Clauses 2 (Violating regulations on the management and use of narcotics, pre-substances, addictive drugs or psychotropic medicines);

g) Article 256, Clauses 2, 3 and 4 (organizing illegal motor racings); Article 282 (Hijacking aircrafts, ships); Article 299 (Illegally manufacturing, stockpiling, transporting, using, trading in or appropriating military weapons, military technical facilities); Article 299 (Terrorism); Article 301 (Kidnapping hostages); Article 302 (Piracy); Article 303 (Destroying important national security works, establishments, facilities); Article 304 (Illegally manufacturing, stockpiling, transporting, using, trading in or appropriating military weapons, military technical facilities); Article 305, Clause 2,3 and 4, (Illegally manufacturing, stockpiling, transporting, using, trading or appropriating explosive materials); Article 309, Clauses 2, 3 and 4 (Illegally producing, stockpiling, transporting, using, spreading, trading in or appropriating radioactive substances, nuclear materials); Article 311, Clauses 2, 3 and 4 (Illegally producing, stockpiling, transporting, using or trading in inflammables, toxins);

h) Article 329, Clauses 2 and 3 (buying sex from persons aged under 18 years old);

i) Article 353, Clauses 2, 3 and 4 (embezzlement of property); Article 354, Clauses 2, 3 and 4 (Receiving bribes); Article 355, Clauses 2, 3 and 4 (abusing positions, powers to appropriate property); Article 356, Clauses 2 and 3 (abusing positions, powers while performing official duties); Article 357, Clauses 2 and 3 (misfeasance while performing official duties); Article 358, Clauses 2, 3 and 4 (Abusing positions, powers to influence other persons for personal profits); Article 359, Clauses 2, 3 and 4 (Forgery in the course of employment); Article 364, Clauses 2, 3 and 4 (offering bribes); Article 365, Clauses 2, 3 and 4 (acting as intermediary in bribery);

k) Article 373, Clause 3 and 4 (use of corporal punishment) Article 374, Clause 3 and 4 (extortion of confessions); Article 386, Clause 2 (Escaping from places of detention, custody or escaping whilst being escorted or adjudicated);

- 1) Articles 421 to 425 on crimes against peace, humanity and war crimes.
2. Committing the crime in case of abusing positions, powers to obstruct the detection of crimes or committing other acts of concealing criminals, the offenders shall be sentenced to between 2 years and 7 years of imprisonment.

#### **Article 390. Failure to denounce crimes**

1. The persons who are fully aware that one of the crimes specified in Article 389 of this Code is being prepared, is being or has been committed, but fail to denounce it, if not under the case specified in Article 19.2 of this Code, shall be subject to warning, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.
2. Persons who have failed to denounce but had the act of dissuading the offenders from committing the crime or to limit the harms of the crime, may be exempt from penal liability or penalties.

#### **Article 391. Disturbing the trial order**

1. The persons who seriously slander, infringe upon the honor and dignity of members of the trial panel and other persons attending the trial or commit the act of destroying property, shall be subject to a fine of between 10.000.000 dong and 100.000.000 dong, sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 3 months and 1 year.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to imprisonment of between 1 year and 3 years:
  - a) Causing chaos in the trials which results in the suspension of the trial
  - b) Assaulting members of the trial panel.

### **Chapter XXV**

#### **CRIMES OF INFRINGEMENT UPON OBLIGATIONS AND RESPONSIBILITIES OF MILITARY PERSONNEL, RESPONSIBILITIES OF PERSONS SUBORDINATING TO THE ARMY IN FIGHTING OR SERVICING THE FIGHTING**

#### **Article 392. Persons who have to bear criminal liability for crimes of infringement upon obligations and responsibilities of military personnel**

1. Military personnel on active service, national defense workers and employees;
- b) Reservists being under the concentrated training periods;
- c) Militia, self-defense force under the subordinating period to the army in fighting or servicing the fighting;
- d) Citizens mobilized to serve in the army.

#### **Article 393. Giving illegal orders**

1. The persons who abuse the position, power to give illegal orders causing serious consequences shall be subject to a non-custodian rehabilitation up to 3 years or a termed imprisonment between 6 months and 5 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment.

- a) In combat;
- b) In battle zones;
- c) While performing the duty of rescuing, salvaging;
- d) In case of emergency;
- đ) Causing very serious consequences.

4. Committing the crime causing particularly serious consequences or in particularly serious case, the offenders shall be sentenced to between 7 years and 15 years.

#### **Article 394. Disobeying orders**

1. The persons who refuse to execute or intentionally do not implement orders of the competent persons shall be sentenced to between 6 months and 5 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offender shall be sentenced to between 3 years and 10 years of imprisonment:

- a) Being the commanders or officers;
- b) Enticing other persons to commit the crime;
- c) Using force;
- d) Causing serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 and 15 years of imprisonment.

- a) In combat;
- b) In battle zones;
- c) While performing the duty of rescuing, salvaging;
- d) In case of emergency;
- đ) Causing serious consequences.

4. Committing the crime in case of causing particularly serious consequences, the offenders shall be sentenced to between 12 years and 20 years of imprisonment or life imprisonment.

#### **Article 395. Unscrupulously executing orders**

1. The persons who execute orders of the competent persons negligently, dilatorily, arbitrarily, thus causing serious consequences, shall be sentenced to a non-custodial rehabilitation for up to 3 years or to between 6 months and 3 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

- a) In combat;
- b) In battle zones;
- c) While performing the duty of rescuing, salvaging;

d) In case of emergency;

đ) Causing serious consequences or particularly serious consequences.

### **Article 396. Obstructing companions in arms from performing their duties**

1. The persons, who obstruct companions in arms from performing their duties, resulting in the failure to fulfill the assigned tasks of the latter, shall be sentenced to non-custodial rehabilitation for up to 3 years or to between 3 months and 3 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

a) Being the commanders or officers;

b) Enticing other persons to commit the crime;

c) Using force;

d) Causing serious or very serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

a) In combat;

b) In battle zones;

c) While performing the duty of rescuing, salvaging;

d) In case of emergency;

đ) Causing particularly serious consequences.

### **Article 397. Insulting companions in arms**

1. The persons who, in their working relations, seriously infringe upon the dignity, honor of their companions in arms, shall be sentenced to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 5 years of imprisonment:

a) Being the commanders or officers;

b) Against the commanders or superiors;

c) For the reason of public duties of the victims;

d) In battle zones;

đ) Causing the psychosis or behavior disorder of the victims with the affecting rate of 46% or higher;

đ) Causing the victims to commit suicide.

### **Article 398. Assaulting companions in arms**

1. The persons who, in their working relations, intentionally inflict injuries or cause harm to the health of their companions in arms, if not in case stipulated in Article 134 of this Code, shall be sentenced to non-custodial rehabilitation up to 2 years or to between 3 months and 2 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years.

- a) Being the commanders or officers;
- b) Against the commanders or superiors;
- c) For the reason of public duties of the victims;
- d) In battle zones;
- đ) Causing serious, very serious or particularly serious consequences.

#### **Article 413. Surrendering to the enemy**

1. The persons who surrender to the enemy shall be sentenced to between 3 years and 10 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 15 years of imprisonment:

- a) Being the commanders or officers;
- b) Delivering to the enemy military weapons, technical means
- c) Delivering to the enemy important documents or informing the enemy of military secrets;
- d) Enticing other persons to commit the crime;
- đ) Causing serious or very serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years of imprisonment or life sentence.

- a) Delivering to the enemy the State secret documents, objects or informing the enemy of the State secrets;
- b) Causing particularly serious consequences.

#### **Article 400. Informing or voluntarily working for the enemy when being captured as prisoners of war**

1. The persons who, upon being captured as prisoners of war by the enemy, inform the enemy of military secrets or voluntarily work for the enemy, shall be sentenced to between 1 year and 7 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 12 years of imprisonment:

- a) Being the commanders or officers;
- b) Cruelly treating other prisoners of war;
- c) Enticing other persons to inform or work for the enemy;
- c) Causing serious or very serious consequences.

3. Committing crime in one of the following circumstances, the offenders shall be sentenced to between 12 years and 20 years of imprisonment:

- a) Delivering to the enemy the State secret documents, objects or informing the enemy of the State secrets;

b) Causing particularly serious consequences.

**Article 401. Abandoning combat positions or failing to discharge their duties in combat**

1. The persons who abandon their combat positions or fail to discharge their duties in combat shall be sentenced to between 2 years and 7 years of imprisonment .

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 12 years of imprisonment:

a) Being the commanders or officers;

b) Abandoning weapons, technical means or confidential documents on military activities;

c) Enticing other persons to commit the crime;

d) Causing serious or very serious consequences.

3. Committing the crime causing particularly serious consequences, the offenders shall be sentenced to between 10 years and 20 years of imprisonment

**Article 402. Desertion**

1. The persons who desert the army with a view to evading their duties during the war time or have been disciplined for this act but repeat the violation or causing serious consequences shall be subject to non-custodial rehabilitation for up to 3 years or imprisonment of between 3 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

a) Being the commanders or officers;

b) Enticing other persons to commit the crime;

c) Bringing along, abandoning weapons, military technical means or confidential documents on military activities;

d) Causing serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 12 years of imprisonment.

a) In combat;

b) In battle zones;

c) While performing the duty of rescuing, salvaging;

d) In case of emergency;

đ) Causing particularly serious consequences.

**Article 403. Shirking duties**

1. The persons who inflict injuries upon themselves, cause harm to their own health or employ other dishonest tricks in order to evade their duties, shall be subject to non-custodial rehabilitation for up to 3 years or a prison term of between 3 months and 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

- a) Being the commanders or officers;
- b) Enticing other persons to commit the crime;
- c) During the war time;
- d) While performing the duty of rescuing, salvaging;
- đ) In case of emergency.

3. Committing the crime, causing very serious or particularly serious consequences, the offenders shall be sentenced to between 5 years and 10 years of imprisonment.

**Article 404. Intentionally disclosing secrets of military activities (revised)**

1. The persons who intentionally disclose secrets of military activities, if not under the cases stipulated in Articles 110, 337 and 361 of this Code, shall be sentenced to between 6 months and 5 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment.

- a) Being the commanders or officers;
- b) In battle zones
- c) In combat;
- d) Causing serious consequences, very serious consequences or particularly serious consequences.

**Article 405. Appropriating, trading in or destroying confidential documents on military activities**

1. The persons who appropriate, trade in or destroy confidential documents on military activities, if not under the stipulated in Articles 110, 337 and 361 of this Code, shall be sentenced to between 6 months and 5 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment:

- a) Being the commanders or officers;
- b) In battle zones
- c) In combat;
- d) Causing serious consequences, very serious consequences or particularly serious consequences.

**Article 406. Unintentionally disclosing secrets of military activities**

1. The persons who unintentionally disclose secrets of military activities, if not under the cases stipulated in Article 338 and 362 of this Code, shall be subject to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 1 year and 5 years of imprisonment:

- a) Being the commanders or officers;
- b) In battle zones
- c) In combat;
- d) Causing serious consequences, very serious consequences or particularly serious consequences.

#### **Article 407. Losing confidential documents on military activities**

1. The persons who lose confidential documents on military activities, if not under the cases stipulated in Article 338 and 362 of this Code, shall be subject to non-custodial rehabilitation for up to 2 years or imprisonment of between 3 months and 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 1 year and 5 years of imprisonment:

- a) Being the commanders or officers;
- b) In battle zones
- c) In combat;
- d) Causing serious consequences, very serious consequences or particularly serious consequences.

#### **Article 408. Making false reports**

1. The persons who intentionally make false reports in military activities, causing serious consequences, shall be sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

- a) In combat;
- b) In battle zones;
- c) In case of emergency;
- d) Causing very serious or particularly serious consequences.

#### **Article 409. Violating regulations on official duties, combat readiness, commanding duties**

1. The persons who fail to strictly observe the regime of being on official duties, combat duties, commanding duties, causing serious consequences, shall be sentenced to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 5 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment.:

- a) In combat;
- b) In battle zones;
- c) While performing the duty of rescuing, salvaging;
- d) In case of emergency.

d) Causing very serious or particularly serious consequences.

#### **Article 410. Breaching regulations on guard duty**

1. The persons, who fail to strictly observe the regulations on patrolling, guarding, escorting, conveying in one of the following circumstances,, shall be subject to non-custodial rehabilitation for up to 3 years or imprisonment of between 6 months and 5 years:

a) Causing the persons being protected, escorted to get injured;

b) Damaging military technical means, equipments;

c) Causing property damage of between 100.000.000 dong and 500.000.000 dong;

d) Causing serious consequences.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment.

a) Causing death of the persons being protected, escorted;

b) Causing the loss of military technical means, equipments;

c) In combat;

d) In battle zones;

c) Enticing other persons to commit the crime;

c) Causing very serious or particularly serious consequences.

#### **Article 411. Violating regulations on ensuring safety in combat or in training**

1. The persons who fail to strictly observe the regulations on ensuring safety in combat or in training, causing serious consequences, shall be sentenced to non-custodial rehabilitation for up to 3 years or to imprisonment of between 1 year and 5 years.

2. Committing the crime, causing very serious or particularly serious consequences, the offenders shall be sentenced to between 3 years and 10 years of imprisonment.

#### **Article 412. Violating regulations on the use of military weapons, technical means**

1. The persons who violate regulations on the use of military weapons and technical means, causing serious consequences, shall be sentenced to non-custodial rehabilitation for up to 3 years or to imprisonment of between 6 months and 5 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment.

a) In combat;

b) In battle zones;

c) Causing very serious or particularly serious consequences.

#### **Article 413. Destroying or intentionally damaging military weapons, technical means**

1. The persons who destroy or intentionally damage military weapons, technical means, if not under the cases stipulated in Articles 114 and 303 of this Code, shall be sentenced to between 2 years and 7 years of imprisonment..

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 7 years and 12 years of imprisonment:

- a) In combat;
- b) In battle zones;
- c) Enticing other persons to commit the crime;
- d) Causing serious consequences.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between 12 years and 20 years of imprisonment or life imprisonment.

#### **Article 414. Losing or unintentionally damaging military weapons, technical means**

1. The persons who are assigned to manage or are equipped with military weapons, technical means but lose or unintentionally damage them, causing serious consequences, shall be sentenced to non-custodial rehabilitation for up to 3 years or a prison term of between 6 months and 5 years.

2. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between 3 years and 7 years of imprisonment.

#### **Article 415. Harassing the public**

1. The persons who commit the act of harassing the public, have been disciplined for this act but continue to commit or cause serious consequences, shall be sentenced to non-custodial rehabilitation for up to 3 years or between 6 months and 3 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

- a) Being the commanders or officers;
- b) Enticing other persons to commit the crime;
- c) In battle zones;
- d) In areas where the state of emergency has been declared;
- d) Causing very serious or particularly serious consequences.

#### **Article 416. Abusing military demands while performing duties**

1. The persons who, while performing duties, ask for more than the military demands, causing property damage of between 100.000.000 dong and under 500.000.000dong to the State, organizations, individuals, shall be sentenced to non-custodial rehabilitation for up to 3 years or between 6 months and 3 years of imprisonment.

2. Committing the crime and causing property damage of 500.000.000 dong or higher, the offenders shall be sentenced to between 3 years and 7 years of imprisonment.

#### **Article 417. Intentionally leaving wounded warriors, dead warriors or leaving wounded warriors untended and untreated**

1. The responsible persons who intentionally leave wounded warriors, dead warriors on the battlefield or leave wounded warriors untended and untreated, thus making it

impossible to find wounded warriors, dead warriors or causing the death of wounded warriors,, shall be sentenced to non-custodial rehabilitation for up to 3 years or between 6 months and 5 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 10 years of imprisonment.

- a) Being the commanders or officers;
- b) Against 2 or more wounded warriors, or 2 or more dead warriors.

#### **Article 418. Appropriating or destroying the relics of dead warriors**

1. The persons who appropriate or destroy relics of dead warriors shall be sentenced to non-custodial rehabilitation for up to 3 years or between 3 months and 3 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 2 years and 7 years of imprisonment:

- a) Being the commanders or officers;
- b) Appropriating or destroying relics of 2 or more dead warriors.

#### **Article 419. Appropriating or destroying war trophies**

1. The persons who, while in combat or clearing the battlefields, appropriate or destroy war trophies, shall be sentenced to non-custodial rehabilitation for up to 3 years or between 6 months and 5 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 years and 7 years of imprisonment:

- a) Being the commanders or officers;
- b) The war trophies are valued at between 100.000.000 dong and under 500.000.000 dong;
- c) Negatively affecting the reputation of the army;
- d) The war trophies are valuable in military affairs;
- đ) Causing serious or very serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 years and 10 years of imprisonment:

- a) The war trophies are valued at 500.000.000 dong or higher;
- c) The war trophies are particularly valuable in military affairs;
- d) Causing particularly serious consequences.

#### **Article 420. Ill-treating prisoners of war, enemy deserters**

The persons who ill-treat prisoners of war, enemy deserters shall be sentenced to non-custodial rehabilitation for up to 1 year or imprisonment of between 3 months and 2 years.

### **Chapter XXVI**

## **CRIMES OF UNDERMINING PEACE, AGAINST HUMANITY AND WAR CRIMES**

### **Article 421. Undermining peace, provoking aggressive wars**

1. The persons who propagate, incite wars of aggression, or prepare, carry out or participate in wars of aggression against the independence, sovereignty and territorial integrity of another country or another independent, sovereign territory, shall be sentenced to between 12 years and 20 years of imprisonment or life imprisonment.
2. Committing the crime due to being forced or to execute the order of the superior, the offenders shall be sentenced to between 10 years and 20 years of imprisonment

### **Article 437. Crimes against mankind**

1. The persons who, in peace time or war time, commit acts of annihilating en-mass population in an area, destroying the source of their livelihood, undermining the cultural and spiritual life of a country, an independent and sovereign territory, upsetting the foundation of a society with a view to undermining such society, as well as other acts of genocide or acts of ecocide or destroying the natural environment, shall be sentenced to between 10 years and 20 years of imprisonment, life imprisonment or death penalty.
2. Committing the crime due to being forced or to execute the order of the superior, the offenders shall be sentenced to between 10 years and 20 years of imprisonment

### **Article 438. War crime**

1. The persons who, in time of war, give the order for or directly undertake the murder of civilians, wounded persons, prisoners of war, the looting of property, the destruction of population quarters, the use of banned war means or methods, or commit other acts in serious violation of international laws or international treaties which Vietnam has signed or acceded to, shall be sentenced to between 10 years and 20 years of imprisonment or life imprisonment.
2. Committing the crime due to being forced or to execute the order of the superior, the offenders shall be sentenced to between 10 years and 20 years of imprisonment

### **Article 424. Recruiting, training or using mercenaries**

The persons who recruit, train or use mercenaries with a view to opposing a country or an independent and sovereign territory shall be sentenced to between 10 years and 20 years of imprisonment or life imprisonment..

### **Article 425. Working as mercenaries**

The persons who work as mercenaries with a view to opposing a country, an independent and sovereign territory shall be sentenced to between 5 years and 15 years of imprisonment.

## **PART III**

### **IMPLEMENTATION PROVISION**

### **Article 426. Validity**

This Code shall enter into effect as of 1 July 2016.

The Penal Code No.15/1999/QH10 and the Law No.37/2009/QH12 amending and supplementing a number of articles of the Penal Code shall be annulled as of the date this Code comes into effect.

THE NATIONAL ASSEMBLY

CHAIRMAN

Nguyễn Sinh Hùng