DET KONGELIGE
JUSTIS- OG POLITIDEPARTEMENT

Ministry of Justice and the Police

Act of 22 May 1902 No. 10

The General Civil Penal Code

With subsequent amendments, the latest
made by Act of 21 December 2005 No. 131

PREFACE

This unofficial translation of the Penal Code (Straffeloven 1902) is largely based on the translation made by Harald Schjoldager and Finn Backer (1961) and Ronald Walford in close cooperation with Sandra Hamilton (1995). Further amendments to the Act have been translated by Ronald Walford and Maidie Kloster and incorporated therein with the approval of the Ministry of Justice.

Finding exact English equivalents for the Norwegian legal terms and concepts involved was no easy task. In some cases the solutions adopted are no more than approximations, since there are no direct equivalents, and on occasion it has been necessary to resort to explanatory notes.

Norwegian Ministry of Justice
Legislation Department
2006

TABLE OF CONTENTS

Part I. General Provisions
Introductory Provisions
Chapter 1. Applicability of Norwegian criminal law
Chapter 2. Penalties and other sanction
Chapter 3. Criminal liability of enterprises
Chapter 4. Attempt
Chapter 5. Suspended sentence and grounds for reducing or increasing the penalty
Chapter 6. Cessation of penalties and other sanctions
Chapter 7. The prosecution

Part II. Felonies
Chapter 8. Felonies against the independence and security of the State
Chapter 9. Felonies against the constitution of Norway and the head of state
Chapter 10. Felonies concerning the exercise of civil rights
Chapter 11. Felonies in the public service
Chapter 12. Felonies against public authority
Chapter 13. Felonies against the general order and peace
Chapter 14. Felonies against public safety
Chapter 15. False testimony
Chapter 16. False accusation
Chapter 17. Counterfeiting of money
Chapter 18. Forging of documents
Chapter 19. Sexual offences
Chapter 20. Felonies concerning family relationship
Chapter 21. Felonies against personal liberty
Chapter 22. Felonies against another person's life, body and health
Chapter 23. Defamations
Chapter 24. Embezzlement, theft and unlawful use
Chapter 25. Extortion and robbery
Chapter 26. Fraud, breach of trust and corruption
Chapter 27. Felonies in relation to debts
Chapter 28. Vandalism
Chapter 29. Extortionate bargain and gambling
Chapter 30. Maritime felonies
Chapter 31. Receiving the proceeds of a criminal act
Chapter 32. Felonies in printed matter

Part III. Misdemeanours
Chapter 33. Misdemeanours in the civil service

Chapter 34. Misdemeanours against the public authorities
Chapter 35. Misdemeanours against the general peace and order
Chapter 36. Misdemeanours against public health
Chapter 37. Misdemeanours against public confidence
Chapter 38. Misdemeanours against public morals
Chapter 39. Misdemeanours against persons
Chapter 40. Misdemeanours against property rights
Chapter 41. Misdemeanours pertaining to private employment
Chapter 42. Maritime misdemeanours
Chapter 43. Misdemeanours in printed matter

GENERAL CIVIL PENAL CODE

Part I. General Provisions

Introductory Provisions

Section 1. The first part of this code is applicable to all criminal acts unless it is otherwise provided.

The criminal legislation shall apply subject to such limitations as derived from any agreement, with a foreign State or from international law generally.

Section 2. The criminal acts dealt with in the second part of this code are felonies. Unless otherwise provided, the same applies to the criminal acts that are dealt with in other statutes in so far as they are punishable by imprisonment for more than three months, detention for more than six months, or dismissal from public office as the main penalty.

The criminal acts that are dealt with in the third part of this code are misdemeanours, as are those dealt with in other statutes in so far as they are not felonies according to the above provisions.

Section 3. If the criminal legislation has been amended in the period following the commission of an act, the penal provisions in force at the time of its commission shall be applicable to the act unless otherwise provided.

The penal provisions in force at the time a particular issue is decided shall be applicable when they lead to a decision more favourable to the person charged than the provisions in force at the time of commission of the act. However, in the case of an appeal, interlocutory appeal, or a petition for reopening a case, no account shall be taken of provisions that come into force only after the decision occasioning the appeal, interlocutory appeal, or petition for reopening the case, has been made.

If a prosecution or execution of sentence has been lawfully commenced, no account shall be taken of the fact that by a subsequent enactment the right to prosecute or to execute sentence is statute-barred or the prosecution is made dependent on an application by the aggrieved person or is left to him.

The time-limit prescribed by a new statute for an aggrieved person's right to prosecute or to apply for a prosecution shall in no case begin to run until the said statute comes into force.

Section 4. Wherever this code uses the word act, it thereby also includes omission to act unless it is otherwise expressly provided or evident from the context.

Section 5. Wherever this code uses the term a person's next-of-kin, it thereby includes his spouse, ascendants and descendants, siblings and equally close relatives by marriage, foster-parents and foster-children, and his fiancée. If the marriage is dissolved, the said provisions shall continue to apply to events occurring before the dissolution.

The spouse of a relative by marriage is also regarded as a relative by marriage.

When two persons are living together permanently in a marriage-like relationship, this shall be considered equivalent to marriage.

Section 6. In this code the term chattel includes any power produced or stored for the production of light, heat or motion.

Section 7.

1. In this code public place means any place intended for public use or frequented by the public.
2. An act is considered to be committed in public when it is committed by publication of printed matter or in the presence of a large number of persons or under such circumstances that it could easily have been observed from a public place and is observed by any person present there or close to it.

Section 8. The provisions of this code relating to time of war shall also apply when the armed forces or any part thereof have been alerted for war service.

Section 9. In this code considerable injury to body or health means injury whereby a person loses or suffers substantial impairment of sight, hearing, speech, or reproductive capacity, becomes disabled, unable to continue his work or seriously disfigured, contracts a deadly or protracted disease, or incurs serious mental injury.

It is also considered a considerable injury when a felony is committed against a pregnant woman with the result that the foetus is injured or destroyed.

Section 10. Printed matter includes any writing, representation or the like which is reproduced by printing or other chemical or mechanical means.

Publication also means posting, placing and the like in a public place.

Section 11. One month means one calendar month; one day means 24 hours.

Section 148, second paragraph, and section 149, first paragraph, of the Courts of Justice Act shall apply to the calculation of statutory time-limits.

Chapter 1. Applicability of Norwegian criminal law

Section 12. Unless it is otherwise specially provided, Norwegian criminal law shall be applicable to acts committed:

1. in the realm, including
   a) any installation or construction placed on the Norwegian part of the continental shelf and used for exploration for or exploitation or storage of submarine natural resources,
   b) constructions for the transport of petroleum resources connected with any installation or construction placed on the Norwegian part of the continental shelf,
   c) the security zone around such installations and constructions as are mentioned under a and b above,
   d) any Norwegian vessel (including a Norwegian drilling platform or similar mobile installation) in the open sea, and
   e) any Norwegian aircraft outside such areas as are subject to the jurisdiction of any State;
2. on any Norwegian vessel or aircraft wherever it may be, by a member of its crew or any other person travelling on the vessel or aircraft; the term vessel here also includes a drilling platform or similar mobile installation;
3. abroad by any Norwegian national or any person domiciled in Norway when the act
   a) is one of those dealt with in chapters 8, 9, 10, 11, 12, 14, 17, 18, 20, 23, 24, 25, 26 or 33 of this code or sections 135, 141, 142, 144, 145 second paragraph, 145 b, 147 a, 147 b, 162 c, 169, 192 to 199, 202, 203, 204 a, 222 to 225, 227 to 235, 238, 239, 242 to 245, 291, 292, 294 No. 2, 317, 326 to 328, 330, last paragraph, 338, 342, 367 to 370, or 423 and in any case when it
   b) is a felony or misdemeanour against the Norwegian State or Norwegian state authority,
   c) is also punishable according to the law of the country in which it is committed, or

d) is committed in relation to the EFTA Court of Justice and is included among those dealt with in section 163, cf. section 167 and section 165, of this code, or sections 205 to 207 of the Courts of Justice Act;
e) is punishable pursuant to section 5 of Act of 6 May 1994 No. 10 relating to the implementation of the Chemical Weapons Convention,
f) shall be punishable in accordance with Article 113 of the UN Convention on the Law of the Sea of 10 December 1982 (damage to submarine cables and pipelines),
g) is punishable pursuant to section 5 of Act of 17 July 1998 No. 54 relating to the implementation of the Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction, or
h) is punishable pursuant to Act of 15 December 1995 No. 74 relating to a prohibition against female genital mutilation;

4. abroad, by a foreigner when the act either
a) is one of those dealt with in sections 83, 88, 89, 90, 91, 91 a, 93, 94, 98 to 104 a, 110 to 132, 147 a, 147 b, 148, 149, 150, 151 a, 152 first cf. second paragraph, 152 a, 152 b, 153 first to fourth paragraphs, 154, 159, 160, 161, 162 c, 169, 174 to 178, 182 to 185, 187, 189, 190, 192 to 195, 217, 220 second and third paragraph, 221, 222 to 225, 227 to 229, 231 to 235, 238, 239, 243, 244, 256, 258, 266 to 269, 271, 276 to 276 c, 291, 292, 324, 325, 328, 415 or 423 of this code, or sections 1, 2, 3 or 5 of the Act relating to defence secrets,
b) is a felony also punishable according to the law of the country in which it is committed, and the offender is resident in the realm or is staying therein, or
c) is committed in relation to the EFTA Court of Justice and is included among those dealt with in section 163, cf. section 167 and section 165, of this code, or sections 205 to 207 of the Courts of Justice Act, or
d) comes under Act of 13 June 1997, No. 47, relating to the implementation of the Council of Europe Agreement of 31 January 1995 on illicit traffic by sea, implementing Article 17 of the UN Convention against illicit traffic in narcotic drugs and psychotropic substances.

In cases in which the criminality of an act depends on or is influenced by any actual or intended effect, the act shall be regarded as committed also where such effect has occurred or is intended to be produced.

Section 12 a. When a legally enforceable judgment has been passed on a person pursuant to

1. Act of 20 July 1991 No. 67 relating to the transfer of convicted persons,

2. Act of 25 March 1977 No. 22 relating to transfer of a prosecution from or to another European country or
3. an international agreement within the Schengen area of co-operation,
4. no criminal proceedings may be instituted or sentence passed in Norway for the same criminal offence if
   a) he has been acquitted;
   b) he has been found guilty but no sanction has been imposed;
   c) the sanction imposed has been fully executed or is in the process of execution; or
   d) the sanction imposed has ceased to apply according to the rules of the adjudicating country.

Unless the prosecution in the adjudicating country was instituted on the application of the Norwegian authorities, the first paragraph shall not apply to such cases as are referred to in No. 1 and No. 2 of the first paragraph

a) when the act is committed in this realm, cf. section 12, first paragraph, No. 1, and second paragraph;
b) when the perpetrator at the time of committing the act was resident in Norway or was a Norwegian national, and the prosecution is required in the public interest;
c) when the act was directed against a person holding a Norwegian public office or a public institution or something else of a public character in this realm, or the perpetrator himself held a Norwegian public office;
d) when the act was hijacking of an aircraft or some other international crime under international law; or
e) in so far as otherwise follows from an extradition treaty or a multilateral international agreement.

Unless the prosecution in the adjudicating country was instituted on the application of the Norwegian authorities, the first paragraph shall not apply to such cases as are referred to in No. 3 of the first paragraph, when

a) the act on which the foreign judgment was based was wholly or partly committed in Norway. If the act was only partly committed in Norway, the exception shall not, however, apply if the act was partly committed on the territory of the party to the convention where the judgment was pronounced;
b) the act on which the foreign judgment was based is punishable in Norway pursuant to chapter 8, 9 or 14 of this code or the Act of 18 August 1914 No. 3 relating to defence secrets; or
c) the act on which the foreign judgment was based was committed by a Norwegian official and was a breach of his official duties.

Section 13. In the cases dealt with in section 12, No. 4 (a) and (b), a prosecution can only be instituted when the King so decides.

In the cases dealt with in section 12, No. 4 (b), a prosecution may not take place unless there is also power to impose a penalty according to the law of the country in which the act was committed. Nor may a more severe penalty be imposed than is authorized by the law of the said country.

The first and second paragraphs shall not apply when a criminal prosecution in this country takes place in accordance with an agreement with a foreign State concerning the transfer of criminal proceedings.

In every case in which a person who has been punished abroad is convicted of the same offence in this country, the penalty already served shall as far as possible be deducted from the sentence imposed here.

Section 14. (Repealed by Act of 19 July 1996 No. 57.)

Chapter 2. Penalties and other sanctions

Section 15.
The ordinary penalties are:
imprisonment,
preventive detention,
detention,
community sentences,
fines and
loss of such rights as are referred to in sections 29 and 33.

Section 16. (Repealed by Act of 20 May 2005 No. 28 (in force from 1 January 2006 pursuant to the decree of 21 December 2005 No. 1580).)

Section 17. Imprisonment may be imposed:

(a) for a term of from 14 days to 15 years, or in the cases dealt with in sections 60 a, 61 and 62 for a term not exceeding 20 years;

(b) in cases in which it is specially provided, for a term not exceeding 21 years.

Any provision for imprisonment in this code means imprisonment for a limited period unless it is otherwise expressly stated.

A person sentenced to imprisonment may be released on probation in accordance with the provisions of a special Act (section 26).

Sections 18-19. (Repealed by Act of 12 December 1958 No. 1.)

Section 20. (Repealed by Act of 12 June 1981 No. 62.)

Section 21. Should a person who is serving detention be sentenced to imprisonment, the execution of the latter sentence would normally commence immediately and the other sentence would be temporarily suspended.

Section 22. Detention may be imposed for a term of from 14 days to 20 years.

Two days' detention shall be considered the equivalent of one day's imprisonment.

Section 23. On the application of the convicted person or with his consent, detention may be converted to imprisonment.

Section 24. When imprisonment is specified as the only form of custodial penalty, an equivalent sentence of detention may be imposed, provided that special circumstances make it probable that the act did not originate from a depraved mind.

Section 25. A custodial sentence not exceeding four months shall be determined in days; a custodial sentence exceeding four months shall be determined in months and years.

Section 26. Further provisions for the execution of sentences of imprisonment, community sentences, special criminal sanctions and preventive detention shall be made in a separate Act.

Section 26 a. In addition to a custodial sentence the court may impose a fine. This applies even though fines are not prescribed as a penalty for the offence. In assessing a custodial sentence the fact that a fine is also imposed shall be taken into account.

The power to combine a custodial sentence with a fine derived from this section is of no significance in relation to statutory provisions that give legal effect to the penalty limits.

Section 27. When a fine is imposed, due consideration should be given not only to the nature of the offence but also especially to the financial position of the convicted person and to what he can presumably afford to pay in his circumstances.

The fine shall accrue to the State treasury.

Section 28. When a fine is imposed, a sentence of imprisonment of from one day to three months, or in the cases mentioned in section 63 up to four and a half months, shall be stipulated, which shall be executed if the fine is not paid.

When a fine is imposed pursuant to section 48 a, no sentence of imprisonment pursuant to the first paragraph shall be stipulated.

Section 28 a. A community sentence may be imposed instead of a sentence of imprisonment when

a) a more severe sentence than imprisonment for one year would not otherwise have been imposed,
b) due regard for the purpose of the sentence does not contraindicate a non-custodial sanction, and
c) the offender consents thereto and is resident in Norway.

A departure may be made from the first paragraph (a) when the sentence that would otherwise have been imposed would have been wholly or partly suspended, and in other cases when there are strong reasons for imposing a community sentence.

When imposing a community sentence the court shall determine

a) a number of hours that shall range from 30 to 420 hours,
b) an alternative sentence of imprisonment which shall correspond to the sentence of imprisonment that would have been imposed in the absence of a community sentence, and
c) a period for its execution, which shall as a rule correspond to the alternative sentence of imprisonment. If the latter is shorter than 120 days, a period for its execution not exceeding 120 days may, however, be determined.

When determining a period for execution and an alternative sentence of imprisonment, section 25 shall apply correspondingly.

When imposing a community sentence the court may decide that during the period for its execution the convicted person

a) shall comply with provisions made by the correctional services as regards place of residence, place of sojourn, work, training or treatment, or
b) shall be banned from having contact with specific persons.
c) Together with a community sentence,
d) a fine, even though fines are not otherwise prescribed as a penalty for the offence, or
e) an immediate sentence of imprisonment not exceeding 30 days when special reasons so indicate

may be imposed.

When a judgment imposing a community sentence is read aloud to or served on the convicted person, he shall be informed of what the judgment entails and of the consequences of any breach of the provisions made in or pursuant to the Execution of Sentences Act, and of committing a new criminal act before the expiry of the period for execution.

Section 28 b. On application the District Court may by a judgment decide that the alternative sentence of imprisonment shall wholly or partly be executed when the convicted person has

a) contravened provisions made in or pursuant to section 54, first and second paragraphs, section 55 or section 58, first paragraph (a) to (d) of the Execution of Sentences Act, or
b) committed a new criminal act before the expiry of the period for execution.

When reversing the sentence the court shall take into account how much of the community sentence has already been executed. If the alternative sentence of imprisonment is not to be wholly executed, the court may extend the period for its execution by not more than six months.

When reversing the sentence pursuant to the first paragraph b, the court may pronounce a joint sentence for both acts or a separate sentence for the new act.

An application pursuant to the first paragraph (a) shall be submitted by the correctional services or by the prosecuting authority. An application pursuant to the first paragraph (b) shall be submitted by the prosecuting authority. The application must be brought before the court not later than three months after the expiry of the period for execution.

The provisions relating to defence counsel, arrest and remand in custody in section 100 and chapter 14 of the Criminal Procedure Act shall apply correspondingly. The provision relating to notification in section 243 of the

Criminal Procedure Act shall apply correspondingly to court sittings relating to reversals of sentence. The correctional services shall be notified according to the same provisions as the prosecuting authority.

Section 28 c. (Repealed by Act of 18 May 2001 No. 21 (in force from 1 March 2002 pursuant to the decree of 22 February 2002 No. 181).)

Section 29. Any person who has committed a criminal act that shows that the said person is unfit for or may misuse any position, enterprise or activity may, when it is in the public interest,

a) be deprived of the position, or
b) be deprived of the right to hold in future any position or to carry on any enterprise or activity.

Loss of any right may be limited to a ban on carrying out certain functions pertaining to the position or enterprise, or to an order to carry on the enterprise or activity on specific conditions.

Any person who is deprived of the right to carry on any enterprise may not conduct such enterprise on behalf of other persons either or permit other persons to conduct such enterprise on his own behalf.

The offender may be ordered to surrender any document or other object that has served as evidence of the lost right.

Loss of any right pursuant to this provision may be imposed in addition to or instead of another penalty, but may only be imposed as the only penalty if a minimum penalty of imprisonment for one year or more is not prescribed for the act.

Sections 30-32. (Repealed by Act of 20 May 2005 No. 28 (in force from 1 January 2006 pursuant to the decree of 21 December 2005 No. 1580).)

Section 33. A ban on making contact may be imposed on any person who has committed a criminal act when there is reason to believe that the said person will otherwise

a) commit a criminal act against another person,
b) pursue another person, or
c) in any other way disturb another person's peace.

The ban on making contact may entail that the person subject to the ban is prohibited from

a) being present in specific areas, or

b) pursuing, visiting or in any other way making contact with another person.

If there is an imminent risk of such an act as is referred to in the first paragraph (a), the offender may be prohibited from staying in his own home.

The ban on making contact may be limited subject to specific conditions. Loss of any right pursuant to this provision may be imposed in addition to or instead of another penalty, but may only be imposed as the only penalty if a minimum penalty of imprisonment for one year or more is not prescribed for the act.

Section 33 a. Loss of any right takes effect from the date the judgment or a writ giving the option of a fine is final and unappealable.

Loss of a right pursuant to section 29, first paragraph (b) and section 33 shall be imposed for a specific period not exceeding five years, or when special reasons so indicate, for an indefinite period. Removal from office as a member of a municipal board, county council or the Storting may, however, only be effected for the electoral term. A prohibition against staying in one's own home, cf. section 33, third paragraph, may only be imposed for a specific period not exceeding one year.

Loss of a right referred to in the second paragraph may after three years be reviewed by the District Court. The application shall be submitted to the prosecuting authority, which will prepare the case for the court. The court's decision will be made by an order. If the loss of a right is wholly or partly affirmed, the case may not be reviewed for three years.

The time limit for loss of a right or for the right to apply for a review pursuant to the third paragraph shall not run during the period the offender is serving a custodial sentence or is evading the execution of such a sentence.

Section 34. Any proceeds of a criminal act shall be confiscated. Such liability may, however, be reduced or remitted in so far as the court is of the opinion that confiscation would clearly be unreasonable. Confiscation may be effected even though the offender cannot be punished because he was not accountable for his acts (sections 44 or 46) or did not manifest guilt.

Any asset that takes the place of the proceeds, profit and other benefits of the proceeds shall be regarded as proceeds. Expenses incurred shall not be deducted. If the amount of the proceeds cannot be established, the court will determine the amount approximately.

Instead of any asset an amount equivalent to the value thereof or to part of the said value may be confiscated. It may be stipulated in the sentence that the asset shall serve as security for the amount to be confiscated.

Confiscation shall be effected from the person to whom the proceeds have directly accrued by the criminal act. Basically it shall be assumed that the proceeds have accrued to the offender unless he proves on a balance of probabilities that they have accrued to another person.

Section 34 a. Extended confiscation may be effected when the offender is found guilty of a criminal act of such a nature that the proceeds thereof can be considerable, and he has committed

a) one or more criminal acts that may collectively be punishable by imprisonment for a term of six years or more, or an attempt at such an act, or
b) at least one criminal act punishable by imprisonment for a term of two years or more, or an attempt at such an act, and the offender during the five years immediately preceding the commission of the said act has been punished for an act of such a nature that the proceeds thereof can be considerable.

Any increase of the penalty limits in the event of repetition shall not be taken into account.

In the event of extended confiscation all assets belonging to the offender may be confiscated unless he proves on a balance of probabilities that the said assets have been lawfully acquired. Section 34, third paragraph, shall apply correspondingly.

In the event of extended confiscation from the offender the value of all assets belonging to the offender's present or previous spouse may also be confiscated unless

a) they have been acquired before the marriage was entered into or after the marriage was dissolved,
b) they have been acquired at least five years before the criminal act that provides a basis for extended confiscation, or
c) the offender proves on a balance of probabilities that the assets have been acquired otherwise than by the criminal acts he has committed.

When two persons are living together permanently in a marriage-like relationship, this shall be deemed equivalent to marriage.

Section 35. Objects that have been produced by or been the subject of a criminal act may be confiscated if this is considered necessary for the purpose of the provision that prescribes the penalty for the act. Rights and claims are also deemed to be objects. The provision in section 34, first paragraph, third sentence, shall apply correspondingly.

The same applies to objects that have been used or intended for use in a criminal act.

Instead of the object an amount equivalent to its value or part of its value may be confiscated. It may be stipulated in the sentence that the object shall serve as security for the amount confiscated.

Instead of confiscating the object the court may impose measures to prevent the object being used for the commission of new offences.

Section 36. Confiscation pursuant to section 35 may be effected from the offender or from the person on whose behalf he has acted.

Confiscation of any object mentioned in section 35, second paragraph, or of an amount that is wholly or partly equivalent to its value may also be effected from an owner who has or should have understood that the object was to be used for a criminal act.

Section 37. A right that is legally secured on an object that is confiscated shall lapse to the extent provided in the sentence in the case of the holder of a right who is himself guilty of the criminal act, or on whose behalf the offender has acted. The provision in section 34, first paragraph, third sentence, shall apply correspondingly.

Such provision may also be made in the case of the holder of a right who, when the right was established, understood or should have understood that the object was to be used in a criminal act, or that it could be confiscated.

When an object is sold with the ownership reserved to the seller, the purchaser shall be deemed to be the owner and the seller the holder of a right in applying the provisions of this section.

Section 37 a. When any proceeds or object mentioned in section 34 or 35 is after the commission of the offence transferred from a person from whom confiscation may be effected, what has been transferred or its value may be confiscated from the receiver if the transfer has occurred as a gift or if the receiver understood or should have understood the connection between the criminal act and what has been transferred to him.

If extended confiscation may be effected pursuant to section 34 a and the offender has transferred any asset to one of his next-of-kin, the said asset or its value may be confiscated from the receiver if the prosecuting authority proves on a balance of probabilities that it has been acquired by a criminal act committed by the offender.

If the assets of any person referred to in section 34 a, third paragraph, are wholly or partly taken into account in the event of confiscation from the offender, and the said person meets his or her liability pursuant to this section, the offender's liability shall be correspondingly reduced. If the offender has met his liability pursuant to section 34 a, second paragraph, any further contribution from him will lead to the receiver's liability being correspondingly reduced.

The second paragraph shall apply correspondingly in the event of the transfer of an enterprise if the offender

a) alone or together with any person referred to in the second paragraph owns a substantial part of the enterprise,
b) receives a considerable part of the income of the enterprise, or
c) by virtue of his position as head thereof has substantial influence over it.

The same shall apply to any right which was established in the object after the commission of the offence by any person from whom confiscation may be effected.

Section 37 b. Even if the conditions prescribed in sections 34 to 36 are not fulfilled, an object may be confiscated when because of its nature and other circumstances there is a risk that it will be used for a criminal act. This applies irrespective of who is the owner and irrespective of whether criminal liability can be established against any person. Section 35, final paragraph, shall apply correspondingly.

Section 37 c. When an object that has been seized is required to be confiscated, and the owner is unknown or has no known place of sojourn in the realm, confiscation may be effected in proceedings against the offender or the person who was in possession at the time of seizure if this is considered reasonable according to the nature of the case and other circumstances. The same applies when confiscation is required of the value of an object that has been seized, or that has been exempted from seizure on provision of security. The owner shall as far as possible be notified of the proceedings.

If neither the offender nor the possessor is known or has a known place of sojourn in the realm, the District Court may order confiscation under circumstances similar to those mentioned in the first paragraph, without any person being made a defendant.

These provisions shall apply correspondingly to confiscation of rights pursuant to sections 37 and 37 a, fifth paragraph.

Section 37 d. The proceeds of any confiscation shall accrue to the State treasury unless it is otherwise provided.

In its judgment or by a subsequent order made by the District Court that decided the issue of confiscation, the court may decide that the proceeds of any confiscation may be applied to covering any claim for compensation made by the aggrieved person.

The Ministry may decide that the proceeds of any confiscation shall be divided between the Norwegian State and one or more other States. In the decision importance shall be attached to, inter alia, what expenses have been incurred in such States and in which countries harmful effects have occurred and the proceeds were acquired. Any division pursuant to this paragraph may not result in any reduction of the covering of the aggrieved person's claim for compensation pursuant to the second paragraph.

When proceeds have been confiscated pursuant to section 34, and the convicted person or someone who is responsible for the harm done has paid compensation to the aggrieved person after the date of adjudication, the court may at the request of the convicted person decide that the amount confiscated shall be reduced correspondingly. The same applies if the convicted person pays tax or duty corresponding to the amount confiscated. Any request pursuant to this paragraph must be submitted to the court not later than one year after the decision concerning confiscation becomes legally enforceable.

Section 38. Printed matter containing any felonious matter may be confiscated by a court judgment regardless of whether any person may be punished for such a publication or even if the author cannot be punished at all because of the circumstances mentioned in section 249, No. 3, or other circumstances that exclude a penalty.

The judgment shall designate those parts of the publication which justify the confiscation. On execution of the judgment the other parts shall, at the request of the person concerned and at his expense, if possible be separated and returned to him.

The confiscation may also include any plates and moulds prepared for the printing; at the request of the person concerned and at his expense, arrangements shall be made to dismantle the type used for the printing instead of confiscating it.

The above provisions shall not be applicable to copies that are not available to the public, and that are not intended for further distribution from their present location.

Section 39. When it is deemed necessary for the protection of society, an offender who is not liable to a penalty pursuant to section 44, first paragraph, shall be transferred to compulsory mental health care, cf. chapter 5 of the Act relating to mental health care. The decision in the case of such a transfer shall be made by a court judgment, and the transfer may only be effected when the conditions prescribed in No. 1 or No. 2 have been fulfilled:

1. The offender has committed or attempted to commit a serious violent felony, sexual felony, unlawful imprisonment, arson or other serious felony impairing the life, health or liberty of other persons, or which may expose these legal rights to risk. In addition there must be deemed to be an imminent risk that the offender will again commit a serious felony that impairs or exposes to risk the life, health or liberty of other persons. In assessing the risk importance shall be attached to the felony committed as compared with especially the offender's conduct, the course of the illness, and mental functioning capacity.
2. The offender has committed or attempted to commit a less serious felony of the same nature as is specified in No. 1, and has previously committed or attempted to commit any such felony as is thereby specified, and it must be presumed that there is a close connection between the previous felony and the one now committed. In addition it must be presumed that there is a particularly imminent risk of relapsing into a new serious felony that will impair or expose to risk the life, health or liberty of other persons.

Section 39 a. On the same conditions as are specified in section 39 a sentence of compulsory care may be imposed on an offender who is not liable to a penalty pursuant to section 44, second paragraph.

Compulsory care shall be undergone in an expert unit in the specialist health service constituted for this purpose. If due consideration for the convicted person so indicates and it is not contraindicated by security reasons, the expert unit may, pursuant to further regulations prescribed by the King, enter into an agreement concerning implementation of the care outside the expert unit.

The convicted person may be restrained against his will and brought back in the event of escape, if necessary by force and with the assistance of public authorities. The expert unit has the chief responsibility for the implementation of compulsory care, even when this special sanction is implemented outside the expert unit.

To the execution of a sentence of compulsory care the following provisions of the Mental Health Care Act apply correspondingly in so far as they are appropriate:

a) chapter 1, chapter 4 with the exception of sections 4-5, second paragraph, 4-9 and 4-10, and chapter 6 with regulations when the special sanction is executed in the expert unit. The provision in section 4-4, second paragraph, second sentence, shall, however, only apply to the extent laid down in regulations prescribed by the King.
b) chapter 1 and chapter 6 when the special sanction is executed outside the expert unit.

The King may prescribe regulations to the effect that chapter 6A of Act of 13 December 1991 No. 81 relating to social services shall apply correspondingly. The King may prescribe special rules for the procedure to be followed.

The King may prescribe regulations containing further provisions relating to the implementation of compulsory care, including provisions concerning which administrative decisions may be reviewed pursuant to the provisions in chapter 33 of the Civil Procedure Act.

Section 39 b. Compulsory mental health care pursuant to section 39 and compulsory care pursuant to section 39 a may be continued only if the condition relating to a risk of repetition in section 39, No. 1 or No. 2, continues to be fulfilled.

The person convicted, his next-of-kin, or the person professionally responsible at the institution that is responsible for treating the convicted person may apply for remission of the sanction. Who is the convicted person's next-of-kin shall be decided pursuant to section 1-3, second paragraph, of the Mental Health Care Act. The prosecuting authority shall submit the case to the District Court, which will decide it by a judgment. The hearing of the case shall be accelerated.

Application may not be made for remission of the sanction until one year after the transfer judgment or a judgment denying remission is legally enforceable.

The prosecuting authority may at any time decide to remit the sanction. Not later than three years after the last legally enforceable judgment has been passed, the prosecuting authority shall either decide to remit the sanction or bring the case before the District Court, which will decide whether the sanction shall be continued.

Section 39 c. When a sentence for a specific term is deemed to be insufficient to protect society, a sentence of preventive detention in an institution under the correctional services may be imposed instead of a sentence of imprisonment when the following conditions in No. 1 or No. 2 are fulfilled:

1. The offender is found guilty of having committed or attempted to commit a serious violent felony, sexual felony, unlawful imprisonment, arson or other serious felony impairing the life, health or liberty of other persons, or exposing these legal rights to risk. In addition there must be deemed to be an imminent risk that the offender will again commit such a felony. In assessing such risk importance shall be attached to the felony committed or attempted especially as compared with the offender's conduct and social and personal functioning capacity. Particular importance shall be attached to whether the offender has previously committed or attempted to commit a felony as specified in the first sentence.
2. The offender is now found guilty of having committed or attempted to commit a less serious felony of the same nature as is specified in No. 1, and has previously committed or attempted to commit a felony as specified there. In addition it must be presumed that there is a close connection between the previous felony and the one now committed, and the risk of relapsing into a new felony as specified in No. 1 must be deemed to be particularly imminent.

Section 39 d. Before a sentence of preventive detention is pronounced, a social inquiry shall be carried out in relation to the person charged.

The court may instead decide that the person charged shall be subjected to forensic psychiatric inquiry, cf. section 165 of the Criminal Procedure Act.

Section 39 e. When passing a sentence of preventive detention the court shall fix a term that should usually not exceed 15 years and may not exceed 21 years. On application by the prosecuting authority the court may, however, extend the fixed term by up to five years at a time. Proceedings for such extension may be instituted in the District Court not later than three months before the period of preventive detention expires.

A minimum period of preventive detention not exceeding 10 years should also be determined.

Any sentence of imprisonment previously imposed shall cease to have effect when a sentence of preventive detention is passed.

Section 39 f. Release before expiry of the period of preventive detention shall be effected on probation with a probation period of from one to five years.

When the convicted person or the prison and probation service applies for release on probation, the prosecuting authority shall submit the case to the District Court, which will decide it by a judgment.

The hearing of a case concerning release on probation shall be accelerated.

If the prosecuting authority consents to a release on probation, the prison and probation service may decide on such a release.

The convicted person may not apply for release on probation until a year has elapsed after the sentence of preventive detention or a judgment denying release on probation is legally enforceable.

Section 39 g. In the event of a release on probation effected by the court such conditions may be imposed as in the case of a conditional sentence, cf. section 53, No. 2 to 5 of the Penal Code. The court may also impose a condition to the effect that the convicted person shall be followed up by the prison and probation service. When there are special reasons for doing so and the institution or municipality has consented thereto, the court may also impose a condition that the convicted person shall stay in an institution or municipal residential unit beyond the one-year time-limit set in section 53, No. 3 (g). If the convicted person is to stay in an institution or municipal residential unit, the court may determine that the convicted person may be restrained there against his will and brought back on escape, if necessary by force and with the assistance of public authorities.

In the event of a release on probation effected by the correctional services conditions may be imposed as specified in section 53, No. 2, No. 3, (a) to (g), No. 4 and No. 5 of the Penal Code. A condition may also be imposed that the convicted person shall be followed up by the correctional services.

The convicted person shall be allowed to express his views on the conditions beforehand. As regards amendment of prescribed conditions and extension of the probation period the provisions of section 54, No. 1, of the Penal Code shall apply correspondingly. The person released may apply to the District Court for an order that such conditions as are specified in the third sentence of the first paragraph shall be abolished or altered, cf. section 54, No. 1, of the Penal Code. Such an application may be submitted not earlier than one year after the judgment relating to release on probation or the last order of the District Court became legally enforceable. The provisions concerning defence counsel in chapter 9 of the Criminal Procedure Act shall apply correspondingly.

If the institution or the municipality retracts its consent pursuant to the third sentence of the first paragraph, the person released shall be re-imprisoned.

If the person released commits serious or repeated breaches of prescribed conditions during the probation period, or if special reasons no longer subsist for release on probation pursuant to the third sentence of the first paragraph, the prosecuting authority may bring the issue of re-imprisonment before the

District Court. A sentence of re-imprisonment must be pronounced not later than three months after the probation period expires. If the person released has been followed up by the correctional services, the said services shall express their opinion before sentence is pronounced. The provisions concerning defence counsel and concerning arrest and remand in custody in chapter 9 and chapter 14 of the Criminal Procedure Act shall apply correspondingly. Section 54, No. 2, second paragraph of this code also applies.

Section 39 h. The King may make regulations concerning the execution of preventive detention pursuant to section 39 c.

Chapter 3. Conditions governing criminal liability

Section 40. The penal provisions of this code are not applicable to any person who has acted unintentionally unless it is expressly provided or unambiguously implied that a negligent act is also punishable. If the offender has acted in a self-induced state of intoxication caused by alcohol or other means, the court shall disregard such intoxication when judging whether the act was wilful.

A misdemeanour consisting of a failure to act shall be punishable also when it is committed by negligence unless the contrary is expressly provided or unambiguously implied.

Section 41. In cases in which a superior cannot be punished for a misdemeanour committed by another person in his service, the subordinate may always be held criminally liable even if the penal provision according to its wording is only directed against the superior.

Section 42. If any person has committed an act in a state of ignorance concerning circumstances that determine criminal liability or increase the penalty for the said act, such circumstances shall not be attributable to him.

If the ignorance can be ascribed to negligence, in cases in which negligence is punishable the penalty prescribed for such negligence shall be applicable.

Ignorance resulting from self-induced intoxication shall be disregarded. In such cases the offender shall be judged as if he were sober.

Error regarding the value of an object or the amount at which damages must be assessed shall only be taken into account when criminal liability is conditional thereon.

Section 43. When the law provides for an increased penalty in cases in which a criminal act entails some unforeseen consequence, such penalty shall only be applicable when the perpetrator could have foreseen the possibility of such a consequence, or if he has failed to prevent it to the best of his ability after he has become aware of the risk.

Section 44. A person who was psychotic or unconscious at the time of committing the act shall not be liable to a penalty.

The same applies to a person who at the time of committing the act was mentally retarded to a high degree.

Section 45. Unconsciousness that is a consequence of self-induced intoxication (caused by alcohol or other means) shall not exclude punishment.

Section 46. No person may be punished for any act committed before reaching 15 years of age.

Section 47. No person may be punished for any act that he has committed in order to save someone's person or property from an otherwise unavoidable danger when the circumstances justified him in regarding this danger as particularly significant in relation to the damage that might be caused by his act.

Section 48. No person may be punished for an act committed in self-defence.

It is a case of self-defence when an otherwise criminal act is committed for the prevention of or in defence against an unlawful attack if the act does not exceed what appeared to be necessary for that purpose, and it must not be considered absolutely unfitting to inflict so great an evil as is intended by the act in view of the dangerousness of the attack, the guilt of the assailant, or the legal right assailed.

The above provision concerning the prevention of an unlawful attack is also applicable to acts performed for the purpose of effecting a lawful arrest or preventing a prisoner from escaping from prison or custody.

If any person has exceeded the limits of self-defence, he shall nevertheless not be liable to a penalty if such excess is due solely to emotional upset or consternation caused by the attack.

Chapter 3 a. Criminal liability of enterprises

Section 48 a. When a penal provision is contravened by a person who has acted on behalf of an enterprise, the enterprise may be liable to a penalty. This applies even if no individual person may be punished for the contravention.

Enterprise here means a company, society or other association, one-man enterprise, foundation, estate or public activity.

The penalty shall be a fine. The enterprise may also by a court judgment be deprived of the right to carry on business or may be prohibited from carrying it on in certain forms, cf. section 29.

Section 48 b. In deciding whether a penalty shall be imposed on an enterprise pursuant to section 48 a, and in assessing the penalty vis-à-vis the enterprise, particular consideration shall be paid to

a) the preventive effect of the penalty,
b) the seriousness of the offence,
c) whether the enterprise could by guidelines, instruction, training, control or other measures have prevented the offence,
d) whether the offence has been committed in order to promote the interests of the enterprise,
e) whether the enterprise has had or could have obtained any advantage by the offence,
f) the enterprise's economic capacity,
g) whether other sanctions have as a consequence of the offence been imposed on the enterprise or on any person who has acted on its behalf, including whether a penalty has been imposed on any individual person.

Chapter 4. Attempt

Section 49. When a felony is not completed, but an act has been done whereby the commission of the felony is intended to begin, this constitutes a punishable attempt.

An attempt to commit a misdemeanour is not punishable.

Section 50. An attempt shall cease to be punishable if the offender, before he knows that the felonious activity has been discovered, of his own free will either desists from the felonious activity before the attempt has been completed or prevents the result that would constitute the completed felony.

Section 51. An attempt shall be punished by a milder penalty than a completed felony. The penalty may be reduced to less than the minimum provided for such felony and to a milder form of punishment.

The maximum penalty provided for the completed felony may be applied if the attempt has led to any such result as, if it had been intended by the offender, could have justified the application of so high a penalty.

Chapter 5. Suspended sentence and grounds for reducing or increasing the penalty

Section 52.

1. The court may in its judgment decide that determination or execution of the penalty shall be deferred for a period of probation. A decision to defer execution may only be made in regard to a custodial sentence or a fine.
2. If a custodial sentence is imposed, deferment of its execution may be limited to part of the sentence. The unsuspended part of the sentence shall then not be fixed at less than 14 days.
3. In addition to a suspended sentence the court may impose an unconditional fine. This applies even if fines are not prescribed as a penalty for the offence committed.
4. The provisions relating to a suspended sentence apply correspondingly to a writ giving the option of a fine or confiscation or both as far as they are appropriate.

Section 53.

1. Deferment pursuant to section 52 is conditional on the convicted person not committing any new criminal act during the probation period, and on his complying with conditions laid down pursuant to No. 2 to No. 5 below. The convicted person shall be allowed to comment on the conditions beforehand.

   The probation period shall be determined by the court and shall usually be two years. When the conditions for an increase of sentence in the case of a repeated offence are fulfilled and in other special cases, a longer period of probation may be determined, but not one exceeding five years. The probation period shall run from the date when a legally enforceable judgment is passed.

2. The court may make it a condition for the deferment that the convicted person shall report in person to the police at specific times. This duty to report applies for a period of one year unless the court otherwise decides. The said duty runs from the day the judgment becomes legally enforceable. If the judgment concerns a criminal act to which the convicted person has confessed, it may be decided in the judgment that the duty to report shall commence immediately even though the judgment is not legally enforceable.

3. The court may also impose other conditions for the deferment, including the following:
   a) that the convicted person shall comply with provisions concerning his place of sojourn, work, education or consorting with specified persons
   b) that the convicted person shall comply with provisions concerning restrictions of his right to dispose of his income and property and concerning the fulfilment of economic obligations
   c) that the convicted person shall abstain from using alcohol or other intoxicating or narcotic substances
   d) that the convicted person shall undergo a cure to counteract abuse of alcohol or other intoxicating or narcotic substances, if necessary in an institution
   e) that the convicted person shall carry out a drunken-driving programme or drug-abuse programme under court control, cf. No. 6, second and third sentences, if the convicted person so consents
   f) that the convicted person shall undergo psychiatric treatment, if necessary in an institution
   g) that the convicted person shall stay in a home or institution for up to one year.
   h) that the convicted person shall appear before the National Mediation Service for the purpose of mediation and shall implement any agreements entered into in the mediation proceedings, provided that

both the aggrieved person and the convicted person have consented to mediation by the National Mediation Service.

The court may leave it to the supervisory authority to make such provisions as are mentioned under (a) and (b).

4. As a condition for deferment the court shall order the convicted person to provide such compensation and redress for damage of a non-pecuniary nature as the aggrieved person or other injured persons are entitled to and claim, and as the court thinks the convicted person has the capacity to pay.
5. As a condition for the deferment the court may decide that the convicted person shall make maintenance payments that are due or will fall due during the probation period.
6. The King may make further rules concerning the implementation of the conditions. The King may for trial purposes decide that a drunken-driving programme shall be established for persons who are convicted of a contravention of section 31, cf. section 22, first paragraph, of the Road Traffic Act and who have an alcohol problem. The King may also for trial purposes decide that a drug-abuse programme shall be established under court control for abusers of intoxicants who are convicted of a drug-related crime. The King may make further provisions concerning the drunken-driving programme and the drug-abuse programme, including to whom they shall apply, the content of and implementation of these programmes. The correctional services shall be responsible for following up convicted persons who carry out these programmes.

Section 54.

1. When the circumstances of the convicted person so warrant, the District Court may during the probation period by order abolish or alter conditions imposed and impose new conditions. If the court finds it necessary, it may also extend the probation period, but not to more than five years altogether. In the case of conditions relating to a drug-abuse programme and a drunken-driving programme, the correctional services may bring the case before the court with an application for the making of such an order.
2. If the convicted person seriously or repeatedly breaches conditions imposed, the District Court may by a judgment decide that the sentence shall be wholly or partly executed. In the case of conditions relating to a drug-abuse programme and a drunken-driving programme, the correctional services may bring the case before the court with an application for the passing of such a judgment. The judgment must be pronounced not later than three months after the probation period expires. The provisions concerning defence counsel and concerning arrest and remand in custody in section 100 and chapter 14 of the Criminal Procedure Act shall apply

correspondingly.

Instead of deciding that the sentence shall be executed, the court may in its judgment impose a new probation period and new conditions if it considers this more appropriate.

3. If the convicted person commits a criminal act during the probation period and an indictment is preferred or an application is made for the case to be adjudicated by summary procedure on a full confession within six months after the expiry of the probation period, the court may impose a collective sentence for both acts or a separate sentence for the new act.

   If a separate sentence is imposed for the new act, the court may also alter the previously suspended sentence as provided in No. 1.

Section 54 a. When a suspended sentence is read aloud to or served on the convicted person, he shall be informed of the meaning of a suspended sentence, what the conditions imply, and the consequences of their not being complied with. The judge may also give a warning and admonition when there is reason to do so in view of the age and other circumstances of the convicted person. The said person may be summoned to a special court sitting in order to receive such warning and admonition.

Section 55. For criminal acts committed before reaching 18 years of age imprisonment pursuant to section 17, first paragraph (b) cannot be imposed, and the penalty may without altering the form thereof be reduced below the minimum prescribed for the act, and, when circumstances so indicate, to a milder form of penalty.

Section 56. The court may reduce the penalty below the minimum prescribed for the act and to a milder form of penalty:

a) when the act is committed in order to save someone's person or property but the limits for the right to do so pursuant to sections 47 and 48 have been exceeded;
b) when the act is committed in justifiable anger, under compulsion or imminent danger;
c) when the offender at the time of committing the act had a serious mental illness with a considerable reduced capacity for making a realistic assessment of his relationship to his surroundings, but was not psychotic, cf. section 44, or was slightly mentally retarded or acted under a severe disturbance of consciousness that was not a consequence of self-induced intoxication;

d) when the offender acted in a state of unconsciousness resulting from self-induced intoxication, and especially extenuating circumstances warrant that the penalty shall be reduced.

Section 57. If a person was ignorant of the illegal nature of an act at the time of its commission, the penalty may be reduced below the minimum prescribed for the act and to a milder form of punishment if the court does not find that he should be acquitted for this reason.

Section 58. Where two or more persons have co-operated for a criminal purpose, the penalty may be reduced below the minimum prescribed for the act and to a milder form of punishment for their part if the co-operation was essentially due to their dependence on any other guilty person or has been of little significance in comparison to that of others. When the penalty could otherwise have been restricted to fines and in the case of misdemeanours, it may be entirely remitted.

Section 59. The provisions of section 58 shall also apply to a person who before he knows that he is suspected has as far as possible and substantially prevented the harmful consequences of the act or has restored the damage caused thereby.

If the person charged has made an unreserved confession, the court shall take this into account when passing sentence. The court may reduce the penalty below the minimum prescribed for the act and to a milder form of penalty.

Section 60. If the convicted person has been kept in custody pending trial, the judgment shall stipulate that the whole of this period shall be deducted from the sentence so that it may even be considered to have been completely served. If the period in custody has been spent in complete isolation, a further deduction shall be made equivalent to one day for each 48-hour period commenced while the convicted person was subjected to complete isolation.

If a community sentence is passed, the deduction shall be made from the term of imprisonment imposed in lieu of such sentence, while at the same time the number of hours of the community sentence shall be reduced proportionally. If a community sentence is passed as well as a sentence of immediate imprisonment, the deduction shall first be made from the latter.

If the convicted person has been kept in custody abroad pending trial, the court will decide to what extent this period shall be deducted from the sentence.

Section 60 a. If a criminal act has been committed as part of the activity of an organized criminal group, the maximum penalty laid down in the penal provision shall be increased to double its prescribed limit, but not by more than five years' imprisonment.

An organized criminal group is here defined as an organized group of three or more persons whose main purpose is to commit an act that is punishable by imprisonment for a term of not less than three years, or whose activity largely consists of committing such acts.

An increase of the maximum penalty pursuant to the present provision shall be applicable in relation to statutory provisions that give legal effect to the penalty limit, unless it is otherwise provided.

Section 61. If a previously convicted person again commits a criminal act of the same nature as that for which he has previously been convicted, the maximum penalty laid down in the penal provision shall be increased to double its prescribed limit, unless it is otherwise provided in the penal provision itself. An increase of the maximum penalty pursuant to the present provision shall only be applicable in relation to statutory provisions that give legal effect to the penalty limit if it is so provided in the present code.

The first paragraph applies only if the convicted person has reached 18 years of age at the time of the commission of the previous criminal act and has committed the new criminal act after the sentence for the act previously committed has been fully or partly executed. If the new criminal act is a felony, the first paragraph shall not apply if the new act is committed more than six years after the sentence for the previous offence has been served completely, unless it is otherwise provided. If the new criminal act is a misdemeanour, no more than two years shall have lapsed after the sentence has been served completely. The provisions of this paragraph shall apply also when an increased penalty for a repetition of offences is laid down in the penal provision.

The court may allow previous sentences imposed in other countries to serve as a basis for an increased penalty in the same way as sentences imposed in Norway.

Section 62. If any person has by one or more acts committed more than one felony or misdemeanour punishable by imprisonment or detention, a joint custodial sentence shall be imposed which must be more severe than the highest minimum penalty prescribed for any of the felonies or misdemeanours and must in no case be more than twice the highest penalty prescribed for any of them. The joint custodial penalty shall normally take the form of imprisonment when any of the criminal acts would have been punishable thereby.

The provisions of the first paragraph shall apply correspondingly to a sentence imposed jointly with a community sentence. If a community sentence is imposed as well as a sentence of immediate imprisonment, the latter shall be taken into account in assessing the community sentence.

If any of the felonies or misdemeanours should have been punished by imprisonment, the same supplementary penalties shall be imposed in the case of detention as would have applied in the case of imprisonment.

Section 63. If any person has by one or more acts committed more than one felony or misdemeanour punishable by fines, a joint fine shall be imposed which must be more severe than that which any one of the felonies or misdemeanours should have incurred.

The court may, when some of the felonies or misdemeanours should have been punished by a custodial sentence and others by fines, regard the felonies or misdemeanours for which fines are prescribed as aggravating circumstances instead of pronouncing sentence for them.

Section 64. If any person who has already been sentenced is convicted of a felony or misdemeanour committed before the sentence was pronounced, the provisions of sections 62 and 63 shall as far as possible be applied in determining the penalty. In this case a custodial sentence of less than 14 days may be imposed.

The provisions of the first paragraph shall also apply when the convicted person during the probation period following a suspended sentence is found guilty of a criminal act committed before the suspended sentence was pronounced. The court may then give a collective sentence for both acts or a separate sentence for the act last adjudicated. If a collective suspended sentence is given for both acts, the court will determine a new probation period, which is to run from the date a legally enforceable judgment is delivered in the new case.

Section 65. If a term of imprisonment is to be served in default of payment of a fine in relation to more than one sentence, that part of the custodial sentence which exceeds what could have been imposed in one sentence shall be remitted if the criminal acts were committed before any of them was adjudicated.

Chapter 6. Cessation of penalties and other sanctions

Section 66. An act is no longer punishable when the period of limitation pursuant to the provisions of sections 67 to 69 has expired.

Loss of public office may, however, be imposed even though any other penalty is time-barred.

Section 67. The period of limitation is:
two years when the maximum penalty prescribed is fines or imprisonment for a term not exceeding one year,
five years when the maximum penalty prescribed is imprisonment for a term not exceeding four years,
10 years when the maximum penalty prescribed is imprisonment for a term not exceeding 10 years,
15 years when a penalty for a specified period not exceeding 15 years may be imposed
25 years when imprisonment for a term not exceeding 21 years may be imposed.

Detention is deemed to be equivalent to imprisonment when calculating the limitation period.

The fact that fines or loss of civil rights may be imposed in addition to another penalty is of no significance when calculating the limitation period.

If any person has by the same act committed two or more offences which pursuant to the first paragraph should become time-barred at different times, the longest period of limitation shall apply to all the offences.

The period of limitation of criminal liability applicable to enterprises shall be calculated on the basis of the penalty limits for individual persons in the penal provision that has been contravened.

Section 68. The period of limitation begins to run from the date the criminal activity has ceased. In the event of a contravention of section 195 or 196, however, the said period shall begin to run from the day on which the aggrieved person reaches 18 years of age.

When criminal liability is dependent on or influenced by a subsequent effect, the period of limitation does not begin to run until the date on which such effect occurs. The same applies when the prosecution is dependent on the occurrence of a subsequent event.

If the criminal act is committed on a Norwegian ship outside the realm, the period of limitation begins to run from the date the ship arrives at a Norwegian port. The commencement date of the period of limitation cannot pursuant to this provision be postponed for more than one year.

Section 68 a. The period of limitation for a contravention of sections 281 to 287 does not run during a bankruptcy or winding up or debt-settlement proceedings pursuant to statute. The period may not, however, be extended by more than five years pursuant to this section.

Section 69. The running of the period of limitation is interrupted by any legal proceeding entailing that the suspect is given the status of a person charged. If the charge is made by a statement out of court or by the issuing of a writ giving the option of a fine or confiscation or both, the running of the period of limitation is interrupted by notification to the suspect that he has been charged. To such notification the provision of section 146, second paragraph, of the Courts of Justice Act shall apply correspondingly.

If the running of the period of limitation is interrupted in relation to any person who has acted on behalf of an enterprise, such interruption also applies to the enterprise.

If the prosecution is discontinued and the decision to do so is not reversed by a superior prosecuting authority within the time-limit for such reversal, the period of limitation will continue to run as if the prosecution had not taken place. The same applies if the prosecution is stopped indefinitely. If the prosecution is stopped because the person charged has evaded prosecution, the time spent on prosecution shall not be included in calculating when the period of limitation has expired.

Section 70. The periods of limitation prescribed in section 67 shall apply to confiscation, but in such a way that the period shall in no case be less than five years, and for confiscation pursuant to sections 34 and 34 a not less than 10 years.

The fact that an act cannot be punished because the period of limitation has expired does not prevent the institution of proceedings in order to get an

allegation declared null and void in accordance with the provisions of sections 251 and 253.

Section 71. A custodial sentence shall cease to apply after the expiry of the following periods of limitation:
five years for imprisonment for a term not exceeding one year,
10 years for imprisonment for a term exceeding one year but not exceeding four years,
15 years for imprisonment for a term exceeding four years but not exceeding eight years,
20 years for imprisonment for a specified period exceeding eight years but not exceeding 20 years,
30 years for imprisonment for a term exceeding 20 years.

If the penalty is detention, the same periods of limitation as for imprisonment shall apply.

If execution of a prison sentence is partly deferred in accordance with section 52, No. 2, the period of limitation shall run separately for the deferred and the undeferred part of the sentence.

If the custodial sentence has been shortened by release on probation, the period of limitation shall be calculated on the basis of the period of imprisonment remaining. The same applies when the execution is interrupted in any other way.

Section 72. The period of limitation shall run from the date the judgment is legally enforceable.

If execution cannot be commenced because the convicted person is serving another custodial sentence in or outside the realm, the period of limitation shall not run during that period. The same applies when the convicted person is serving a community sentence in or outside the realm in accordance with a court judgment.

If execution of the sentence is deferred by a suspended sentence or pardon, the period of limitation shall not run in the probation period.

Section 73. The running of the period of limitation pursuant to section 71 is interrupted when execution of the sentence is commenced or when the convicted person is arrested in order to ensure execution.

Section 73 a. A sentence of preventive detention shall cease to apply on the expiry of the same periods of limitation as apply to a custodial sentence. The period of limitation shall be calculated according to the length of the time limits determined pursuant to section 39 e, first paragraph, first sentence. Special sanctions imposed on persons who are not accountable for their acts, cf. sections 39 and 39 a, shall cease to apply on the expiry of a period of limitation of 20 years. Sections 71, final paragraph, 72 and 73 shall apply correspondingly in so far as they are appropriate.

Section 73 b. A community sentence imposed shall cease to apply on the expiry of the same periods of limitation as apply to a custodial sentence. The period of limitation shall be calculated according to the length of the alternative custodial sentence determined pursuant to section 28 a, second paragraph. Sections 71, final paragraph, final sentence, 72, 73 and 74, fourth paragraph, shall apply correspondingly in so far as they are appropriate.

Section 74. A fine imposed is time-barred 10 years after the decision becomes legally enforceable.

Statutory limitation of a fine is of no effect as regards an execution lien, garnishee order or any other security that is established before the expiry of the period of limitation.

If execution is deferred pursuant to any provision in a suspended sentence or through a pardon, the period of limitation shall not run during the probation period.

Imprisonment in default of payment of a fine shall be remitted after five years, unless execution of the sentence has been commenced before the expiry of the said period.

A confiscation order shall cease to apply after five years. Confiscation of proceeds, including confiscation pursuant to section 34 a, shall not, however, cease before 10 years. The provision in the second paragraph shall apply correspondingly to claims for confiscation.

Section 75. Execution of sentence lapses with the death of the offender.

Claims for confiscation lapse with the death of the person liable. Proceedings for confiscation of the proceeds of a criminal act, including confiscation pursuant to sections 34 a and 37 a, second paragraph, may, however, be instituted.

A sentence of confiscation may be executed after the death of the convicted person if it is so decided by order of the court that has adjudicated

the case at first instance, or by the District Court having jurisdiction in the case pursuant to section 12 of the Criminal Procedure Act when the option of confiscation given by a writ has been accepted. This only applies, however, to objects or amounts that constitute the proceeds of the criminal act or that correspond to such proceeds, including objects or amounts confiscated pursuant to sections 34 a and 37 a, second paragraph. The court may order confiscation of an amount instead of an object.

Section 76. Proceedings for a declaration that a statement is null and void cannot be instituted after the person who has made the statement is dead.

Chapter 7. The prosecution

Section 77. Criminal acts shall be subject to public prosecution unless it is otherwise provided.

Section 78. If the aggrieved person is under 18 years of age, an application for prosecution shall be made by the person or persons who have parental responsibility. If no one has parental responsibility, an application for prosecution shall be made by the guardian. If the aggrieved person is over 16 years of age, an application for prosecution cannot be made against his express wishes in cases relating to assault and defamation. If the aggrieved person has completed his 16th year, he may also himself apply for prosecution.

If there is reason to assume that the aggrieved person is in such a state as is specified in section 44, his guardian, his spouse, parents and children of full age and legal capacity, or if he has no parents or children of full age and legal capacity, his grandparents may act in his stead.

If he is dead, his spouse, relatives in ascending or descending line, siblings and heirs may institute or apply for a prosecution.

In the event of any interference with property, any person who in accordance with a previous agreement has compensated or is obliged to compensate for the damage is also deemed to be an aggrieved person.

If the State has on the application of an aggrieved person wholly or partly compensated or undertaken to compensate for damage caused by the criminal act, the State shall also be deemed to be an aggrieved party.

Section 79. If the aggrieved person is a company, an association or a foundation, application for a public prosecution may be made by the board of directors. The board may empower a member of the board, the general manager, or any person who is authorized to sign for the company to apply for the public prosecution of criminal acts that have been committed or of any future criminal acts of a specified kind.

If the aggrieved person is an individual who is carrying on a business, the general manager or any person who is authorized to sign for the firm may be empowered as specified in the first paragraph as regards criminal acts connected with the business.

If an aggrieved person mentioned in the first or second paragraph is carrying on business outside his main office, as far as this part of the business is concerned, the local manager of the department or part of the business concerned, or a member of the departmental board may also be so empowered.

The right to apply for a prosecution on behalf of the State shall be exercised by the Ministry, which may so empower another public body or public servant as far as valuables or interests are concerned which the body or servant in question administers or supervises. If valuables that are in the care of a State enterprise or public institution are affected, the first and third paragraphs shall apply correspondingly. The Ministry may issue provisions concerning the right to delegate and the exercising of a right to apply for a prosecution pursuant to this paragraph and may in disputed cases decide who has such right.

If the aggrieved person is a county authority or a municipality, an application for a public prosecution may be made by the county council or the municipal council respectively. The county council may so empower the county executive board, the chairman of the county council, the county administration, standing committees and the chief county executive. The municipal council may so empower the municipal executive board, the chairman of the municipal council, the municipal administration, standing committees, the district council and the chief municipal executive. Such power may only be granted as far as valuables or interests are concerned which the body or person in question administers or supervises. The second sentence of the fourth paragraph shall apply correspondingly. The third paragraph shall apply correspondingly in cases where a municipality carries on any activity outside the municipality or a county authority carries on any activity outside the county authority.

If in the cases mentioned in section 78, first, second and third paragraphs, there is no one who is entitled to apply for a public prosecution, or if the criminal act is committed by someone who pursuant to the said provisions

would have been entitled to apply for a public prosecution, such an application may be submitted by the county governor.

Section 80. An application for a public prosecution must be submitted not later than six months after the person entitled to apply has acquired knowledge of the criminal act and who has committed it. In the case of a claim for a declaration that a statement is null and void, the corresponding time-limit is three years. Section 146 of the Courts of Justice Act shall apply correspondingly.

In the case of persons whose right to apply is based on sections 78 and 79, the time-limit does not begin to run until their right is established.

Section 81. The application for a public prosecution may be restricted to the person or persons who were the instigators of the decision to commit the felony.

Otherwise, in order that the application may be granted, it must not exclude any accomplice from prosecution; prosecution in an official capacity may be extended to accomplices who are not expressly excluded.

Section 82. The application may not be withdrawn after the indictment has been preferred.

When the offender has committed the criminal act against any of his next-of-kin, as well as in such cases as are dealt with in sections 409 to 412, the application may effectively be withdrawn at a later stage.

If the application for a prosecution is withdrawn, it cannot be re-submitted.

PART II FELONIES

Chapter 8. Felonies against the independence and security of the State

Section 83. Any person who unlawfully attempts to cause Norway or any part of the realm to be brought under foreign rule or incorporated into another State, or any part of the realm to be detached, or who aids and abets thereto, shall be liable to detention for a term of not less than eight years or to imprisonment for a term of not less than eight years and not exceeding 21 years.

Section 84. Any person who unlawfully causes an outbreak of war or hostilities against Norway or any State allied with Norway in time of war, or who aids and abets thereto, shall be liable to detention for a term of not less than five years or to imprisonment for a term of not less than five years and not exceeding 21 years.

Section 85. Any person who contravenes any regulation issued by the King for maintenance of the neutrality of the realm in time of war between foreign powers, or who aids and abets thereto, shall be liable to fines or to detention for a term not exceeding four years.

Under especially aggravating circumstances imprisonment for a term not exceeding four years may be imposed.

Section 86. Any person who in time of war or for the purpose of war

1. bears arms against or otherwise takes part in military operations against Norway,
2. supplies the enemy with information for use in such operations,
3. weakens Norway's ability to resist by destroying, damaging, or disabling installations or objects of importance for the country's war effort,
4. incites or induces treachery, carries on propaganda activity for the enemy or spreads incorrect or misleading information which is likely to weaken the people's will to resist,
5. establishes, joins, takes an active part in or gives significant economic support to a party or an organization which operates for the benefit of the enemy,
6. by acting as an informer or in any similar way contributes to any person being subjected to deprivation of liberty or any other injury by the enemy or any party or organization mentioned in 5,

7. encourages, incites, is party to deciding or takes part in any lockout, strike or boycott which is illegal according to the labour or boycott legislation and weakens Norway's ability to resist,
8. participates in an improper manner in the enemy's administration of occupied Norwegian territory,
9. carries out or participates in an improper manner in commercial activities for the enemy,
10. otherwise unlawfully assists the enemy against Norway or weakens Norway's ability to resist,

or who aids and abets thereto, shall be liable to imprisonment for a term of not less than three years but not exceeding 21 years. If the offence is of minor importance, imprisonment for a term of less than three years may be imposed. The same penalty shall be imposed on any person who commits any such act against a State allied with Norway or at war with a common enemy.

These provisions are also applicable if the act is committed when military action is initiated against Norway or an attempt is made by a foreign power to occupy or attack Norwegian territory, or with such circumstances in mind.

No penalty shall be imposed on any Norwegian citizen residing abroad for any act that he is obliged to perform by the laws of the place where he resides.

Section 86 a. Any person who through gross negligence commits an offence mentioned in section 86 shall be liable to detention or imprisonment for a term not exceeding five years.

Section 86 b. Any person who, in a manner not covered by the provisions of section 86, assists the occupying power in a clearly improper manner during a forced occupation of Norwegian territory, or aids and abets thereto, shall be liable to imprisonment.

If the act has caused heavy damage to the country or death, considerable injury to body or health, great suffering or lengthy deprivation of liberty to any person, imprisonment for a term not exceeding 21 years may be imposed.

Section 87. Any person who in time of war unlawfully

1. refuses to give a military officer any information he may possess regarding circumstances of importance for a military operation, or who aids and abets thereto, or
2. provides shelter, support, or other assistance to an enemy spy, or

3. aids and abets the commission of any act contrary to military law which is punishable by imprisonment for a term of three years or a more severe penalty
4. shall be liable to detention or imprisonment for a term not exceeding four years.

The same penalty shall apply to any person who commits such an act against a State allied with Norway or at war with a common enemy.

Section 88. Any person who in time of war fails to fulfil a contract relating to supplying or transporting military forces or any other matter of importance to military or civil defence, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding 10 years. If the act has resulted in severe damage to the defence of the realm or the death of or serious injury to the body or health of any person, imprisonment for a term not exceeding 21 years may be imposed.

If the default has occurred through negligence, the offender shall be liable to fines or to detention or imprisonment for a term not exceeding six months.

The same penalty shall apply to any person who commits any such act against a State allied with Norway or at war with a common enemy.

Section 89. Any person who acts against or neglects the interests of Norway during negotiations or the conclusion of a treaty with another State on Norway's behalf, or who by deceit or incitement aids and abets thereto, shall be liable to detention or imprisonment for a term of not less than one year.

Any person committing any such offence through negligence shall be liable to fines or to detention for a term not exceeding two years.

Section 90. Any person who unlawfully causes the disclosure of anything that should have been kept secret in the interests of national security, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding three years, but for not less than one year and not more than 10 years if the secret is betrayed to another State or considerable danger is caused.

If the offender has acted negligently, a fine shall be imposed.

If the secret was confided to the offender in his official capacity, the aforesaid custodial penalties may be increased by up to 50 per cent.

Section 91. Any person who unlawfully puts himself or another person in possession of any such secret as is mentioned in section 90 with intent to disclose it, or who aids and abets thereto, shall be liable to detention or imprisonment for a term not exceeding two years, but not exceeding six years if the intent was to betray it to another State, or if the disclosure would cause considerable harm.

Any person who otherwise unlawfully puts himself or another in possession of any such secret shall be liable to fines or to detention or imprisonment for a term not exceeding one year.

Section 91 a. Any person who secretly or by illegal means attempts to collect for the benefit of a foreign State information about political or personal matters whose disclosure to another State he knows or should understand may harm the interests of Norway or cause danger to the life, health, liberty, or property of any individual, or who aids and abets thereto, shall be liable to detention or imprisonment for a term not exceeding two years.

Section 92. Any person who in time of war unlawfully publishes information about the armed forces or military operations when this has been prohibited, or who aids and abets thereto, shall be liable to fines or to detention or imprisonment for a term not exceeding two years.

Section 93. Any person who causes falsification, destruction, or concealment of any document or other object which is of importance for the security or welfare of the realm, or who aids and abets thereto, shall be liable to imprisonment for a term of not less than two years and not exceeding eight years, but not exceeding 12 years if considerable harm has thereby been caused.

Section 94. Any person who conspires with one or more persons for the purpose of committing any of the felonies mentioned in sections 83, 84, 86, 86 b, 88, 89 or 90, or any felony contrary to section 81 a of the Military Penal Code, cf. sections 83 and 86 of the present code, shall in the latter case be liable to imprisonment for a term of from one to 12 years and otherwise to detention or imprisonment for a term not exceeding 10 years, though in no case to a penalty exceeding two-thirds of the maximum penalty applicable to such a felony.

The same penalty shall apply to any person who

1. publicly encourages the commission of such a felony,
2. with the intent of committing such a felony has dealings with a foreign power,
3. with such intent usurps or exercises any military command, or assembles or keeps ready, or prepares to assemble or keep ready, soldiers or a group supplied with weapons or other equipment.
4. offers or undertakes to commit or receives money or other advantages for committing any such felony,
5. aids and abets any such act as is mentioned in this section.

Section 95. Any person who in the realm publicly insults the flag or national coat of arms of a foreign State, or who aids and abets thereto, shall be liable to fines or to detention or imprisonment for a term not exceeding one year.

The same penalty shall apply to any person who in the realm offends a foreign State by committing violence against or by threatening or offensive behaviour towards any representative of that State, or by intruding into, causing damage to, or soiling any area, building or room used by any such representative, or who aids and abets thereto.

Section 96. Sections 102 and 103 shall apply correspondingly to any foreign head of state. Sections 99, 100 and 101 are likewise applicable if the foreign head of state is present in the realm with the consent of the Norwegian State authorities.

If the felonies mentioned in chapters 21, 22 and 23 are committed against the envoy of a foreign State while he is staying in the realm, the custodial penalties otherwise provided may be increased by up to 50 per cent.

Section 97. Any person who during the forced occupation of Norwegian territory improperly seeks or utilises any connection with or protection from the occupying power or its helpers in order to obtain any benefit for himself or another person or for the furtherance of other purposes, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding three years. Under extenuating circumstances fines may be imposed.

The penalty may be increased to imprisonment for a term not exceeding 21 years when a public authority is obstructed in its activity, or when there is serious interference with public servants, the press, associations, institutions or private persons, or when important public interests are otherwise endangered.

Section 97 a. Any Norwegian national or person resident in Norway who from a foreign power or any party or organization acting in its interests, receives for himself or for any party or organization in this country economic support to influence public opinion concerning the country's form of government or foreign policy or for party purposes, or who aids and abets thereto, shall be liable to detention or imprisonment for a term not exceeding two years.

Section 97 b. Any person who against his better judgment or through gross negligence publicly spreads or reports to a foreign power false rumours or incorrect information which if they gain credence are likely to endanger the internal or external security of the realm, or any relationship to foreign powers, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding two years.

Section 97 c. For felonies contrary to the provisions of this chapter fines may be imposed in addition to custodial penalties.

Chapter 9. Felonies against the constitution of Norway and the head of state

Section 98. Any person who attempts to bring about any alteration of the constitution of Norway by illegal means, or who aids and abets thereto, shall be liable to detention or imprisonment for a term of not less than five years. If the act is committed by the use of armed force or by exploiting the fear of intervention by a foreign power, imprisonment for a term not exceeding 21 years may be imposed.

Section 99. Any person who by force, threats or other illegal means attempts to prevent the free exercise of authority by the King, the Regent, the Council of State, the Storting, or any of its divisions, the Supreme Court or the Court of Impeachment, shall be liable to imprisonment for a term not exceeding 15 years. The same penalty applies to any person who so acts against any member of the Council of State, the Storting or the Supreme Court. Any person who aids and abets such an offence shall be liable to the same penalty.

Section 98, second and third sentences, shall apply correspondingly.

Section 99 a. Any person who by the use of armed force or by exploiting the fear of intervention by a foreign power obstructs public authorities in their activities, or seriously interferes with public servants, the press, associations or institutions, or otherwise endangers important public interests, or who aids and abets thereto, shall be liable to detention or imprisonment for a term of not less than five years and not exceeding 21 years.

Fines may be imposed in addition to custodial penalties.

Section 100. Any person who brings about the death of the King or the Regent, or who aids and abets thereto, shall be liable to imprisonment for a term of 21 years.

The same penalty shall apply to an attempt.

Section 101. Any person who causes violence or any other assault against the King or the Regent, or who aids and abets thereto, shall be liable to imprisonment for a term of not less than two years. If considerable injury to body or health is caused or attempted, imprisonment for a term not exceeding 21 years may be imposed.

Any person who defames the King or the Regent shall be liable to detention or imprisonment for a term not exceeding five years.

Section 102. If any felony mentioned in chapters 19, 20, 21, 22 or 23 is committed against any member of the royal family, the custodial penalty prescribed for such felony may be doubled and imprisonment for a term not exceeding 21 years may be imposed if the usual penalty is as high as eight years' imprisonment.

Section 103. Prosecution of any defamation pursuant to sections 101 and 102 shall be initiated only by order of the King or with his consent.

Section 104. Any person committing acts of the kind mentioned in section 94 shall be liable to detention or imprisonment for a term not exceeding 10 years if he intended to commit a felony contrary to sections 98, 99 or 99 a, but to imprisonment for a term of from one to 12 years if he intended to commit a felony contrary to section 100 or contrary to section 81 a of the Military Penal Code, cf. sections 98 and 99 of the present code.

Section 104 a. Any person who forms or takes part in a private organization of a military character or who recruits members to or supports any such organization shall be liable to imprisonment for a term not exceeding two years. If the organization or its members control supplies of arms or explosives, if the organization has members under the age of 18, if it uses persons under the age of 18 during hostilities, or if there are other especially aggravating circumstances, the penalty shall be imprisonment for a term not exceeding six years.

The same penalty shall apply to any person who forms, takes part in, recruits members to or supports any association or organization whose aim is to disturb the social order or to obtain influence in public affairs by sabotage, the use of force or other illegal means, if the association or organization has taken steps to realize the aim by illegal means.

Chapter 10. Felonies concerning the exercise of civil rights

Section 105. Any person who by threats, by doing or promising a favour, by false inducements or by other improper means seeks to influence another person's behaviour or voting in public affairs or to prevent another person from voting, or who aids and abets thereto, shall be liable to detention for a term not exceeding three years. Under especially extenuating circumstances, fines may be imposed.

Section 106. Any person who when voting in public affairs votes in a certain way or abstains from voting or promises to vote in a certain way or to abstain from voting because of any favour agreed upon or received shall be liable to fines or imprisonment for a term not exceeding six months.

Section 107. Any person who by false pretences unlawfully gets himself or another person recognized as eligible to vote in public affairs or who fraudulently gets himself or another person admitted to unlawful participation in voting in such affairs, or who aids and abets thereto, shall be liable to detention for a term not exceeding three years.

The same penalty shall apply to any person who by unlawful conduct causes another person to vote otherwise than he intended to do, or to cast an invalid vote, or to abstain from voting, or who aids and abets thereto.

Under especially extenuating circumstances, fines may be imposed.

Section 108. Any person who by unlawful conduct causes the result of voting in public affairs to be distorted or lost, or any vote cast not to be counted, or who aids and abets thereto, shall be liable to detention for a term not exceeding four years.

Section 109. (Repealed by Act of 22 May 1953 No. 3.)

Chapter 11. Felonies in the public service

Section 110. A judge, juror, or assessor who in such capacity acts against his better judgment shall be liable to imprisonment for a term not exceeding five years.

If he thereby caused any person to be wrongfully subjected to a penalty or to a greater penalty than he deserved, or aided or abetted thereto, he shall be liable to imprisonment for a term of not less than two years.

If the felony has resulted in the execution of a death sentence or the serving of a custodial sentence for more than five years, imprisonment for a term not exceeding 21 years may be imposed.

Section 111. If a public servant demands for himself or another public servant or for the public authorities any unlawful tax, duty or remuneration for services rendered or receives what is mistakenly offered to him as due in this respect, he shall be liable to imprisonment for a term not exceeding five years.

If he keeps what he has received in good faith after his attention has been drawn to the mistake, he shall be liable to fines, loss of office, or imprisonment for a term not exceeding three months.

Section 112. (Repealed by Act of 4 July 2003 No. 79.)

Section 113. (Repealed by Act of 4 July 2003 No. 79.)

Section 114. (Repealed by Act of 4 July 2003 No. 79.)

Section 115. A public servant who in criminal proceedings uses illegal means in order to obtain evidence to a specific effect or a confession, shall be liable to fines, loss of office or detention for a term not exceeding two years.

Section 116. A public servant who carries out an illegal search of any house or person or an illegal seizure of any letter or telegram shall be liable to fines, loss of office, or detention for a term not exceeding two years.

Section 117. A public servant who unlawfully confines, imprisons, arrests or otherwise deprives of liberty, expels or deports any person, or who unlawfully extends any deprivation of liberty or increases its severity, shall be liable to imprisonment for a term not exceeding six years.

A public servant who unlawfully executes a death sentence shall be liable to imprisonment for a term of not less than two years but not exceeding 21 years.

Under especially extenuating circumstances, namely when the felony consists solely of disregarding the statutory procedure or exceeding the authority vested in the public servant concerned, fines, loss of office or detention for a term not exceeding two years may be imposed.

Section 117 a. Any person who commits torture shall be liable to imprisonment for a term not exceeding 15 years. In the case of aggravated and severe torture resulting in death, a sentence of imprisonment for a term not exceeding 21 years may be imposed. Any person who aids and abets such an offence shall be liable to the same penalty.

Torture here means that a public official inflicts on another person harm or severe physical or mental pain,

a) with the intention of obtaining information or a confession,
b) with the intention of punishing, threatening or compelling someone, or
c) because of the person's creed, race, skin colour, sex, homosexual inclination, lifestyle or orientation or national or ethnic origin.

In this provision public official means anyone who

a) exercises public authority on behalf of a state or municipality, or
b) performs a service or work that a state or municipality shall pursuant to a statute or regulation appoint someone to perform or wholly or partly pay for.

Torture also includes any acts referred to in the second paragraph committed by a person who acts at the instigation of or with the express or implied consent of a public official.

Section 118. A public servant who by abuse of his office prevents any person's being legally convicted or sentenced to a deserved penalty, or who, except in prescribed cases or in the manner authorized by law, omits to prosecute an offence, shall be liable to loss of office or to detention or imprisonment for a term not exceeding three years.

Under especially extenuating circumstances fines may be imposed.

Section 119. A public servant who by dereliction of his official duty causes the escape of a person charged or convicted, or any failure to enforce a penalty imposed, or enforcement of a milder penalty than that imposed shall be liable to loss of office or to detention or imprisonment for a term not exceeding five years.

Under especially extenuating circumstances fines may be imposed.

Section 120. If a public servant in any record pertaining to his office makes a false entry or conceals the truth, or if he in preparing any official copy, telegram or telephone message or in stamping, marking or any other official attestation which is issued to serve as evidence makes or attests any false statement or conceals the truth, he shall be liable to loss of office or to imprisonment for a term not exceeding three years, but not exceeding six years if he has acted for the purpose of obtaining for himself or another an unlawful gain or injuring any person.

Section 121. Any person who wilfully or through gross negligence violates a duty of secrecy which in accordance with any statutory provision or valid directive is a consequence of his service or work for any state or municipal body shall be liable to fines or imprisonment for a term not exceeding six months.

If he commits such breach of duty for the purpose of acquiring for himself or another person an unlawful gain or if for such a purpose he in any other way uses information that is subject to a duty of secrecy, he shall be liable to imprisonment for a term not exceeding three years. The same applies when there are other especially aggravating circumstances.

This provision also applies to any breach of the duty of secrecy committed after the person concerned has concluded his service or work.

Section 122. A public servant who unlawfully opens or permits any person to open a letter entrusted to him by virtue of his office shall be liable to loss

of office or to imprisonment for a term not exceeding three years, but not exceeding six years if he commits the felony for the purpose of obtaining an unlawful gain for himself or another person.

Section 123. If a public servant misuses his position so as to violate any person's right by performing or omitting to perform an official act, he shall be liable to fines or to loss of office or to imprisonment for a term not exceeding one year.

If he has acted for the purpose of obtaining an unlawful gain for himself or another person, or if considerable injury or violation of rights has been wilfully caused by the felony, he shall be liable to imprisonment for a term not exceeding five years.

Section 124. A public servant who unlawfully uses his office to induce or to attempt to induce any person to do, tolerate or omit to do anything shall be liable to fines or loss of office.

Section 125. A public servant who misleads or incites any official subordinate to him or under his supervision in the public service to commit a felony in this service, or who assists him therein or knowingly lets him commit such felony, or who abuses his office to incite another public servant to commit a felony in the public service or to assist him therein shall be liable to the same penalty as the latter.

Such penalty shall apply regardless of whether the other public servant is not criminally liable because of good faith or for any other reason.

Section 126. (Repealed by Act of 22 May 1953 No. 3.)

Chapter 12. Felonies against public authority

Section 127. Any person who by violence attempts to induce a public servant to perform or omit to perform an official act or to obstruct any such performance, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding three years, but not exceeding five years if he commits the felony in concert with another person.

If the public servant has through improper conduct caused the felony, he shall be liable to fines or imprisonment for a term not exceeding one year. Under especially extenuating circumstances, the penalty may be remitted.

Railway employees, military guardsmen, and any person who in the course of duty or on request assists a public servant shall be regarded as public servants.

In the event of reciprocity the King may decide that the above penalties shall also be applicable to felonies committed against the public authorities of another country.

Section 128. Any person who by threats attempts to induce a public servant unlawfully to perform or fail to perform an official act, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding one year.

Foreign public officials and officials of intergovernmental organizations shall also be regarded as public servants pursuant to the first paragraph.

The provisions of section 127, third paragraph, shall apply correspondingly.

Section 129. Any person who without being so authorized exercises any public authority, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding six months, but not exceeding two years if he has acted for the purpose of obtaining an unlawful gain for himself or another or of injuring another person.

Section 130. Any person who against his better judgment publicly attributes to any of the State authorities or any other public authority acts that they have not committed, or who gives a misleading account of the circumstances under which or the way in which they have acted, or who aids and abets thereto, shall be liable to fines or to detention or imprisonment for a term not exceeding one year.

If the incorrect allegation is made with intent to harm the general reputation of the authority concerned, the same penalty shall also apply when the allegation is made through gross negligence.

If the felony is committed against the Storting, one of its divisions, committees or officials, a prosecution will only be instituted on the application of the Storting. Otherwise a prosecution will be instituted on the application of the government ministry concerned or pursuant to the King's decision.

Section 131. Any person who causes another person who has been convicted of or charged with a criminal offence and legally detained to be unlawfully released or to escape from a place of custody or from his custodian, or who aids and abets thereto, shall be liable to detention or imprisonment for a term not exceeding three years, but not exceeding five years if it is a case of a prisoner who has been convicted of or charged with a felony that is punishable with imprisonment for a term not exceeding 21 years.

Under especially extenuating circumstances fines may be imposed.

Section 132. Any person who with intent to obstruct any public investigation undertaken or to be undertaken concerning any criminal offence causes the destruction, concealment or distortion of any object of importance to any such investigation, or otherwise obliterates any traces of the offence, or who aids and abets thereto, shall be liable to fines or to detention or imprisonment for a term not exceeding two years.

The same penalty shall apply to any person who causes another person to evade prosecution or any penalty for a criminal offence or special sanction, by escape, concealment, or disguise, or who aids and abets thereto.

No penalty shall apply to any person who has acted with intent to evade or to enable any of his next-of-kin to evade prosecution, or any penalty or special sanction.

Section 132 a. Any person who by means of violence, threats, damage or other unlawful conduct aimed at a participator in the administration of justice or any of his next-of-kin

a) abehaves in such a way as is likely to influence the participator to perform or omit to perform an act, task or service in connection with a criminal or civil case, or
b) retaliates for any act, task or service which the participator has performed in connection with a criminal or civil case

shall be liable to a penalty for obstruction of the administration of justice.

A participator in the administration of justice means any person who

a) has reported a criminal matter or has brought an action in a civil case,
b) has made a statement to the police or to the court,
c) works or performs a service for the police, the prosecuting authority, the court or the correctional services,
d) is a defence counsel, counsel for the aggrieved person or legal representative, or
e) is considering the performance of such an act or the undertaking of such a task or such a service.

Any person who aids and abets such an offence shall be liable to the same penalty.

Obstruction of the administration of justice shall be punishable by imprisonment for a term not exceeding five years. If the act is committed under especially aggravating circumstances, a sentence of imprisonment for a term not exceeding ten years may be imposed. In deciding whether especially aggravating circumstances subsist, particular importance shall be attached to whether the offence has endangered any person's life or health, has been committed on more than one occasion, or by two or more persons jointly, or is of a systematic or organized nature.

Grossly negligent obstruction of the administration of justice shall be punishable by imprisonment for a term not exceeding five years.

Section 132 b. Any person who contravenes an order of secrecy made pursuant to sections 200 a, 208 a, 210 a, cf. 208 a or 210 c, of the Criminal Procedure Act, or section 24, second paragraph, of the Police Act, shall be liable to fines or imprisonment for a term not exceeding two years.

Section 133. Any person who without the King's permission recruits troops in the realm for foreign military service, or who aids and abets thereto, shall be liable to fines or to detention for a term not exceeding one year.

Section 134. Any person who with intent to evade military service in Norway renders himself unfit for such service by mutilation or in any other way, or who aids and abets wilfully rendering another person unfit for military service, shall be liable to imprisonment for a term not exceeding one year.

Any person who aids and abets the desertion or failure to report for military service of a person who has been drafted into the Norwegian armed forces, or the commission of a criminal offence punishable according to military law with imprisonment for a term of two years or a more severe penalty, shall be liable to fines or to detention or imprisonment for a term not exceeding one year.

The penalty prescribed in the second paragraph shall also apply to any person who publicly seeks to arouse in any member of the armed forces aversion to military service or hatred for military superiors or senior officers.

Chapter 13. Felonies against the general order and peace

Section 135. Any person who endangers the general peace by publicly insulting or provoking hatred of the Constitution or any public authority or by publicly stirring up one part of the population against another, or who aids and abets thereto, shall be liable to fines or to detention or imprisonment for a term not exceeding one year.

Section 135 a. Any person who wilfully or through gross negligence publicly utters a discriminatory or hateful expression shall be liable to fines or imprisonment for a term not exceeding three years. An expression that is uttered in such a way that it is likely to reach a large number of persons shall be deemed equivalent to a publicly uttered expression, cf. section 7, No. 2. The use of symbols shall also be deemed to be an expression. Any person who aids and abets such an offence shall be liable to the same penalty.

A discriminatory or hateful expression here means threatening or insulting anyone, or inciting hatred or persecution of or contempt for anyone because of his or her

a) skin colour or national or ethnic origin,
b) religion or life stance, or
c) homosexuality, lifestyle or orientation.

Section 136. Any person who causes the occurrence of a riot with intent to use violence against persons or property or to threaten therewith, or who aids and abets the causing of such a riot, or who during a riot in which such intent is revealed acts as a leader, shall be liable to imprisonment for a term not exceeding three years.

If during a riot any such felony against persons or property is committed as is thereby intended, or is revealed by the participants therein to be intended, or if any felony against public authority is committed, the above-mentioned persons as well as any person participating in the felony shall be liable to imprisonment for a term of not less than two months and not more than five years, but to the penalty provided for the felony increased by up to 50 per cent if a more severe penalty thereby results.

Section 137. Any person who remains present or who aids and abets another person to remain present in such a riot as is mentioned in section 136 after an order to leave peacefully has been pronounced by the authorities shall be liable to imprisonment for a term not exceeding three months, but not

exceeding two years if while he is present any felony is committed against the public authorities or any such felony against persons or property as is intended by the riot, or is revealed by the participants therein to be intended.

Section 138. Any person who causes the unlawful prevention or interruption of a public function, public religious meeting, ecclesiastical act, public instruction or teaching in schools, an auction or a public meeting called for a common purpose, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding six months.

Section 139. Any person who fails to try to prevent, by timely warning to the proper authorities or otherwise, any mutiny, war-time treason, espionage, or plot for the purpose of desertion punishable according to military law, or any felony contrary to the Act relating to defence secrets, sections 1, 2, 3 or 4, or any felony mentioned in sections 83, 84, 86, 87, No. 2, 90, 91, 92, 93, 94, 98, 99, 99 a, 100, 104 a, 148, 149, 150, 151 a, 152, 153, 154, 159, 169, 192, 195, 197, 199, 217, 223 second paragraph, 225, 231, 233, 234, 243, 267, 268 or 269 of this code, or the results of any such felony, although he has received reliable information that the felony was impending or being committed at a time when the felony or its consequences could still have been prevented, shall be liable to fines or to detention or imprisonment for a term not exceeding one year. In the case of a felony contrary to sections 197 and 199, however, such obligation only applies when the aggrieved person is under 16 years of age.

A person shall not, however, be liable to a penalty if the felony is not completed or no punishable attempt is made, or if it could not be prevented without exposing himself, or one of his next-of-kin or an innocent person to prosecution or risk to life, health, or welfare.

Any superior who has failed to prevent a felony committed in his service, as far as he was able to do so, shall be liable to the same penalty, but in no case shall the penalty exceed the penalty prescribed for the felony.

Section 140. Any person who publicly urges or instigates the commission of a criminal act or extols such an act or offers to commit or to assist in the commission of it, or who aids and abets such urging, instigation, extolling, or offer, shall be liable to fines or to detention or imprisonment for a term not exceeding eight years, but in no case to a custodial penalty exceeding two-thirds of the maximum applicable to the act itself.

Criminal acts shall here include acts the commission of which it is criminal to induce or instigate.

Section 141. Any person who by false inducements or other underhand conduct misleads another person to emigrate from the realm, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding one year.

Section 142. Any person who by word or deed publicly insults or in an offensive or injurious manner shows contempt for any creed whose practice is permitted in the realm or for the doctrines or worship of any religious community lawfully existing here, or who aids and abets thereto, shall be liable to fines or to detention or imprisonment for a term not exceeding six months.

A prosecution will only be instituted when it is required in the public interest.

Section 143. Any person who mistreats a corpse or unlawfully takes possession of a corpse in another's custody, or who without authority exhumes or removes a buried corpse, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding two years. Under especially extenuating circumstances fines may be imposed.

Any person who removes a corpse or takes any object from a corpse, a grave, or a monument with the intent of obtaining by such appropriation an unlawful gain for himself or another person, or who aids and abets thereto, shall be punished according to the provisions of chapter 24, regardless of whether the corpse or the object is the property of any person.

Section 144. Clergymen of the Church of Norway, priests or pastors in registered religious communities, lawyers, defence counsel in criminal cases, conciliators in matrimonial cases, medical practitioners, psychologists, chemists, midwives and nurses, as well as their subordinates or assistants, who unlawfully reveal secrets confided to them or their superiors in the course of duty, shall be liable to fines or imprisonment for a term not exceeding six months.

A public prosecution will only be instituted when requested by the aggrieved person or required in the public interest.

Section 145. Any person who unlawfully opens a letter or other closed document or in a similar manner gains access to its contents, or who breaks into another person's locked repository shall be liable to fines or imprisonment for a term not exceeding six months or to both.

The same penalty shall apply to any person who unlawfully obtains data or software which are stored or transferred by electronic or other technical means.

If damage is caused by the acquisition or use of such unlawful knowledge, or if the felony is committed for the purpose of obtaining for any person an unlawful gain, imprisonment for a term not exceeding two years may be imposed.

Any person who aids and abets such an offence shall be liable to the same penalty.

A public prosecution will only be instituted when it is required in the public interest.

Section 145 a. Any person who

1. by means of concealed auditory apparatus listens in to any telephone conversation or other conversation between other persons, or to proceedings in a closed meeting in which he is not himself participating, or
2. by means of a tape-recorder or other technical device secretly records any such conversation as is mentioned above or any proceedings in a closed meeting in which he is not himself participating, or to which he has gained admission by false pretences or by stealth, or
3. furnishes any auditory apparatus, tape-recorder, or other technical device for the above-mentioned purpose

shall be liable to fines or imprisonment for a term not exceeding six months.

Any person who aids and abets such an offence shall be liable to the same penalty.

A public prosecution will only be instituted when it is required in the public interest.

Section 145 b. Any person who unlawfully makes available to other persons passwords or other data that may provide access to a data system shall for disseminating access data be liable to fines or imprisonment for a term not exceeding six months or to both.

Aggravated dissemination of access data shall be punishable by imprisonment for a term not exceeding two years. In deciding whether the dissemination is aggravated, particular importance shall be attached to whether the data may give access to sensitive information, whether the

dissemination is comprehensive and whether the act otherwise creates a risk of considerable harm.

Any person who aids and abets such an offence shall be liable to the same penalty.

Section 146. Any person who unlawfully causes a written message addressed to another person not to be delivered or not to reach in good time the person concerned, by destroying it, concealing it, or keeping it back, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding one year.

If the offender causes damage by the felony, or if he has acted with the intent of obtaining an unlawful gain for himself or another person, he shall be liable to imprisonment for a term not exceeding three years.

A public prosecution will only be instituted when requested by the aggrieved person.

Section 147. If any person unlawfully breaks into or assists another to break into a building, vessel, railway carriage, motor vehicle, or aircraft or into any room therein or into a closed courtyard or similar storage place or place of sojourn by damaging any object designed for protection against intruders, or by means of a picklock, false key, or key unlawfully taken from the possessor, is guilty of burglary.

Any person who is guilty of burglary, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding one year. If the felony is committed by an armed person, or by two or more persons acting in concert, imprisonment for a term not exceeding two years may be imposed, but not exceeding four years if it is committed with the intent to prepare the way for another felony.

The same penalty shall apply to any person who by violent or threatening conduct seeks forcibly to gain for himself or another unlawful admission to or to remain in such a place, or who unlawfully sneaks into an inhabited building or room which is usually kept closed at night for the purpose of being locked in there, or who by means of a disguise or a pretence or misuse of some public capacity or order, or by use of a document that is false or belongs to another person, obtains for himself or another person unlawful admission to or an opportunity to remain in an inhabited building or room, or who aids and abets thereto.

Chapter 14. Felonies against public safety

Section 147 a. Any criminal act mentioned in section 148, 151 a, 151 b first paragraph, cf. third paragraph, 152 second paragraph, 152 a second paragraph, 152 b, 153 first to third paragraphs, 153 a, 154, 223 second paragraph, 224, 225 first or second paragraph, 231, cf. 232, or 233[1] is considered to be a terrorist act and is punishable by imprisonment for a term not exceeding 21 years when such act has been committed with the intention of

a) seriously disrupting a function of vital importance to society, such as legislative, executive or judicial authority, power supply, safe supply of food or water, the bank or monetary system or emergency medical services or disease control,
b) seriously intimidating a population, or
c) unlawfully compelling public authorities or an intergovernmental organization to perform, tolerate or abstain from performing any act of substantial importance for the country or the organization, or for another country or another intergovernmental organization.

No penalty less than the minimum penalty prescribed in the penal provisions mentioned in the first sentence may be imposed.

Any person who, with such intent as is mentioned in the first paragraph, threatens to commit such criminal act as is mentioned in the first paragraph under such circumstances that the threat is likely to provoke serious intimidation shall be liable to imprisonment for a term not exceeding 12 years. If the threat has such consequences as are mentioned in the first paragraph (a), (b) or (c), a sentence of imprisonment for a term not exceeding 21 years may be imposed. Any person who aids and abets such an offence shall be liable to the same penalty.

Any person who plans or prepares such terrorist act as is mentioned in the first paragraph by conspiring with another person for the purpose of committing such an act shall be liable to imprisonment for a term not exceeding 12 years.

Section 147 b. Any person who obtains or collects funds or other assets with the intention that such assets should be used, in full or in part, to finance terrorist acts or any other contraventions of the provisions of section 147 a shall be liable to imprisonment for a term not exceeding 10 years.

---

[1] The sections referred to in section 147 a are set out below.

Any person who makes funds or other assets, or bank services or other financial services, available to any of the following shall be liable to the same penalty

a) a person or enterprise that commits or attempts to commit any offence mentioned in section 147 a.
b) any enterprise owned or controlled by such person or enterprise as is mentioned in a above, or
c) any person or enterprise that acts on behalf of or at the direction of such person or enterprise as is mentioned in (a) or (b) above.

Any person who aids and abets such an offence shall be liable to the same penalty.

Section 148. Any person who causes any fire, collapse, explosion, flood, maritime damage, railway accident or aircraft accident which may easily result in loss of human life or extensive destruction of another person's property, or who aids and abets thereto, shall be liable to imprisonment for a term of not less than two years and not exceeding 21 years, but not less than five years if as a result of the felony any person dies or is seriously injured in body or health.

An attempt may be subject to the same penalty as a completed felony.

Section 149. Any person who tries to hinder the prevention or combating of any such accident as is referred to in section 148 when it occurs or when he knows that it is imminent, by destruction, damage, or removal of equipment or otherwise, or who aids and abets thereto, shall be liable to imprisonment for a term of not less than one year.

Section 150. Any person who causes any such danger as is mentioned in section 148

a) by omitting to perform any special duty incumbent on him,
b) by unlawfully destroying, removing or damaging any object or guiding signal,
c) by giving or setting a false signal,
d) by placing any obstruction in a seaway,
e) by interfering with the safe operation of a ship, railway, aircraft or any installations or constructions on the continental shelf, or
f) by aiding and abetting any such conduct as is mentioned under (a) to (e)

shall be liable to imprisonment for a term not exceeding six years.

If any such accident as is mentioned in section 148 is caused, imprisonment for a term not exceeding 12 years shall be imposed.

An attempt may be subject to the same penalty as a completed felony.

If any person has committed any of the above-mentioned acts without being aware of the danger or negligently, he shall be liable to fines or imprisonment for a term not exceeding one year.

Section 151. If any such fire, collapse, explosion, flood, maritime damage, railway accident or aircraft accident as is referred to in section 148 is caused by negligence, the offender shall be liable to fines or imprisonment for a term not exceeding three years.

Section 151 a. Any person who on board a ship or aircraft by violence, threats or otherwise unlawfully and forcibly takes control of the vessel or aircraft or otherwise interferes with its sailing or flying shall be liable to imprisonment for a term of not less than two years and not exceeding 21 years. The same penalty shall apply to any person who by similar means unlawfully and forcibly takes control of any installation or construction on the continental shelf. Under especially extenuating circumstances the penalty may be reduced below the prescribed minimum.

Any person who aids and abets such an offence shall be liable to the same penalty.

An attempt may be subject to the same penalty as a completed felony.

Section 151 b. Any person who by destroying, damaging, or putting out of action any data collection or any installation for supplying power, broadcasting, electronic communication, or transport causes comprehensive disturbance in the public administration or in community life in general shall be liable to imprisonment for a term not exceeding 10 years.

Negligent acts of the kind mentioned in the first paragraph shall be punishable by fines or imprisonment for a term not exceeding one year.

Any person who aids and abets such an offence shall be liable to the same penalty.

Section 152. Any person who unlawfully adds noxious substances to reservoirs or water-courses from which drinking-water is supplied to people or livestock, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding five years.

If general danger is thereby caused to human life or health, the penalty shall be imprisonment for a term not exceeding 21 years, and if any person's death or considerable injury to body or health results, imprisonment for a term of not less than one year and not exceeding 21 years.

Negligent acts of the kind mentioned in the preceding paragraph shall be punishable by fines or imprisonment for a term not exceeding one year.

Section 152 a. Any person who without lawful permission receives, possesses, uses, transfers, alters, disposes of or distributes any material consisting of or containing plutonium or uranium and thereby causes a risk of damage to any person's body, health, property or living environment, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding four years.

Any person who causes any such risk mentioned in the first paragraph as may easily cause loss of human life or extensive destruction of another person's property shall be liable to the penalty prescribed in section 148. Any person who aids and abets such an offence shall be liable to the same penalty.

Section 152 b. Any person who wilfully or through gross negligence

1. pollutes air, water, or soil so that considerable harm or the threat of such harm is inflicted on the environment in an area, or
2. stores, leaves or empties waste or other substances with imminent risk of such consequences as are mentioned in No. 1

shall be liable to imprisonment for a term not exceeding 10 years. If any person's death or considerable harm to body or health has resulted therefrom, imprisonment for a term not exceeding 15 years may be imposed.

Any person who wilfully or through gross negligence

1. diminishes a natural population of protected living organisms which nationally or internationally are threatened by extinction, or
2. inflicts considerable harm on an area that is protected by an administrative decision pursuant to chapter III of the Nature Conservation Act, section 7 of the Wildlife Act, chapter 3 of the Act relating to the environment of Svalbard, section 2 of the Act relating to Jan Mayen or section 2 of the Act relating to Bouvet Island, Peter I's Island and Dronning Maud's Land, etc., or
3. inflicts considerable harm on cultural monuments or cultural environments of particular national or international importance.

shall be liable to imprisonment for a term not exceeding six years.

Any person who aids and abets such an offence shall be liable to the same penalty.

Section 153. Any person who adds poison or other such substances to any product intended for general use or sale so that the product cannot be used for the purpose intended without causing a person's death or injuring his health, or who otherwise causes any poisoning that involves general danger to life or health, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding 21 years.

The same penalty shall apply to any person who, while concealing the nature of the products, sells, offers for sale or otherwise tries to distribute such products to which poisonous or other dangerous substances have been added as are mentioned above, or who aids and abets thereto.

If any person's death or considerable injury to his body or health is thereby caused, the penalty shall be imprisonment for a term of not less than one year and not exceeding 21 years.

Any person who, while concealing the nature of the products, offers for sale, sells or otherwise tries to distribute as foodstuff for people or livestock or for other use products which are likely to injure health when used as intended, shall be liable to imprisonment for a term not exceeding five years. Any person who aids and abets such an offence shall be liable to the same penalty.

Negligent acts of the kind referred to in the first paragraph shall be punishable by fines or imprisonment for a term not exceeding one year.

Section 153 a. Any person who develops, produces, stores or otherwise obtains or possesses:

1. bacteriological or other biological substances, genetically modified organisms or toxins regardless of their origin or method of production, of such a kind and in such quantities that they are not justified for preventive, protective or other peaceful purposes, or
2. weapons, equipment or means of dissemination made for using such substances, organisms or toxins as are mentioned in No. 1 for hostile purposes or in armed conflict,

shall be liable to imprisonment for a term not exceeding 10 years.

Any person who aids and abets such an offence shall be liable to the same penalty.

Section 154. Any person who causes the introduction or general spreading of a dangerous contagious disease among people, livestock, or plants, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding 10 years. Under especially extenuating circumstances fines may be imposed.

If such an act as is mentioned in the first paragraph has caused a person's death or considerable injury to his body or health, the penalty shall be imprisonment for a term of not less than five years and not exceeding 21 years.

Section 154 a. Any person who wilfully or negligently spreads wrong or misleading information that may to a considerable degree obstruct the implementation of measures necessary to prevent, stop or limit serious outbreaks of a generally contagious disease shall be liable to fines or to imprisonment for a term not exceeding two years. Any person who aids and abets such an offence shall be liable to the same penalty.

Section 155. Any person who, having sufficient cause to believe that he is a bearer of a generally contagious disease, wilfully or negligently infects or exposes another person to the risk of infection shall be liable to imprisonment for a term not exceeding six years if the offence is committed wilfully and to imprisonment for a term not exceeding three years if the offence is committed negligently. Any person who aids and abets such an offence shall be liable to the same penalty. If the aggrieved person is one of the offender's next-of-kin, a public prosecution shall be instituted only at the request of the aggrieved person unless it is required in the public interest.

Section 156. Any person who, knowing that he thereby causes a risk of a contagious disease being introduced or generally spreading among people or livestock, contravenes the regulations legally prescribed for the prevention or combating of such disease, or any individual decision made pursuant to the Act relating to Control of Communicable Diseases, shall be liable to fines or to imprisonment for a term not exceeding two years, but not exceeding four years if as a result thereof any person dies or receives considerable injury to body or health. Any person who aids and abets such an offence shall be liable to the same penalty. Contravention of section 5-1 of the Act relating to Control of Communicable Diseases shall not, however, be punishable.

Section 157. Any person who knowing that he thereby endangers the life or health of other persons

1. sells, offers for sale or otherwise tries to distribute among the public as medicine or prophylactics any products that are devoid of the qualities stated, or

2. in medical practice employs any method of treatment which is unsuitable for curing or counteracting disease,

shall be liable to imprisonment for a term not exceeding six years, but not less than one year if any person's death or considerable injury to body or health is thereby caused.

Any person who aids and abets such an offence shall be liable to the same penalty.

Section 158. Any person who by breach of any obligations he has assumed or by spreading false rumours brings about famine or scarcity of necessities, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding eight years.

Section 159. Any person who conspires with anyone with intent to commit any of the felonies or kinds of felony referred to in sections 148, 151 a, 151 b, first paragraph, 152 second paragraph, 153 first, second or third paragraph, or 154, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding 10 years.

Section 160. Any person who publicly gives or offers instruction in the use of explosives or poison as a means to commit felonies, or who threatens to commit or publicly incites the commission of felonies by such means, or who aids and abets any such felony, shall be liable to imprisonment for a term not exceeding 10 years.

Section 161. Any person who with intent to commit a felony procures, manufactures or stores

a) firearms, weapon parts, ammunition or explosives, or
b) special tools for the manufacture or use of such objects

shall be liable to imprisonment for a term not exceeding six years.

Under especially aggravating circumstances a sentence of imprisonment for a term not exceeding 10 years may be imposed.

Any person who aids and abets such an offence shall be liable to the same penalty.

Section 162. Any person who unlawfully manufactures, imports, exports, acquires, stores, sends or conveys any substance that pursuant to statutory

provision is deemed to be a drug shall be guilty of a drug felony and liable to fines or imprisonment for a term not exceeding two years.

An aggravated drug felony shall be punishable by imprisonment for a term not exceeding 10 years. In deciding whether the offence is aggravated particular importance shall be attached to what sort of substance is involved, its quantity, and the nature of the offence.

If a very considerable quantity is involved in the offence, the penalty shall be imprisonment for a term of not less than three years and not exceeding 15 years. Under especially aggravating circumstances a sentence of imprisonment for a term not exceeding 21 years may be imposed.

A drug felony committed negligently shall be punishable by fines or imprisonment for a term not exceeding two years.

Any person who aids and abets a drug felony shall be liable to the same penalty.

Fines may be imposed in addition to imprisonment.

Section 162 a. (Repealed by Act of 11 June 1993 No. 76.)

Section 162 b. Any person who unlawfully manufactures, imports, exports, stores, sends or conveys any substance that pursuant to provisions made by the King is deemed to be a means of doping shall be guilty of a doping felony and liable to fines or imprisonment for a term not exceeding two years.

The penalty for an aggravated doping felony shall be imprisonment for a term not exceeding six years. In deciding whether the offence is aggravated, particular importance shall be attached to what sort of substance is concerned, its quantity and the nature of the offence.

A doping felony committed by negligence shall be punishable by fines or imprisonment for a term not exceeding two years.

Any person who aids and abets a doping felony or the use of a means of doping as specified in the first paragraph shall be penalized as otherwise provided in this section.

Section 162 c. Any person who conspires with another person to commit an act that is punishable by imprisonment for a term of not less than three years, and that is to be committed as part of the activity of an organized criminal group, shall be liable to imprisonment for a term not exceeding three years unless the offence comes under a more severe penal provision. An increase of the maximum penalty in the case of a repeated offence or a concurrence of felonies is not to be taken into account.

An organized criminal group is here defined as an organized group of three or more persons whose main purpose is to commit an act that is punishable by imprisonment for a term of not less than three years, or whose activity substantially consists of committing such acts.

Chapter 15. False testimony

Section 163. Any person who gives false testimony in court after making an affirmation shall be liable to imprisonment for a term not exceeding five years.

The same penalty shall apply to any person who gives false testimony outside court after making an affirmation in cases in which the use of an affirmation is legally authorized.

Section 164. (Repealed by Act of 14 June 1985 No. 71.)

Section 165. The penalty prescribed in section 163 shall also apply to any person who causes testimony known to him to be false to be given by another person after making an affirmation in a case mentioned in the said section, or who aids and abets thereto.

Section 166. Any person who gives false testimony in court or before a notary public or in any statement presented to the court by him as a party to or legal representative in a case, or who orally or in writing gives false testimony to any public authority in a case in which he is obliged to give such testimony, or where the testimony is intended to serve as proof, shall be liable to fines or imprisonment for a term not exceeding two years.

The same penalty shall apply to any person who causes testimony known to him to be false to be given by another person in any of the above-mentioned cases, or who aids and abets thereto.

Section 167. No penalty pursuant to sections 163 and 166 shall be applicable to any person who when charged with a criminal offence has given false testimony.

The same applies when any person gives false testimony if he could not tell the truth without exposing himself or any of his next-of-kin to a penalty or loss of public esteem. Any person who has given false testimony after

making an affirmation in such a case shall nevertheless be liable to fines or imprisonment for a term not exceeding two years. If the person concerned had a duty to testify despite the fact that this could expose him or any of his next-of-kin to loss of public esteem, sections 163 and 166 shall apply in the ordinary way.

Section 166 shall not be applicable to statements concerning circumstances which form the basis for taxation.

Chapter 16. False accusation

Section 168. Any person who by false accusation, report, or testimony before a court, the prosecuting authority or any other public authority, or by distortion or removal of evidence or by procurement of false evidence or otherwise against his better judgment attempts to get another person charged with or convicted of a criminal offence, or who aids and abets thereto, shall, if such offence is a felony, be liable to imprisonment for a term of not less than six months and not exceeding eight years, and, if the offence is a misdemeanour, to imprisonment for a term not exceeding four years.

Section 169. If by reason of any such felony as is mentioned in section 168 any person has received a custodial sentence that has wholly or partly been served, or a death sentence, the offender shall be liable to imprisonment for a term of not less than one year.

If as a result of the felony a death sentence has been executed or a custodial sentence has been served for more than five years, the offender may be liable to imprisonment for a term not exceeding 21 years.

Section 170. Any person who without reasonable ground for suspicion makes an accusation or report against another person in regard to a criminal offence to the court or the prosecuting authority, or who misleads another person into making such an accusation or report, shall be liable to fines or to detention or imprisonment for a term not exceeding one year.

A public prosecution will only be instituted when requested by the aggrieved person.

Section 171. Any person

1. who, against his better judgment reports to the court, the prosecuting authority, or any other public authority a criminal offence though no such

offence has been committed, or who commits any act aimed at arousing suspicion that such an offence has been committed, or who aids and abets thereto;

2. who falsely reports himself or any other person with the latter's consent as guilty of a criminal offence, or who aids and abets thereto,

shall be liable to fines or to detention or imprisonment for a term not exceeding one year.

Section 172. Any person who, although he could have done so without exposing himself, any of his next-of-kin, or any innocent person to prosecution or danger to life, health or welfare or to loss of public esteem, fails to report facts that prove that any person indicted for or convicted of a felony is innocent, or aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding one year.

Section 173. When any person is convicted pursuant to section 168, 169 or 170, it may on the application of the aggrieved person be stipulated in the judgment that either the judgment or the conclusion of the judgment shall by public arrangement be published in one or more public newspapers. To defray the costs thereby incurred the convicted person shall be obliged to pay a sum to be stipulated in the judgment.

Chapter 17. Counterfeiting of money

Section 174. Any person who counterfeits money current in Norway or abroad with the intent of uttering it or who obtains counterfeit money for such purpose, or who aids and abets thereto, shall be liable to imprisonment for a term not less than three years.

A shorter term of imprisonment may be imposed if only single coins or banknotes are obtained or counterfeited without using specially designed tools.

Section 175. Any person who files, clips or otherwise decreases the value of coins current in Norway or abroad with the intent of uttering them or who with such intent gives current money the appearance of a higher value than it really has or non-current money the appearance of being current, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding eight years.

Section 176. Any person who utters as genuine or unfalsified money that is counterfeited or falsified as described in section 174 or 175, or who aids and abets thereto, shall, in so far as he is not liable to conviction pursuant to either of these sections, be liable to imprisonment for a term not exceeding 10 and six years respectively.

If the person uttering the counterfeit or falsified money has himself received it in good faith, he shall be liable to fines or imprisonment for a term not exceeding six months.

The uttering of coins that have by filing, clipping or otherwise been reduced in weight shall not be punishable if the person concerned has received them in good faith as current.

Section 177. Any person who in preparation for any of the felonies referred to in section 174 or 175 fabricates or obtains tools or other objects which appear to be designed for the counterfeiting or falsification of money, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding six years.

Section 178. The above provisions concerning money shall also apply to printed securities made out to the bearer and issued by any person entitled to do so, as well as to certificates of dividends pertaining thereto.

The security shall be regarded as printed also when it contains a written signature or other single written words or figures.

Chapter 18. Forging of documents

Section 179. In this code a document means any object that in writing or otherwise contains a statement that is either of significance as evidence of any right, obligation or exemption therefrom or appears to be designed to serve as evidence.

Section 180. The unauthorized filling out of a paper or other object on which any person has signed his name, or the obtaining of a signature by means of an error whereby such signature is made on a different document or on a document of a content other than that intended, or the completing of a document by unwarranted use of a genuine seal, stamp or mark, shall be punishable as forgery.

Section 181. A document shall also be regarded as false if it is issued in the name of a non-existent person, or if the issuer wrongly ascribes to himself a position that substantially affects the evidential force of the document, or if the contents thereof have been altered by removal of a part thereof.

Section 182. Any person who with unlawful intent uses as genuine or unfalsified any document that is forged or falsified, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding two years, but not exceeding four years if the document in question is a Norwegian or foreign official document.

If the document has been used with the intent of obtaining evidence for a lawful claim or for protection against an unlawful claim, fines or imprisonment for a term not exceeding one year may be imposed.

Section 183. Any person who as means for the commission of a felony punishable by imprisonment for a term of two years or by a more severe penalty uses as genuine or unfalsified a document that is forged or falsified, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding five years.

Section 184. If the falsified document used with unlawful intent as unfalsified is a postage stamp or other such stamp, a certificate of admission, or travel ticket or similar object and an attempt is made to make it appear valid either to an extent beyond what really is the case, or after its validity has expired, the offender shall be liable to fines or imprisonment for a term not exceeding six months.

Section 185. Any person who falsifies a public record, or who aids and abets thereto, shall be penalized pursuant to section 182, but pursuant to section 183, if it is done as a means of committing a felony punishable by imprisonment for a term of two years or by a more severe penalty.

Any person who fabricates or procures a forged document in order to use it or have it used in a manner punishable pursuant to section 182 or 183, or who aids and abets thereto, or who with such intent falsifies a genuine document or obtains a falsified document, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding half that prescribed for the use of the document.

No penalty pursuant to this section shall be applicable if the offender is convicted pursuant to section 182 or 183.

Section 186. Any person who in preparation for the forging of a document fabricates or procures a false seal, stamp or mark or other object that appears to be designed for use in forgery or falsification, or who with such intent appropriates a genuine seal, stamp or mark, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three years.

Section 187. Any person who with unlawful intent refuses to acknowledge his signature on any document, or who destroys, conceals or wholly or partly renders a document useless, or who aids and abets thereto, shall be penalized according to section 182, but according to section 183 if it is done as a means of committing a felony punishable by imprisonment for a term of two years or by a more severe penalty.

Section 188. Any person who with unlawful intent removes, moves or destroys a boundary stone or other mark for land or land rights, or who sets up a false boundary stone or mark, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding five years.

If the act is committed with the intent of obtaining evidence for a lawful claim or for protection against an unlawful claim, fines or imprisonment for a term not exceeding one year may be imposed.

Section 189. Any person who in any Norwegian or foreign official document or book or in any medical certificate makes an incorrect statement concerning any event or circumstance for which the statement is intended to serve as evidence, or who causes such a statement to be made, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding one year, but not exceeding three years if the intent was to obtain for himself or another an unlawful gain or to harm any person.

Section 190. Any person who uses as correct any such statement as is mentioned in section 189 shall be penalized as therein provided.

Chapter 19. Sexual offences

Section 191. (Repealed by Act of 15 February 1963 No. 2.)

Section 192. Any person who

a) engages in sexual activity by means of violence or threats, or
b) engages in sexual activity with any person who is unconscious or incapable for any other reason of resisting the act, or
c) by means of violence or threats compels any person to engage in sexual activity with another person, or to carry out similar acts with himself or herself,

shall be guilty of rape and liable to imprisonment for a term not exceeding 10 years. In deciding whether the offender made use of violence or threats or whether the aggrieved person was incapable of resisting the act, importance shall be attached to whether the aggrieved person was under 14 years of age.

A penalty of imprisonment for not less than two years shall be imposed if

a) the said activity was sexual intercourse, or
b) the offender has rendered a person in such a state as is specified in the first paragraph (b) in order to engage in sexual activity.

Imprisonment for a term not exceeding 21 years may be imposed if

a) the rape has been committed by two or more persons jointly,
b) the rape has been committed in a particularly painful or offensive manner,
c) the offender has previously been convicted and sentenced pursuant to this provision or section 195, or
d) as a result of the act the aggrieved person dies or sustains considerable injury to body or health.Sexually transmitted diseases and generally infectious diseases, cf. section 1-3, No. 3, cf. No. 1, of the Act relating to control of communicable diseases, shall always be deemed to be serious injury to body or health pursuant to this section.

Any person who through gross negligence is guilty of rape pursuant to the first paragraph is liable to imprisonment for a term not exceeding five years. If such circumstances as are specified in the third paragraph subsist, the penalty shall be imprisonment for a term not exceeding eight years.

Section 193. Any person who engages in or who aids and abets another person to engage in sexual activity by misuse of a position, or a relationship of dependence or trust shall be liable to imprisonment for a term not exceeding five years.

Any person who engages in or who aids and abets another person to engage in sexual activity by exploiting any person's mental illness or mental retardation shall be liable to the same penalty.

Section 194. Any person who engages in sexual activity with any person who is an inmate of or placed in any home or institution under the correctional services or the police or in an institution under the child welfare service and who is there subject to his authority or supervision, shall be liable to imprisonment for a term not exceeding five years.

The same penalty shall apply to any person who aids and abets another person to engage in sexual activity with any person with whom he himself has such a relationship.

Section 195. Any person who engages in sexual activity with a child who is under 14 years of age shall be liable to imprisonment for a term not exceeding 10 years. If the said activity was sexual intercourse the penalty shall be imprisonment for not less than two years.

Imprisonment for a term not exceeding 21 years may be imposed if

a) the act is committed by two or more persons jointly,
b) the act is committed in a particularly painful or offensive manner,
c) the act is committed against a child under 10 years of age and there have been repeated assaults,
d) the offender has previously been convicted and sentenced pursuant to this provision or section 192, or
e) as a result of the act the aggrieved person dies or sustains serious injury to body or health. Sexually transmitted diseases and generally infectious diseases, cf. section 1-3, No. 3, cf. No. 1, of the Act relating to control of communicable diseases, shall always be deemed to be considerable injury to body or health pursuant to this section.

Criminal liability shall not be excluded by any mistake made as regards age.

A penalty pursuant to this provision may be remitted or imposed below the minimum prescribed in the second sentence of the first paragraph if those who have engaged in the sexual activity are about equal as regards age and development.

Section 196. Any person who engages in sexual activity with a child who is under 16 years of age shall be liable to imprisonment for a term not exceeding five years.

Imprisonment for a term not exceeding 15 years may be imposed if

a) the act is committed by two or more persons jointly,
b) the act is committed in a particularly painful or offensive manner,
c) the offender has previously been convicted and sentenced pursuant to this provision or section 192 or 195, or
d) as a result of the act the aggrieved person dies or sustains considerable injury to body or health. Sexually transmitted diseases and generally infectious diseases, cf. section 1-3, No. 3, cf. No. 1, of the Act relating to control of communicable diseases, shall always be deemed to be considerable injury to body or health pursuant to this section.

Criminal liability shall not be excluded by any mistake made as regards age, unless there is no element of negligence in this respect.

A penalty pursuant to this provision may be remitted if those who have engaged in the sexual activity are about equal as regards age and development.

Section 197. Any person who engages in sexual activity with a blood relation in the descending line shall be liable to imprisonment for a term not exceeding five years. Both biological and adopted descendants shall be regarded as blood relations in the descending line.

Section 198. Any person who has sexual intercourse with a brother or sister shall be liable to imprisonment for a term not exceeding one year. No penalty shall, however, be imposed on persons under 18 years of age.

Section 199. Any person who engages in sexual activity with a foster-child, child in his care, step-child or any other person under 18 years of age who is under his care, or subject to his authority or supervision, shall be liable to imprisonment for a term not exceeding five years.

Any person who aids and abets another person to engage in sexual activity with any person with whom he himself has such a relationship shall be liable to the same penalty.

Section 200. Any person who commits a sexual act with any person who has not consented thereto shall be liable to fines or to imprisonment for a term not exceeding one year.

Any person who commits a sexual act with a child under 16 years of age shall be liable to imprisonment for a term not exceeding three years. Any person who misleads a child under 16 years of age to behave in a sexually

offensive or otherwise indecent manner as referred to in section 201 shall be liable to imprisonment for a term not exceeding three years.

In cases referred to in the second paragraph the offender may be sentenced to imprisonment for a term not exceeding six years if the act has been committed under especially aggravating circumstances. In deciding whether especially aggravating circumstances subsist, particular importance shall be attached to how long the relationship has endured, whether the act is a misuse of a blood relationship, care relationship, position, or relationship of dependence or close trust, and whether the act has been committed in a particularly painful or offensive manner.

Section 196, third and fourth paragraphs, shall apply correspondingly.

Section 201. Any person who by word or deed behaves in a sexually offensive or otherwise indecent manner

a) in a public place,
b) in the presence of or towards any person who has not consented thereto, or
c) in the presence of or towards children under 16 years of age,

shall be liable to fines or to imprisonment for a term not exceeding one year.

Section 202. Any person who

a) promotes the engagement of other persons in prostitution, or
b) lets premises on the understanding that such premises shall be used for prostitution or is grossly negligent in this respect,

shall be liable to fines or to imprisonment for a term not exceeding five years.

Any person who in a public announcement unambiguously offers, arranges or asks for prostitution shall be liable to fines or to imprisonment for a term not exceeding six months.

In this provision prostitution means that a person engages in sexual activity or commits a sexual act with another person for payment.

Section 203. Any person who for payment engages in sexual activity or commits a sexual act with a person under 18 years of age shall be liable to fines or to imprisonment for a term not exceeding two years.

Criminal liability shall not be excluded by any mistake made as regards age unless it is made in good faith without negligence.

Section 204. Any person who

a) publishes, sells or in any other way attempts to disseminate pornography,
b) imports pornography with intent to disseminate it,
c) delivers pornography to persons under 18 years of age, or
d) gives a public lecture or arranges a public performance or exhibition of a pornographic nature,

shall be liable to fines or imprisonment for a term not exceeding three years.

In this section pornography means sexual depictions that seem offensive or are in any other way likely to have a humanly degrading or corrupting effect, including sexual depictions involving the use of corpses, animals, violence and duress. Sexual depictions that must be regarded as justifiable for artistic, scientific, informational or similar purposes shall not be regarded as pornographic.

Any person who negligently commits any act referred to in the first paragraph shall be liable to fines or imprisonment for a term not exceeding six months. The same penalty shall apply to any proprietor or superior who wilfully or negligently fails to prevent the commission in any activity of any act referred to in the first paragraph.

This section shall not apply to any film or videogram that the Norwegian Media Authority has by prior control approved for commercial exhibition or sale.

Section 204 a. Any person who

a) produces, procures, imports, possesses, delivers to another person or for payment or systematically acquaints himself with any presentation of sexual abuse of children or any presentation of a sexual nature that involves children,
b) concerns himself with presentations of sexual abuse of children or presentations of a sexual nature that involve children in any other way as referred to in section 204, first paragraph, or
c) induces any person under 18 years of age to allow pictures of himself or herself to be taken as part of any commercial presentation of moving or non-moving pictures of a sexual nature, or produces such presentations depicting any person under 18 years of age,

shall be liable to fines or imprisonment for a term not exceeding three years.

In this section child means any person who is or who appears to be under 18 years of age.

Any person who negligently commits any act referred to in the first paragraph shall be liable to fines or imprisonment for a term not exceeding six months. The same penalty shall apply to any proprietor or superior who

wilfully or negligently fails to prevent the commission in any activity of any act referred to in the first paragraph.

The penalty may be remitted in the case of any person who takes and possesses a picture of a person who is between the ages of 16 and 18 years if the latter has consented thereto and both of them are about equal in age and development.

Section 204, second paragraph, second sentence, and fourth paragraph, shall apply correspondingly.

Section 205. Any penal provision in this chapter shall also apply to any person who aids and abets the act.

Section 206. When the term sexual intercourse is used in the provisions of this chapter, both vaginal and anal intercourse are meant. Insertion of the penis into the mouth and insertion of an object into the vagina or rectum shall be equated with sexual intercourse. In the case of acts referred to in section 195 insertion of the penis in and between the labia majora and the labia minora shall also be equated with sexual intercourse.

Section 207. When any person is found guilty of a criminal act pursuant to section 195, 196, 200, second paragraph, or 201 (c), the court shall consider passing a sentence of loss of civil rights pursuant to section 29.

Section 208. Any person who accuses any other person of having contravened sections 192 to 197, 200, third paragraph, or 205, cannot be held legally liable for such accusation pursuant to the provisions of chapter 23 of this code or section 3-6 of the Damages Act if such accusations are made

a) in a formal report, or
b) by the person who claims to be offended or by one of her or his next-of-kin in a confidential conversation with a person in whom it is natural to confide, in order to allay the consequences of the act.

The person making the report or claiming to be offended may, however, be legally liable if it was grossly negligent to assert that the information was true. The next-of-kin may be held legally liable if it was negligent to assert that the information was true.

Section 209. (Repealed by Act of 11 August 2000 No. 76.)

Section 210. (Repealed by Act of 15 February 1963 No. 2.)

Section 211-214. (Repealed by Act of 11 August 2000 No. 76.)

Chapter 20. Felonies concerning family relationships

Section 215. Any person who with unlawful intent attempts to deprive another person of the family status to which he is entitled or to acquire for himself or another person a false family status, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding six years. If there are especially extenuating circumstances, fines may be imposed.

This provision shall not apply in determining paternity pursuant to the Children Act.

Section 216. Any person who causes a minor to be unlawfully deprived of or kept deprived of his parents' or other authorized persons' care, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding three years.

If there are extenuating circumstances, fines may be imposed.

A public prosecution will only be instituted when requested by an aggrieved person.

Section 217. If the felony referred to in section 216 is committed against a child under 16 years of age for an indecent purpose, the offender shall be liable to imprisonment for a term of not less than six months and not exceeding six years, and not less than one year if the child is under 14 years of age.

Section 218. Any person who

1. employs a child under 16 years of age who is in his care or subject to his authority in a way that is harmful to the child's health, morals, or integrity, or permits such employment, or
2. by misuse of his authority causes any person under 18 years of age who is subordinate to him to be employed in such a manner,

or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding three years.

Any person who misleads or incites another person to commit any of the acts referred to above shall be liable to the same penalty.

Section 219. Any person who by threats, duress, deprivation of liberty, violence or any other wrong grossly or repeatedly maltreats

a) his or her former or present spouse,
b) his or her former or present spouse's kin in direct line of descent,
c) his or her kin in direct line of ascent,
d) any person in his or her household, or
e) any person in his or her care

shall be liable to imprisonment for a term not exceeding three years.

If the maltreatment is gross or the aggrieved person dies or sustains considerable harm to body or health as a result of the treatment, the penalty shall be imprisonment for a term not exceeding six years. In deciding whether the maltreatment is gross, particular importance shall be attached to whether it has endured for a long time and whether such circumstances as are referred to in section 232 are present.

Any person who aids and abets such an offence shall be liable to the same penalty.

Section 220. Any person who enters into, or who aids and abet another person to enter into a marriage or registered partnership with anyone who is under 16 years of age, shall be liable to imprisonment for a term not exceeding four years. Criminal liability shall not be excluded by any mistake made as regards age unless there has been no negligence in this respect. Any penalty may be remitted in the case of spouses or registered partners who are about equal in age and development.

Any person who enters into a marriage contrary to section 3 or 4 of the Marriage Act, or who enters into a partnership that is contrary to section 2, first paragraph, of the Registered Partnership Act, cf. section 3 of the Marriage Act, or section 2, first paragraph, second sentence, of the Registered Partnership Act, shall be liable to imprisonment for a term not exceeding four years. If the spouse or partner was unaware that the marriage or partnership had been entered into contrary to the said provisions, the offender shall be liable to imprisonment for a term not exceeding six years. Any person who aids and abets such an offence shall be liable to the same penalty.

Any person who causes a marriage or registered partnership that is invalid because of the forms used to be entered into with any person who is not aware of its invalidity, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding four years.

Section 221. (Repealed by Act of 4 July 1991 No. 47.)

Chapter 21. Felonies against personal liberty

Section 222. Any person who by unlawful conduct or by any threat thereof compels another person to do, submit to, or omit to do anything, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three years. If there are especially aggravating circumstances, cf. section 232, third sentence, imprisonment for a term not exceeding six years may be imposed.

Any person who by force, deprivation of liberty, improper pressure or any other unlawful conduct or by threats of such conduct forces anyone to enter into a marriage shall be guilty of causing a forced marriage. The penalty for causing a forced marriage is imprisonment for a term not exceeding six years. Any person who aids and abets such an offence shall be liable to the same penalty.

Any person who by threatening to make an accusation or report of a criminal act or to make a defamatory allegation unlawfully compels another person to do, submit to, or omit to do anything, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding one year.

Section 223. Any person who unlawfully deprives another person of his liberty or who aids and abets such deprivation of liberty shall be liable to imprisonment for a term not exceeding five years.

If the deprivation of liberty has lasted for more than one month or has caused any person abnormal suffering or considerable injury to body or health or has resulted in the death of any person, imprisonment for a term of not less than one year shall be imposed.

Any person who conspires with any other person to commit an act referred to in the second paragraph shall be liable to imprisonment for a term not exceeding 10 years.

Section 224. Any person who by force, threats, misuse of another person's vulnerability, or other improper conduct exploits another person for the purpose of

a) prostitution or other sexual purposes,
b) forced labour,
c) war service in a foreign country, or
d) removal of any of the said person's organs,

or who induces another person to allow himself or herself to be used for such purposes, shall be guilty of human trafficking and shall be liable to imprisonment for a term not exceeding five years.

Any person who

a) makes arrangements for such exploitation or inducement as is mentioned in the first paragraph by procuring, transporting or receiving the person concerned,
b) in any other way aids and abets such exploitation or inducement, or
c) provides payment or any other advantage in order to obtain consent to such exploitation from any person who has authority over the aggrieved person, or who receives such payment or other advantage

shall be liable to the same penalty.

Any person who commits an act referred to in the first or second paragraph against a person who is under 18 years of age shall be liable to a penalty independently of any use of force or threats, misuse of a person's vulnerability, or other improper conduct.

Gross human trafficking is punishable by imprisonment for a term not exceeding ten years. In deciding whether the offence is gross, particular importance shall be attached to whether the person exposed to the act was under 18 years of age, whether gross violence or coercion was used or whether the act led to considerable gain.

Section 225. Any person who causes another person to be enslaved, or who aids and abets thereto, shall be liable to imprisonment for a term of not less than five years and not exceeding 21 years.

Any person who engages in slave-trading or the transporting of slaves or persons destined for slave-trading, or who aids and abets thereto, shall be liable to the same penalty.

Any person who conspires with another person for the purpose of carrying out any act referred to in this section, or aiding and abetting thereto, shall be liable to imprisonment for a term not exceeding 10 years.

Section 226. Any person who is guilty of depriving another person of his liberty in a manner which he without sufficient cause considers to be lawful, or in a case in which an arrest may lawfully be made executes such an arrest by disregarding the statutory procedure, or who aids and abets such felony, shall be liable to fines, or to detention or imprisonment for a term not exceeding three months.

A public prosecution will only be instituted when requested by the aggrieved person.

Section 227. Any person who by word or deed threatens to commit a criminal act that is subject to a more severe penalty than detention for one year or imprisonment for six months, under such circumstances that the threat is likely to cause serious fear, or who aids and abets such threat, shall be liable to fines or imprisonment for a term not exceeding three years. If there are especially aggravating circumstances, cf. section 232, third sentence, imprisonment for a term not exceeding six years may be imposed.

Chapter 22. Felonies against another person's life, body and health

Section 228. Any person who commits violence against the person of another or otherwise assails him bodily, or who aids and abets thereto, is guilty of assault and shall be liable to fines or imprisonment for a term not exceeding six months.

If the assault causes injury to body or health or considerable pain, imprisonment for a term not exceeding three years may be imposed, but not exceeding five years if death or considerable injury results.

If an assault is retaliated with another assault, or is provoked by a previous assault or insult, it may go unpunished.

A public prosecution will only be instituted when requested by an aggrieved person unless:

(a) the felony has resulted in someone's death, or
(b) the felony is committed against the offender's previous or present spouse or cohabitee, or
(c) the felony is committed against the offender's child or the child of the offender's spouse or cohabitee, or
(d) the felony is committed against the offender's kin in the direct line of ascent, or
(e) the prosecution is required in the public interest.

Section 229. Any person who injures another person in body or health or reduces any person to helplessness, unconsciousness or any similar state, or who aids and abets thereto, is guilty of occasioning bodily harm and shall be liable to imprisonment for a term not exceeding three years, but not exceeding six years if any illness or inability to work lasting more than two weeks or any incurable defect or injury is caused, and not exceeding eight years if death or considerable injury to body or health results.

Section 230. (Repealed by Act of 4 July 2003 No. 78.)

Section 231. Any person who causes considerable injury to the body or health of another person, or who aids and abets thereto, is guilty of occasioning grievous bodily harm and shall be liable to imprisonment for a term of not less than two years. If the act is premeditated, imprisonment for a term not exceeding 21 years may be imposed if the felony results in a person's death.

Section 232. If any felony mentioned in sections 228 to 231 is committed with intent in a particularly painful manner or by means of poison or other substances which are highly dangerous to health, or with a knife or other particularly dangerous instrument, or under other especially aggravating circumstances, a sentence of imprisonment shall always be imposed, and for a felony against section 231 a term of imprisonment not exceeding 21 years may be imposed in every case and otherwise the penalty may be increased by up to three years. The penalty prescribed in section 228, first paragraph, may, however, only be increased by up to six months' imprisonment, while at the same time fines may still be imposed. In deciding whether other especially aggravating circumstances exist, particular importance shall be attached to whether the offence has been committed against a defenceless person, whether there was a racial motive, whether it was unprovoked, whether it was committed by several persons jointly, and whether it constitutes ill treatment.

Section 233. Any person who causes another person's death, or who aids and abets thereto, is guilty of homicide and shall be liable to imprisonment for a term of not less than six years.

If the offender has acted with premeditation or has committed the homicide in order to facilitate or conceal another felony or to evade the

penalty for such felony, imprisonment for a term not exceeding 21 years may be imposed. The same applies in cases of repeated offences and also when there are especially aggravating circumstances.

Section 233 a. Any person who conspires with another person to commit any act referred to in section 231 or 233 shall be liable to imprisonment for a term not exceeding 10 years.

Section 234. If a felony mentioned in section 233 is committed by a mother against her own child during the birth or within 24 hours thereof, she shall be liable to imprisonment for a term of from one to eight years.

Under especially aggravating circumstances, imprisonment for a term not exceeding 12 years may be imposed.

An attempt may go unpunished if the child has not sustained considerable injury to body or health.

Section 235. A penalty pursuant to sections 228 and 229 shall not be imposed when the act is committed against any person who has consented thereto.

If any person is killed or considerably injured in body or health with his own consent, or if any person out of compassion deprives a hopelessly ill person of his life, or aids and abets thereto, the penalty may be reduced below the minimum otherwise prescribed and to a milder form of penalty.

Section 236. Any person who aids and abets another person to commit suicide or to inflict upon himself considerable injury to body or health shall be liable to the same penalty as for aiding and abetting homicide or the infliction of gross bodily harm in the case of a person consenting thereto.

No penalty shall be imposed when death or considerable injury to body or health does not occur.

Section 237. Any person who negligently causes such inability to work, illness, defect or injury as is mentioned in section 229 shall be liable to fines or imprisonment for a term not exceeding six months.

A public prosecution will be only instituted when requested by the aggrieved person.

Section 238. Any person who negligently causes considerable injury to body or health, by the use of a weapon, motor vehicle, or in any other way, shall be liable to fines or to imprisonment for a term not exceeding three years.

Section 239. Any person who negligently causes the death of another person, by the use of a weapon, motor vehicle, or in any other way, shall be liable to imprisonment for a term not exceeding three years, or under especially aggravating circumstances for a term not exceeding six years. Under especially extenuating circumstances fines may be imposed.

Section 240. Fines or imprisonment for a term not exceeding two years may be imposed on any man who fails to give any woman whom he has made pregnant such help or support in connection with the pregnancy or birth as may reasonably be required of him under the prevailing circumstances, with the result that she is rendered needy or helpless. If under these circumstances she commits a felony against the life of the foetus or the child, or if such life is endangered by her state, he shall be liable to imprisonment for a term not exceeding three years.

Section 241. Any man who knows that a woman whom he has made pregnant intends to commit a felony against the life of the foetus or the child or a felony endangering its life, and who fails to take action that could prevent the felony is liable to imprisonment for a term not exceeding three years. If the felony has resulted in the death of the child, imprisonment for a term not exceeding four years may be imposed.

Section 242. Any person who renders another person helpless, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding three years.

A similar penalty shall be imposed on any person who unlawfully abandons in a helpless condition any person who is entrusted to his care, or whom he is obliged to accompany, transport, receive or otherwise take care of, or who lets any such person remain in a helpless condition, or who by misleading or inciting aids and abets thereto.

If the felony results in death or considerable injury to body or health, the offender shall be liable to imprisonment for a term not exceeding six years.

A public prosecution shall be only be instituted when requested by the aggrieved person unless the felony results in death or a prosecution is required in the public interest.

Section 243. If life or health is obviously endangered by any felony referred to in section 242, the offender shall be liable to imprisonment for a term not exceeding eight years, but to imprisonment for a term of not less than three years if the felony results in death or considerable injury to body or health.

Section 244. A mother who within 24 hours of the birth commits any felony mentioned in section 242 or 243 against her own child shall not in any case be liable to a more severe penalty than that prescribed in section 234.

If it has not caused death or considerable injury to body or health, the felony may go unpunished.

Section 245. Any person who terminates a pregnancy, or who aids and abets thereto, when the statutory requirements for such an operation have not been fulfilled, or an administrative decision for such termination has not been made by any person authorized to do so, is guilty of criminal abortion and shall be liable to imprisonment for a term not exceeding three years. If the act is committed for the purpose of gain or under especially aggravating circumstances, the penalty shall be imprisonment for a term not exceeding six years. If the offender has acted without the woman's consent, imprisonment for a term not exceeding 15 years shall be imposed, but not exceeding 21 years if she dies as a result of the felony.

The penal provision in the first sentence of the first paragraph shall not apply to women who themselves terminate their own pregnancy or aid and abet thereto.

Chapter 23. Defamation

Section 246. Any person who by word or deed unlawfully defames another person, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding six months.

Section 247. Any person who by word or deed behaves in a manner that is likely to harm another person's good name and reputation or to expose him to

hatred, contempt, or loss of the confidence necessary for his position or business, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding one year. If the defamation is committed in print or in broadcasting or otherwise under especially aggravating circumstances, imprisonment for a term not exceeding two years may be imposed.

Section 248. If an offender pursuant to section 247 has acted against his better judgment, he shall be liable to imprisonment for a term not exceeding three years.

Under especially extenuating circumstances fines may be imposed.

Section 249.

1. No penalty pursuant to sections 246 and 247 shall be imposed if the allegation is proved to be true.
2. Even if the truth is proved as stated in No. 1, the allegation is criminal if it is made without any respectable reason for doing so, or if it is otherwise improper because of the form or manner in which it is made or for other reasons.
3. No penalty pursuant to sections 246 and 247 shall be imposed on any person who is under a duty or obligation to express his opinion or who has expressed his opinion in legitimately taking care of his own or another's interests if it is established that he has shown proper care in all respects.
4. Evidence of the truth of an allegation may not be given
   a) for a criminal act of which the accused has been acquitted by a legally enforceable Norwegian or foreign judgment,
   b) if the court unanimously finds that the allegation is undoubtedly improper regardless of its truth and that refusal to admit such evidence is desirable in the interests of the aggrieved person. Admission of such evidence must never be refused if the prosecuting authority or the plaintiff has indicated in advance that a penalty pursuant to section 248 will be demanded or that only civil legal claims will be pursued.
5. When evidence of the truth of an allegation is not admitted, evidence concerning whether the person indicted (the defendant) believed in or had reason to believe in the truth of the allegation is also inadmissible.

Section 250. If the defamation is provoked by improper conduct on the part of the aggrieved person himself, or retaliated with bodily assault or defamation, any penalty may be waived.

Section 251. Felonies dealt with in this chapter shall be subject to public prosecution only when the aggrieved person so requests and it is required in the public interest. The prosecution may be limited to the submission of a claim that the defamatory statement be declared null and void (cf. section 253).

The public authorities may, however, without a request from any aggrieved person prosecute a defamatory statement that is directed against an indefinite group or a large number of persons if it is so required in the public interest.

The same applies when the defamation is committed against any person during the performance of a public service or in connection with any public service, or when any person who is or was a public servant at the time in question is accused of an act or matter which might make him liable to a penalty or loss of office.

Section 252. The acts that are defined as criminal in sections 247 and 248 are also punishable when committed against the memory of a deceased person. The penalty shall, however, in the cases referred to in section 247 be reduced to fines and in the cases referred to in section 248 to fines or imprisonment for a term not exceeding three months.

The spouse, parents, children, siblings, and heirs of the deceased person are entitled to request and institute a prosecution.

Section 253.

1. When evidence of the truth of an allegation is admissible and such evidence has not been produced, the aggrieved person may demand that the allegation be declared null and void (invalidated) unless it is otherwise provided by statute.
2. A claim that the allegation be declared null and void shall be summarily dismissed when the person who has made the allegation withdraws it before the main hearing in a manner that the court finds satisfactory to the aggrieved person.
3. A claim that the allegation be declared null and void shall also be summarily dismissed:
   a) when the allegation is made in a judgment, order, judicial decision or other judicial act,
   b) when the allegation is made by a witness during a statement in a court sitting or to the police or the prosecution authority, or to a commission of inquiry as specified in (d), or by a party, legal representative, prosecutor, defence counsel, appointed expert or social inquirer or by an official employed by the prosecuting authority or the police during legal

proceedings or investigation. In these cases the claim that the allegation be declared null and void shall, nevertheless, not be summarily dismissed when the court finds that the aggrieved person should have the truth of the allegation tried in declaration proceedings against the defendant or that the statement is extrinsic to the limits of the case.

c) when the allegation is made in a written statement from the Storting ombudsman for public administration.

d) When the allegation is made in a statement from a commission of inquiry, a supervisory committee or other body appointed by the King, the Storting, a ministry or a county governor to investigate factual matters with a view to revealing offences or reprehensible matters. The King may decide that this shall also apply to a supervisory body appointed by public authorities other than those specified in the first sentence. To allegations made during the inquiry, (b), second sentence, shall apply correspondingly.

4. When a penalty for the allegation has been demanded, a claim that a statement be declared null and void cannot be summarily dismissed pursuant to No. 2 or 3 unless the demand for a penalty is summarily dismissed or rejected.

Section 254. Liability for any defamation committed in a magazine or periodical printed in the realm shall not extend to any person who has only taken part in the technical production or distribution of the publication. The same applies to broadcasting.

Chapter 24. Embezzlement, theft, and unlawful use

Section 255. Any person who for the purpose of obtaining for himself or another person an unlawful gain illegally disposes of, mortgages, consumes or otherwise appropriates any chattel which is in his possession, but which wholly or partly belongs to another person, or who unlawfully disposes of money which he has collected for another person or which is otherwise entrusted to him, shall be guilty of embezzlement.

No penalty pursuant to this section shall be imposed for any act that comes under section 277 or 278.

The penalty for embezzlement is fines or imprisonment for a term not exceeding three years. Any person who aids and abets such an offence shall be liable to the same penalty.

Section 256. The penalty for gross embezzlement is imprisonment for a term not exceeding six years. Any person who aids and abets such an offence shall be liable to the same penalty.

In deciding whether the embezzlement is gross, particular importance shall be attached to whether the value of the object embezzled is considerable, whether the embezzlement has been committed by a public official or any other person in breach of the special confidence placed in him by virtue of his position or activity, whether false accounting information has been recorded, whether false accounting documents or false annual accounts have been prepared, or whether the offender has knowingly caused material loss or any risk to any person's life or health.

Section 257. Any person who takes away any object that wholly or partly belongs to another person for the purpose of obtaining for himself or another person an unlawful gain by the appropriation of the said object, or who aids and abets thereto, is guilty of theft.

The penalty for theft is fines or imprisonment for a term not exceeding three years.

Section 258. The penalty for aggravated theft is fines or imprisonment for a term not exceeding six years. Any person who aids and abets such an offence shall be liable to the same penalty.

In deciding whether the theft is aggravated, particular importance shall be attached to whether the theft has been committed by breaking and entering (section 147, first paragraph) or from a person in a public place, whether the offender has been equipped with a weapon, explosives or the like, whether the object stolen is of considerable value, or whether the act is for other reasons particularly dangerous or harmful to society.

Section 259. (Repealed by Act of 11 June 1993 No. 76.)

Section 260. Any person is guilty of unlawful use of a motor vehicle who without belonging to the household or being in the service of the person entitled thereto unlawfully takes a motor vehicle and uses or disposes of it, or who aids and abets thereto.

Motor vehicle means any vehicle (including a cycle) that is propelled by a power engine.

The penalty for unlawful use of a motor vehicle is fines or imprisonment for a term not exceeding three years.

Imprisonment for a term not exceeding five years may be imposed if the use has resulted in considerable injury to any person or property.

The same penalty applies to unlawful use of any vessel or aircraft that is propelled by a power engine.

Section 261. Any person who unlawfully uses or disposes of any chattel that belongs to another person and thereby obtains for himself or another person a considerable gain, or inflicts on the person entitled thereto a considerable loss, shall be liable to imprisonment for a term not exceeding three years. Any person who aids and abets such an offence shall be liable to the same penalty. Under especially extenuating circumstances fines may be imposed.

A public prosecution will only be instituted when requested by the aggrieved person unless it is required in the public interest.

Section 262. Any person who

a) for the purpose of gain produces, imports, distributes, sells, hires out, possesses, installs, maintains or replaces a decoding device,
b) for the purpose of gain advertises or in any other way makes known a decoding device, or
c) attempts to disseminate a decoding device

with intent to procure some person unauthorized access to a protected service, or who aids and abets thereto, shall be liable to fines or to imprisonment for a term not exceeding one year.

Any person who by means of a decoding device inflicts any loss on a person entitled to a protected service or who procures any gain for himself or another person by obtaining unauthorized access thereto, shall be liable to fines or to imprisonment for a term not exceeding six months.

In this section decoding device means any instrument whether it is technical equipment or software which is designed or adapted, either by itself or in combination with other instruments, to provide access in a comprehensible form to a protected service.

In this section protected service means

a) television and radio signals, and
b) services that are electronically telecommunicated when requested by the individual receiver of such services,

when access thereto in a comprehensible form is dependent on permission from the service provider and is provided in return for payment, or the

control of access itself to the services referred to in (a) and (b), when it must be regarded as a separate service.

A public prosecution will only be instituted when requested by the aggrieved person unless it is required in the public interest. The person who exercises control of access shall also be regarded as an aggrieved person when such control must be regarded as a separate service.

Section 263. (Repealed by Act of 4 July 2003 No. 78.)

Section 264. A public prosecution for embezzlement will only be instituted when requested by the aggrieved person unless it is required in the public interest.

The same applies to theft committed against any of the offender's next-of-kin or against any person belonging to the same household or against any person in whose service the offender is employed.

If, as a result of the provisions in the second paragraph, the public authorities are only entitled to prosecute some of the offenders when two or more have collaborated, the prosecuting authority will decide whether a prosecution shall be brought only against such persons or against all or be completely waived. Receiving stolen goods (heleri)* is regarded as equivalent to aiding and abetting in regard to the felony.

* See section 317.

Section 265-265 a. (Repealed by Act of 11 May 1951 No. 2.)

Chapter 25. Extortion and robbery

Section 266. Any person who, for the purpose of obtaining for himself or another person an unlawful gain, compels any person by unlawful conduct or by threat of such conduct to commit an act that causes loss or risk of loss to him or the person for whom he is acting shall be guilty of extortion. Any person who aids and abets such an offence shall be liable to the same penalty.

The same applies to any person who for the said purpose unlawfully compels any person to commit such an act by threatening to make an accusation or report of any offence, or by making a defamatory allegation or giving harmful information, or who aids and abets thereto.

The penalty for extortion is imprisonment for a term not exceeding five years. Fines may be imposed in addition to a sentence of imprisonment. For

any contravention of the provisions of the second paragraph the penalty may be limited to fines.

In the case mentioned in the second paragraph, a public prosecution will only be instituted when requested by the aggrieved person unless it is required in the public interest. Otherwise section 264, second and third paragraphs, is applicable.

Section 267. Any person who, for the purpose of obtaining for himself or another person an unlawful gain, appropriates an object that belongs wholly or partly to another person by using violence against a person or by rendering him incapable of defending himself, or by making threats that provoke a serious fear of personal violence shall be guilty of robbery.

A person who for the said purpose and by the said means compels any person to commit an act that causes loss or a risk of loss to him or the person for whom he is acting shall also be guilty of robbery.

Any person who aids and abets such an offence shall be liable to the same penalty.

Section 268. The penalty for robbery is imprisonment for a term not exceeding five years.

The penalty for aggravated robbery is imprisonment for a term not exceeding 12 years. In deciding whether a robbery is aggravated, particular importance shall be attached to whether gross violence has been used, whether any threat with a firearm or other especially dangerous implement has been made, whether the robbery has been carefully planned, or committed against a defenceless person, or whether a considerable amount is involved.

If an aggravated robbery has resulted in death or considerable injury to body or health, imprisonment for a term not exceeding 21 years may be imposed.

Section 269. Any person who

1. conspires with any person to commit a robbery, or
2. for the purpose of committing a robbery equips or begins to equip any vessel,

or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding three years.

Chapter 26. Fraud, breach of trust and corruption

Section 270. Any person who, for the purpose of obtaining for himself or another an unlawful gain,

1. by causing, confirming, or exploiting a mistake unlawfully induces any person to commit an act that causes loss or a risk of loss to him or any person for whom he is acting, or
2. by the use of incorrect or incomplete information, by altering data or software or otherwise unlawfully influences the result of automatic data-processing, and thereby causes loss or a risk of loss to any person, is guilty of fraud.

The penalty for fraud is fines or imprisonment for a term not exceeding three years. Any person who aids and abets such an offence shall be liable to the same penalty.

Section 271. The penalty for gross fraud is imprisonment for a term not exceeding six years. Fines may be imposed in addition to a sentence of imprisonment. Any person who aids and abets such an offence shall be liable to the same penalty.

In deciding whether the fraud is gross, particular importance shall be attached to whether the act has caused considerable economic damage, whether the offender has assumed or misused a position or assignment, whether he has misled the public or a large group of persons, whether he has recorded false accounting information, prepared false accounting documents or false annual accounts, or whether he has knowingly caused material loss or endangered any person's life or health.

Section 271 a. Any person who through gross negligence commits fraud as described in section 270 or 271 shall be liable to fines or imprisonment for a term not exceeding two years.

Section 272. Any person who destroys or damages an insured object or otherwise contrives an insurance claim so that he or another person shall be paid the amount insured shall be liable to imprisonment for a term not exceeding six years. The same applies to any person who for such purpose incorrectly reports or makes it appear that an insurance claim has arisen, or claims compensation for an object that has not been insured or that does not exist or has not been damaged. Fines may be imposed in addition to a sentence of imprisonment.

Any person who

1. at the conclusion of an insurance contract conceals or gives incorrect information concerning circumstances which he is aware of and must realize are of importance to the insurer,
2. in order that he himself or another person shall be paid an amount insured or an amount guaranteed that is secured by an insurance contract makes a report of damage that is palpably disproportionate to the damage incurred,

shall be liable to fines or imprisonment for a term not exceeding three years or both.

Any person who aids and abets any felony mentioned in this section shall be liable to the same penalty.

Section 273. Any person who spreads incorrect or misleading information in order to influence the prices of goods, securities or other objects, or who aids and abets thereto, shall be liable to imprisonment for a term not exceeding four years. Fines may be imposed in addition to a sentence of imprisonment. Under especially extenuating circumstances fines alone may be imposed.

A penalty pursuant to this section is not applicable to any act that is covered by section 2-8 of Act of 19 June 1997 No. 79 relating to securities trading.

Section 274. Any person who in any invitation to participate in the founding or expansion of a company limited by shares, a public limited company or any other company with economic aims, or in connection with obtaining loans for such a company, gives incorrect or misleading information of significance for evaluating the enterprise shall be liable to imprisonment for a term not exceeding four years. Fines may be imposed in addition to a sentence of imprisonment. Under especially extenuating circumstances fines alone may be imposed.

Any officer or employee of such a company shall be liable to the same penalty as is prescribed in the first paragraph if he publishes incorrect or misleading information of significance for evaluating the company, or gives such information to the company's members or creditors, to any of its organs, or to a public authority. The same applies to other persons who through undertaking assignments for the company are aware of its condition.

Any person who aids and abets such a felony mentioned in the first and second paragraphs shall be liable to the same penalty.

Any person who through gross negligence becomes guilty of any of the offences mentioned in this section shall be liable to fines or imprisonment for a term not exceeding six months.

A penalty pursuant to this section is not applicable to any act that is covered by section 2-8 of Act of 19 June 1997 No. 79 relating to securities trading.

Section 275. Any person who, for the purpose of obtaining for himself or another person an unlawful gain or inflicting damage, neglects another person's affairs which he manages or supervises or acts against the other person's interests shall be guilty of breach of trust.

The penalty for breach of trust is imprisonment for a term not exceeding three years. Fines may be imposed in addition to a sentence of imprisonment. Any person who aids and abets such an offence shall be liable to the same penalty. Under especially extenuating circumstances fines alone may be imposed.

A penalty pursuant to this section shall not be applicable to an act that comes under section 255, cf. section 256 or section 176 a, cf. section 276 b.

Section 276. The penalty for gross breach of trust is imprisonment for a term not exceeding six years. Fines may be imposed in addition to a sentence of imprisonment. Any person who aids and abets such an offence shall be liable to the same penalty.

In deciding whether a breach of trust is gross, particular importance shall be attached to whether the act has caused considerable economic damage, whether it has been committed by a public official or any other person in breach of the special confidence placed in him by virtue of his position or activity, whether the offender has recorded false accounting information, prepared false accounting documents or false annual accounts, whether he has destroyed, rendered useless or concealed recorded accounting information or accounting material, books or other documents, or whether he has knowingly caused material loss or endangered any person's life or health.

Section 276 a. Any person who

a) for himself or other persons requests or receives an improper advantage or accepts an offer thereof in connection with a position, office or assignment, or
b) gives or offers any person an improper advantage in connection with a position, office or assignment

shall be liable to a penalty for corruption.

Position, office or assignment in the first paragraph also mean a position, office or assignment in a foreign country.

The penalty for corruption shall be fines or imprisonment for a term not exceeding three years. Any person who aids and abets such an offence shall be liable to the same penalty.

Section 276 b. Gross corruption shall be punishable by imprisonment for a term not exceeding 10 years. Any person who aids and abets such an offence shall be liable to the same penalty.

In deciding whether the corruption is gross, importance shall be attached to, inter alia, whether the act has been committed by or in relation to a public official or any other person in breach of the special confidence placed in him by virtue of his position, office or assignment, whether it has resulted in a considerable economic advantage, whether there was any risk of considerable damage of an economic or other nature, or whether false accounting information has been recorded, or false accounting documents or false annual accounts have been prepared.

Section 276 c. Any person who

a) for himself or other persons requests or receives an improper advantage or accepts an offer thereof in return for influencing the conduct of any position, office or assignment, or
b) gives or offers any person an improper advantage in return for influencing the conduct of a position, office or assignment

shall be liable to a penalty for trading in influence.

Position, office or assignment in the first paragraph also mean a position, office or assignment in a foreign country.

Trading in influence shall be punishable by fines or imprisonment for a term not exceeding three years. Any person who aids and abets such an offence shall be liable to the same penalty.

Section 277. Any person who causes any person loss or exposes him thereto by unlawfully disposing of an object by a juristic act after another person has acquired or in return for full or partial payment has been promised ownership of or the right to use the object, or of a claim that has been transferred to another person, or of a promissory note that has fully or partially been paid, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three years or both.

Section 278. Any person who unlawfully disposes of a chattel that is subject to a seller's lien, cf. sections 3-15 and 3-22 of the Mortgages and Pledges Act, and thereby causes the seller loss or exposes him thereto shall be liable to fines or imprisonment for a term not exceeding six months. Under especially aggravating circumstances imprisonment for a term not exceeding three years may be imposed.

Any person who causes another person loss or exposes him thereto by unlawfully disposing of a claim or an object which he owns or possesses and on which another person has a lien or other security shall be liable to the same penalty as is prescribed in the first paragraph.

Any person who aids and abets any felony mentioned in this section shall be liable to the same penalty.

Section 279. (Repealed by Act of 4 July 2003 No. 78.)

Section 280. A public prosecution pursuant to sections 270, 271, 275, 276 and 277 will only be instituted when requested by the aggrieved person when the felony has been committed against any of the offender's next-of-kin unless it is required in the public interest. Section 264, third paragraph shall, however, apply correspondingly.

The felonies mentioned in sections 270, 275 and 277 shall not be prosecuted in any case except on the application of the aggrieved person unless the offender by abusing the confidence or credulity of the public has been guilty of felonies against several persons or prosecution is otherwise required in the public interest.

Felonies contrary to section 278, first paragraph, shall not be subject to public prosecution unless it is so requested by the aggrieved person and is deemed to be required in the public interest.

Felonies contrary to section 278, second paragraph, shall not be subject to public prosecution except when requested by the aggrieved person.

Chapter 27. Felonies in relation to debts

Section 281. Any debtor who wilfully or through gross negligence inflicts considerable loss on his creditors by

a) gambling or any other hazardous activity,
b) any other frivolous conduct,
c) excessive consumption, or
d) grossly improper business dealings

shall be liable to fines or imprisonment for a term not exceeding two years

Section 282. Any debtor who wilfully or through gross negligence gives any creditor payment in full or security shall be liable to fines or imprisonment for a term not exceeding two years if the said debtor is, becomes or runs a palpable risk of becoming insolvent as a result of this act and thereby prejudices the creditors' prospects of payment to a considerable degree.

Section 283. Any debtor who commits an act that is likely to prevent an asset serving as payment for one or more creditors shall be liable to fines or imprisonment for a term not exceeding three years if

a) enforcement or provisional security proceedings against the said debtor are in progress, or
b) the debtor is, becomes or runs a palpable risk of becoming insolvent as a result of this act and the act is inexcusable. Inability to satisfy the condition concerning insolvency, etc. will not enable the debtor to avoid a penalty if it is due to the fact that the debtor wilfully or through gross negligence has contravened accounting provisions in any statute or regulation.

Gross contravention of the first paragraph (b) shall be punishable by fines or imprisonment for a term not exceeding six years. In deciding whether the contravention is gross, particular importance shall be attached to whether the act entails a considerable impairment of the creditors' prospects of obtaining payment, or whether other particularly aggravating circumstances subsist.

Grossly negligent contravention of the first and second paragraphs shall be punishable by fines or imprisonment for a term not exceeding three years.

Section 283 a. (Repealed by Act of 25 June 2004 No. 50 (in force from 1 October 2004 pursuant to the decree of 25 June 2004 No. 977).)

Section 284. Any debtor who wilfully or through gross negligence fails to apply for the institution of debt-settlement negotiations pursuant to the Bankruptcy Act or bankruptcy or winding-up proceedings shall be liable to fines or imprisonment for a term not exceeding two years if the said debtor is insolvent, and

a) such failure entails that a disposition or disbursement cannot be annulled, and this considerably impairs the creditors' prospects of obtaining payment, or
b) the debtor's business enterprise is clearly running at a loss and the debtor must realize that he will not be able to give the creditors payment in full within a reasonable time.

The failure to apply for the institution of debt-settlement negotiations or bankruptcy or winding-up proceedings will not, however, incur a penalty if the debtor has acted in accordance with the wishes of creditors who represent a substantial portion of the total debt as regards both amount and number.

Section 285. Any debtor who during bankruptcy or winding-up proceedings or debt-settlement negotiations pursuant to statute acts in such a way as is likely to prevent any asset serving as payment for or a benefit to the creditors, or who wrongly states or acknowledges any obligations, shall be liable to fines or imprisonment for a term not exceeding three years.

Any gross contravention of the first paragraph shall be punishable by fines or imprisonment for a term not exceeding six years. In deciding whether the contravention is gross, particular importance shall be attached to whether the act entails a considerable impairment of the creditors' prospects of obtaining payment, or whether other particularly aggravating circumstances subsist.

Any negligent gross contravention of the first and second paragraphs shall be punishable by fines or imprisonment for a term not exceeding three years.

Section 286. Any person who wilfully or negligently substantially disregards provisions relating to the recording and documentation of accounting information, annual accounts, annual reports or the storage of accounts which are laid down in any statute or regulation made pursuant to statute, shall be liable to fines or imprisonment for a term not exceeding one year or both. If there are especially aggravating circumstances, imprisonment for a term not exceeding three years may be imposed.

Section 287. Any person who to the advantage of or on behalf of the debtor commits any act referred to in sections 281 to 285 shall be liable to such penalties as are specified therein.

Any person who aids and abets the debtor or any person referred to in the first paragraph to contravene sections 281 to 286 shall be liable to the same penalties. A creditor may not, however, be liable to a penalty for having received or requested satisfaction or security unless the said creditor has

made use of improper threats or other improper means to make the debtor provide satisfaction or security.

Section 288. (Repealed by Act of 25 June 2004 No. 50 (in force from 1 October 2004, pursuant to the decree of 25 June 2004 No. 977).)

Section 289. (Repealed by Act of 8. June 1984 No. 60.)

Section 290. (Repealed by Act of 11 May 1951 No. 2.)

Chapter 28. Vandalism

Section 291. Any person who unlawfully destroys, damages, renders useless or wastes an object that wholly or partly belongs to another shall be guilty of vandalism.

The penalty for vandalism shall be fines or imprisonment for a term not exceeding one year. Any person who aids and abets such an offence shall be liable to the same penalty.

A public prosecution will only be instituted when requested by the aggrieved person unless it is required in the public interest.

Section 292. The penalty for gross vandalism shall be fines or imprisonment for a term not exceeding six years. Any person who aids and abets such an offence shall be liable to the same penalty.

In deciding whether the vandalism is gross, particular importance shall be attached to whether the damage is considerable, whether the offender has knowingly caused material loss or endangered any person's life or health, whether the act has been committed with a racial motive, whether an interruption of public communications has been caused, whether the damage has been committed against a boundary mark on the border of a neighbouring State or against a public monument, collection or other object which is intended for general use or decoration or has historical, national or religious significance for the public or a large number of people.

Section 293. (Repealed by Act of 11 May 1951 No. 2.)

Section 294. Any person who

1. by causing or confirming an error unlawfully induces any person to commit an act whereby the latter or any person for whom he is acting suffers an economic loss, or who aids and abets thereto, or
2. unlawfully either himself makes use of a business or operational secret concerning an enterprise in which he is or has in the course of the last two years been employed, or in which he is or has in the course of the last two years been a participant, or discloses such a secret for the purpose of enabling another person to make use of it, or who by misleading or inciting aids and abets thereto, or
3. unlawfully makes use of any business or trade secret of an enterprise which he has become acquainted with or gained control over in the capacity of a technical or mercantile consultant to the enterprise or in connection with an assignment from it, or unlawfully reveals such a secret for the purpose of enabling others to make use of it, or who by misleading or inciting aids and abets thereto.

shall be liable to fines or imprisonment for a term not exceeding six months.

A public prosecution will only be instituted when it is requested by the aggrieved person and is deemed to be required in the public interest.

Chapter 29. Extortionate bargain and gambling

Section 295. Any person who through a juristic act exploits any person's distress, thoughtlessness, lack of judgment or dependence in order to obtain or stipulate any remuneration which under the prevailing circumstances is palpably disproportionate to what is given in return, or who aids and abets thereto, shall be guilty of an extortionate bargain.

The same applies to any person who, after acquiring a claim arising from the said act with knowledge of its nature, enforces such claim or assigns it to another, or who aids and abets thereto.

Section 296. The penalty for an extortionate bargain shall be fines or imprisonment for a term not exceeding two years or both.

If the act is committed habitually or if there are other especially aggravating circumstances, imprisonment for a term not exceeding five years and fines in connection with the sentence of imprisonment may be imposed.

Section 297. (Repealed by Act of 11 May 1952 No. 2.)

Section 298. Any person who makes a living by gambling that is not permitted by a special Act, or by inducement thereto, shall be liable to imprisonment for a term not exceeding one year.

Instead of confiscating the profit gained the court may decide that it shall be repaid.

Section 299. All games for money or money's worth in which the nature of the game or the sums at stake indicate that gain is the dominant purpose shall be regarded as gambling.

Betting and speculation in futures under the same conditions shall also be regarded as gambling.

Section 300. Any person who, by taking legal action or by any threat thereof or of some kind of harm, attempts to enforce either against the other party or a third person an invalid claim which he has acquired by misusing, for the purpose of gain, the thoughtlessness or inexperience of any person who is without legal capacity or a minor, or who aids and abets thereto, shall be liable to fines. If the offender has obtained a promissory note or promise under oath or a word of honour for his claim, he shall be liable to fines or imprisonment for a term not exceeding six months.

Chapter 30. Maritime felonies

Section 301. Any person who goes on board a ship or conceals himself there for the purpose of unlawfully accompanying the ship to or from a foreign port or to a fishing or hunting ground outside the realm shall be liable to fines or imprisonment for a term not exceeding six months.

Any person who aids and abets such an offence shall be liable to the same penalty. The penalty is fines or imprisonment for a term not exceeding one year if the accomplice is employed on the ship or in some other way has by virtue of his position access to the ship or parts of it. The same applies if the accomplice has acted for the purpose of obtaining remuneration for himself or another person.

Section 302-303. (Repealed by Act of 15 February 1963 No. 2.)

Section 304. If any shipmaster goes to sea in an unseaworthy ship or a ship that is detained pursuant to sections 24 and 34 of the Act of 9 June 1903 relating to public control of the seaworthiness of ships, or makes preparations that clearly reveal that this is his intention, he shall be liable to imprisonment for a term not exceeding three years.

The same penalty shall apply to any shipowner or any person acting on his behalf, or chief engineer or first mate who unlawfully causes an unseaworthy ship to go to sea or the making of preparations that clearly reveal that this is his intention, or who aids and abets thereto. Failure to prevent the ship from going to sea shall also be regarded as aiding and abetting.

Section 305. Any person who causes an obviously unnecessary public inquiry into the seaworthiness of a ship to be made, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding six months, but not exceeding one year if there are especially aggravating circumstances.

Section 306. If a ship departing from shore leaves behind any person carried thereon without sufficient cause or without observing the procedure prescribed or authorized by law, the offender shall be liable to fines or imprisonment for a term not exceeding six months, but not exceeding one year if there are especially aggravating circumstances.

Section 307. Any shipmaster who refuses to provide any person carried on the ship with anything which he is entitled to receive in such capacity, or who permits such refusal, shall be liable to fines or imprisonment for a term not exceeding six months, but not exceeding one year if there are especially aggravating circumstances.

Any other person concerned who is guilty of such a refusal shall be liable to the same penalty.

Section 308. Any shipmaster or any other person in authority on board a ship shall be liable to fines or imprisonment for a term not exceeding six months if he

1. misuses the powers with which he is legally entrusted, or

2. without sufficient cause refuses to allow a person carried on the ship to apply to a consul or other public authority, or
3. treats a person carried on the ship in an improper manner or fails to prevent his being so treated by other persons on board.

Any member of a disciplinary board who in such capacity acts against his better judgment shall be liable to the same penalty.

Section 309. (Repealed by Act of 15 February 1963 No. 2.)

Section 310. If any subordinate fails to show proper obedience in the ship's service under such circumstances as would endanger the vessel or human life, he, and any person who causes or who aids and abets such conduct, shall be liable to imprisonment for a term not exceeding two years.

Section 311. If two or more members of the crew by mutual agreement fail to show proper obedience in the ship's service under such circumstances as would endanger the vessel or human life, they, and any person who causes or who aids and abets such conduct, shall be liable to imprisonment for a term not exceeding four years.

Section 312. If two or more persons carried on a ship jointly attempt by violent or threatening conduct or by disobedience unlawfully to deprive the shipmaster of his command of the ship or to compel him to commit or omit any act in the ship's service, they, and any person who causes or who aids and abets such conduct, shall be liable to imprisonment for a term not exceeding six years.

Section 313. Any shipmaster who in distress or other danger abandons the ship without this being necessary, or who leaves it although his presence is still required, shall be liable to imprisonment for a term not exceeding one year.

Any other person serving on board who without the permission of the shipmaster leaves the ship in distress or other danger while the master is still on board shall be liable to fines or imprisonment for a term not exceeding six months.

Section 314. Any shipmaster or officer of the watch who in the event of a collision or manoeuvre that endangers any person's life or health fails to render such help as is necessary and as he can give without special danger to his own ship or to persons on board it shall be liable to imprisonment for a term not exceeding three years, but not exceeding six years if the felony results in death or considerable injury to body or health.

If any risk of damage to any object arises through a collision or manoeuvring of a ship, and the shipmaster or officer of the watch fails to render such help as is necessary and can be given without special danger or sacrifice, he shall be liable to fines or imprisonment not exceeding one year if the matter is not punishable under the first paragraph.

Section 315. Any person who makes or permits to be made any false entry in the log-book, minute book for a maritime inquiry, or any record that pursuant to statute or statutory authority shall or may be kept for use as or instead of the said books, or who in such books or records conceals the truth or permits it to be concealed shall be liable to imprisonment for a term not exceeding two years. Under especially extenuating circumstances fines may be imposed.

Any person who fails to do what is prescribed in or authorized by Norwegian law concerning the keeping, safekeeping, or delivery of such books or records, or who in this connection is guilty of gross neglect or disorder shall be liable to fines or imprisonment for a term not exceeding one year.

Section 316. No public prosecution will be instituted for the felonies specified in sections 301 and 305 to 308 except when requested by the aggrieved person unless a prosecution is required in the public interest.

Chapter 31. Receiving the proceeds of a criminal act

Section 317. Any person who receives or obtains for himself or another person any part of the proceeds of a criminal act, or who aids and abets the securing of such proceeds for another person shall be guilty of an offence (*heleri*) and shall be liable to fines or imprisonment for a term not exceeding three years. Aiding and abetting shall be deemed to include collecting, storing, concealing, transporting, sending, transferring, converting, disposing of, pledging or mortgaging, or investing the proceeds. Any object, claim or service substituted for the proceeds shall be regarded as equivalent thereto.

Such offence takes place even though no person may be punished for the act from which the proceeds are derived, by reason of the provisions of sections 44 and 46.

An aggravated offence shall be punishable with imprisonment for a term not exceeding six years. In deciding whether an offence is aggravated, particular importance shall be attached to what kind of criminal act the proceeds are derived from, the value of the proceeds that the offender has been concerned with, the amount of any advantage the offender has received or obtained for himself or another person, and whether the offender has habitually been engaged in such offences. If the proceeds are derived from a drug felony, importance shall also be attached to the nature and quantity of the substance with which the proceeds are connected.

If the offence is concerned with the proceeds of a drug felony, imprisonment for a term not exceeding 21 years may be imposed under especially aggravating circumstances.

If the offence is committed through negligence, it shall be punishable by fines or imprisonment for a term not exceeding two years.

No penalty pursuant to this section shall, however, be applicable to any person who receives the proceeds for the ordinary maintenance of himself or another person from a person who is obliged to provide such maintenance, or to any person who receives the proceeds as normal payment for ordinary consumer goods, articles for everyday use or services.

Sections 318 to 321. (Repealed by Act of 11 June 1993 No. 76.)

Chapter 32. Felonies in printed matter

(Repealed by Act of 12 December 1958 No. 1.)

PART III MISDEMEANOURS

Chapter 33. Misdemeanours in the civil service

Section 324. Any public servant who wilfully fails to perform an official duty, or who otherwise wilfully violates his official duties, or who, in spite of warnings, shows carelessness or negligence in the performance of such duties shall be liable to fines or loss of office.

Any person who is covered by the Act relating to civil servants shall also come under this section.

Section 325. Any senior State official or public official who

1. shows gross lack of judgment in the course of his duty, or
2. performs any act that he is forbidden to do because of his position, or
3. in the performance of his official duty is guilty of improper conduct towards any person, or
4. in connection with his service is guilty of improper conduct towards any of his superiors or subordinates, or
5. outside his service behaves in a manner which will make him unworthy of or will have an adverse effect on the confidence or esteem necessary for his office,

shall be liable to fines.

In the case of repeated offences or under especially aggravating circumstances the penalty applicable may be loss of office.

Chapter 34. Misdemeanours against the public authorities

Section 326. Any person who

1. prevents or attempts to prevent any public servant from lawfully performing his duties or refuses to admit him to places he is lawfully entitled to enter, or
2. annoys him in the performance of his duties by insults or other offensive conduct, or who aids and abets thereto,

shall be liable to fines or imprisonment for a term not exceeding six months.

As regards who shall be deemed to be a public servant, the provisions of section 127 shall apply.

Section 327. Any person who ignores a public servant's request for assistance when this is required to avert a felony or an accident, although such assistance would not involve any special danger or sacrifice, or who prevents another person from rendering such assistance, shall be liable to fines or to detention or imprisonment for a term not exceeding four months.

Any person who otherwise unlawfully refuses to assist a public servant shall be liable to fines.

Section 328. Any person who

1. without authority publicly wears or permits any person in his service to wear any uniform prescribed for a public servant or any badge of public office, or any uniform or badge that may easily be mistaken for such.

2. publicly or for an unlawful purpose professes to hold a public office, or who aids and abets thereto, or
3. performs any act that may only be performed in relation to a public office that he does not hold, or
4. without authority makes use of any Norwegian or foreign official coat of arms, insignia or seal or any coat of arms, insignia or seal which can easily be mistaken for such.

shall be liable to fines or imprisonment for a term not exceeding three months.

Any person who without authority publicly or for an unlawful purpose uses:

a) any designation recognized or commonly used in Norway or abroad of an international organization or any insignia or seal used by an international organization if Norway is a member of the said organization or has by international agreement undertaken to give protection against such use,
b) any badge or designation which by international agreement binding on Norway is designed for use in connection with aid to the wounded and sick or the protection of cultural values in war,
c) any designation, insignia, seal or badge which can easily be mistaken for anything mentioned under (a) and (b),

shall be liable to the same penalty.

Any person who otherwise without authority publicly wears or permits any person in his service to wear any badge prescribed or approved by public authorities for the holders of special positions or anything so similar thereto that error may easily arise shall be liable to fines. The same applies to any person who without authority publicly or for an unlawful purpose assumes or uses any Norwegian or foreign title or decoration.

Section 329. Any person who, after an order to disperse peacefully has been issued by the public authorities, remains, or who aids and abets any other person to remain, in a crowd gathered in a public street or square or any other place where they are not entitled to stay, shall be liable to fines or imprisonment for a term not exceeding three months.

The same penalty shall apply to any person who contravenes the regulations issued by the public authorities for the prevention of danger or the preservation of order in the case of gatherings or meetings of large numbers of people.

Section 330. Any person who establishes or participates in any association that is prohibited by law, or whose purpose is the commission or encouragement of offences, or whose members pledge themselves to unconditional obedience to any person, shall be liable to fines or to detention or imprisonment for a term not exceeding three months.

If the purpose of the association is to commit or encourage felonies, imprisonment for a term not exceeding six months may be imposed.

Section 331. (Repealed by Act of 18 August 1914 No. 3.)

Section 332. Any person who without public authorization or permit carries on any activity for which this is required, or who exceeds the limits for the authorization or permit granted him, or continues to carry on an activity to which he has been denied the right by a legally enforceable judgment, shall be liable to fines or imprisonment for a term not exceeding three months.

The same penalty shall apply to any person who carries on any activity for which he falsely claims to have public authorization, or who assumes a title which customarily is used only by a person who has such public authorization.

Any person who gives a public performance or the like without a necessary public permit shall be liable to fines.

Section 333. Any person who refuses to state his name, date and year of birth, position, or place of residence to a process server, police officer, or any other public authority, when such information is required in the course of public duty, or who in such a case states a false name, date and year of birth, position, or place of residence, for himself or another, or who aids and abets such refusal or false statement, shall be liable to fines or imprisonment for a term not exceeding three months.

Section 334. Any person who makes a living by receiving lodgers who omits to keep a register of such persons as required by law, or who omits to enter any such person in the register or in a statement required by law in accordance with the regulations in force, or who fails to produce the register at the request of the public authorities, shall be liable to fines.

The same penalty shall apply to any person who causes no entry concerning him to be made in the register or no statement or report to be

given, or the giving of information that is incomplete or incorrect on any point, or who aids and abets thereto.

Section 335. Any person who makes a living by assisting persons in search of employment to obtain work, or emigrants to obtain a passage abroad, shall be liable to fines if he fails to keep a register of the persons so assisted by him in accordance with rules prescribed by the King, or if he refuses to produce the said register for the public authorities.

Section 336. Any pawnbroker or manager of a pawnshop shall be liable to fines if he contrary to an order given by the public authorities

1. fails to keep a register approved by the police of the objects pawned, with a statement of the full name, position and place of residence of the pawnor, the amount of the loan and of the interest, and the date of maturity, or
2. unlawfully refuses to surrender any object in his possession in cases in which there is no reason to doubt that it has been taken from someone by a criminal act.

Any pawnbroker or pawnbroker's assistant who makes an incorrect entry in the register or who conceals, or refuses to show to the police, the register or a pawned object, or who gives incorrect or incomplete information concerning it, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding six months.

The above provisions shall apply correspondingly to any person who makes a living by purchasing objects subject to a right of redemption or by trading in used objects.

Section 337. Any person who for himself or his children uses names that are contrary to law shall be liable to fines.

A public prosecution will only be instituted when it is required in the public interest.

Section 338. Any person who enters into a marriage or partnership pursuant to the Act relating to registered partnership without observing the provisions in force concerning the requirements for a valid marriage or the requirements for the registration of a partnership, dispensation or other statutory conditions, or who aids and abets thereto, shall be liable to fines.

Section 339. Any person who

1. fails to give any report or information required by law to a public authority, or
2. contravenes any regulation issued by a public authority according to law and implying liability to a penalty,

shall be liable to fines.

Section 340. Any person who finds a lost or abandoned child or takes in a child who has gone astray, and who fails to notify the persons responsible for the child or the police accordingly as soon as possible, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

Section 341. Any person who contravenes the provisions in force concerning funerals or the treatment of corpses in general shall be liable to fines.

The same penalty shall apply to any person who finds a corpse and fails to notify the relatives of the deceased or the police immediately.

Any person who unlawfully or secretly either destroys the corpse of any deceased person or stillborn child or conceals it so as to preclude timely investigation, or who refuses to tell the public authorities what has become of any child or other helpless person of whom he has been taking care, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding six months.

A foetus is to be regarded as stillborn if it is so far developed that it could have sustained independent life if it had been born alive.

Section 342. Any person who

a) after having been expelled from the realm re-enters it without permission,
b) has by a court judgment been banished to or from specific parts of the realm and who unlawfully re-enters any place where he is prohibited from staying, or who in any other way breaches the ban on contact pursuant to section 33 of the Penal Code, or
c) breaches any prohibition imposed pursuant to section 222 a or 222 b of the Criminal Procedure Act.

shall be liable to fines or to imprisonment for a term not exceeding six months or to both. Imprisonment for a term not exceeding two years may be imposed if he has previously been sentenced for such a misdemeanour.

Any person who aids and abets such an offence shall be liable to the same penalty. An attempt is punishable.

Section 343. Any person who unlawfully destroys, damages, conceals, carries away or disposes of goods that are subject to an execution lien, any incumbrance, arrest or seizure, or who contravenes a legally imposed prohibition, or who breaks or damages a seal applied by a public authority, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding four months.

Any employer or other person shall be liable to fines if he in spite of an order from a general or special enforcement authority fails to make deductions for claims as specified in section 2-8, first paragraph (a) to (d), of the Creditors' Security Act, or in spite of an order fails to pay sums deducted for such claims as prescribed, provided that the matter does not come under a more severe penal provision.

A public prosecution will only be instituted when requested by the aggrieved person.

Section 344. Any person who, after having been dispossessed by a court decision of real property or a ship, refuses to leave it or again takes possession of it, or who continues to exercise a right of which he has been deprived by a legally enforceable judgment, or who aids and abets any such misdemeanour, shall be liable to fines or imprisonment for a term not exceeding three months. Any person who continues to exercise a right of which he has been deprived may on conviction be ordered to provide such security as is required by section 13-14 of the Enforcement Act.

A public prosecution will only be instituted when requested by the aggrieved person.

Section 345. Any person who causes official notices which have been posted up, laid out or distributed to be unlawfully destroyed, removed, rendered illegible or soiled, or the delaying of official messages, or who aids and abets thereto, shall be liable to fines or under especially aggravating circumstances or in cases of repeated offences to imprisonment for a term not exceeding four months.

Section 346. Any person who unlawfully contacts a person confined in a prison, workhouse, reformatory, mental hospital, or any other officially

approved institution, or who obtains any kind of object for him, or who aids and abets thereto, shall be liable to fines.

Any person who causes a person to escape or to be unlawfully removed from any institution or other place to which he has been brought by the public authorities, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

Chapter 35. Misdemeanours against the general peace and order

Section 347. Any superior who wilfully fails to prevent the commission of any misdemeanour in his service, as far as he is able to do so, shall be liable to fines.

Section 348. (Repealed by Act of 14 March 2003 No. 16 (in force from 1 April 2003 pursuant to the decree of 14 March 2003 No. 300).)

Section 349. Any person who by groundless cries for help, misuse of distress signals or the like wilfully or negligently causes fear among a large number of people, a crowd gathering or a turn-out of the police, the fire service, an ambulance, a medical practitioner or the armed forces, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

The same penalty shall apply to any person who gives false information that is likely to cause fear for any person's life or health or general bitterness or to endanger public peace and order, or who against his better judgment or without reasonable grounds for regarding a rumour as true publicly spreads a false rumour that is likely to produce such an effect, or who aids and abets thereto.

Section 349 a. Any person who in any commercial or similar activity refuses any person goods or services on the same conditions as apply to others, because of his religion or life stance, skin colour or national or ethnic origin, shall be liable to fines or imprisonment for a term not exceeding six months. The same penalty shall apply to any person who in any such activity refuses any person such goods or services because of his homosexual inclination, lifestyle or orientation.

The same penalty shall apply to any person who for any such reason as is mentioned in the first paragraph refuses a person admission to a public

performance or exhibition or other public gathering on the same conditions as apply to others.

The same penalty shall also apply to any person who incites or in any other way who aids and abets any act mentioned in the first or the second paragraph.

Section 350. Any person who by fighting, noise or any other improper conduct disturbs

a) public peace and order,
b) lawful traffic,
c) the peace of the neighbourhood at night,
d) the neighbourhood at a place where he unlawfully remains present in spite of an order to leave,

shall be liable to fines or imprisonment for a term not exceeding two months.

The same penalty shall apply to any person who in a state of self-induced intoxication annoys or presents a threat to others.

Any person who aids and abets such an offence shall be liable to the same penalty.

Section 351. Any person who

1. by careless driving, riding, sledging, or sailing, or
2. by careless depositing of objects, or
3. by throwing stones, or placing of obstacles, or setting up traps, or
4. by neglecting to fence in or to cover a well, excavation or cavity in a secure manner, or
5. by neglecting to maintain a building, road, bridge or handrail, or
6. by failing to carry out prescribed safety measures, or
7. by failing to repair or report any damage that he himself has caused,

or by other similar conduct causes danger to traffic in a public place, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

Any person who in such manner as is mentioned above causes danger to the traffic in a place that provides lawful entrance to a farm, house or apartment, or to the traffic in a courtyard or garden or similar place to which a number of people have common access, shall be liable to fines.

Section 352. Any person who in the manufacture, use, storage, or handling of explosives, firearms, machines, steam boilers, electric wires, or similar objects is guilty of careless conduct likely to endanger the life or health of

others, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three months. If the offence consists in firing live ammunition from firearms or in detonating, igniting or otherwise using an explosive substance, imprisonment for a term not exceeding one year may be imposed.

Any person who by careless handling of fire or inflammable materials causes danger of fire, or who aids and abets thereto, or who contravenes any provisions made in or pursuant to a statute for the prevention of fires or explosions or the like shall be liable to fines or imprisonment for a term not exceeding three months.

Section 352 a. Any person who wilfully or through gross negligence carries in a public place a knife or similar sharp instrument that may be used to inflict bodily injuries shall be liable to fines or imprisonment for a term not exceeding six months or to both. Any person who aids and abets such an offence shall be liable to the same penalty. This prohibition shall not apply to a knife or other instrument that is used for or carried in connection with work, outdoor life or any other respectable purpose.

Section 353. Any person who enters any place to which access is prohibited by the public authorities, or who aids and abets thereto, shall be liable to fines.

Section 354. Any person who causes danger

1. by neglecting his duty to watch over an insane person or by failing to report to the police that an insane person who is in his care or custody has escaped,
2. by unlawfully exciting, teasing or frightening animals, or who aids and abets thereto,
3. by unlawfully keeping dangerous animals or by not ensuring in a proper manner that dangerous animals in his possession are rendered harmless, or
4. in the event of a dangerous animal escaping from him, by failing to report this to the police and otherwise to do everything in his power to prevent an accident

shall be liable to fines or imprisonment for a term not exceeding four months.

Section 355. Any person who unlawfully sneaks into or despite a prohibition forces his way into a building, vessel, railway carriage, motor vehicle or aircraft or any room therein or any other closed place, or who despite a request to depart unlawfully remains in any such place, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

Any person who unlawfully stays in a place that is in the possession of another person and who remains there despite a request to depart shall be liable to fines.

A public prosecution will only be instituted when requested by the aggrieved person, or when it is required in the public interest.

Section 356. Any person who without a request from the proper person makes or disposes of a key to a lock belonging to another person, or who makes or delivers a picklock to any person who has no lawful use for it, or who aids and abets thereto, shall be liable to fines.

If he has acted on the presumption that a criminal act was intended, imprisonment for a term not exceeding six months may be imposed.

Chapter 36. Misdemeanours against public health

Section 357. Any person who contravenes the regulations prescribed by or pursuant to statute in the realm for the prevention or combating of contagious diseases or for the protection of public health shall be liable to fines or imprisonment for a term not exceeding three months.

The same penalty shall apply to any person who contravenes any administrative decision made pursuant to the Act relating to control of communicable diseases. No penalty shall, however, be imposed for any contravention of section 5-1 of the said Act.

Section 358. (Repealed by Act of 5 August 1994 No. 55.)

Section 359. Any person who wilfully or negligently offers for sale

1. as foodstuffs for humans or animals or as stimulants objects injurious to health because of adulteration, unripeness, decay, defective preparation, mode of conservation or for other reasons, or

2. garments, fabrics, wall-paper, toys, utensils or tools designed for the preparation or preservation of foodstuffs, or similar objects containing substances that make them injurious to health,

shall be liable to fines or imprisonment for a term not exceeding three months.

The same penalty shall apply to any person who in his trade manufactures or produces such objects.

Section 360. Any person who wilfully or negligently offers for sale or disposes of any medicine which because of inferior ingredients, incorrect manufacture or for similar reasons is injurious to health or does not to the proper degree possess the qualities pertaining to that medicine shall be liable to fines or imprisonment for a term not exceeding four months.

Section 361. Any person who contravenes the regulations issued in the realm concerning the manufacture, distribution, or storing of medicines, poison or other substances injurious to health shall be liable to fines.

Section 362. Any person who wilfully or negligently

1. offers for sale as genuine and unadulterated any foodstuff for humans or animals or any stimulant which is counterfeited or diminished in value by the removal of any essential element or by the addition of any foreign substance, or
2. manufactures any such foodstuff or stimulant or substance designed for the manufacture thereof for the purpose of offering it or letting it be offered for sale as genuine and unadulterated

shall be liable to fines.

Section 363. Any person who offers for sale artificially produced foodstuffs for humans or animals or stimulants under names or descriptions which in commerce are used only for the natural products, or natural foodstuffs or stimulants under names or descriptions which in commerce are used only for other kinds of products shall be liable to fines.

Section 364. Any person who uses any means or method by which another person with his consent is put into a state of hypnosis or helplessness, unconsciousness or a similar state shall be liable to fines or imprisonment for a term not exceeding three months.

This provision shall not prevent a medical practitioner or a psychologist from putting a person into such a state for scientific purposes or for the treatment of illness.

Section 365. Any person who contravenes the regulations lawfully issued in the realm for the protection of health or safety in factories, mines, on railways or ships, in theatres, at acrobatic performances or the like, at inns or other meeting places shall be liable to fines or imprisonment for a term not exceeding three months.

Section 366. (Repealed by Act of 26 January 1973 No. 2.)

Chapter 37. Misdemeanours against public confidence

Section 367. Any person who counterfeits or without proper authorization manufactures money current in Norway or abroad or any document of the kind mentioned in section 178 or any tool or other object which appears to be designed for the manufacture thereof, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

Section 368. Any person who without proper authorization manufactures any Norwegian or foreign official seal, stamp, or mark, stamped paper, revenue stamp, postage stamp or the like, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

Section 369. Any person who distributes among the public any object that so closely resembles any Norwegian or foreign coin, banknote, revenue stamp, postage stamp, or any document of the kind mentioned in section 178 that they may easily be confused, or who aids and abets thereto, shall be liable to fines.

Section 370. Any person who publishes or otherwise disseminates incorrect statements about any object offered for sale as regards its composition or industrial patents and protective rights, or prizes awarded to it, or who publishes or disseminates descriptions or statements which are likely to mislead people, shall be liable to fines. The same penalty shall apply to any

person who on any object designed to be offered for sale or its packaging unlawfully places any label that may give the impression that the object enjoys industrial patents or protective rights, or who offers for sale any object so labelled.

Section 371. Any person who with unlawful intent publishes or otherwise uses as genuine or undistorted any counterfeit or distorted statement, written or printed, which appears to have originated directly from a particular person, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding six months.

A public prosecution will only be instituted when requested by the aggrieved person or when it is required in the public interest.

Section 372. Any person who, in order to mislead others concerning circumstances of significance for legal relations or for the commission of juristic acts, issues a written attestation that contains untruths shall be liable to fines or imprisonment for a term not exceeding three months.

Any person who, for the purpose of obtaining an advantage for himself or another person or injuring any person, falsely represents himself or another as the person referred to in an attestation, passport or similar document of identification, or who otherwise makes use of such a document, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding five months.

Any person who delivers to another person a document of identification issued to himself, although he knows or ought to know that it will be used unlawfully, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

Section 373. Any person who in the administration of an estate or in an enterprise in which decisions are made by a majority vote

1. fraudulently gains access to unauthorized participation in voting or to casting more votes than he is entitled to, or who aids and abets thereto, or
2. causes the result of a vote to be distorted or aids and abets thereto

shall be liable to fines or imprisonment for a term not exceeding three months.

Section 374. (Repealed by Act of 21 December 1979 No. 73.)

Section 375. Any person who is guilty of unlawfully stamping articles of gold, silver or other metals, or who offers for sale unlawfully stamped metal-work, shall be liable to fines or imprisonment for a term not exceeding six months.

Chapter 38. Misdemeanours against public morals

Sections 376-378. (Repealed by Act of 11 August 2000 No. 76)

Section 379. (Repealed by Act of 21 April 1972 No. 18.)

Sections 380-381. (Repealed by Act of 11 August 2000 No. 76.)

Section 382. Any person who issues or offers for sale or hire or otherwise attempts to disseminate any film, videogram or the like in which improper use has been made of scenes of gross violence for entertainment purposes shall be liable to fines or imprisonment for a term not exceeding six months or both.

The same penalty shall apply to any person who makes such use of scenes of gross violence in any public exhibition, including any television transmission or relaying of such transmission in the realm. Criminal liability shall not, however, be incurred by any person who has only participated in the technical activity connected with such transmission or relaying.

Any person who aids and abets such an offence shall be liable to the same penalty. The same penalty shall apply to negligent as to intentional offences.

This section shall not apply to any film or videogram that the Norwegian Media Authority has by prior control approved for commercial exhibition or sale. Nor shall this section apply to any exhibition of any film or videogram to persons over 18 years of age:

a) under the direction of a non-commercial film club, or
b) when such exhibition is non-commercial and is permitted by the local police.

Section 383. Any person who in a public place arranges or provides accommodation for gambling shall be liable to fines or imprisonment for a term not exceeding three months.

Any person who in such a place participates in gambling shall be liable to fines.

The court may decide that the winnings shall be repaid rather than confiscated.

The premises of a closed association may also be regarded as a public place if gambling is part of the purpose of the association or if any person or any person of a certain status, occupation or the like may generally be admitted, or if a special fee is paid for participation in the gambling.

Chapter 39. Misdemeanours against persons

Section 384. Any person who participates in a fight in which a person's death or considerable injury to body or health is caused, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding six months. He shall not, however, be liable to any penalty if it is shown to be probable that he was drawn into the fight against his will or that he intervened in it in order to protect another person from injury or to bring the fight to an end.

Section 385. Any person who uses a knife or any other particularly dangerous implement in a fight shall be liable to fines or imprisonment for a term not exceeding six months or to both.

Section 386. (Repealed by Act of 25 February 1972 No. 3.)

Section 387. Any person who, although it was possible for him to do so without special danger or sacrifice on the part of himself or others, fails

1. to help according to his ability any person whose life is in obvious and imminent danger, or
2. to prevent, by timely report to the proper authorities or otherwise according to his ability, a fire, a flood, an explosion or any similar accident which may endanger human life

shall be liable to fines or imprisonment for a term not exceeding three months.

If any person dies because of the misdemeanour, imprisonment for a term not exceeding six months may be imposed.

Section 388. Parents, heads of rural households, and other persons in similar positions who fail to render any woman belonging to their household such assistance as is required in pregnancy or childbirth, with the result that she is placed in a state of distress or helplessness in which she commits a felony aimed at the life of the foetus or the child, or by which the said life is endangered, shall be liable to fines or imprisonment for a term not exceeding three months.

Section 389. If the persons mentioned in the foregoing section, knowing or definitely presuming that any woman belonging to their household is concealing her pregnancy, fail to take the matter up with her and thereby contribute to her committing any such felony as is mentioned in the foregoing section, they shall be liable to fines or imprisonment for a term not exceeding three months.

Section 390. Any person who violates another person's privacy by giving public information about personal or domestic relations shall be liable to fines or imprisonment for a term not exceeding three months.

Sections 250 and 254 shall apply correspondingly.

If the misdemeanour is committed in a printed publication, an order for confiscation may be made in accordance with section 38.

A public prosecution will only be instituted when it is requested by the aggrieved person and required in the public interest.

Section 390 a. Any person who by frightening or annoying behaviour or other inconsiderate conduct violates another person's right to be left in peace, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding two years.

A public prosecution will only be instituted when it is requested by the aggrieved person and required in the public interest.

Section 390 b. (Repealed by Act of 14 April 2000 No. 31.)

Section 390 c. Added by Act of 4 June 1999 No. 37 (in force from the date the King so decides)

Chapter 40. Misdemeanours against property rights

Section 391. Any person who commits vandalism as specified in section 291, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three months if only minor damage is caused.

Any person who soils or defaces any object, or who aids and abets thereto, shall be liable to the same penalty.

Any person who commits vandalism of the kind specified in section 292 through negligence shall be liable to fines or imprisonment for a term not exceeding three months, but not exceeding six months if gross negligence is shown or the damage is caused to a boundary mark on the border of a neighbouring State.

Section 391 a. Any person who commits theft or embezzlement or aids and abets thereto shall be guilty of pilfering when his guilt must be regarded as minor because of the insignificant value of the articles appropriated and other circumstances.

The penalty for pilfering shall be fines or imprisonment for a term not exceeding six months or both.

The same penalty shall apply to any person who commits receiving (*heleri*), fraud or any contravention of section 262 under such circumstances as are referred to in the first paragraph, or who aids and abets thereto.

Section 392. Any person who unlawfully puts himself or another person in possession of any chattel, or who aids and abets thereto, shall be liable to fines but, if the value of the chattel exceeds 10 kroner, by fines or imprisonment for a term not exceeding three months.

If the offender has acted with the intention of asserting a genuine or supposed right, no penalty higher than fines shall be imposed. Under especially extenuating circumstances, a penalty may be remitted.

Section 393. Any person who unlawfully uses or disposes of a chattel belonging to another person so that the rightful owner thereby suffers loss or inconvenience, or who aids and abets thereto, shall be liable to fines.

Section 394. Any person who unlawfully appropriates lost property shall be liable to fines or imprisonment for a term not exceeding six months.

Any person who unlawfully fails to report an object found to the police or to deliver it to the police or other persons who are legally authorized to take care of it shall be liable to fines.

Under especially extenuating circumstances a penalty pursuant to the first or second paragraph may be remitted.

Section 395. Any person who unlawfully puts himself or another person in possession of real property, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

Section 392, second paragraph, shall apply correspondingly.

Section 396. Any person who without being entitled to do so builds, digs, uses explosives, sows or plants on, builds a road or footpath across, or drives livestock onto land in another person's possession, or who unlawfully makes other dispositions of real property in another person's possession to the detriment of the lawful possessor or contrary to his prohibition, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

If any boundary mark is obliterated by any such dispositions, imprisonment for a term not exceeding six months may be imposed.

Section 397. Any person who exceeds his rights in relation to the corresponding rights of another person by exercising his right to dispose of real property to a greater extent or in another manner than is lawful, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

Section 398. (Repealed by Act of 24 November 2000 No. 82.(in force from 1 January 2001 pursuant to the decree of 24 November 2000 No. 1169).)

Section 399. Any person who commits any act punishable pursuant to sections 255, 257 or 391 a with regard to

1. stones, sand, clay, earth, fertiliser, minerals, peat, moss, heather, flowers, bushes, twigs, leaves, bark, pine needles, dead trees or branches, waste wood, unharvested or fallen crops or fruit in a forest, field or meadow, or

2. seaweed, wild oysters or mussels in the water or on the seashore or beach shall be liable to fines or imprisonment for a term not exceeding three months.

When the object is of more considerable value, imprisonment for a term not exceeding six months may be imposed.

Section 400. Any person who in an unfenced place picks wild nuts, which are consumed on the spot, or wild berries, mushrooms, or flowers, or pulls up the roots of wild herbs, shall not be liable to a penalty.

This provision shall not apply to any person who picks cloudberries in the cloudberry fields in the diocese of Tromsø either contrary to the owner's express prohibition or without consuming them on the spot.

Section 401. Any person who for the purpose of obtaining an unlawful gain for himself or another person seeks to restrain or prevent other persons from bidding at a public sale or purchase by spreading false notions, by gifts or similar conduct, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding four months.

Section 402. Any person who, while concealing that he is unable to pay or to provide security, resides or enjoys meals, beverages or the like at hotels, hostels, inns, boarding houses, restaurants or other such places where it is assumed that the bill will be paid before departure or moving, or who makes use of another person's work or chattels under conditions where the same assumption applies, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

The same penalty shall apply to any person who in any such case as is mentioned above unlawfully departs without paying or providing security, although he is able to do so, or who aids and abets thereto.

A penalty pursuant to this section shall not be applicable to any act that comes under section 270 or 271.

Section 403. Any person who without paying the fixed fee fraudulently attempts to obtain admission to any performance, exhibition, or assembly in a closed room, or to travel on a ship, railway or the like, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

Section 404. Any person who, though prohibited from doing so, mixes with his own means any money or securities belonging to another person which have been entrusted to him for management or safekeeping, or who otherwise acts contrary to lawfully prescribed rules, shall be liable to fines or imprisonment for a term not exceeding six months.

Section 405. Any person who, in cases where the price of a commodity or the remuneration for work or services rendered is lawfully fixed by some public authority, demands or receives a payment higher than that prescribed shall be liable to fines, but in the case of repeated offences to fines or imprisonment for a term not exceeding three months.

The same penalty shall apply to any person who in any agreement stipulates for himself an advantage which it is prohibited to include in a contract.

Section 405 a. Any person who unreasonably obtains or attempts to obtain knowledge or control of a trade secret shall be liable to fines or imprisonment for a term not exceeding three months.

Section 405 b. (Repealed by Act of 4 July 2003 No. 79.)

Section 406. Any person who by unlawful acts attempts on his own or another's behalf to evade public taxes or duties shall, if no more severe penalty is provided, be liable to fines or in the case of repeated offences to fines or imprisonment for a term not exceeding four months.

Section 34 shall apply to all such cases to the effect that the amount shall accrue to the public treasury to which the tax or duty should have been paid.

Such acts committed against foreign States may, subject to reciprocity, be punished by fines pursuant to further provisions to be made by the King.

Section 407. Any person who violates the rights of others by fishing, hunting, trapping, catching or killing animals not owned by anyone shall be liable to fines.

Section 408. The misdemeanours referred to in sections 391 a, 395, 396, 398, 402, 403, 404, 405 a, 405 b and 407 shall not be subject to public prosecution except when requested by an aggrieved person.

Misdemeanours pursuant to section 391 a, section 398 pertaining to running water, and section 404 shall, however, always be subject to public prosecution when so required in the public interest.

The misdemeanours referred to in sections 391, 392, 393, 397 and 399 shall not be subject to public prosecution unless it is requested by an aggrieved person and required in the public interest.

Chapter 41. Misdemeanours pertaining to private employment

Section 409. Any person who without lawful or acceptable reasons fails to enter or leaves any employment which he has undertaken, or who aids and abets thereto, shall be liable to fines.

If any advance payment was received without being earned or repaid, or if there are other especially aggravating circumstances, imprisonment for a term not exceeding three months may be imposed.

Section 410. Any person who unlawfully refuses to receive any person into or discharges any person from his service shall be liable to fines.

Section 411. Any person who unlawfully denies any person in his service admission to his abode or expels him from it and thus exposes him to danger or special embarrassment shall be liable to fines or imprisonment for a term not exceeding three months.

If there was lawful reason for terminating the employment without notice, but the denial of admission or expulsion must be regarded as highly unreasonable under the circumstances, fines may be imposed.

Section 412. If an employee fails in his duty by unlawful absence or by refusal to perform the work incumbent on him, or if an employee who is living in his employer's household otherwise exhibits particularly poor conduct, he shall be liable to fines.

The same penalty shall apply to any employer who refuses to pay the employee the wages or other benefits due at the proper time, or who fails to give him such testimonial as he is entitled to by law, or who is otherwise

guilty of particularly poor conduct towards an employee living in his household.

Section 413. The misdemeanours mentioned in this chapter shall not be subject to public prosecution except when requested by an aggrieved person.

Chapter 42. Maritime misdemeanours

Section 414. If any person contravenes any Norwegian statutory provision concerning the medical examination and signing on of seamen, the articles of agreement and account book, reporting to, appearance before, or production of documents to any authority for maritime purposes, or concerning any duty to give information to any such authority, or concerning the holding of a maritime inquiry or other recording of evidence, he shall be liable to fines or imprisonment for a term not exceeding three months.

Section 415. Any shipmaster or mate on watch who in the case of a collision fails to inform the master of the other vessel or any other person concerned therewith of the name and home port of his own ship, its port of destination and the port from which it has come, shall be liable to fines or imprisonment for a term not exceeding three months. He shall be liable to the same penalty if he without reasonable grounds fails to give the said information when the ship otherwise in its manoeuvres causes damage to another vessel or to persons or goods carried thereon.

Section 416. Any shipmaster or owner who infringes any Norwegian statutory provision for securing the seaworthiness of the ship or for protecting the safety or interests of those on board shall be liable to fines or imprisonment for a term not exceeding three months.

The same penalty shall apply to any person who causes or who aids and abets any such misdemeanour.

Section 417. A shipmaster of a Norwegian ship shall be liable to fines or imprisonment for a term not exceeding three months if he

1. fails to observe any regulation prescribed by or pursuant to statute when a felony is committed by any person carried on the ship, or

2. without sufficient cause refuses to receive on board persons for whom Norwegian authorities must provide transportation, or
3. fails to comply with any decision made by the proper authority in any dispute between him and any of his subordinates which is finally or temporarily binding on him.

Section 418. Any person who wilfully or negligently

1. contravenes any regulation issued pursuant to section 506, No. 1 and No. 2, of the Maritime Act,
2. contravenes regulations issued by the King concerning shipping in Norwegian territorial waters, or
3. during navigation so acts that the vessel causes or is exposed to danger or damage

shall be liable to fines.

If there are aggravating circumstances, the penalty shall be fines or imprisonment for a term not exceeding three months.

Section 419. Any person who

1. fails to observe any Norwegian statutory provision concerning the registration or marking of ships or other vessels or concerning the duty to have insurance or concerning a prohibition against the use of vessels that are not registered, marked or insured, or concerning the posting of notices on board, or
2. unlawfully places, removes, alters or conceals nationality or registration marks on a registered ship,
3. fails to comply with an order from the Ministry to appoint a representative or managing shipowner in cases mentioned in section 3 of the Maritime Act

shall be liable to fines.

The same penalty shall apply to any person who contravenes any Norwegian statutory provision concerning a duty to have available on board ship's papers and a copy of laws, regulations and wage agreements.

Section 420. Any person who fails to observe any Norwegian statutory provision concerning the tonnage measurement of vessels shall be liable to fines.

Section 421. Any person who wilfully fails to take up or abandons or fails to return to his duties on board a ship shall be liable to fines or imprisonment for a term not exceeding three months.

When the offender ought to understand that considerable financial loss would be caused or that the ship would be endangered, the penalty shall be fines or imprisonment for a term not exceeding six months.

Public prosecution of a misdemeanour mentioned in the first paragraph will only be instituted when requested by the aggrieved person.

Section 422. Any shipmaster, engineer, mate, steward, telegraphist, ship's electrician or pilot who is guilty of gross or repeated negligence in his duties shall be liable to fines or imprisonment for a term not exceeding three months.

Section 423. Any shipmaster who unlawfully carries freight between places on the Norwegian coast shall be liable to fines or imprisonment for a term not exceeding three months.

Any shipmaster who unlawfully carries a Norwegian flag or any other mark of Norwegian nationality, or who in Norwegian waters carries any flag or mark of nationality to which he is not entitled shall be liable to fines or imprisonment for a term not exceeding one year.

Section 424. Any person who unlawfully serves on board a ship without having the qualifications for the position or the age or length of service prescribed by any statutory provision shall be liable to fines or imprisonment for a term not exceeding three months.

The same penalty shall apply to any shipowner or shipmaster who unlawfully employs any person in any position on board.

Section 425. Any shipmaster who without sufficient cause commits or allows another person to commit any act whereby the ship or its cargo is exposed to capture or seizure shall be liable to fines or imprisonment for a term not exceeding six months.

The same penalty shall apply to any person carried on the ship who without the permission of the shipmaster commits any act mentioned in the first paragraph.

A public prosecution will only be instituted when requested by the aggrieved person.

Section 425 a. Any person who wilfully or negligently takes a vessel unlawfully into a zone established to protect temporary or permanent installations or facilities for the exploration of or exploitation, storage or transport of submarine natural resources shall be liable to fines or imprisonment for a term not exceeding three months.

Section 426. Any subordinate on board a Norwegian ship shall be liable to fines or under especially aggravating circumstances to imprisonment for a term not exceeding three months:

1. when he fails to report for duty at the proper time, wrongfully leaves the ship or fails to return to it at the proper time after having been ashore,
2. when he fails to report any cause for absence that prevents him from coming on board at the proper time,
3. when he causes damage or danger by neglect of duty,
4. when he wastes provisions or handles them in some other improper manner,
5. when he lets an unauthorized person remain in hiding on board or lets any person come on board contrary to a prohibition,
6. when he unlawfully brings intoxicating beverages or anything else on board,
7. when he behaves improperly towards a superior or fails to comply with orders received in the course of duty, or
8. when he engages in a fight or in any other way breaches the rules of order on board.

A public prosecution will only be instituted when requested by the shipmaster or shipowner.

Section 427. Any person who wilfully or negligently contravenes a regulation or individual decision made pursuant to Act of 9 June 1903 No. 7, chapter eleven, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding four months or both.

Chapter 43. Misdemeanours in printed matter

Section 428. Any person who fails to state his name or firm and the place of printing on any publication printed by him - with the exception of ballot papers, price lists, forms and the like - or who makes an incorrect statement shall be liable to fines.

Section 429. If in a newspaper or periodical it is not stated who the editor is, the editor and the publisher shall be liable to fines.

If a person other than the real editor is named, both the latter and the publisher shall be liable to fines or imprisonment for a term not exceeding three months. The same penalty shall also apply to the person incorrectly named as editor if such naming has been done with his consent.

Section 430. The editor of a newspaper or periodical shall be liable to fines if he refuses to print unaltered a correction of a statement of a factual nature in the newspaper or periodical if this is requested within one year by any person whom the statement directly concerns and the correction is limited to a statement of a factual nature and does not contain anything of a criminal nature. The editor may, moreover, be enjoined, by means of a continuous daily fine, to print the correction.

A refusal is deemed to have been made if the correction is not published in the first or second issue of a newspaper, or the first issue of a periodical which was not ready for printing when the correction was requested, in as prominent a place as the statement to be corrected and generally made up in such a way as is required by good press usage.

A public prosecution will only be instituted when requested by the aggrieved person.

Section 430 a. The editor shall be liable to fines if he, although his newspaper or periodical has published or quoted a defamatory statement which has resulted in a penalty, a declaration that the statement is null and void, or a formal compromise, fails at the request of the aggrieved person to publish the conclusion of the judgment, the grounds of judgment, or the formal compromise free of charge and in a prominent place in the newspaper or periodical. Publication shall take place within a week after the transcript has been received or, if this is not possible, in the first issue subsequently published. The request for publication must be made within one year after the judgment or formal compromise. If the publication has taken place after the judgment or formal compromise, the request must be made within one year after the publication.

The provisions of section 430, second sentence, shall apply correspondingly.

The above provisions shall apply correspondingly to felonies under section 130.

A public prosecution will only be instituted when requested by the aggrieved person.

Section 431. The editor of a newspaper or periodical shall be liable to fines or imprisonment for a term not exceeding three months if the newspaper or periodical publishes anything for which the editor would have incurred criminal liability pursuant to some other statutory provision if he had known the content. He shall not, however, be liable to a penalty if he establishes that he cannot be blamed as regards checking the content of the publication or supervision, guidance or instruction of his deputy, colleagues or subordinates.

When there are especially aggravating circumstances, imprisonment for a term not exceeding six months may be imposed. However, no more severe penalty may be imposed than that prescribed in the statutory provision that would have been applicable if the editor had known the content.

In cases of publication through broadcasting these provisions shall apply correspondingly to the head of the broadcasting corporation, the programme director, and the responsible manager of the programme department or regional office.

Concerning prosecution, the rules for prosecution of the offence embodied in the publication or transmission shall apply.

Section 432. Any person who in a printed publication wilfully or through gross negligence reports court proceedings or wilfully reports the proceedings of other public authorities in such a way that the account of what has been said or what has happened appears to be grossly wrong or gravely misleading because of exaggerations, omissions, additions or interpolated remarks or in any other way, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three months.

When there are especially aggravating circumstances, imprisonment for a term not exceeding six months may be imposed.

The penalty may be remitted if the report is printed in a newspaper or periodical and is corrected in a prominent place in the newspaper or periodical as soon as possible after the editor has become aware of the true facts. If the offence was unintentional, no penalty shall be applicable.

Section 433. Any person who reprints, offers for sale or hire, or attempts to distribute generally a printed publication which has been declared to be seized or confiscated as contrary to sections 246 to 248, cf. section 252, or section 390, or which has been declared to be seized or confiscated for some other reason less than 15 years previously, shall be liable to fines or imprisonment for a term not exceeding three months.

A prosecution will only be instituted when it is required in the public interest.

Section 434. Any person who fails to furnish the local police with a copy of a public newspaper, periodical, or leaflet which he has issued, as soon as distribution or mailing thereof has begun, shall be liable to fines.

This provision shall not apply to publications which deal solely with science, art, or commerce or contain announcements from public authorities.

Section 435. In the cases referred to in section 433, the publication shall always be confiscated in accordance with the provisions of section 38. In the cases referred to in sections 428, 429 and 432 the same may be decided.

Proceedings for confiscation pursuant to the first sentence of the first paragraph shall only be instituted when it is required in the public interest.

Section 436. In this chapter editor of a newspaper or periodical means the person who makes the decisions concerning the contents of a publication or a part of it, whether he is described as the editor or the publisher or in some other way.