

The National Council for  
Crime Prevention  
Sweden

The Swedish  
Penal Code  
1986



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The National Council for Crime Prevention  
Sweden

# The Swedish Penal Code 1986

The translation is that of the wording  
of the Penal Code as at April 1, 1986

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U.S. Department of Justice  
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Stockholm, May 1986

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# Introduction

The Swedish Penal Code came into force in 1965. Behind it lay more than 50 years of preparatory work and partial reforms. Many interpreted the new legislation as the final solution to all questions in criminal law. However one must bear in mind that if the legislation is to remain alive one must continuously renew it. This has also in fact beendone and new revisions are planned.

The Swedish Penal Code has been available in English since 1972 when it was published in the American Series of Foreign Penal Codes. The text was translated by Thorsten Sellin, University of Pennsylvania.

This text has now been revised by John Hogg, authorized translator. Amendments and additions have been translated and merged into the 1972 edition. The text is now the wording of the Penal Code as at April 1, 1986.

Stockholm, May 1986

Bo Svensson  
Director of the National Swedish Council  
for Crime Prevention

# Part One

## General Provisions

### Chapter 1

#### On Crimes and Sanctions

##### Section 1

Crime is an act for which a punishment as stated below is provided by this Code or by other codes or laws.

##### Section 2

Unless otherwise stated, an act described in this Code shall be regarded as a crime only if it is committed intentionally.

If the act has been committed during self-induced intoxication or if the actor had otherwise himself brought about the temporary loss of the use of his senses, this shall not cause the act to be considered non-criminal.

##### Section 3

A sanction for crime in this Code means:

the common punishments of fine and imprisonment; disciplinary punishment for members of the armed services as well as conditional sentence, probation, and surrender for special care. (SFS 1981:211)

##### Section 4

The use of punishments is regulated, in general, by the statutory provisions governing the individual crimes. Other sanctions may, according to what is provided for their use, nevertheless be applied albeit they are not mentioned in those provisions.

Imprisonment is to be regarded as a heavier sanction than a fine and disciplinary punishment. (SFS 1975:667)

## **Section 5**

Unless otherwise provided, several sanctions for the same crime may not be imposed.

## **Section 6**

Unless otherwise provided, a joint sanction for the crimes shall be imposed when a person is to be sentenced for several crimes.

If there are special reasons for it, a person may be sentenced for one or more crimes to pay a fine together with a sanction for additional criminality, or to imprisonment together with conditional sentence or probation for the rest of his criminality.

## **Section 7**

In the choice of sanctions, the court, with an eye to what is required to maintain general obedience to the law, shall keep particularly in mind that the sanction shall serve to foster the sentenced offender's rehabilitation in society.

## **Section 8**

Aside from a sanction, and in accordance with appropriate statutory provisions, a crime may incur forfeiture of property, a company fine or some other special consequence defined by law and may also incur liability for the payment of damages. (SFS 1986:118)

# **Chapter 2**

## **On the Applicability of Swedish Law**

### **Section 1**

A person who has committed a crime within this Realm shall be tried according to Swedish law and in a Swedish court. The same applies when it is uncertain where the crime was committed but grounds exist for assuming that it was committed within the Realm. (SFS 1972:812)

### **Section 2**

A person who has committed a crime outside the Realm shall be tried according to Swedish law and in a Swedish court if the person is

1. a Swedish citizen or an alien domiciled in Sweden,



2. an alien not domiciled in Sweden who, after having committed the crime, has become a Swedish citizen or has acquired domicile in the Realm or who is a Danish, Finnish, Icelandic, or Norwegian citizen and is present here, or

3. some other alien, who is present in the Realm and the crime is punishable according to Swedish law by imprisonment for more than six months.

The first paragraph shall not apply if the act is not punishable under the law at the place where it was committed or if it was committed within an area not belonging to any state and, under Swedish law, the punishment for the act cannot be more severe than a fine.

In cases mentioned in this Section a sanction may not be imposed which is to be regarded as severer than the severest punishment prescribed for the crime under the law at the place where the crime was committed. (SFS 1972:812)

### **Section 3**

Even in a case other than those mentioned in Section 2, a person who has committed a crime outside the Realm shall be tried according to Swedish law and in a Swedish court:

1. if he committed the crime on board a Swedish vessel or airplane or if he was a commanding officer or belonged to the crew of such carrier and committed the crime while in that capacity;

2. if the crime was committed by a serviceman in an area where a detachment of military forces was present or if committed by other than a serviceman in such an area and the detachment was there for other than training purposes;

3. if the crime was committed against Sweden, a Swedish local authority or other corporate body or a Swedish public institution;

4. if the crime was committed in an area not belonging to any state and was perpetrated against a Swedish citizen, Swedish association or private institution or against an alien domiciled in Sweden;

5. if the crime is hijacking of or sabotage against an aircraft or violates international law or is an attempt at hijacking of or sabotage against an aircraft, or

6. if the mildest punishment for the crime provided in Swedish law is imprisonment for four years or more. (SFS 1973:342)

### **Section 3 a**

In other cases as well than those mentioned in Sections 1–3, sanctions for crime may be imposed according to Swedish law and by a Swedish court pursuant to the provisions of the Act (1975:19) on International Collaboration in Prosecution of Crimes. (SFS 1976:20)

#### **Section 4**

A crime is deemed to have been committed where the criminal act occurred and also where the crime was completed or, in the case of attempts, where the intended crime would have been completed.

#### **Section 5**

Prosecution for a crime committed within the Realm on a foreign vessel or airplane by an alien, who was a commanding officer or belonged to the crew of or otherwise accompanied the carrier, against such alien or a foreign interest shall not be instituted without an order from the Government or from a person authorized by the Government to give such order.

Prosecution for a crime committed outside the Realm may be instituted only pursuant to an order as stated in the first paragraph. Nevertheless, prosecution may be instituted without such order if the crime was committed

1. on a Swedish vessel or airplane or, while on duty, by the commanding officer or some member of the crew of such carrier,
2. by a serviceman in an area where a detachment of the armed services happened to be,
3. in Denmark, Finland, Iceland or Norway or on a ship or aircraft in regular commerce between places located in Sweden or any of the aforesaid states, or
4. by a Swedish, Danish, Finnish, Icelandic or Norwegian citizen against a Swedish interest. (SFS 1974:565)

#### **Section 5 a**

If the question of punishment for an act has been decided in a valid judgment pronounced in a foreign state where the act was committed or in a foreign state which has acceded to the European Convention of 15 May 1972 on Transfer of Prosecution in Criminal Cases, the accused may not be prosecuted for the same act in this Realm

1. if he has been acquitted,
2. if he has been declared guilty of the crime without a sanction being imposed,
3. if a sanction has been enforced in its entirety or enforcement is proceeding, or
4. if a sanction imposed has lapsed according to the law of the foreign state.

The first paragraph does not apply in respect of a crime mentioned in Section 1 or Section 3, (3), (5), or (6), unless prosecution in the foreign state has taken place at the request of a Swedish authority.

If the question of punishment for an act has been decided in a judgment pronounced in a foreign state and no impediment to prosecution exists by reason of what has been previously stated in this section, the act may be prosecuted in this Realm only by order of the Government or by a person authorized by the Government. (SFS 1976:20)

#### **Section 6**

If a person is sentenced in the Realm for an act for which he has been subjected to a sanction outside the Realm, the sanction shall be determined with due consideration for what he has suffered outside the Realm. If it is found that he should be sentenced to pay a fine or to imprisonment and he has been sentenced to a sanction of deprivation of liberty outside the Realm, what he has suffered thereby shall be taken fully into consideration when determining the sanction.

In cases referred to in the first paragraph a person may be sentenced to a milder punishment than that prescribed for the act or be completely absolved of punishment. (SFS 1972:812)

#### **Section 7**

Aside from the provisions of this chapter regarding the applicability of Swedish law and the jurisdiction of Swedish courts, attention shall be paid to the limitations resulting from generally recognized principles of international law or, in accordance with special statutory provisions, from agreements with foreign powers.

#### **Section 7a**

If an alien has committed a crime in the exercise of duty or of commission comprising a general post on behalf of another state or international organisation, he may be prosecuted therefore only after direction by the government. The foregoing does not apply if, by means of misleading information, disguise or otherwise, the perpetrator of the deed has attempted to conceal in what capacity he has acted. (SFS 1985:518)

#### **Section 8**

Separate statutory provisions govern extradition for crime.

Conditions stipulated in connection with extradition from a foreign state to Sweden shall be complied with in this Realm.

# Part Two

## On Crimes

### Chapter 3

#### On Crimes against Life and Health

##### Section 1

A person who takes the life of another shall be sentenced for *murder* to imprisonment for ten years or for life.

##### Section 2

If, in view of the circumstances that led to the act or for other reasons, the crime mentioned in Section 1 is considered to be less grave, imprisonment for *manslaughter* shall be imposed for at least six and at most ten years.

##### Section 3

If a woman kills her child at its birth or else at a time when, due to her confinement, she is in a disturbed mental state or in grave distress, she shall be sentenced for *infanticide* to imprisonment for at most six years.

##### Section 4

Annulled (Swedish Code of Statutes 1974:596)

##### Section 5

A person who inflicts bodily injury, illness or pain upon another or renders him unconscious or otherwise similarly helpless, shall be sentenced for *assault* to imprisonment for at most two years or, if the crime was petty, to pay a fine.

## **Section 6**

If the crime mentioned in Section 5 is considered grave, the sentence shall be for *aggravated assault* to imprisonment for at least one and at most ten years.

In judging the gravity of the crime, special attention shall be paid to whether the deed involved a mortal danger or whether the offender had inflicted grievous bodily injury or severe illness or had otherwise shown great ruthlessness or brutality.

## **Section 7**

A person who through carelessness causes the death of another shall be sentenced for *causing another's death* to imprisonment for at most two years or, if the crime is petty, to pay a fine.

If the crime is grave, imprisonment shall be imposed for at least six months and at most four years.

## **Section 8**

If a person through carelessness causes another to suffer bodily injury or illness not of a petty nature, he shall be sentenced for *causing bodily injury or illness* to pay a fine or to imprisonment for at most six months.

If the crime is grave, imprisonment for at most two years shall be imposed.

## **Section 9**

If a person through gross carelessness exposes another to mortal danger or danger of severe bodily injury or serious illness, he shall be sentenced for *creating danger to another* to pay a fine or to imprisonment for at most two years.

## **Section 10**

Attempt or preparation to commit murder, manslaughter, infanticide or an assault not of a petty nature, also conspiracy to commit murder, manslaughter or aggravated assault or failure to reveal such crime, shall be punished as stated in Chapter 23. (SFS 1974:596)

## **Section 11**

Causing bodily injury or illness may, if the crime is not grave, be subject to public prosecution only if the person aggrieved reports the crime for prosecution or has suffered the injury or illness in the capacity of employee and prosecution is called for in the public interest. (SFS 1981:1313)

## Chapter 4

### On Crimes against Liberty and Peace

#### Section 1

If a person seizes and carries away or confines a child or some other person with the intent of injuring him in body or health or forcing him into service, or to practise extortion, he shall be sentenced for *kidnapping* to imprisonment for a fixed period of at least four and at most ten years, or for life.

If the crime is less grave, imprisonment for at most six years shall be imposed.

#### Section 2

A person who, in a case other than those stated in Section 1, deprives someone of his liberty by carrying him away or confining him or otherwise, shall be sentenced for *unlawful deprivation of liberty* to imprisonment for at least one and at most ten years.

If the crime is less grave, a fine or imprisonment for at most two years shall be imposed.

#### Section 3

A person who otherwise than as stated in Section 1 or 2, by unlawful compulsion or deceit, accomplishes the entry of someone into military or labour service or other similar condition of restraint or induces someone to go to or remain in a place abroad where he may be in danger of being exposed to persecution or exploited for casual sexual relations or otherwise be reduced to distress, shall be sentenced for *placing a person in a distressful situation* to imprisonment for at least one and at most ten years.

If the crime is less grave, a fine or imprisonment for at most two years shall be imposed. (SFS 1984:399)

#### Section 4

A person who, by assault or otherwise by force or by threat of a criminal act, compels another to do, submit to or omit to do something, shall be sentenced for *unlawful coercion* to pay a fine or to imprisonment for at most two years. If anyone with such effect exercises coercion by threat of prosecuting or accusing another of a crime or of giving detrimental information about another, he also shall be sentenced for unlawful coercion, provided that the coercion is wrongful.

If a crime referred to in the first paragraph is grave, imprisonment for at least six months and at most six years shall be imposed. In judging the gravity of the crime, special attention shall be paid to whether the act included the infliction of pain to force a confession, or other torture.

### **Section 5**

If a person raises a weapon against another or otherwise threatens to commit a criminal act, in a manner suited to evoke in the threatened person a serious fear for his own or someone else's safety as to his person or property, he shall be sentenced for *unlawful threat* to pay a fine or to imprisonment for at most two years.

### **Section 6**

A person who unlawfully intrudes or remains where another has his living quarters, whether it is a room, a house, a yard or a vessel, shall be sentenced to pay a fine for *breach of domiciliary peace*.

If a person, without authorization, intrudes or remains in an office, factory, other building or vessel or at storage area or other similar place, he shall be sentenced for *unlawful intrusion* to pay a fine.

If the crime mentioned in the first or second paragraph is grave, imprisonment for at most two years shall be imposed.

### **Section 7**

A person who manually molests or by discharge of a firearm, throwing of stones, making loud noise or other heedless conduct harrasses another, shall be sentenced for *molestation* to pay a fine or to imprisonment for at most six months.

### **Section 8**

If a person unlawfully obtains access to a communication which in the form of mail or as telephone conversation, telegram or other telecommunication is being transmitted by a public agency of communication, he shall be sentenced for *breach of postal or telecommunication secrecy* to pay a fine or to imprisonment for at most two years.

### **Section 9**

A person who, in a case not covered by Section 8, unlawfully opens a letter or a telegram or otherwise obtains access to something kept safely under seal or lock or otherwise enclosed, shall be sentenced for *intrusion in a safe depository* to pay a fine or to imprisonment for at most two years.

### **Section 9 a**

A person who, in a case other than stated in Section 8, unlawfully and secretly listens to or privately records by technical means for sound reproduction a conversation between others or discussions at a conference or other meeting to which the public is not admitted and in which he himself does not participate, or to which he has improperly obtained access, shall be sentenced for *eavesdropping* to pay a fine or to imprisonment for at most two years. (SFS 1975:239)

### **Section 9 b**

If a person employs technical means with the intention of committing a breach of telecommunication secrecy in the manner stated in Section 8 or to commit a crime as stated in Section 9a, he shall be sentenced for preparation of such a crime to pay a fine or to imprisonment for at most two years if he is not liable for a completed crime. (SFS 1975:239)

### **Section 10**

Attempt, preparation or conspiracy to commit kidnapping, unlawful deprivation of liberty or placing a person in a distressful situation, failure to reveal such a crime, as well as attempt or preparation to commit unlawful coercion of a grave nature shall be punished as stated in Chapter 23.

### **Section 11**

Breach of domiciliary peace or unlawful intrusion not of a grave nature, eavesdropping not committed in a public place or preparation for such a crime, molestation which did not occur in a public place, or intrusion in a safe depository may be prosecuted by the public prosecutor only if the person aggrieved reports the crime for prosecution or when prosecution is called for in the public interest. The same applies to unlawful coercion by threat to prosecute or accuse another of crime or to give damaging information about another, as well as attempt at or preparation for such a crime. (SFS 1975:239)

## **Chapter 5**

### **On Defamation**

#### **Section 1**

A person who points out someone as being a criminal or as reproachable for his mode of life, or otherwise gives information



likely to expose him to disrespect of others, shall be sentenced for *defamation* to pay a fine.

If he was in duty bound to express himself or if, considering the circumstances, the giving of information on the matter was defensible, and if he proves that the information was true or that he had reasonable grounds for it, no punishment shall be imposed.

## **Section 2**

If the crime mentioned in Section 1 is regarded as grave, a fine or imprisonment for at most two years shall be imposed for *grave defamation*.

In judging the gravity of the crime, special attention shall be paid to whether the information, because of its content or the scope of its dissemination or otherwise, was likely to result in serious damage.

## **Section 3**

A person who vilifies another by an insulting epithet or accusation or by other outrageous conduct toward him, shall be sentenced for *insulting conduct* to pay a fine if the act is not punishable in accordance with Section 1 or 2.

If the crime is grave, a fine or imprisonment for at most six months shall be imposed.

## **Section 4**

The defamation of a deceased person shall incur punishment in accordance with Section 1 or 2 if the act is offensive to the survivors or if, considering the time that has passed since the deceased was alive and other circumstances, the act can be regarded as disturbing the peace to which the deceased should be entitled.

## **Section 5**

Crimes referred to in Sections 1–3 may not be prosecuted except by the person aggrieved. However, defamation or grave defamation may be prosecuted by the public prosecutor if the person aggrieved reports the crime for prosecution and such prosecution is for special reasons found to be called for in the public interest. Under the same conditions public prosecution may be instituted for insult to a person in or for his exercise of authority or insult to a person with allusion to his race, skin-colour, national or ethnic origin or religious creed.

If the defamation had been aimed at a deceased person, prosecution may be instituted by the surviving spouse of the deceased, his direct heir, father, mother or siblings, and by the public prosecutor, if prosecution is, for special reasons, found to be called for in the public interest.

If a crime referred to in Sections 1–3 involves an outrage against the head of state of a foreign power who is present in Sweden or against a representative of a foreign power in Sweden which is insulting to the foreign power, the crime may be prosecuted by the public prosecutor without regard for the provisions of the first paragraph. However, prosecution may not be instituted without an order from the Government or from one authorized by the Government. (SFS 1982:271)

## Chapter 6

### On Sex Crimes

#### Section 1

If a person, by violence or by threat involving or appearing to the threatened person as imminent danger, forces the latter to copulate or have other comparable sexual intercourse, he or she shall be sentenced for *rape* to imprisonment for at least two and at most six years. Rendering the person unconscious or putting the person in other such state shall be regarded as equivalent to violence.

If in view of the nature of the violence or the threat and the circumstances in other respects the crime is considered less grave, a sentence to imprisonment for at most four years shall be imposed.

If the crime is grave, a sentence to imprisonment for at least four and at most ten years shall be imposed for *aggravated rape*. In judging whether the crime was grave, special attention shall be paid to whether the violence involved a danger to life or whether the offender had inflicted serious injury or serious illness or otherwise displayed particular brutality. (SFS 1984:399)

#### Section 2

A person who, under circumstances other than those mentioned in Section 1, by unlawful coercion makes someone engage in sexual intercourse shall be sentenced for *sexual coercion* to imprisonment for at most four years. (SFS 1984:399)

#### Section 3

A person who induces another to engage in sexual intercourse by gross abuse of his or her dependency or by improperly taking advantage of the fact that the latter is unconscious or in other helpless state or is mentally ill or mentally retarded shall be sentenced for *sexual exploitation* to imprisonment for at most four years. (SFS 1984:399)

#### **Section 4**

A person who has sexual intercourse with someone under eighteen years of age and who is that persons's offspring or is in his or her charge, or for whose care or supervision he or she is responsible by decision of a public authority, shall be sentenced for *sexual exploitation of a minor* to imprisonment for at most four years.

If the offender has acted with especial lack of regard for the minor or the crime is otherwise to be regarded as grave, a sentence of imprisonment for at least two and at most eight years shall be imposed for *aggravated sexual exploitation of a minor*. (SFS 1984:399)

#### **Section 5**

If a person, otherwise than as stated in Section 4, has sexual relations with his or her own child or its offspring, a sentence of imprisonment for at most two years shall be imposed for *sexual intercourse with an offspring*.

A person who has sexual relations with his or her whole sibling shall be sentenced to imprisonment for at most one year for *sexual intercourse with a sibling*.

The provisions of this Section do not apply to the person who has been made to commit the act by unlawful coercion or other improper means. (SFS 1984:399)

#### **Section 6**

If a person, otherwise than as previously stated in this chapter, has sexual intercourse with a child under fifteen years of age, a sentence of imprisonment for at most four years shall be imposed for *sexual intercourse with a child* (SFS 1984:399)

#### **Section 7**

A person who, otherwise than as previously stated in this chapter, sexually touches a child under fifteen years of age or induces the child to undertake or participate in an act with sexual implication shall be sentenced to a fine or imprisonment for at most one year for *sexual molestation*.

The same shall apply if a person exposes himself to another in a manner apt to give offence or otherwise behaves indecently toward the latter by word or deed that flagrantly violates a sense of decency. (SFS 1984:399)

#### **Section 8**

A person who promotes or in an improper way exploits the fact that someone has casual sexual relations against payment shall be sentenced for *procuring* to imprisonment for at most four years.

If the person who consigns the usufruct of a dwelling gets to know that the dwelling is wholly or to a substantial extent used for casual sexual relations against payment and fails to do what can reasonably be desired to terminate the consignment of usufruct, and if the activity continues or is resumed in the dwelling, he shall be considered to have promoted the activity and shall be sentenced in accordance with the first paragraph. (SFS 1984:399)

### **Section 9**

If the crime is grave, imprisonment for at least two and at most six years shall be imposed for *grave procuring*.

In judging the gravity of the crime, special attention shall be paid to whether the offender has widely encouraged casual sexual relations against payment or has ruthlessly exploited another. (SFS 1984:399)

### **Section 10**

A person who, by promising or giving compensation, obtains or tries to obtain casual sexual intercourse with someone under eighteen years of age, shall be sentenced for *seduction of youth* to pay a fine or to imprisonment for at most six months. (SFS 1984:399)

### **Section 11**

A sanction provided in this Chapter for an act committed against someone under a given age shall be imposed even on a person who did not realize but had reasonable grounds for assuming that the other had not reached such age. (SFS 1984:399)

### **Section 12**

Attempt to commit rape, aggravated rape, sexual coercion, sexual exploitation, sexual exploitation of minor, aggravated sexual exploitation of minor, sexual intercourse with a child, procuring and grave procuring shall be punished as stated in chapter 23. The same applies to preparation for and conspiracy to rape, aggravated rape, aggravated sexual exploitation of a minor and grave procuring. (SFS 1984:399)

### **Section 13**

When, in case of sexual intercourse with a child or attempt to commit such a crime, or of sexual molestation as under Section 7, first paragraph, there is little difference in age and development between the offender and the child, public prosecution shall not occur unless it is called for in the public interest. (SFS 1984:399)

## Chapter 7

### On Crimes against Family

#### Section 1

If a married person enters a new marriage or a single person marries one who is already married, he shall be sentenced for *bigamy* to pay a fine or to imprisonment for at most two years.

#### Section 2

Annulled (Swedish Code of Statutes 1973:648).

#### Section 3

A person who conceals or exchanges a child or otherwise, by giving incorrect notice to the authorities or by failing to give notice, appropriates for himself or another a false family status or deprives another of his rightful family status, shall be sentenced for *perversion of family status* to pay a fine or to imprisonment for at most two years.

#### Section 4

If a person, without authorization, separates a child under fifteen years of age from the person who has the custody of the child, he shall, unless the crime is one against personal liberty, be sentenced for *dealing arbitrarily with a child* to pay a fine or to imprisonment for at most six months.

The same shall apply if a person having joint custody of a child under fifteen years of age without noteworthy reason arbitrarily removes the child or if the person who is to have the custody of the child without authorization seizes the child and thus takes the law into his own hands.

A person is also punishable in accordance with the first paragraph who without authorization separates a child under fifteen years of age from the person who has the custody of the child by virtue of the Care of Young Persons (Special Provisions) Act (1980:621), unless the crime is one against personal liberty or of furtherance of flight.

If the crime stated in the first or second paragraph is to be regarded as grave, the offender shall be sentenced to imprisonment for at most two years. (SFS 1983:486)

#### Section 5

Attempt to pervert family status is punished as stated in Chapter 23.

## Section 6

Arbitrary dealing with a child may not be prosecuted by the public prosecutor unless prosecution is called for in the public interest. (SFS 1973:648)

## Chapter 8

### On Theft, Robbery and Other Crimes of Stealing

#### Section 1

A person who, with the intent of appropriating it, unlawfully takes what belongs to another shall, if the appropriation involves loss, be sentenced for *theft* to imprisonment for at most two years.

#### Section 2

If the crime mentioned in Section 1 is regarded as petty, considering the value of the stolen goods and other circumstances of the crime, a sentence to pay a fine or to imprisonment for at most six months shall be imposed for *petty theft*.

#### Section 3

If a person steals from a decedent's estate in which he is part owner, or if spouses, siblings, parents and children, or if foster parents and foster children steal from each other while they live together, a fine or imprisonment for at most one year shall be imposed for *family theft*. If a person steals chattels of which he is a part owner, he too shall be sentenced for the same crime: If several participate in the theft and, if what has just been stated applies to any one of them, each of the others shall also be sentenced for family theft except the one who acted with intent to appropriate the stolen goods. (SFS 1971:874)

#### Section 4

If the crimes mentioned in Sections 1 and 3 are regarded as grave, imprisonment for at least six months and at most six years shall be imposed for *grand theft*.

In judging the gravity of the crime, special attention shall be paid to whether it was aimed at an object which someone carried on his person, whether the offender had been equipped with a weapon, explosive or other similar means or whether the act otherwise was of a specially dangerous or unscrupulous nature, directed at substantial values or involved a keenly felt loss. (SFS 1975:1395)

## Section 5

A person who steals by means of violence against another or by means of threat implying or appearing to the threatened person as imminent danger or who, after committing a theft and being caught in the act, resists by such violence or threat the one who wants to recover the stolen property, shall be sentenced for *robbery* to imprisonment for at least one and at most six years. The same shall apply if a person by such violence or threat forces another to do or not do something resulting in gain to the offender and loss to the person so forced or to someone he represents. Rendering a person unconscious or similarly helpless is equivalent to violence.

If a procedure as stated in the first paragraph is of a less serious nature in respect of the violence, threat or other circumstances, the sentence shall be not for robbery but for such other offence as the procedure entails. (SFS 1975:1395)

## Section 6

If the crime mentioned in Section 5 is regarded as grave, a sentence to imprisonment for at least four and at most ten years shall be imposed for *aggravated robbery*.

In judging the gravity of the crime, special attention shall be paid to whether the violence was dangerous to life or the offender inflicted serious bodily injury or a severe illness or whether he otherwise had shown considerable brutality or had grossly taken advantage of the victim's defenceless or exposed situation.

## Section 7

If a person unlawfully takes or uses a motor vehicle or other motor-driven conveyance belonging to another, he shall, unless the crime is punishable under earlier provisions of this Chapter, be sentenced for *vehicle theft* to imprisonment for at most two years or, if the crime is of a petty nature, to pay a fine.

If the crime is grave, imprisonment for at least six months and at most four years shall be imposed.

## Section 8

A person who, in a case other than those specially mentioned in this Chapter, unlawfully takes and uses or otherwise appropriates something, shall be sentenced for *unlawful dispossession* to pay a fine or to imprisonment for at most six months. The same shall apply, if a person, without appropriating anything, by affixing or breaking a lock or by other means unlawfully trespasses on another's possession or by violence or threat of violence prevents another from exercising his right to retain or take something.

If the crime is grave, imprisonment for at most two years shall be imposed.

### **Section 9**

If a person unlawfully trespasses on another's possession in order to take the law into his own hands, he shall be sentenced for *self-help* to pay a fine or to imprisonment for at most six months.

### **Section 10**

If a person unlawfully diverts electric energy, he shall be sentenced for *unlawful diversion of energy* to pay a fine or to imprisonment for at most two years.

### **Section 11**

If a person unlawfully takes from forest or field such objects as are mentioned in Chapter 12, Section 2, second paragraph, and if the crime is not to be considered as trespass as there described, the provisions of the present Chapter with reference to theft shall apply.

If a person trespasses on another's possession of real property, for instance by unlawfully raising or breaking down a fence, or by building, digging, ploughing, making a road or letting cattle graze, or if a person without authorization deprives another of possessing real property or a part thereof, the provisions in Sections 8 and 9 with respect to unlawful dispossession and self-help shall apply.

### **Section 12**

Attempt or preparation to commit theft, grand theft, robbery, aggravated robbery, vehicle theft or unlawful diversion of energy, as well as conspiracy to commit or failure to reveal robbery or aggravated robbery shall be punished as stated in Chapter 23. If a completed vehicle theft should have been regarded as petty, however, no such punishment shall be imposed.

### **Section 13**

If a crime referred to in this Chapter, other than grand theft, robbery or aggravated robbery, has been committed against the spouse or the betrothed of the offender or of another accessory to the crime, or against sibling, a blood relation in ascending or descending line or one equally closely related by marriage, or against foster parents or foster children, the public prosecutor may institute prosecution only if the person aggrieved has reported the crime for prosecution or such prosecution is called for in the public interest.



In applying the provisions just stated, receiving stolen goods and petty receiving of stolen goods shall also be regarded as accessory. (SFS 1971:874)

## **Chapter 9**

### **On Fraud and Other Dishonesty**

#### **Section 1**

A person who by deception induces someone to do or not to do something which involves gain for the offender and loss for the dupe or someone he represents, shall be sentenced for *fraud* to imprisonment for at most two years.

A person shall also be sentenced for fraud who, by delivering incorrect or incomplete information, by making alterations in a programme or recording or by other means, unlawfully affects the result of automatic information processing or any other similar automatic process which involves gain for the offender and loss for any other person. (SFS 1986:123)

#### **Section 2**

If, considering the size of the loss and other circumstances of the crime mentioned in Section 1, the offence is regarded as petty, a fine or imprisonment for at most six months shall be imposed for *fraudulent conduct*.

If a person uses lodging, meals, transportation or admission to a show or anything similar offered on condition of payment in cash, and he fails to meet his obligation, he shall, whether he deceived anyone or not, be sentenced for fraudulent conduct. This shall not apply, however, if the act concerns a not insubstantial amount and is in other respects as stated in Section 1. (SFS 1976:1139)

#### **Section 3**

If a crime referred to in Section 1 is regarded as grave, imprisonment for at least six months and at most six years shall be imposed for *gross fraud*.

In judging the gravity of the crime, special attention shall be paid to whether the offender had abused public trust or employed a false document or misleading bookkeeping, or the crime otherwise had been of a particularly dangerous nature, had involved a substantial value or had resulted in a keenly felt loss. (SFS 1976:1139)

#### **Section 4**

A person who by unlawful coercion induces someone to do or not do something which involves gain for the offender and loss for the

coerced person or someone he represents, shall, unless the crime is regarded as robbery or aggravated robbery, be sentenced for *extortion* to imprisonment for at most two years or, if the crime is petty, to pay a fine.

If the crime is grave, imprisonment for at least six months and at most six years shall be imposed.

### Section 5

A person who in connection with a contract or other legal transaction takes advantage of someone's distress, thoughtlessness or dependent relationship to him in order to obtain a benefit which is clearly disproportionate to a compensation or for which no compensation will be made shall be sentenced for usury to pay a fine or to imprisonment for at most two years.

A person shall also be sentenced for usury who, in connection with the granting of credit in a business activity or other activity that is conducted habitually or otherwise on a major scale, appropriates to himself interest or other financial benefit which is clearly disproportionate to the counter-obligation.

If the crime is grave, imprisonment for at least six months and at most four years shall be imposed. (SFS 1986:123)

### Section 6

A person who buys something of which another has been dispossessed by crime or utilizes it or otherwise deals with it so as to render its restitution difficult, shall be sentenced for *receiving stolen goods* to imprisonment for at most two years or, if the crime was petty, to pay a fine or to imprisonment for at most six months. The same shall apply if a person procures undue gain from another's criminal proceeds, and also if a person by dunning, assignment or in other like manner asserts a claim arisen from a crime.

A person shall likewise be sentenced for receiving stolen goods who, in business activities or as a step in business activities which are conducted habitually or otherwise on a large scale, acquires or, in a manner which renders its restitution difficult, receives something of which another person may reasonably be supposed to have been criminally dispossessed.

If the crime referred to in the first or second paragraph is to be regarded as grave, imprisonment for at least six months and at most four years shall be imposed. (SFS 1980:107)

### Section 7

If the offender in a case referred to in Section 6, first paragraph, was unaware of but had reasonable grounds for assuming that a crime was

involved, he shall be sentenced for *petty receiving of stolen goods* to pay a fine or to imprisonment for at most six months.

A person shall also be sentenced for petty receiving of stolen goods if he, in a manner stated in Section 6, first paragraph, was an accessory to the crime which dispossessed another of his property and, while unaware of it, had reasonable grounds for assuming that a crime was being committed. (SFS 1980:107)

### **Section 8**

A person who, in a case other than those referred to earlier in this Chapter, acts dishonestly in that he, by misleading someone, induces him to do or not to do something and thereby harms him or someone he represents, shall be sentenced for *dishonest conduct* to pay a fine or to imprisonment for at most two years. (SFS 1970:414)

### **Section 9**

A person who publishes or otherwise distributes among people misleading information in order to influence the price of an article, a security or other property, shall be sentenced for *swindle* to imprisonment for at most two years or, if the crime is petty, to pay a fine.

If a person who assists in organising a joint-stock company or other enterprise or who because of his position ought to possess special knowledge about an enterprise, intentionally or due to gross carelessness publishes or otherwise spreads among people generally or those interested in the enterprise misleading information apt to influence the evaluation of the enterprise from an economic point of view and thereby causes a loss, shall be sentenced as stated in the first paragraph.

If a crime referred to in this Section is regarded as grave, imprisonment for at least six months and at most four years shall be imposed.

### **Section 10**

If a person accepts, for use as a means of exerting pressure in connection with a claim, a document that is false, drawn for the sake of appearance or otherwise incorrect, or else a cheque drawn on insufficient funds, he shall be sentenced for *usurious acquisition* to pay a fine or to imprisonment for at most two years.

### **Section 11**

Attempt or preparation to commit fraud, gross fraud, extortion or usury shall be punished as stated in Chapter 23; however, what is stated in Chapter 23, Section 3, shall not apply in the case of attempt at extortion.

A person who in order to defraud an insurer or otherwise with fraudulent intent inflicts bodily harm on himself or another or harm to property of his own or of another, shall be sentenced as for preparation to commit fraud or gross fraud. The same shall apply if a person with the intent just mentioned attempts to bring about such harm. If, before the harm has been done, he has voluntarily refrained from carrying out the act, he shall be absolved of punishment.

## **Section 12**

What is stated in Chapter 8, Section 13, concerning restriction of a public prosecutor's right to prosecute shall have corresponding application to crimes referred to in the present Chapter, except for gross fraud.

A prosecution for fraudulent conduct as stated in Section 2, second paragraph, may not be brought by the public prosecutor unless so called for in the public interest. (SFS 1976:1139)

## **Chapter 10**

### **On Embezzlement and Other Breaches of Trust**

#### **Section 1**

If a person who, owing to a contract or to public or private service or a similar situation, has gained possession of property on behalf of another and with the obligation to deliver it or account for it, by appropriating the property or otherwise disregards what he has to comply with in order to be able to fulfil his duty, he shall, if the act results in gain for him and loss to the owner, be sentenced for *embezzlement* to imprisonment for at most two years.

#### **Section 2**

If the crime referred to in Section 1 is regarded as petty, considering the value of the property and other circumstances, a fine or imprisonment for at most six months shall be imposed for *withholding property*.

#### **Section 3**

If the crime referred to in Section 1 is regarded as grave, imprisonment for at least six months and at most six year shall be imposed for *gross embezzlement*.

In judging the gravity of the crime, special attention shall be paid to whether the offender had abused a responsible position or used a

false document or misleading bookkeeping or whether the act otherwise had been of a specially dangerous nature, had involved a substantial amount or had resulted in a keenly felt loss.

#### Section 4

A person who, in a case other than one heretofore mentioned in this Chapter, takes any step with regard to property in his possession to which the right of ownership or protection is reserved for, guaranteed to or otherwise belongs to another and the latter is by such step dispossessed of his property or otherwise deprived of his right, shall be sentenced for *unlawful disposal* to pay a fine or to imprisonment for at most two years.

#### Section 5

If a person who, by reason of a position of trust, has been given the task of managing another's financial affairs or independently handling a qualified technical assignment, or exercising supervision over the management of such affairs or assignment, abuses his position of trust and thereby injures his principal, he shall be sentenced for *breach of faith committed by an agent on his principal* to a fine or imprisonment for at most two years. The foregoing does not apply if the offence is punishable under Sections 1–3.

If the crime is grave, imprisonment for at least six months and at most six years shall be imposed. In judging the gravity of the crime, special attention shall be paid to whether the offender had used a false document or misleading bookkeeping or had caused his principal a substantial or keenly felt loss.

If a person who has been given the task of managing another's legal affairs abuses his position of trust to the detriment of his principal, he shall be sentenced in accordance with the first paragraph even if the affairs are not of a financial or technical nature. (SFS 1986:123).

#### Section 6

A person who, in a case not heretofore mentioned in this Chapter, by misusing his authority to take legal action on behalf of another, harms that person or by misuse of his authority to call a promissory note or like instrument lays claim to something that belongs to another, shall be sentenced for *misuse of authority* to pay a fine or to imprisonment for at most two years. The same shall apply if a person demands payment in conformity with a document that has not been issued or of a debt already liquidated or demands the delivery of goods he has already received or, when dunned, alleges a receipt which has not been given.

### **Section 7**

If a person unlawfully uses something belonging to another and thereby causes damage or inconvenience, he shall be sentenced for *unlawful use* to a fine or to imprisonment for at most six months.

The same shall apply if the owner of a property uses it to the prejudice of another's right to it by unlawfully building, digging, ploughing, making a road, letting animals graze or taking any other such measure.

If the crime as stated in the first paragraph is grave, a sentence of imprisonment for at most two years shall be imposed. (SFS 1986:123)

### **Section 8**

If a person does not comply with the law's requirement concerning the obligation to give notice of found property or of something belonging to another, of which he has gained possession by error or by chance, he shall be sentenced for *failure to return lost property* to pay a fine. If he disregards such obligation with the intent to appropriate the property or otherwise deals with the property in a manner mentioned in Section 4, the provisions of that Section shall apply.

### **Section 9**

Attempt at embezzlement, gross embezzlement or disloyalty to principal shall be punished as stated in Chapter 23.

### **Section 10**

What is stated in Chapter 8, Section 13, concerning restriction of a public prosecutor's right to prosecute shall have corresponding application to crimes referred to in this Chapter, except gross embezzlement and disloyalty to principal which is considered grave.

Unlawful disposal of property, which has come into the offender's possession through a contract according to which the property right shall be transferred only after full payment has been made, or which the offender otherwise possesses by virtue of credit purchase with provisoconcerning right of recovery, may not be prosecuted by the public prosecutor unless for special reason such prosecution is called for in the public interest. (SFS 1978:597)

## Chapter 11

### On Crimes in Connection with Debts

#### Section 1

A debtor who destroys or by gift or other like action dispossesses himself of substantial property and thereby reduces himself to insolvency or aggravates his insolvent condition, shall be sentenced for *dishonesty to creditors* to imprisonment for at most two years. The same shall apply if a debtor through such a procedure causes a serious danger of becoming insolvent.

A debtor who, in connection with bankruptcy or official negotiation with creditors short of bankruptcy, conceals an asset, reports a nonexistent debt, or gives other erroneous information of like nature, shall also, unless the statement is corrected before it is attested by oath or otherwise made the basis of the proceeding, be sentenced for dishonesty to creditors. The same shall apply if a debtor, in connection with some other executory proceeding, invokes an erroneous document or a fictitious contract and thereby prevents the seizure, through the proceeding, of property adequate to provide a creditor with payment or security.

A debtor who, when bankruptcy is impending, removes an important asset from the Realm with intent to withhold it from the bankruptcy, as well as a debtor who in a bankruptcy withdraws or withholds an asset from the receiver, shall likewise be sentenced for dishonesty to creditors. (SFS 1981:827)

#### Section 2

If the crime referred to in Section 1 is considered grave, imprisonment for at least six months and at most six years shall be imposed for *gross dishonesty to creditors*.

In judging the gravity of the crime, special attention shall be paid to whether the debtor had sworn to the truth of an erroneous statement or had used a false document or misleading bookkeeping or whether the crime had been one of large scale.

#### Section 3

A debtor who continues to operate a business, expending considerable sums without corresponding profit to the business, or lives extravagantly or gets involved in a risky enterprise or a foolish assumption of liability or takes some like step, thereby intentionally or through gross carelessness causing or aggravating his insolvency, shall be sentenced for *careless disregard of creditors* to imprisonment for at most two years.

A debtor who in connection with bankruptcy or an official negotiation with creditors short of bankruptcy, due to gross carelessness conceals an asset, reports a non-existent debt or gives some other erroneous statement of like nature, shall also, unless the statement is corrected before it is attested by oath or otherwise made the basis of the proceeding, be sentenced for careless disregard of creditors. (SFS 1981:827)

#### Section 4

A debtor who, when insolvent, favours a certain creditor by paying a debt which has not matured, by paying with other than the customary means of payment or by furnishing security not stipulated when the debt was incurred, or by taking some other like step, shall be sentenced, if the action considerably encroaches upon the rights of other creditors, for *favouritism to creditor* to imprisonment for at most two years: The same shall apply if a debtor for improper ends favours a certain creditor in other manner than aforesaid and thereby considerably encroaches upon the rights of other creditors.

A debtor who, for the purpose of furthering an agreement, secretly makes or promises payment or other advantage, shall also be sentenced for favouritism to creditor. (SFS 1976:56)

#### Section 5

If a person who is obliged to keep books of account under the Act relating to the Keeping of Books of Account (1976:125) intentionally or through carelessness fails to book business transactions or to preserve accounting material, gives incorrect information in the books or otherwise disregards the obligation to keep accounts, and if the trend of the enterprise or its financial result or status can consequently not be judged with the aid of the accounts, he shall be sentenced for a *bookkeeping crime* to imprisonment for at most two years or, if the crime is petty, to a fine. If the crime is grave, he shall be sentenced to imprisonment for at least six months and at most four years. (SFS 1982:150)

#### Section 6

Attempt to remove an asset from the Realm, as mentioned in Section 1, third paragraph, shall be punished as stated in Chapter 23.

#### Section 7

If a person representing a debtor commits a crime mentioned in this Chapter, he shall be punished as though he himself were a debtor. The provisions in this paragraph concerning a debtor shall apply correspondingly to a person obliged to keep accounts in respect of a crime as stated in Section 5.



A creditor who, in a case described in Section 4, accepts or lets himself be promised payment, security or other advantage, shall be punished as an accessory to the crime only if he employs undue threats or undue promise of a favour or acts on the basis of a secret understanding with the debtor. (SFS 1982:150)

### **Section 8**

Careless disregard of creditor according to Section 3, first paragraph, may be prosecuted by a public prosecutor only if prosecution is found to be called for in the public interest. (SFS 1982:150)

## **Chapter 12**

### **On Crimes inflicting Damage**

#### **Section 1**

A person who destroys or damages real property or chattels to the detriment of another's right thereto, shall be sentenced for *inflicting damage* to pay a fine or to imprisonment for at most six months.

#### **Section 2**

If, considering the minimal harm and other circumstances of the act, the crime mentioned in Section 1 is regarded as petty, a fine shall be imposed for *trespass*.

A person who in forest or field unlawfully takes growing trees or grass or from growing trees takes twigs, branches, bark, leaves, bast, acorns, nuts or resin, or takes fallen trees, stone, gravel, sod or similar things not prepared for use, shall be sentenced for trespass if the crime is regarded as petty considering the value of what is taken and other circumstances.

#### **Section 3**

If the crime referred to in Section 1 is regarded as grave, imprisonment for at most four years shall be imposed for *inflicting gross damage*.

In judging the gravity of the crime, special attention shall be paid to whether the act had given rise to a substantial danger to anyone's life or health or damage had been done to something of great cultural or economic importance or else is keenly felt.

#### **Section 4**

If a person unlawfully takes his way across a building lot, a plantation or other land that can be damaged thereby, he shall be sentenced for *taking unlawful path* to pay a fine.

## Section 5

Attempt or preparation to inflict gross damage and failure to reveal such crime shall be punished as stated in Chapter 23.

## Section 6

Trespass or taking unlawful path may, if the crime solely infringes the right of a private person, be subject to public prosecution only if, for special reasons, such prosecution is called for in the public interest.

# Chapter 13

## On Crimes involving Public Danger

### Section 1

If a person starts a fire that imports danger to another's life or health or extensive destruction of another's property, he shall be sentenced for *arson* to imprisonment for at least two and at most eight years.

### Section 2

If the crime mentioned in Section 1 is considered grave, imprisonment for a fixed term of at least six and at most ten years, or for life, shall be imposed for *grave arson*.

In judging the gravity of the crime, special attention shall be paid to whether the fire was set in a thickly populated area, where it could easily spread, or had otherwise threatened danger to several persons or to property of special importance.

### Section 3

A person who causes an explosion, inundation, landslide, shipwreck, airplane or train accident or other like calamity and thereby gives rise to a danger to another's life or health or of extensive destruction of another's property, shall be sentenced for *devastation endangering the public* to imprisonment for at least two and at most eight years.

If the crime is grave, imprisonment for a fixed term of at least six and at most ten years, or for life, shall be imposed.

### Section 4

If a person destroys or damages property of significant importance for the defence of the Realm, public subsistence, judicial or public

administration, or the maintenance of public order and security in the realm, or by some other action, not limited to the withholding of manpower or advocacy to that effect, seriously disturbs or interferes with the use of such property, he shall be sentenced for *sabotage* to imprisonment for at most four years. The same shall apply if a person otherwise, by inflicting damage or by other action just mentioned, seriously disturbs or interferes with public traffic or the use of telegraph, telephone, radio or other like public service or some installation that supplies the public with water, light, heat or power.

### **Section 5**

If a crime mentioned in Section 4 is considered grave, imprisonment for a fixed term of at least two and at most ten years, or for life, shall be imposed for *gross sabotage*.

In judging the gravity of the crime, special attention shall be paid to whether it caused danger to the security of the Realm, to the lives of several persons, or to property of special importance.

### **Section 5 a**

A person on board an aircraft who, by means of unlawful force, seizes the aircraft or interferes with its operation shall be sentenced for *aircraft hijacking* to imprisonment for at most four years.

If a person otherwise takes action calculated to cause danger to the safety of an aircraft during flight or renders any aircraft in traffic unusable for flight by destroying or damaging it, he shall be sentenced for *sabotage against aircraft* to imprisonment for at most four years.

If a crime as stated in the first or second paragraph is to be regarded as grave, imprisonment for a fixed term, at least two and at most ten years, or for life, may be imposed. In judging the gravity of the crime, special attention shall be paid to whether it caused danger to the lives of others or whether the offence was otherwise of a specially dangerous nature. (SFS 1973:342)

### **Section 6**

A person who carelessly, by the careless handling of fire or explosive or otherwise, causes a fire or some calamity mentioned in Section 1, 2 or 3 or a danger of its occurring, or causes damage or interference referred to in Section 4, or damage referred to in Section 5a, second paragraph, shall be sentenced for *carelessness endangering the public* to pay a fine or to imprisonment for at most six months.

If the crime is grave, imprisonment for at most two years shall be imposed. (SFS 1973:342)

## Section 7

If a person creates a general danger to people's life or health by poisoning or infecting food, water, or the like, or in other ways by spreading poison or such, or by transmitting or spreading serious disease, he shall be sentenced for *spreading poison or contagion* to imprisonment for at most six years.

If the crime is grave, imprisonment for a fixed term of at least four and at most ten years, or for life, shall be imposed. In judging the gravity of the crime, special attention shall be paid to whether it was committed with intent to harm another's life or health or whether it exposed many persons to danger.

## Section 8

If a person creates a general danger to animals or plants by means of poison or by transmitting or spreading virulent disease or by spreading pernicious animals or weeds or by other like means, he shall be sentenced for *destruction* to pay a fine or to imprisonment for at most two years.

If the crime is grave, imprisonment for at least six months and at most six years shall be imposed. In judging the gravity of the crime, special attention shall be paid to whether it was committed with intent to harm or whether property of substantial value was exposed to danger.

### Section 8 a

A person who, in a case other than previously stated in this chapter,

1. pollutes soil, water or the atmosphere in a way which causes or may cause such risks to human health or such injuries to animals or vegetation as are not of minor significance, or other serious disamenity in the environment,
2. preserves waste or other substance in a manner which, through pollution, may cause risks to health, injuries or other disamenity as stated under 1, or
3. causes serious disamenity in the environment through noise, vibration or radiation,

shall, unless the competent authority has permitted the procedure or the procedure is generally accepted, be sentenced for an *environmental offence* to a fine or imprisonment for at most two years.

If the offence is grave, imprisonment for at least six months and at most six years shall be imposed. In judging the gravity of the crime, special attention shall be paid to whether it has or could have caused permanent injuries on a large scale or whether the offence otherwise has been of an especially dangerous nature.

If, in view of the circumstances, the offence may be considered defensible, it shall not be punishable under this Section. (SFS 1981:469)

### **Section 9**

If a person acts as stated in Section 7 or 8 due to gross carelessness, he shall be sentenced for *careless handling of poison or contagion* to pay a fine or to imprisonment for at most two years.

A person who, due to gross carelessness, acts as stated in Section 8 a shall be sentenced for *disturbance of the environment* to a penalty as stated in the first paragraph. (SFS 1981:469)

### **Section 10**

If a person, without incurring liability to punishment in accordance with preceding provisions of this Chapter, while handling fire, explosive or poison or in some other way creates a danger of fire or calamity referred to in Section 1, 2, or 3 or of general danger referred to in Section 7 or 8, and neglects, when having become aware of the danger, to do all that can be reasonably expected of him to avert it, he shall be sentenced for *neglect to avert public danger* to pay a fine or to imprisonment for at most one year.

### **Section 11**

If a person who has become liable to punishment in accordance with Section 1, 2, 3, 6, 7, 8 a, 9, or 10 or Section 5 a for sabotage against aircraft, has voluntarily averted the danger or effect there mentioned before any considerable harm developed, he may be sentenced to a lesser punishment than that provided for the crime; however, no lesser punishment than imprisonment may be imposed if the minimum sanction for the crime is otherwise imprisonment for two years or longer. If the danger was minor and the act is not punishable by more than a year's imprisonment, no punishment shall be imposed. (SFS 1981:469)

### **Section 12**

Attempt, preparation or conspiracy to commit arson, gross arson, devastation endangering the public, sabotage, gross sabotage, aircraft hijacking, spreading poison or contagion, or destruction, as well as neglect to expose such a crime, shall be punished as stated in Chapter 23. (SFS 1973:342)

## Chapter 14

### On Crimes of Falsification

#### Section 1

A person who, by writing the name of another person, real or fictitious, or by deceit, obtains another's signature or in other ways produces a false document, or who deceitfully alters or adds to a genuine document, shall, if the act jeopardizes proof, be sentenced for *document forgery* to imprisonment for at most two years.

By document is meant a protocol, contract, promissory note, certificate or other record prepared to serve as evidence or otherwise important as evidence; also an identification card, ticket or similar evidential token.

#### Section 2

If the crime mentioned in Section 1 is regarded as petty a sentence to pay a fine or to imprisonment for at most six months shall be imposed for *tampering with document*.

In judging the pettiness of the crime, special attention shall be paid to whether the document was of little importance, such as a cash receipt, counter token or like proof of receipt, or the act was committed to aid another to gain his right.

#### Section 3

If the crime referred to in Section 1 is considered grave, imprisonment for at least six months and at most six years shall be imposed for *gross document forgery*.

In judging the gravity of the crime, special attention shall be paid to whether the forgery involved some authority's archival document of great importance or a document of special importance in general commerce such as a bond, a share certificate or a mortgage or whether the act was in other ways of a particularly harmful kind.

#### Section 4

A person who destroys, renders unserviceable or secretes a document, which he has no right at the time to dispose of in such manner, shall, if the act jeopardizes proof and is not to be regarded as a bookkeeping crime, be sentenced for suppression of document to imprisonment for at most two years or, if the crime is petty, to pay a fine or to imprisonment for at most six months.

If the crime is grave, imprisonment for at least six months and at most four years shall be imposed. (SFS 1982:150)

### Section 5

If someone without permission affixes to or otherwise forges another person's name or signature on a creation of art or applied art or on some other such product and thereby makes it appear that such person has proved himself to be the originator of the product, he shall be sentenced for *forgery of signature* to imprisonment for at most two years or, if the crime is petty, to pay a fine or to imprisonment for at most six months.

If the crime is grave, imprisonment for at least six months and at most four years shall be imposed. (SFS 1970:489)

### Section 6

A person who counterfeits a banknote or coin valid within or outside the Realm or otherwise forges a note or a coin, shall be sentenced for *counterfeiting currency* to imprisonment for at most four years or, if the crime is petty, to pay a fine or to imprisonment for at most six months.

If the crime is grave, imprisonment for at least two and at most eight years shall be imposed.

### Section 7

If a person who counterfeits a valid postage stamp, cover stamp or other domestic or foreign stamp indicating value, whether official or meant for general use, or an official domestic or foreign control stamp on a measure, weight, merchandise, document or other thing, or falsely affixes such stamp or, deceitfully, a genuine stamp, or if he forges such a stamp or the object stamped, he shall, if the act jeopardizes proof, be sentenced for *stamp forgery* to imprisonment for at most two years or, if the crime is petty, to pay a fine or to imprisonment for at most six months.

If the crime is grave, imprisonment for at least six months and at most four years shall be imposed.

### Section 8

If a person deceitfully places a mark or other object which can be taken to be a valid boundary mark, water mark, fixed point or other mark for the measure of surface or height, or if he moves, takes away, injures or destroys such a mark, he shall, if the act jeopardizes proof, be sentenced for *falsification of fixed mark* to imprisonment for at most four years or, if the crime is petty, to pay a fine or to imprisonment for at most six months.

### Section 9

A person who invokes a false document, offers or holds for sale a work with a false signature, utters counterfeit currency, uses a false

mark indicating value or a false control stamp, invokes a false fixed mark or otherwise makes use of anything that has been falsified in a manner stated above, shall, if the act jeopardizes proof, be sentenced for the use of what was falsified as if he himself had done the falsification.

### **Section 10**

A person who, in a case other than those referred to in Section 9, distributes among people something that can easily be mistaken for a valid banknote, coin or other official token of value, shall be sentenced for *illegal distribution of imitations* to pay a fine.

### **Section 11**

If a person, who has incurred liability to punishment according to earlier provisions of this Chapter, voluntarily and before any considerable inconvenience has arisen has averted the danger from the point of view of proof that the act imported, he may be sentenced to a lesser punishment than the one provided for the crime. If the danger was minimal and no more serious punishment was provided for the act than imprisonment for six months, no punishment shall be imposed.

### **Section 12**

Attempt or preparation to commit document forgery, gross document forgery, suppression of document, forgery of signature, counterfeiting of currency, stamp forgery, falsification of fixed mark, or using something which is falsified, as well as failure to disclose the counterfeiting of currency, shall be punished as stated in Chapter 23. If the crime would have been regarded as petty, had it been completed, such punishment shall not be imposed.

## **Chapter 15**

### **On Perjury, False Prosecution, and Other Untrue Statements**

#### **Section 1**

If a person, under legal oath, gives untrue information or withholds the truth, he shall be sentenced for *perjury* to imprisonment for at most four years or, if the crime is petty, to pay a fine or to imprisonment for at most six months.

If the crime is grave, imprisonment for at least two and at most eight years shall be imposed. In judging the gravity of the crime, special attention shall be paid to whether it was done with the intent that an



innocent person be punished for a grave crime or that very considerable harm be inflicted upon someone. (SFS 1975:1292)

## Section 2

A person who, during a hearing in a judicial proceeding, after declaring that he will tell the truth gives untrue information or withholds the truth, shall be sentenced for *untrue statement by a party* to imprisonment for at most two years or, if the crime is petty, to pay a fine or to imprisonment for at most six months.

## Section 3

If a person commits an act, referred to in Section 1 or 2, due to gross carelessness, he shall be sentenced for *careless statement* to pay a fine or to imprisonment for at most six months.

## Section 4

If a statement referred to in Section 1–3 is proved to be without significance for the issue, no punishment shall be imposed.

What has just been said shall also apply if a person has given untrue information or has withheld the truth with regard to something about which he would have had the right to refuse to express himself and the circumstances furnish him with a reasonable excuse.

## Section 4 a

If a person under penalty of the law gives untrue information to or withholds the truth from a court in Denmark, Finland, Iceland or Norway, he shall be sentenced for *false statement before a Nordic court of law* to a sanction as stated in Section 1, if the testimony would have been given under legal oath in this Realm, and as stated in Section 2 in the case of testimony by a party to a civil case. If the act is committed through gross carelessness, the person shall be sentenced for *careless statement before a Nordic court of law* to a sanction as stated in Section 3.

The provisions of Sections 4, 14 and 15 shall be similarly applicable to an act referred to in the first paragraph. (SFS 1975:1292)

## Section 5

If someone institutes the prosecution of an innocent person with the intent that such person be convicted, he shall be sentenced for *false prosecution* to imprisonment for at most two years or, if the crime was petty, to pay a fine or to imprisonment for at most six months.

If the crime is grave, imprisonment for at least six months and at most four years shall be imposed. In judging the gravity of the crime,

special attention shall be paid to whether the prosecution had concerned a serious crime or had involved misuse of an official position.

A person who institutes prosecution although he lacks probable cause for so doing shall be sentenced for *unjustified prosecution* to pay a fine or to imprisonment for at most six months.

#### Section 6

If someone denounces an innocent person for prosecution with the intent that such person be convicted, he shall be sentenced for *false accusation* to imprisonment for at most two years or, if the crime is petty, to pay a fine or to imprisonment for at most six months.

If he did not realize but had reasonable grounds for assuming that the accused was innocent, he shall be sentenced for *unjustified accusation* to pay a fine or to imprisonment for at most six months.

#### Section 7

A person who, in a case other than those referred to in Section 6, before a prosecutor, police authority or other authority untruthfully charges another with a criminal act, alleges some compromising circumstance, or denies an exonerating or extenuating circumstance, shall, if the authority has to receive reports of this kind, be sentenced for *false incrimination* to imprisonment for at most two years or, if the crime is petty, to pay a fine or to imprisonment for at most six months.

If he did not realize but had reasonable grounds for assuming that the information was untrue, he shall be sentenced for *careless incrimination* to pay a fine or to imprisonment for at most six months.

#### Section 8

If a person tampers with or removes evidence with the intent that an innocent person be convicted, or if he with such intent invokes false evidence, he shall be sentenced for *tampering with evidence* to imprisonment for at most two years or, if the crime is petty, to pay a fine or to imprisonment for at most six months.

If the crime is grave, imprisonment for at least six months and at most four years shall be imposed.

#### Section 9

If a person not liable to punishment in accordance with previous provisions in this Chapter has by any act there mentioned given rise to a danger that someone be, without legal cause, convicted or otherwise suffer considerable harm, and if once having realized this, he neglects to do what reasonably can be asked of him to avert the

harm, he shall be sentenced for *neglect to avert judicial error* to pay a fine or to imprisonment for at most six months.

### Section 10

If, in a written deposition which according to law or statute is made under oath or on one's faith and honour or like affirmation, a person gives untrue information or withholds the truth, he shall, if the act jeopardizes proof, be sentenced for *untrue affirmation* to pay a fine or to imprisonment for at most six months or, if the crime is grave, to imprisonment for at most two years.

If such action is due to gross carelessness, a sentence to pay a fine or to imprisonment for at most six months shall be imposed for *careless affirmation*.

### Section 11

If, in certificate or other document, a person gives untrue information about his identity or about other than his own concerns, or if a person for the sake of appearances prepares a document concerning a judicial act, he shall, if the action jeopardizes proof, be sentenced for *false certification* to pay a fine or to imprisonment for at most six months. If the crime is considered grave because it involves misuse of official position or for other reasons, imprisonment for at most two years shall be imposed.

A person who invokes or otherwise uses a false document referred to in the first paragraph, shall, if the act jeopardizes proof, be sentenced, as there provided, for *using a false document*.

### Section 12

If a person misuses a passport, testimonial or similar document issued in the name of a given individual, by representing himself or another as being that individual or gives out the document to be thus misused, or if he falsely represents a document, which is a carbon copy or produced by photography or otherwise, as being a correct copy of a given document, he shall, if the act jeopardizes proof, be sentenced for *misuse of document* to pay a fine or to imprisonment for at most six months or, if the crime is grave, to imprisonment for at most two years.

### Section 13

If a person denies his signature on a document, he shall, if the act jeopardizes proof, be sentenced for *denial of signature* to pay a fine or to imprisonment for at most six months or, if the crime is grave, to imprisonment for at most two years.

## **Section 14**

If a person liable to punishment in accordance with previous provisions of this Chapter, voluntarily and before a considerable inconvenience has arisen, has corrected the mistake or in other manner averted the risk of further inconvenience, he may be sentenced to a lesser punishment than is provided for the act. If the risk was minimal and the act is not punishable by more than six months' imprisonment, no punishment shall be imposed.

## **Section 15**

Preparation to commit perjury or conspiracy to commit perjury which signifies that someone is trying to instigate that act, as well as attempt to tamper with evidence, shall be punished as stated in Chapter 23. If the crime would have been regarded as petty, had it been completed, no punishment as just mentioned shall be imposed.

# **Chapter 16**

## **On Crimes against Public Order**

### **Section 1**

If a crowd of people disturbs public order by demonstrating an intention to use group violence in opposition to a public authority or otherwise to compel or obstruct a given measure and does not disperse when ordered to do so by the authority, instigators and leaders shall be sentenced to imprisonment for at most four years and other participants in the crowd's proceedings to pay a fine or to imprisonment for at most two years for *riot*.

If the crowd disperses on order of the authority, instigators and leaders shall be sentenced for riot to pay a fine or to imprisonment for at most two years.

### **Section 2**

If a crowd, with intent referred to in Section 1, has proceeded to use group violence on person or property, whether a public authority was present or not, sentences for *violent riot* shall be imposed; on instigators and leaders to imprisonment for at most ten years and on participants in the crowd's proceedings to pay a fine or to imprisonment for at most four years.

### Section 3

If a member of a crowd that disturbs public order neglects to obey a command aimed at maintaining order, or if he intrudes on an area that is protected or has been closed off against intrusion, he shall, if no riot occurs, be sentenced for *disobeying police order* to pay a fine or to imprisonment for at most six months.

### Section 4

If a person by act of violence, loud noise or other like means disturbs or tries to interfere with a public religious service, other public devotional exercise, wedding, funeral or like ceremony, a court session or other state or local official function, or a public gathering for deliberation, instruction or hearing a lecture, he shall be sentenced for *disturbing a function or public meeting* to pay a fine or to imprisonment for at most six months.

### Section 5

A person who orally, before a crowd or congregation of people, or in a publication distributed or issued for distribution, or in other message to the public, urges or otherwise attempts to entice people to commit a criminal act, evade a civic duty or disobey public authority shall be sentenced for *inciting rebellion* to pay a fine or to imprisonment for at most six months.

If the crime is considered grave because the offender tried to induce the commission of a serious crime or for other reasons, imprisonment for at most four years shall be imposed. No responsibility shall be imposed where the crime is petty. In deciding whether the crime should be considered petty, special consideration shall be given to whether there was only insignificant danger that the urging or the attempt might be followed. (SFS 1970:225)

### Section 6

Annulled (Swedish Code of Statutes 1976:509)

### Section 7

Annulled (Swedish Code of Statutes 1970:225).

### Section 8

If a person publicly or otherwise in a statement or other communication which is spread among the public threatens or expresses contempt for an ethnic group or other such group of persons with allusion to race, skincolour, national or ethnic origin or religious creed, he shall be sentenced for *agitation against ethnic group* to imprisonment for at most two years or if the crime is petty, to pay a fine. (SFS 1982:271)

## Section 9

If a businessman in the conduct of his business discriminates against someone on the ground of his race, skincolour, national or ethnic origin or religious creed by refusing to deal with him on the same conditions the businessman applies to other in the conduct of his business, he shall be sentenced to *unlawful discrimination*, to pay a fine or to imprisonment for at most six months.

The provisions in the first paragraph concerning businessmen shall be applied correspondingly to a person who is employed in a business or who acts in behalf of a businessman as well as to a person who has a position as a civil servant in which he has to deal with the public.

An organizer of a public assembly or entertainment or an assistant to such organizer may be sentenced for *unlawful discrimination* if he discriminates against someone on the ground of his race, skincolour, national or ethnic origin, or religious creed, by refusing to allow him to enter the assembly or entertainment on the same conditions as apply to others. (SFS 1970:225)

## Section 10

If a person, without authorization, moves, or if he injures or infamously treats the corpse or ashes of the dead, opens a grave or otherwise inflicts damage on or abuses a coffin, urn, grave or other resting place of the dead or a tombstone, he shall be sentenced for *crime against the peace of the tomb* to pay a fine or to imprisonment for at most six months.

### Section 10 a

A person who portrays a child in a pornographic picture with the intent that the picture be distributed, or who distributes such a picture of a child, shall, unless in view of the circumstances the act is defensible, be sentenced for *child pornography offence* to pay a fine or to imprisonment for at most six months. (SFS 1979:375)

## Section 11

If a person, on or at a public place, exhibits pornographic pictures by means of displays or other similar procedure in a manner which is likely to result in public offence, he shall be sentenced for *unlawful exposition of pornographic pictures* to pay a fine or to imprisonment for at most six months. The same applies to a person who sends through the mail to or otherwise furnishes another with pornographic pictures without previous request. (SFS 1970:225)

## Section 12

A person who distributes among children or youth a writing or picture which due to its content may coarsen or otherwise involve serious risk

for the moral nurture of the young, shall be sentenced for *leading youth astray* to pay a fine or to imprisonment for at most six months.

### **Section 13**

If a person, by intent or through gross carelessness, by physical maltreatment, overworking, neglect or in other ways unjustifiably exposes an animal to suffering, he shall be sentenced for *cruelty to animal* to pay a fine or to imprisonment for at most two years. (SFS 1972:629)

### **Section 14**

If a person unlawfully organizes for the public a game or other activity the outcome of which entirely or essentially depends on chance, and if in view of the nature of the activity, the amount of the stakes and other circumstances it appears hazardous or calculated to bring a considerable financial gain for the organizer, he shall be sentenced for *gambling* to a fine or to imprisonment for at most two years. The same applies to a person who permits such activity in a flat or other premises he has opened to the public.

A person participating in play or similar activity which, in view of the circumstances stated in the first paragraph, appears hazardous and is unlawful, and has been organized for the public or otherwise takes place in a flat or other premises to which the public has access, shall be sentenced for *gambling* to a fine. (SFS 1982:1061).

### **Section 14 a**

If a crime referred to in Section 14, first paragraph, is to be regarded as gross, the offender shall be sentenced for *grave gambling* to imprisonment for at least six months and at most four years.

In judging the gravity of the crime, special attention shall be paid to whether the activity was conducted professionally, comprised very large amounts or otherwise had been of a specially hazardous nature. (SFS 1982:1061)

### **Section 15**

A person who, by furnishing a false statement that danger exists for the life or health of one or more people or for extensive destruction of property, occasions unnecessary safety measures, shall be sentenced for *false alarm* to pay a fine or to imprisonment for at most two years.

A person who, through misuse of an alarm or emergency signal or other similar device, causes unnecessary turn-out of police, fire brigade, ambulance, military, sea rescue or other public security

service, shall be sentenced for *misuse of alarm* to pay a fine. (SFS 1977:492)

### **Section 16**

A person who, by loud noisiness in a public place or otherwise publicly behaving in a manner apt to arouse public indignation, shall be sentenced for *disorderly conduct* to pay a fine of at most one thousand kronor. (SFS 1980:1133)

### **Section 17**

For attempt at or preparation for grave gambling the sanction shall be as stated in Chapter 23. (SFS 1972:222)

### **Section 18**

If a person, who has conveyed the usufructuary right to a dwelling, acquires knowledge that the dwelling is wholly or to a substantial extent used for gambling or grave gambling or for attempt at or preparation for grave gambling and fails to do what can reasonably be expected of him to have the conveyance terminated, he shall be considered, if the criminal activity continues or is resumed in the dwelling, to have promoted it and shall be sentenced in accordance with the provisions governing complicity in Chapter 23. (SFS 1980:892)

## **Chapter 17**

### **On Crimes against Public Activity**

#### **Section 1**

If a person, by violence or threat of violence, attacks anyone in his exercise of authority to compel him to perform or to prevent him from performing an official act, or for the purpose of taking revenge for such act, he shall be sentenced for *violence or threat to public servant* to imprisonment for at most four years or, if the crime is petty, to pay a fine or to imprisonment for at most six months. The same shall apply if a person attacks someone who has previously exercised authority for something he had done or failed to do while in office. (SFS 1975:667)

#### **Section 2**

If a person who, otherwise than stated in Section 1, in order to compel or prevent someone in his exercise of authority or in order to take



revenge for an official act, wrongly engages in an act which causes such person suffering injury or inconvenience, or threatens such consequence, he shall be sentenced for *outrageous conduct toward public servant* to pay a fine or to imprisonment for at most six months.

If the crime is grave, imprisonment for at most four years shall be imposed. (SFS 1975:667)

### **Section 3**

Annulled (Swedish Code of Statutes 1975:667)

### **Section 4**

Even though no case previously referred to in this Chapter is involved, a person who makes resistance or otherwise seeks to prevent anyone in his exercise of authority, shall be sentenced for *violent resistance* to pay a fine or to imprisonment for at most six months. (SFS 1975:667)

### **Section 5**

The provisions of Sections 1, 2 and 4 shall apply also if a person, as stated in those Sections, commits an outrage against or hinders anyone who, by special order, shall enjoy the same protection as is associated with the exercise of authority or who is or has been summoned to assist an executive officer in a measure for which such protection is provided. (SFS 1975:667)

### **Section 6**

Annulled (Swedish Code of Statutes 1976:509)

### **Section 7**

A person who gives, promises or offers a bribe or other illicit reward to a civil servant or other person as stated in Chapter 20, Section 2, for the exercise of a function carrying official responsibility, shall be sentenced for *bribery* to pay a fine or to imprisonment for at most two years. (SFS 1977:103)

### **Section 8**

A person who, at an election to public office or in connection with some other exercise of suffrage in public matters, attempts to prevent voting or to tamper with its outcome or otherwise improperly to influence the vote, shall be sentenced for *improper activity at election* to pay a fine or to imprisonment for at most six months.

If the crime is grave, imprisonment for at most four years shall be

imposed. In judging the gravity of the crime, special attention shall be paid to whether it had been committed by use of violence or threat of violence or had involved misuse of an official position.

A person who receives, accepts a promise of, or demands an illicit favour for voting in a certain manner or for abstaining from voting on a public matter, shall be sentenced, unless it is a crime of bribery, for *accepting an illicit reward for voting* to pay a fine or to imprisonment for at most six months. (SFS 1977:103)

### Section 9

If a person without authorization seeks to secure information about matters which, with respect to the exercise of suffrage on public questions shall be kept secret, he shall be sentenced for *violating the privacy of suffrage* to pay a fine or to imprisonment for at most six months.

### Section 10

A person who, by violence or threat of violence, attacks someone because he has, in court or before another authority, filed a complaint, brought suit, testified, or else made a statement at a hearing, or to prevent him from so doing, shall be sentenced for *interference in a judicial matter* to pay a fine or to imprisonment for at most two years. The same shall apply if a person by some other act which causes suffering, injury or inconvenience, or by threat of such act, attacks someone because he had testified or made other statement at an official hearing, or does so to prevent him from making such statement.

If the crime is grave, he shall be sentenced to imprisonment for at most four years. (SFS 1982:405)

### Section 11

If a person hides someone who has committed a crime, helps him to escape, destroys evidence of the crime, or in other like ways thwarts its discovery or prosecution, he shall be sentenced for *protecting a criminal* to pay a fine or to imprisonment for at most two years.

A person who did not realize but had reasonable grounds to assume that the other was a criminal, shall be sentenced to pay a fine.

Punishment shall not be imposed, in accordance with this Section, on a spouse, betrothed, sibling, relative in ascending or descending line, one by marriage equally closed related to the criminal, foster parents or foster children.

### Section 12

If a person assists someone who is undergoing a sentence of imprisonment, or who is committed to jail or arrested, or otherwise

by legal decree deprived of his liberty, to gain his freedom or, after such escape, aids him by hiding him or by other like action, he shall be sentenced for *aiding escape* to pay a fine or to imprisonment for at most two years.

A penalty shall not be imposed if the offence is to be considered a minor one in view of the nature and purpose of the deprivation of liberty, the means employed by the offender and his relationship to the person whose escape he has aided. (SFS 1981:462)

### Section 13

A person who unlawfully moves, damages or otherwise disposes of property that is subject to distraint, provisional attachment, security of payment, confiscation or other similar measure, damages or removes an official notice or seal or otherwise unlawfully opens something officially closed or breaks some similar officially proclaimed order, shall be sentenced for *violation of official order* to a fine or to imprisonment for at most one year.

If a person refuses admission which an official functionary may demand, he shall be sentenced for *obstructing official function* to pay a fine. (SFS 1981:827)

### Section 14

Annulled (Swedish Code of Statutes 1975:667)

### Section 15

A person who, without authorization, claims to be holding an office, shall be sentenced for *alleging a public office* to pay a fine or to imprisonment for at most six months. The same shall apply if a person without authorization wears a uniform, symbol or other service token which makes him appear to belong to the armed services or some other branch of public service or to a service dealing with public communications or the supply of water, light, heat or power to the public.

If in consideration of the fact that the crime has caused considerable harm to the public or to any individual or is otherwise to be regarded as grave, the offender shall be sentenced to imprisonment for at most two years.

If a person without authorization claims to be an attorney, he shall be sentenced for *pretending to be an attorney* to pay a fine. (SFS 1975:667)

### Section 16

Attempt or preparation to commit violence or threat to a public servant shall be punished as stated in Chapter 23, unless the crime

would have been considered petty, had it been completed. Attempt or preparation to aid escape shall also be punished as stated in Chapter 23. (SFS 1981:463)

### **Section 17**

If a bribe has been given to a person who is not an employee of the state or of a local authority and who is not covered by Chapter 20, Section 2, second paragraph, (1)–(4), a public prosecutor may prosecute only if the crime is reported for prosecution by the employer or principal to the person exposed to bribery or if prosecution is called for in the public interest. (SFS 1977:103)

## **Chapter 18**

### **On Crimes of Lese-Majesty**

#### **Section 1**

A person who, with intent that the form of government be overthrown by force of arms or other violent means or that a measure or decision of the head of state, the Government, the Parliament or the Supreme Court be thus extorted or prevented, takes action which dangerously favours the realization of such intent, shall, if it is not high treason, be sentenced for *sedition* to imprisonment for ten years, or for life or, if the danger is minor, for at least four and at most ten years. (SFS 1974:565)

#### **Section 2**

If the act referred to in Chapters 3–5 involves an offence against the King or other member of the Royal Family or against a Regent serving in place of the King, imprisonment for at most four years shall be imposed if otherwise at most six months' imprisonment can be imposed for the crime, and for at most six years if the crime otherwise would be punishable by imprisonment for more than six months but at most four years. (SFS 1974:565)

#### **Section 3**

A person who, with the intent that the crime be committed against public security or the liberty of citizens, gathers or leads an armed force or keeps it assembled or furnishes a force with arms, ammunition or other like equipment or trains it in the use of arms, shall be sentenced for *armed threat against the legal order* to imprisonment for at least six and at most ten years.

#### Section 4

If a person organizes or participates in an association, which must be considered to constitute or, in view of its character and the purpose for which it has been organized, is easily capable of developing into an instrument of force, such as a military troop or a police force, and which does not with due permission strengthen the defence establishment or the police, or who on behalf of such association is concerned with arms, ammunition or other like equipment, makes available a building or land for its activity or supports it with money or in other ways, shall be sentenced for *unlawful military activity* to pay a fine or to imprisonment for at most two years.

#### Section 5

A person who exerts illegal coercion or illegal threat with the intent of influencing the shaping of public opinion or of encroaching on the freedom of action within a political organization or a trade or industrial association and thereby endangers freedom of speech, assembly or association, shall be sentenced for *crime against civil liberty* to imprisonment for at most six years.

#### Section 6

If a person, by mutilation or otherwise, for a short or long period incapacitates himself for military service which it was his duty to discharge in the armed forces or otherwise for the defence of the Realm, or by feigning illness or by means of other deception shirks such service, he shall be sentenced for *evading defence duty* to pay a fine or to imprisonment for at most two years or, if the country was at war, to pay a fine or to imprisonment for at most four years.

#### Section 7

Attempt, preparation or conspiracy to commit sedition or armed threat against the legal order, failure to reveal such crime, as well as attempt to commit crime against civil liberty, or evading defence duty shall be punished as stated in Chapter 23.

#### Section 8

An act referred to in Chapters 3-5 which involves an offence against the King or someone else mentioned in Section 2 may not be prosecuted by the public prosecutor without an order from the Government, unless someone died as a result of the act. The same shall apply with respect to attempt, preparation or conspiracy to commit an act just mentioned or failure to reveal such act. (SFS 1974:565)

## Chapter 19

### On Crimes against the Security of the Realm

#### Section 1

A person who with the intent that the Realm or a part thereof, by violent or otherwise illegal means or with foreign aid, be placed under foreign domination or made dependent on a foreign power, or that a part of the Realm be thus torn loose, takes action which dangerously favours the realization of such intent, shall be sentenced for *high treason* to imprisonment for ten years or for life or, if the danger was minor, for at least four and at most ten years.

If a person, with the intent that a measure or decision of the head of state, the Government, Parliament or the Supreme Court be extorted or prevented with foreign assistance, engages in an act that involves a danger of this occurring, he shall also be sentenced for high treason. (SFS 1974:565)

#### Section 2

A person who by violent means or foreign aid causes a danger of the Realm being involved in war or other hostilities, shall, unless it is high treason, be sentenced for *instigating war* to imprisonment for at least two and at most eight years.

#### Section 3

If a person who has received a commission to negotiate with a foreign power or otherwise to protect the concerns of the Realm in dealings with someone who represents the interests of a foreign power misuses his authority to represent the Realm or otherwise his position of trust and thereby causes the Realm considerable harm, he shall be sentenced for *disloyalty in negotiation with a foreign power* to imprisonment for a fixed term of at least two and at most ten years, or for life.

#### Section 4

A Swedish citizen who, lacking permission from the Government or its deputy, lets himself be used as an agent of a foreign power in a diplomatic matter which concerns the Realm, as well as anyone who in the alleged capacity of an authorized agent enters into negotiation about such a matter with someone who represents the interests of a foreign power, shall be sentenced for *arbitrary conduct in negotiation with a foreign power* to imprisonment for at most two years, or if the country was at war, for at most four years.

IF the crime involved a danger to the country's right of self-determination or its peaceful relations with a foreign power, imprisonment for at least one and at most six years shall be imposed or, if the country was at war, for a fixed term of at least four and at most ten years, or for life. (SFS 1976:509)

### Section 5

A person who, in order to aid a foreign power, without authorization obtains, transmits, gives or otherwise reveals information concerning a defence facility, arms, supplies, imports, exports, production method, negotiations, decisions or other conditions, the disclosure of which to a foreign power can cause harm to the total defence of the Realm, or otherwise to the security of the Realm, shall be sentenced, whether the information is correct or not, for *espionage* to imprisonment for at most six years. The same shall apply if a person, with the intent just mentioned, without authorization produces or is concerned with a writing, drawing or other object containing such information. (SFS 1981:1165)

### Section 6

If a crime referred to in Section 5 is regarded as grave, imprisonment for a fixed term of at least four and at most ten years, or for life, shall be imposed for *grave espionage*.

In Judging the gravity of the crime, special attention shall be paid to whether the act was of a significantly dangerous nature in view of a war that was proceeding or concerned matters of great importance of whether the criminal revealed something entrusted to him because of his position in public or private service.

### Section 7

A person who, without intent to aid a foreign power, unauthorizedly obtains, transmits, gives or reveals information concerning matters of a secret nature, the disclosure of which to a foreign power can cause harm to the defence of the Realm or to the provisioning of the people during war or during extraordinary conditions caused by war, or otherwise to the security of the Realm, shall be sentenced, whether the information is correct or not, to *unauthorized dealing with secret information* to a fine or imprisonment for at most two years. (SFS 1981:1165)

### Section 8

If a crime referred to in Section 7 is to be regarded as grave, the offender shall be sentenced for *grave unauthorized dealing with secret information* to imprisonment for at most four years.

In judging whether the crime is grave, special attention shall be paid to whether the act involved assistance of a foreign power or was of an especially dangerous nature having regard to a war that was proceeding, or related to a matter of great significance, or to whether the offender disclosed what had been confided to him by reason of public or private service. (SFS 1976:509)

### **Section 9**

A person who through gross negligence transmits, gives or reveals information referred to in Section 7 shall be sentenced to a fine or to imprisonment for at most six months or, if the Realm was at war, to a fine or imprisonment for at most two years. (SFS 1981:1165)

### **Section 10**

A person who, with the intent of aiding a foreign power, conducts activities designed to acquire information relating to military or other matters, the revelation of which to the foreign power may cause harm to the security of another foreign power, or lends assistance not solely of an incidental nature to such activities in the Realm, shall be sentenced for *unlawful intelligence activities* to pay a fine or to imprisonment for at most two years.

A person who, with the intent of aiding a foreign power, secretly or by fraudulent means conducts in the Realm activities designed to acquire information concerning the personal circumstances of another individual or lends assistance not solely of an incidental nature to such activities, shall likewise be sentenced for unlawful intelligence activities. (SFS 1976:509)

### **Section 11**

If an act referred to in Chapter 3 or 4 implies that a person, by an offence against a foreign power's chief of state or its representative in this Realm, affronts the foreign power, imprisonment for at most two years shall be imposed, if the crime otherwise can be punished by imprisonment for at most six months, and for at most four years if otherwise the crime is punishable by imprisonment for more than six months and at most two years. What has just been stated shall have corresponding application if a foreign power is affronted because someone intrudes on premises occupied by its representatives or causes damage to such premises or to property therein contained.

### **Section 12**

If a person within this Realm and without the permission of the Government recruits people for foreign military service or service comparable to it or induces people to leave the country unlawful in



order to enter such service, he shall be sentenced for *unlawful recruiting* to pay a fine or to imprisonment for at most six months or, if the country was at war, to imprisonment for at most two years. (SFS 1974:565)

### **Section 13**

A person who accepts money or other property from a foreign power or from any person abroad who acts in aid of a foreign power in order, through the publication or dissemination of writings or otherwise, to influence public opinion in a matter affecting any of the foundations for the polity of the Realm or in any question of significance for the security of the Realm and which it is in the power of Parliament or the Government to decide upon, shall be sentenced for *acceptance of foreign assistance* to imprisonment for at most two years. (SFS 1981:1165)

### **Section 14**

Attempt, preparation or conspiracy to commit high treason, disloyalty in negotiation with foreign power, espionage, grave espionage, grave unauthorized dealing with secret information or unlawful intelligence activity, as well as attempt or preparation to engage in unauthorized dealing with secret information, shall be punished as stated in Chapter 23. Making contact with a foreign power for the purpose of preparing, making possible or facilitating high treason shall also be regarded as conspiracy to commit such crime.

A person who fails to reveal high treason, disloyalty in negotiation with a foreign power, espionage, grave espionage or grave unauthorized dealing with secret information, shall also be punished as stated in Chapter 23; he shall be so punished even though he did not realize but should have realized that a crime was being committed. (SFS 1976:509)

### **Section 15**

If a person who, in view of what is known to him on the basis of warnings given or otherwise, should have realized that high treason, disloyalty in negotiation with a foreign power, espionage, grave espionage or grave unauthorized dealing with secret information is going on, contributes to the act, he shall be punished as though he were an accessory; however, no more severe punishment than imprisonment for two years may be imposed. (SFS 1976:509)

### **Section 16**

Unlawful intelligence activity, acceptance of foreign assistance or unlawful recruiting, or attempt, preparation or conspiracy to

undertake unlawful intelligence activity, may not be prosecuted by the public prosecutor without an order from the Government.

An act referred to in Chapters 3 or 4 and involving such affront to a foreign power as is mentioned in Section 11, as well as attempt, preparation or conspiracy to commit such act or failure to reveal such act, is not subject to public prosecution without an order from the Government or from one authorized by the Government. (SFS 1981:1165)

## Chapter 20

### On Misuse of Office, etc

#### Section 1

A person who in the exercise of office disregards what is laid down in law or other ordinance concerning exercise of the office shall, if the act causes harm or not insubstantial, improper benefit to the public or to an individual, shall be sentenced for *misuse of office* to pay a fine or to imprisonment for at most two years. If the crime is grave, it shall be punished by imprisonment for at most six years.

A person who commits a crime as stated in the first paragraph through gross carelessness shall be sentenced for *careless misuse of office* to pay a fine or to imprisonment for at most one year.

A person who is a member of a decision-making national or local government assembly shall not, for any action he may take in that capacity, be punishable in accordance with the first or second paragraph.

Nor shall the provisions of the first and second paragraphs be applicable if the act is otherwise separately made subject to punishment. (SFS 1975:667)

#### Section 2

An employee who accepts, takes a promise of or demands a bribe or other illicit reward for his official service shall be sentenced for *taking a bribe* to pay a fine or to imprisonment for at most two years. The same shall apply if he committed the offence before he received his post or after terminating his employment. If the crime is grave, imprisonment for at most six years shall be imposed.

The provisions of the first paragraph in respect of an employee shall be correspondingly applicable to

1. a member of a directorate, administration, board, committee or other such national, local or regional government authority, local federation, religious society, social insurance office or any such employer as is referred to in Chapter 1, Section 3, of the Act on Public Employment (1976:600),
2. a person who exercises a mandate regulated by statute,
3. a member of the armed forces or other person who performs an official duty prescribed by law,
4. a person who, without holding an appointment or mandate as aforesaid, exercises authority, and
5. a person who, in a case other than stated in 1-4, by reason of a position of trust has been given the task of managing another's legal or financial affairs or independently handling a qualified technical assignment or exercising supervision over the management of such affairs or assignment. (SFS 1986:123)

### **Section 3**

If a person discloses any information which he is in duty bound to keep secret by law or other statute or by order or proviso issued by virtue of law or other statute, or if he unlawfully makes use of such secret, he shall, if the act is not otherwise specially made subject to punishment, be sentenced for *breach of professional secrecy* to pay a fine or to imprisonment for at most one year.

A person who by negligence commits an act as stated in the first paragraph shall be sentenced to pay a fine. In petty cases, however, no punishment shall be imposed. (SFS 1980:102)

### **Section 4**

A person elected to a national or local government mandate attended by exercise of authority may be discharged therefrom by the court if he has committed a crime for which the penalty is imprisonment for two years or more and, through the crime, he has proved manifestly unsuited for the mandate.

If a person is discharged from his mandate as stated in the first paragraph, consideration shall be paid thereto when deciding upon the punishment for the crime.

As equivalent to a national or local government mandate shall be considered a mandate with such other employers as are referred to in Section 2, second paragraph (1). (SFS 1982:102)

### **Section 5**

A prosecutor may, without hindrance of other provisions that may exist, prosecute crimes through which a national or local government employee or other person referred to in Section 2, second paragraph,

(1)–(4), has neglected his obligations in the exercise of his appointment or mandate.

Without hindrance of what is stated in the first paragraph, however,

1. the provisions of this Code to the effect that prosecution may not take place without authorization by the Government or by a person empowered by the Government shall be applicable, as well as
2. what is prescribed in other law or statute concerning prosecution of an act for which punishment may be imposed only if the act is committed by a holder of an appointment or mandate as stated in the first paragraph.

If a bribe has been taken by a person not covered by the first paragraph, a prosecutor may bring an action only if the crime is reported for prosecution by the employer or principal or if prosecution is called for in the public interest.

Unless otherwise prescribed for a given case, a prosecutor may prosecute a breach of professional secrecy existing in favour of an aggrieved individual only if the latter reports the crime for prosecution or if prosecution is called for in the public interest.

Prosecution for crimes committed in the exercise of the appointment or mandate by a member of parliament, cabinet minister, Justice of the Supreme Court, Justice of the Supreme Administrative Court or holder of an appointment or mandate with the Parliament or its organs is subject to separate regulations. (SFS 1977:103)

## Sections 6–15

Annulled (Swedish Code of Statutes 1975:667)

## Chapter 21

### On Crimes by Members of the Armed Services

#### Section 1

If a serviceman refuses or fails to obey the order of a superior or unduly delays the fulfilment of the order and if it is not obvious that the order is not related to the service, he shall be sentenced for *disobedience* to a disciplinary punishment or to imprisonment for at most one year.

#### Section 2

If the crime referred to in Section 1 is regarded as grave, imprisonment for at most four years shall be imposed for *grave*

*disobedience*. In judging the gravity of the crime, special attention shall be paid to whether the order concerned a service measure of considerable importance or the crime had occurred in the presence of an assembled troop or had been committed by several in concert.

If the country was at war or if the crime was committed during combat or else on an occasion when a crime against military discipline incurs a special danger, imprisonment for at most ten years, or for life, shall be imposed.

### Section 3

If a gathering of servicemen displays an intention to rise against a superior by joint force, sentences shall be imposed for *mutiny*; on instigator and leader to imprisonment for at most six years and on other participant to disciplinary punishment or to imprisonment for at most four years.

If participants in a mutiny have together inflicted violence on person or property, instigator and leader shall be sentenced to imprisonment for at most ten years, or for life, and other participant to imprisonment for at most six years.

If mutiny occurs when the country is at war or during combat or else on an occasion when a crime against military discipline incurs a special danger, imprisonment for at most ten years, or for life, shall be imposed.

### Section 4

If a serviceman does not comply with an order given by a sentry or other serviceman assigned to guard duty or the maintenance of order in connection with such duty, he shall be sentenced for *disobeying a guard* to disciplinary punishment or to imprisonment for at most one year.

If the crime is grave, imprisonment for at most four years shall be imposed.

### Section 5

If a superior abuses his authority by seeking to persuade a subordinate to do something which it is not the latter's duty to do, suffer, or omit to do, he shall be sentenced for *abuse of authority* to disciplinary punishment or to imprisonment for at most one year.

The same shall apply if a superior improperly, because of the subordinate's condition in or outside the service, makes him perform special tasks or refuses him a benefit and also if a superior for no reason exposes a subordinate to a danger to his life or health.

If the crime is grave, imprisonment for at most four years shall be imposed.

## Section 6

A serviceman who, without authority to do so, gives orders to another serviceman, shall be sentenced for *unauthorized exercise of command* to disciplinary punishment or to imprisonment for at most one year.

If the crime is grave, imprisonment for at most four years shall be imposed.

## Section 7

If a serviceman, by violence or threat of violence, attacks a serviceman who is on duty, or does so in order to compel him to perform or prevent him from performing a service task, or otherwise on account of his service, he shall be sentenced for *violence or threat against a serviceman* to disciplinary punishment or to imprisonment for at most two years or, if the crime is petty, to disciplinary punishment or to imprisonment for at most six months. If the crime is regarded as grave, in that it involved threat to military discipline or otherwise, imprisonment for at most four years shall be imposed.

If, while the country is at war, a serviceman commits a crime just mentioned against a superior or against a sentry or other serviceman assigned to guard duty or the maintenance of order, he shall be sentenced to imprisonment for at most ten years, or if the crime is petty, to disciplinary punishment or to imprisonment for at most six months. If it occurs during combat or else on an occasion when a crime against military discipline incurs a special danger, imprisonment for life may be imposed.

## Section 8

A serviceman who insults another serviceman during or because of the latter's service, shall be sentenced for *insulting a serviceman* to disciplinary punishment or to imprisonment for at most six months.

## Section 9

If a serviceman, in a case other than previously mentioned, shows disrespect for a superior or disdain for a subordinate or in other ways fails to observe proper conduct toward a serviceman, and it happens during or because of the latter's service, he shall be sentenced for *improper conduct* to disciplinary punishment.

## Section 10

A serviceman who orally before a gathering of servicemen incites or otherwise seeks to provoke a crime of disobedience or other act by which a serviceman overlooks his service duty, shall be sentenced for

*inciting servicemen to rebellion* to disciplinary punishment or to imprisonment for at most one year.

If the crime is regarded as grave because the offender had tried to provoke a serious crime or otherwise, imprisonment for at most four years shall be imposed.

### **Section 11**

If a serviceman unlawfully absconds or fails to appear at a detachment of the military forces in which he is to serve or be or, if he is to serve elsewhere than in a detachment of the military forces, from the place of such service, he shall be sentenced for *absence without leave* to disciplinary punishment or to imprisonment for at most six months.

Absence without leave during a period of emergency or while the country is at war shall be punished by disciplinary punishment or imprisonment for at most two years.

### **Section 12**

If, with regard to the period during which the offender absented or intended to absent himself, or the nature of his service duties, his absence without leave has caused or could have caused a substantial interruption of his training or other considerable harm to the service, he shall be sentenced for *desertion* to disciplinary punishment or to imprisonment for at most two years.

Desertion during a period of emergency shall be punished by imprisonment for at most two years. If the country was at war, imprisonment for at most ten years shall be imposed.

### **Section 13**

If a serviceman who serves as chief of a detachment of the military forces or performs guard duty or similar task, leaves his post without permission or if through the consumption of alcoholic beverages or otherwise he is found to have rendered himself incapable of discharging his duties, he shall be sentenced for *abandoning post* to disciplinary punishment or to imprisonment for at most two years.

Abandoning a post while the country is at war shall be punished by disciplinary punishment or imprisonment for at most four years; if the crime was committed during combat or else on an occasion when a crime against military discipline incurs a special danger, imprisonment for at most ten years, or for life, shall be imposed.

### **Section 14**

If, while performing his duties, a serviceman is so under the influence of alcoholic beverages or other intoxicant that his ability to perform

his duty must be assumed to be diminished, he shall be sentenced for *intoxication while performing a duty* to disciplinary punishment or to imprisonment for at most one year. (SFS 1976:510)

#### **Section 15**

Annulled (Swedish Code of Statutes 1976:510)

#### **Section 16**

A serviceman who, within an area or space used by the military forces, is boisterous or otherwise behaves in a manner apt to arouse general indignation, shall be sentenced for *disorderly conduct* to disciplinary punishment.

#### **Section 17**

Annulled (Swedish Code of Statutes 1975:667)

#### **Section 18**

If a serviceman, by neglect, lack of understanding or skill, disregards what is incumbent on him according to regulations, instructions or other general prescriptions, special directives or the nature of his service, he shall, if the act is not otherwise separately made subject to punishment, be sentenced for *breach of official duty* to disciplinary punishment.

If the breach is grave, imprisonment for at most one year shall be imposed.

The fact that a serviceman who is employed in the armed forces participates in a strike or comparable action shall in no case be regarded as a breach of official duty. (SFS 1975:667)

#### **Section 19**

Preparation, conspiracy or failure to reveal mutiny, and also attempt, preparation or conspiracy or failure to reveal desertion during a period of emergency or war, shall be punished as stated in Chapter 23. The same shall apply to attempt at, preparation or conspiracy to commit violence or threat against a serviceman, unless the crime, had it been completed, would have been regarded as petty.

As accessory to breach of official duties, only that person shall be punished who thereby has set aside an official duty.

#### **Section 20**

According to this Code, servicemen are those who as career officers, officers of the reserve or privates are employed in the military forces, women undergoing training for employment as officers in the military



forces, draftees who have not received permission for weapon-free service and members or recruits of the homeguard, all during the period they are bound to serve in such capacity. To the extent that the Government so directs, in view of the need of officers and other service conditions, those who are otherwise employed in the military forces or have committed themselves to enter the military service as volunteers are also servicemen during the period they are subject to military duty in such capacity. If someone is on leave not limited to less than two months, he is not regarded as being subject to military duty. More specific provisions as to what is meant by the military forces are issued by the Government.

Those referred to in the first paragraph shall, besides the period when they are subject to military duty, be regarded as servicemen when in connection with such period they are under care in a military hospital, when they are inmates of a military jail and when they within an area or space used by the military forces or otherwise publicly appear in a service uniform, as well as with reference to the performance of their duty to report or some other particular service duty.

A serviceman who has the right of command over another serviceman is the latter's superior. A serviceman over whom another serviceman has the right of command is subordinate to the latter. (SFS 1983:295)

### **Section 21**

A serviceman who is employed in the military forces shall, according to what the Government directs, not be punishable as stated in this Chapter when he is serving with a civil body of the state, with a military body on tasks of an essentially civil nature, or with a local government authority. (SFS 1975:667)

### **Section 22**

The provisions of Chapter 20, Section 5, shall have corresponding application with respect to prosecution for crime as stated in this Chapter. (SFS 1975:667)

## **Chapter 22**

### **Articles of War**

#### **Section 1**

A person who, when the country is at war,

1. obstructs, misleads or betrays servicemen or others active in the defence of the Realm or seduces them to mutiny, or to be disloyal or spiritless;

2. betrays, destroys or damages fortification, war supplies, factory, depot, power installation, traffic artery, vessel or other things of importance for the defence or for public subsistence;
3. by untrue representation spreads distrust among the public;
4. procures for the enemy military manpower, equipment, provisions or support; or
5. commits any other similar treasonable act, shall, if the act is likely to result in considerable harm to the military forces of the Realm or otherwise to the defence of the Realm or to the provisioning of the public or involves considerable aid to the enemy, be sentenced for *treason* to imprisonment for a fixed term of at least four and at most ten years, or for life.

If the act referred to in the first paragraph is only to a lesser degree likely to result in harm to the defence of the Realm or to the provisioning of the public or involves a lesser aid to the enemy than there stated, imprisonment for at most six years shall be imposed for *treachery*. If the act consisted of furnishing of equipment or provisions or of some other service to the enemy within an area occupied by him and if, considering the needs of the population, the offender's livelihood or other special circumstances, the act could not be regarded as inappropriate, no punishment shall be imposed.

## Section 2

If a person due to carelessness commits an act referred to in Section 1, he shall be sentenced for *carelessness harmful to the country* to imprisonment for at most four years.

### Section 2 a

If a person, during a state of emergency or when the country is at war, spreads among the public or conveys to a foreign power or allows to appear a false rumour or other untruthful statement calculated to cause danger to the security of the Realm, he shall be sentenced for *spreading of rumour hazardous to the security of the Realm* to pay a fine or to imprisonment for at most two years. (SFS 1976:509)

## Section 3

A serviceman who, when the country is at war, deserts to the enemy or otherwise voluntarily surrenders to him, shall be sentenced for *desertion to the enemy* to imprisonment for a fixed term of at least four and at most ten years, or for life.

The same shall apply if, when the country is at war, a Swedish citizen bears arms against the Realm and such act is not considered to be treason.

#### Section 4

A serviceman who, when the country is at war, without authorization sends a message to or otherwise enters into contact with someone belonging to the enemy's military forces or stays within the enemy area, shall be sentenced for *consorting with the enemy* to disciplinary punishment or to imprisonment for at most two years.

#### Section 5

If, when the country is at war, a serviceman, during combat or else on an occasion when a crime against military discipline causes a special danger, advises servicemen to surrender to the enemy, or otherwise in the presence of servicemen without authorization does something likely to provoke disloyalty or lack of spirit, he shall be sentenced for *undermining the will to fight* to imprisonment for a fixed term of at least four and at most ten years, or for life. If the danger was slight, imprisonment for at most six years shall be imposed.

#### Section 6

A serviceman who, when the country is at war, spreads among servicemen a false rumour or other untrue assertion likely to promote disloyalty or lack of spirit, shall be sentenced for *spreading rumour harmful to defence* to disciplinary punishment or to imprisonment for at most two years.

#### Section 7

If, during a state of emergency or when the country is at war, servicemen unauthorizedly hold a meeting on a topic the discussion of which may readily lead to disobedience or desertion or to the spreading of fear or distrust among the servicemen, the participants shall be sentenced for *unlawful assembly* to disciplinary punishment or to imprisonment for at most two years. A person who participated at the instigation of or by permission of a superior shall be free of punishment.

#### Section 8

If, during a state of emergency or when the country is at war, a serviceman intentionally or through carelessness neglects what is incumbent upon him to make a defence installation ready for combat, bring a detachment to combat readiness, procure provisions or otherwise prepare a war enterprise, he shall be sentenced for *neglect of war preparation* to imprisonment for at most six years.

If an intentionally committed crime just mentioned is regarded as grave, considering that the success of a war enterprise was endangered thereby or for other reasons, imprisonment for a fixed

term of at least four and at most ten years, or for life, shall be imposed.

### Section 9

If, when the country is at war, a serviceman who serves as head of a detachment of the armed forces, without exploiting available ways and means of defence, taking prescribed demolition measures or offering specially ordered resistance, surrenders to the enemy a combat position, war material or other things having considerable value for warfare, or surrenders himself or his detachment to the enemy, shall be sentenced for *capitulation* to imprisonment for a fixed term of at least six and at most ten years, or for life.

### Section 10

If, when the country is at war, a serviceman intentionally or from carelessness, during or in connection with combat, fails to perform to the utmost his duty to further the conduct of the war, he shall be sentenced for *negligence in combat* to imprisonment for at most six years.

If an intentionally committed crime just mentioned is regarded as grave, considering that the success of a war enterprise was endangered thereby, that the offender occupied a responsible post, or for other reasons, imprisonment for a fixed term of at least four and at most ten years, or for life, shall be imposed.

### Section 11

A person who in the conduct of war, by using means of warfare likely to cause unnecessary suffering or by misusing the Red Cross sign, or otherwise, acts in a manner contrary to existing treaties with foreign powers or to generally recognized principles of international law, shall be sentenced for *crime against international law* to imprisonment for at most four years; if the crime is petty, a fine shall be imposed or, if he is a serviceman, disciplinary punishment. A person shall also be sentenced for crime against international law if in a case other than in warfare he ignores what, according to such treaties or principles, must be observed with reference to protection of the wounded, sick or shipwrecked of the combat forces in the field or at sea, prisoners of war or civilian population during wartime, or otherwise pertaining to occupation, and thereby causes injury to person, bodily or mental suffering or else other harm or inconvenience which is not slight.

If the crime is grave, imprisonment for a fixed term of at least two and at most ten years, or for life, shall be imposed. In judging the gravity of the crime special attention shall be paid to whether it had been committed through a large number of diverse acts or else many

persons had been killed or injured thereby or extensive loss of property had ensued.

### **Section 12**

Attempt, preparation or conspiracy to commit treason, treachery or desertion to the enemy shall be punished as provided in Chapter 23. Consorting with the enemy in order to prepare, make possible or facilitate the commission of a crime just mentioned shall also be regarded as conspiracy. Punishment for preparation or conspiracy during a time when the country is threatened by war, occupation or other hostilities shall be imposed even though hostilities have not opened.

A person who fails to reveal treason, treachery or desertion to the enemy, shall also be punished as stated in Chapter 23; and such punishment shall be imposed even if he had not understood but should have understood that the crime was occurring.

### **Section 13**

If during warfare a crime has been committed by someone who in so doing had not lacked reason to suppose that the act was permissible in accordance with customs of warfare, a lesser punishment may be imposed than that provided for the act. If the circumstances were greatly extenuating, no punishment shall be imposed.

### **Section 14**

During a state of emergency and when the country is at war, in addition to a person who pursuant to Chapter 21, Section 20, or to prescriptions based thereon is a serviceman, everybody who is obliged to serve in the armed forces shall also be regarded as a serviceman to the extent that the Government does not decree otherwise. That which has been said about a serviceman shall, when the country is at war, have corresponding application to a policeman, who, although not being obliged to serve in the military forces, is duty bound to participate in the defence of the Realm, to a security guard appointed pursuant to Section 10 of the Act (1940:358) containing Certain Regulations for Protection of Military Forces, etc.

A person who otherwise, during a state of emergency or when the country is at war, is staying with a detachment of the military forces which is in the field of combat or serves under similar conditions, shall also be regarded as a serviceman.

The provisions governing servicemen shall, where relevant, apply to a prisoner of war, a war participant who has been interned during a war in which the Realm is neutral, and a foreigner who is staying with prisoners of war or interned war participants for the purpose of rendering medical or spiritual care. (SFS 1984:275)

### **Section 15**

If, when the country is at war, an act referred to in Chapter 21 or in this Chapter is committed against a State allied with the Realm, against the military forces of such State or against someone belonging to them, the provisions of law governing the same act against Realm, its military forces or a serviceman shall have corresponding application.

### **Section 16**

To the extent that it is found necessary, in view of danger of war threatening the Realm or other extraordinary conditions due to war, the Government may decree that the provisions of Chapters 19 and 21 and of this Chapter in case the country is at war shall, where relevant, apply also with respect to crime committed at another time.

If the country should happen to be wholly or partly occupied by a foreign power without the occurrence of military resistance, the parts of the provisions of said chapters applicable in case the country is at war shall likewise apply to crime committed during such period. In that connection what is stated about the defence of the Realm shall be applicable to resistance activity and what is stated about the enemy shall be applicable to the occupying power. (SFS 1974:565)

### **Section 17**

In this Chapter a foreign power with which the country is not at war is regarded as equivalent to an enemy if there is danger that war with that power may break out.

### **Section 18**

Concerning the beginning and the cessation of a state of emergency, special provisions exist.

### **Section 19**

Annulled (Swedish Code of Statutes 1973:17)

## **Chapter 23**

### **On Attempt, Preparation, Conspiracy and Complicity**

#### **Section 1**

If someone has begun to commit a crime without bringing it to completion, he shall, in cases where specific provisions therefor exist,

be sentenced for attempt to commit the crime if there had been a danger that the act would lead to the completion of the crime or such danger had been precluded only because of accidental circumstances.

Punishment for attempt shall be at most that applying to a completed crime and not less than imprisonment if the mildest punishment for the completed crime is imprisonment for two years or more.

## **Section 2**

A person who, with the intention of committing or promoting a crime, presents or receives money or something else as prepayment or payment for the crime or who procures, constructs, gives, receives, keeps, conveys or engages in any other such activity with poison, explosive, weapon, picklock, falsification tool or other such auxiliary means, shall, in cases where specific provisions therefor exist, be sentenced for preparation of the crime unless he is punishable for completed crime or attempt.

In specially designated cases punishment for conspiracy shall also be imposed. By conspiracy is meant that someone decides on the act in concert with another, or also that someone seeks to incite another or agrees to or offers to commit it.

The punishment imposed for preparation or conspiracy shall be below the highest and may be below the lowest limit applicable to a completed crime. No greater punishment than imprisonment for two years may be imposed unless imprisonment for eight or more years may be imposed for the completed crime. If there was slight danger of the crime being completed, no punishment shall be imposed.

## **Section 3**

Punishment for attempt, preparation or conspiracy to commit a crime shall not be imposed on one who voluntarily, by discontinuing the execution of the crime or otherwise, has prevented its completion. Even though the crime was completed, a person who has unlawfully had to do with means to that end may not be punished for that reason if he has voluntarily prevented the criminal use of the means.

## **Section 4**

Punishment provided in this Code for an act shall be inflicted not only on the one who committed the act but also on anyone who furthered it by advice or deed. A person who is not regarded as the actor shall, if he induced another to commit the act, be punished for instigation of the crime or else for being an accessory to the crime.

Each accomplice shall be judged according to the intent or the carelessness attributable to him. Punishment fixed by law for the act

of a manager, debtor or other person in a special position shall also befall a person who together with him was an accomplice in the act.

The provisions of this paragraph do not apply if the law provides otherwise in special cases.

### **Section 5**

If someone has been induced to be an accessory to a crime by coercion, deceit or misuse of his youth, lack of comprehension or dependent status or has been an accessory only to a small degree, the punishment imposed may be milder than that otherwise established for the crime; in trifling cases no punishment shall be imposed. The same applies in respect of punishment established by law for a person in a special position on some other accomplice.

### **Section 6**

If a person omits in time to report or otherwise reveal a crime that is occurring, when this can be done without danger to himself or any of his next of kin, he shall, in cases where this has been covered by special provisions, be sentenced for failure to reveal the crime as provided for a person who has been an accessory to the crime only to a small degree; however, in no case may a heavier punishment than imprisonment for two years be imposed. In the cases covered by special provisions, punishment for failure to reveal a crime as just stated shall also be imposed on one who has not but should have realized that crime was being committed.

If, when it can be done without danger to themselves or their next of kin and without reporting to some authority, parents or other preceptors or guardians, in cases other than those mentioned in the first paragraph, fail to prevent one who is in their care or under their control from committing a crime, punishment for failure to prevent the crime shall be imposed as provided in the first paragraph.

Failure to reveal or prevent a crime is not punishable unless the act being committed has progressed so far that punishment can follow.

### **Section 7**

Punishment provided in this Code in a case where someone criminally acquires for himself a gain or appropriates something shall also be imposed when someone intentionally provides a gain for or appropriates something for another.



## **Chapter 24**

### **On Self-Defence and Other Acts of Necessity**

#### **Section 1**

An act committed by a person in self-defence is not punishable.

A person acts in self-defence, who seeks

to avert an actual or imminent criminal attack on person or property;

to compel one who by force or threat of force or in other ways obstructs the recapture of property when caught in the act;

to prevent someone from unlawfully forcing his way into a room, house, yard or vessel; or

to remove from a room, house, yard or vessel someone who has unlawfully forced his way in or, in the case of a dwelling, refuses to leave when ordered to do so,

and all this so long as the act is not obviously unjustifiable considering the nature of the aggression and the importance of its object.

#### **Section 2**

If a prisoner or one who is jailed, taken into custody or otherwise deprived of liberty escapes or, by force or threat of force offers resistance or if he otherwise offers resistance to someone who has him in charge and is responsible for his behaviour, such force as is justifiable in view of the circumstances may be used to prevent the escape or maintaining order. The same applies if, in cases referred to in this paragraph, resistance is offered by someone other than previously mentioned.

Concerning the right of a policeman or other personnel to use force there are also provisions in the Police Act (1984:387)

If someone has the right according to the first paragraph or the Police Act to use force, each person who comes to his assistance shall have the same right. (SFS 1984:389)

#### **Section 3**

In case of mutiny or during combat, as well as on occasions when a crime against military discipline imports a special danger, a serviceman may, vis-a-vis a subordinate, who shows disobedience, use the force necessary for maintaining military discipline.

In a case here referred to, the provisions of Section 2, third paragraph, shall apply correspondingly. (SFS 1984:389)

#### **Section 4**

A person who in a case other than referred to previously in this Chapter acts out of necessity in order to avert danger to life or health, to save valuable property or for other reasons, shall also be free from punishment if the act must be considered justifiable in view of the nature of the danger, the harm caused to another and the circumstances in general.

#### **Section 5**

If, in a case referred to in Sections 1-4 of this Chapter or Section 10 of the Police Act (1984:387), someone has used greater force or caused more serious harm than is permissible in each case, he shall nevertheless not be punished so long as the circumstances were such that he had difficulty in coming to his senses.

If the act is found to be criminal, a lesser punishment than that fixed for the crime may be imposed. (SFS 1984:389)

#### **Section 6**

An act committed by someone by order of the person to whom he owes obedience shall not lead to his punishment if he had to obey the order in view of the nature of the condition of obedience, the character of the act and the circumstances in general.

# Part Three

## On Sanctions

### Chapter 25

#### On Fines, etc.

##### Section 1

Fines are imposed as fines proportional to the offender's daily income.

However, if a certain maximum sum of not more than one thousand kronor is specified for a fine or if its amount is to be determined according to a special basis of computation (standardized fine), the fine is imposed directly in money. (SFS 1980:1133)

##### Section 2

Fines proportional to the offender's income are imposed to a number of at least one and at most one hundred and twenty days' income.

The fine may amount to at least ten and at most one thousand kronor, depending on what is deemed reasonable in view of the defendant's income, wealth, obligations to dependents, and other economic circumstances. If the offence is petty, the amount of the fine may be adjusted accordingly. (SFS 1980:1133)

##### Section 3

Unless the law states otherwise, the smallest sanction by fine is fifty kronor. (SFS 1980:1133)

##### Section 4

A fine may be imposed as collective punishment for several crimes if a fine is impossible for each of the crimes. A collective punishment by a fine does not apply to crimes for which the law has provided standardized fines or fines which may not be converted into imprisonment.

## **Section 5**

A fine as collective punishment for several crimes is imposed in proportion to the offender's income if the law provides for such a fine for any one of the crimes.

As a collective punishment a fine proportional to the offender's income may be imposed to a number of one hundred and eighty days' income and a fine directly in money to an amount of two thousand kronor.

If a specified minimum fine is imposable for any one of the crimes, a lesser fine may not be imposed. (SFS 1980:1133)

## **Section 6**

Unless otherwise prescribed, fines go to the Crown.

If fines are imposed as collective punishment for several crimes and the fine for any one of the crimes is to go elsewhere than to the Crown or be used for a special purpose, the apportionment of the fines shall be ordered depending on circumstances.

## **Section 7**

Provisions governing collection of taxes and fines exist in the Fines Enforcement Act (1979:189).

Unless otherwise provided, unpaid fines may be converted into imprisonment for at least fourteen days and at most three months in conformity with the provisions of the Fines Enforcement Act. (SFS 1983:351)

## **Section 8**

The provisions of Section 6, first paragraph, and of Section 7 shall correspondingly apply with respect to a monetary penalty which, by decision of a court or other authority, has been imposed on someone in a particular case. With respect to other monetary penalties, the provisions of this Chapter pertaining to fines shall apply.

# **Chapter 26**

## **On Imprisonment**

### **Section 1**

According to what is provided for the crime, imprisonment is imposed for a fixed term or for life. A fixed term of imprisonment may not exceed ten years, unless otherwise provided in Section 2 or 3,

nor be shorter than fourteen days. For a sentence of imprisonment in combination with probation pursuant to Chapter 28, Section 3, the term of imprisonment shall be that provided in the said enactment.

Separate legal provisions govern the use of imprisonment as punishment into which fines have been converted. (SFS 1981:331)

## **Section 2**

Imprisonment may be used as a collective punishment for several crimes if imprisonment may be imposed for any one of the crimes.

Imprisonment for a fixed term may be set longer than the longest of the maximum terms imposable for the crimes, but may not exceed this by more than two years nor surpass the maximum terms added together; in that connection, punishment by fine is considered as corresponding to imprisonment for fourteen days.

Imprisonment shorter than the longest of the minimum terms may not be imposed. (SFS 1983:351)

## **Section 3**

If a person has been sentenced to imprisonment for at least two years and, once the judgement has acquired legal force, he commits a crime for which the penalty is imprisonment for more than six years, he may be sentenced for the relapse for imprisonment for a term which exceeds by four years the maximum punishment imposable for the crime or, in the case of several crimes, the maximum punishment imposable for the crimes pursuant to Section 2.

A crime committed by a person before attaining the age of twentyone years may not be imputed as ground for such extension of the term of imprisonment as stated in the first paragraph.

A foreign judgement may be attributed the same effect as a Swedish. (SFS 1981:211)

## **Section 4**

A person under eighteen years of age may not be sentenced to imprisonment except for very strong reasons.

Imprisonment may be imposed on a person over eighteen but not yet twentyone years of age only when the deprivation of liberty is particularly called for in deference to general obedience to the law.

Life imprisonment may not be imposed for a crime someone committed before reaching twentyone years of age. (SFS 1979:680)

## **Section 5**

A person sentenced to imprisonment shall, for the execution of the punishment, be committed to a correctional institution. This is the subject of separate legislation. (SFS 1974:205)

## **Section 6**

A person serving imprisonment for a fixed term shall, except as otherwise provided in the second paragraph or Section 7, be paroled after having served one-half of the term. However, parole may not be granted before at least two months have been served. Nor may parole be granted from imprisonment imposed under Chapter 28, Section 3, nor from imprisonment in conversion of a fine.

If the offender so requests, the parole may be postponed to a later date than as provided in the first paragraph. (SFS 1983:240)

## **Section 7**

If a person has been sentenced to imprisonment for not less than two years for an especially serious crime directed against or involving a danger to life or health and a manifest risk of continued criminality of the same kind after release on discretionary parole is deemed to exist, he may not be released on discretionary parole until two-thirds of the term of imprisonment to which he has been sentenced has been served. When a matter of discretionary parole after that time is being investigated, note shall be taken, apart from the risk of relapse, of the effects of continued loss of liberty for the prisoner and of the conditions for his rehabilitation having regard to the circumstances in which he would find himself upon release.

The provisions of the first paragraph apply also if the sentence relates as well to other crime than is referred to in that paragraph. If another term of imprisonment is being served simultaneously, Section 6 shall be applied with respect to that term when investigating the matter of release on discretionary parole from the total term of imprisonment. (SFS 1983:240)

## **Section 8**

If several sentences to imprisonment are being served concurrently, the combined terms of imprisonment shall be taken into consideration in applying Section 6. In that connection punishment into which fines have been converted shall also be regarded as imprisonment. If the sentences being concurrently served include a sentence as stated in the third sentence of Section 6, parole may not be granted before at least the term corresponding to that sentence has been served.

The period during which the punishment shall be regarded as being administered as a result of a court order referred to in Chapter 33, Sections 5-7, is also counted as time served. (SFS 1982:363)

### **Section 9**

In the case of a person who has been sentenced to imprisonment for not less than two years the correction board shall investigate the question of release on discretionary parole from that term of imprisonment or, if another term is being served at the same time, from the total term of imprisonment. In other cases the time for release on discretionary parole shall be decided by the National Prison and Probation Board or by an officer determined by the Board.

A decision concerning release on discretionary parole that has not been carried into effect may be altered if the prisoner requests that the release be postponed or if otherwise warranted by altered circumstances. (SFS 1983:240)

### **Section 10**

For a person released on discretionary parole the period of parole shall be one year. In a decision concerning release on discretionary parole made by the correction board, however, a longer period, up to at most three years, may be prescribed. (SFS 1983:240)

### **Section 11**

At the time of release on discretionary parole or later it may be directed that the parole shall be under supervision if this is deemed to be called for. Such a directive shall be made by a probation officer at the National Prison and Probation Administration. In the absence of such special directive the supervision shall cease after one year of the period of parole has elapsed unless otherwise provided in Section 18. (SFS 1983:240)

### **Section 12**

Supervision and non-institutional correctional treatment in other respects are under the charge of the probation officer. The latter also appoints a supervisor and, if necessary, may appoint one or more persons to assist in the supervision. (SFS 1983:240)

### **Section 13**

The parolee, if under supervision, shall keep the supervisor informed of his residence and employment and other conditions of significance for the supervision, appear before him when summoned, and otherwise maintain contact with him in conformity with his instruc-

tions. Insofar as decided by the probation officer the foregoing provisions concerning the supervisor shall apply also to the probation officer or other person. (SFS 1983:240)

#### **Section 14**

During his parole period the parolee shall lead an orderly life, try to support himself according to his ability, and otherwise observe what is required of him by this Code or by directives or instructions issued by its authority. He shall, when summoned, appear before the probation officer. If he has been enjoined to make compensation for damage caused by his crime, he shall meet this obligation to the best of his ability.

When the parolee is under supervision, the probation officer shall by surveillance and the provision of support and assistance make efforts to ensure that he does not relapse into crime and that his rehabilitation is promoted also in other respects. The probation officer shall for this purpose keep himself continuously informed about the parolee's conduct of his life and about his conditions in other respects. (SFS 1983:240)

#### **Section 15**

When there is reason to assume that, for promotion of his rehabilitation in society, the parolee needs the support of special directives as to what he has to observe during the parole period, such directives may be issued for a given period or until further notice. Such directives may have reference to

1. place of residence or lodging during a given period, at most one year at a time,
2. employment, other gainful occupation, education or training,
3. medical care, treatment for alcoholism or other care or treatment in or outside a hospital or other similar establishment.

If the parolee has been enjoined to make compensation for damage caused by his crime, directives may be issued concerning the time and manner for meeting this obligation unless, in view of the parolee's financial situation and other circumstances, such directives may be presumed to obstruct his rehabilitation in society.

If the parolee is under supervision, special directives may be issued as to how it shall be exercised. They may specify the manner in which and the extent to which the parolee shall maintain contact with the supervisor or probation officer. They may also prescribe an obligation for the parolee to notify the supervisor or probation officer of absence from his place of work, school or other occupation or institution stated in the directives. (SFS 1983:240)



## **Section 16**

Directives in accordance with Section 15 shall be issued by the supervisory board. The probation officer may issue such directives for the period until the board has made its decision on the matter. The correction board may also issue such directives in its decision concerning release on discretionary parole.

If so indicated by the parolee's progress and other personal circumstances, the supervisory board may change or annul a directive issued or issue a new directive. (SFS 1983:240)

## **Section 17**

Instructions concerning the carrying out of a directive referred to in Section 15 may be given by the parole officer, who may also allow temporary relief and make a promptly required adjustment.

## **Section 18**

If the parolee does not comply with what is required of him by this Code or by directives or instructions issued by its authority, the supervisory board, in addition to issuing directives in accordance with Section 15 or deciding on a matter referred to in Chapter 37, Section 7, first paragraph may

1. decide that a warning be issued to the parolee or
2. decide on supervision of the parolee during a given period after one year of the parole period has elapsed, but at the most until the expiry of the parole period. (SFS 1983:240)

## **Section 19**

If a parolee has seriously disregarded his obligations and if it may be presumed that he will not let himself be corrected by any other measure that the supervisory board may take, the board may declare the conditionally granted liberty forfeited up to a period of at most one month on each occasion. (SFS 1983:240)

## **Section 20**

A decision concerning a measure referred to in Section 18 may not be made after the expiration of the parole period. A decision concerning a measure referred to in Section 19 may be made even after the expiration of the parole period if the question has been under consideration by the supervisory board prior thereto. (SFS 1973:918)

## **Section 21**

Concerning the forfeiture of conditionally granted liberty and concerning certain other measures when the person sentenced to imprisonment is found to have committed another crime, provisions exist in Chapter 34.

## **Section 22**

If a question arises of declaring a conditionally granted liberty forfeited or of taking a measure referred to in Section 18 or a measure requiring the parolee to undergo care or treatment, or if the parolee has evaded supervision, the supervisory board may, if circumstances so indicate, order that the parolee be appropriately detained while awaiting further order. Such a decision shall be reconsidered as often as there is reason to do so.

A person thus detained may not be held longer than a week. However, if strong reasons so dictate, a new order for his detention for at most an additional week may be issued. He may not be retained in detention after the expiration of the parole period. (SFS 1983:240)

## **Section 23**

If conditionally granted liberty is declared wholly or partially forfeited, the period forfeited shall be regarded as a new punishment in respect to re-parole. (SFS 1983:240)

## **Section 24**

If conditionally granted liberty can no longer be declared forfeited, the punishment shall be considered fully served when the parole period expires.

# **Chapter 27**

## **On Conditional Sentence**

### **Section 1**

A conditional sentence may be given for a crime punishable by imprisonment if, in consideration of the defendant's personal circumstances, there are no firm reasons for fearing that he will render himself guilty of further criminality.

A conditional sentence may not be given if, because of the gravity of the crime or for other reason, an obstacle exists with respect to general obedience to the law. A conditional sentence may not be

imposed for a crime by a serviceman unless it is deemed feasible without danger to military discipline and order within the military forces. (SFS 1983:240)

## **Section 2**

Whether or not fines are provided by law for the crime, a fine proportional to at most one hundred and eighty days' income may be imposed in addition to the conditional sentence if this is deemed appropriate for the correction of the defendant or out of consideration for general obedience to the law. (SFS 1983:240)

## **Section 3**

A person who receives a conditional sentence shall undergo a probationary period of two years.

The probationary period begins on the day when the decision of the court in respect to the sanction for the crime has acquired legal force against the offender, either by declaration of satisfaction with the decision or otherwise.

## **Section 4**

During the probationary period the offender shall lead an orderly life and seek to support himself according to his ability. (SFS 1973:918)

## **Section 5**

If the offender has been enjoined to make compensation for damage caused by his crime, he shall do what he is able to meet this obligation. The court may direct that, during the probationary period, he shall seek to meet his obligation to pay damages or a part thereof at times and in a manner indicated in the sentence.

When reasons so dictate, a directive referred to in the first paragraph may be changed or revoked on application by the prosecutor or by the offender.

## **Section 6**

If the offender does not comply with what is required of him by the conditional sentence, the court may, if the prosecutor proceeds in the matter before the expiration of the probationary period, depending on circumstances,

1. decide that the offender be given a warning;
2. issue a directive according to Section 5 or change a directive previously issued;

3. vacate the conditional sentence and decide another sanction for the crime.

A measure described in 1 and 2 of the first paragraph may not be taken after the expiration of the probationary period.

If the conditional sentence is vacated, fair consideration shall be given, in deciding on the sanction, to the fine which was imposed in accordance with Section 2 and Chapter 34, Section 5. (SFS 1975:1395)

### **Section 7**

Concerning the vacating of a conditional sentence and concerning certain other measures when the offender is found to have committed another crime, provisions exist in Chapter 34.

## **Chapter 28**

### **On Probation**

#### **Section 1**

A sentence to probation may be issued for a crime punishable by imprisonment if, having regard to the defendant's personal circumstances, there are firm reasons for assuming that this sanction may assist in restraining him from continued criminality. If a more far-reaching sanction is called for, however, a sentence to probation may not be issued.

A person under eighteen years of age may not be sentenced to probation unless this sanction is deemed more appropriate than care in the social welfare service.

If the mildest punishment provided for the crime is imprisonment for one year or longer, a sentence to probation may be imposed only if strong reasons so dictate. (SFS 1983:240)

#### **Section 2**

Whether or not fines are provided by law for the crime, a fine proportional to a most one hundred and eighty days' income may be imposed in addition to probation if this is deemed appropriate for the correction of the defendant or out of consideration for general obedience to the law. (SFS 1983:240)

### **Section 3**

If, having regard to general obedience to the law, it is found indispensable that probation be combined with deprivation of liberty, the offender may be sentenced, in addition to probation, to imprisonment for at least fourteen days and at most three months.

If the circumstances so indicate, the court may direct that the sentence of imprisonment be put into effect notwithstanding that it has not acquired legal force. (SFS 1983:240)

### **Section 4**

Probation shall continue during a period of three years from the date on which the execution of the sanction commences. (SFS 1983:240)

### **Section 5**

Probation shall be combined with supervision from the date of the sentence. The court may however direct that the supervision be deferred until the sentence has acquired legal force against the probationer. If the sentence is appealed, a higher court may direct that no further enforcement shall ensue.

The supervision shall cease without special order when one year of the probationary period has elapsed unless otherwise provided in Section 7 or 9.

If enforcement has been interrupted by decision of a higher court but the defendant is thereafter sentenced to probation nevertheless, the period during which enforcement did not take place shall not be counted in the probationary period or in the period stated in the second paragraph. (SFS 1983:240)

### **Section 6**

The provisions of Chapter 26, Sections 12–17, shall correspondingly apply to a person sentenced to probation. In its judgment, however, the court shall assign a supervisor unless special reasons indicate otherwise. The court may also, in its judgment, issue directives in accordance with Chapter 26, Section 15, first and second paragraphs. (SFS 1983:240)

### **Section 6 a**

Annulled (Swedish Code of Statutes 1983:240)

## **Section 7**

If the probationer does not comply with what is required of him in consequence of the sentence to probation, the supervisory board may, in addition to issuing a directive in accordance with Chapter 26, Section 15, or deciding on a matter referred to in Chapter 37, Section 7, first paragraph,

1. decide that a warning be issued to the probationer or
2. decide on supervision of the probationer during a given period after one year of the probation term has elapsed, but at the most until the expiry of the probation term.

A measure referred to in this Section may not be taken by a supervisory board after the expiry of the probation term. (SFS 1983:240)

## **Section 8**

If the probationer has seriously ignored his obligations and it can be assumed that he will not let himself be corrected by a measure which the supervisory board may take, the board shall ask the prosecutor to raise with the court the question of revoking the probation.

The proceeding just mentioned shall be instituted before the expiration of the probation term. (SFS 1979:680)

## **Section 9**

If probation is revoked, the court shall impose another sanction for the crime. In so doing, fair consideration shall be given to what the probationer has suffered in consequence of the sentence to probation as well as to fines or imprisonment imposed in accordance with Section 2 or 3 or Chapter 34, Section 6, and the court may impose imprisonment for a shorter time than that provided for the crime.

If adequate reasons for the revocation of probation are not present, the court may instead take a measure referred to in Section 7. Such measure may not be ordered when the probation term has expired. (SFS 1979:680)

## **Section 10**

Concerning the revocation of probation and concerning certain other measures when the probationer is found to have committed another crime, provisions exist in Chapter 34.

## **Section 11**

If a question arises concerning the revocation of probation or a measure referred to in Section 7, or a measure requiring that the

probationer undergo care or treatment, or if the probationer has evaded supervision, the supervisory board or the court before which a proceeding has been instituted in accordance with Section 8 may if the circumstances so dictate, order the probationer appropriately detained while awaiting further order. Such a decision shall be reconsidered as often as there is reason to do so.

A probationer thus detained may not be held longer than a week. However, if strong reasons so dictate, a new order for his detention for at most an additional week may be issued. He may not be held in detention after the expiry of the probation term. (SFS 1983:240)

## **Chapter 29**

Annulled (Swedish Code of Statutes 1979:680)

## **Chapter 30**

Annulled (Swedish Code of Statutes 1981:211)

## **Chapter 31**

### **On Surrender for Special Care**

#### **Section 1**

If a person below twenty-one years of age who has committed a criminal act may be subject to care or other measure under the Social Services Act (1980:620) or the Care of Young Persons (Special Provisions) Act (1980:621), the court may delegate to the social welfare committee to arrange for the necessary care within the social services.

If considered necessary for the offender's correction, or out of consideration for general obedience to the law, the court may, in addition to surrender for care within the social services, sentence to a fine amounting to at most one hundred and eighty times the offender's daily income, whether a fine has been prescribed for the crime or not. (SFS 1981:29, 1983:240 and 1985:397)

#### **Section 2**

If a person who has committed a criminal offence can be subjected to *care under the Care of Alcoholics and Drug Abusers (Certain Cases) Act (1981:1243)*, the court may entrust to the county administrative

board or, if the person has already been admitted to a home where such care is rendered, to the board of the home to arrange for the necessary care. Before deciding on this course the county administrative board or the board of the home shall be consulted.

If the penalty prescribed for the offence is severer than imprisonment for one year, the person shall be entrusted for care as stated in the first paragraph only for special cause. (SFS 1981:1252)

### **Section 3**

If a person who has committed a criminal offence can be provided with care under the Law on the Provision of Closed Psychiatric Care in Certain Cases or with care in a mental hospital under Section 35 of the Law concerning the Treatment of Certain Mentally Disturbed Individuals, the court may, if it finds the need for such care established, order his surrender for mandatory care at an institution for the mentally ill or an institution for the feeble-minded. If the act was not committed under the influence of mental disease, feeble-mindedness or other mental abnormality of so profound a nature that it must be considered equivalent to mental disease, such order may, however, be made only if special reasons so dictate. (SFS 1967:942)

### **Section 4**

If someone who has committed a criminal act is in need of psychiatric care or supervision and no order based on Section 3 is made, the court may order him surrendered for *open psychiatric care* if, for special reasons, no more far-reaching measure is deemed to be required.

## **Chapter 32**

### **On Punishments of Public Servants and of Disciplinary Punishment of Servicemen.**

#### **Sections 1-5**

Annulled (Swedish Code of Statutes 1975:667)

#### **Section 6**

Disciplinary punishments for servicemen are confinement to barracks and disciplinary fine.

Confinement to barracks consists,



for a serviceman stationed in a barracks area, camp or similar area, in prohibition during a specific period, at least eight and at most fifteen days, to stay during leisure hours outside such area or part thereof assigned to a particular detachment, and

for a serviceman stationed on board a ship, in prohibition during a specific period, at least eight and at most fifteen days, or for a given number of specific days, at least five and at most eight, to leave the ship in leisure hours.

A disciplinary fine consists of a deduction from wages or a corresponding cash payment in accordance with special legal provisions and is imposed for at least one and at most forty days.

A disciplinary fine in addition to arrest may be imposed in accordance with special directions. (SFS 1973:17)

### **Section 7**

Concerning disciplinary punishment as collective punishment for several crimes and, when a crime by a serviceman is involved, concerning sentence to disciplinary punishment instead of to a fine and to a fine instead of to disciplinary punishment, provisions exist in a special statute, which also contains provisions governing the administration of disciplinary punishments.

If a person who is not a serviceman has become punishable for being an accessory to a crime subject to disciplinary punishment, the determination of the sanction shall be made as if a fine proportional to his daily income instead of disciplinary punishment were provided.

### **Section 8**

A serviceman who has not been punishable under the provisions of Chapter 21 may not be sentenced to disciplinary punishment.

Section 7, second paragraph, shall be correspondingly applicable to a serviceman referred to in the first paragraph of this Section. (SFS 1975:667)

## **Chapter 33**

### **On Reduction and Exclusion of Sanctions**

#### **Section 1**

No one may be sentenced to a sanction for a crime he committed before he reached fifteen years of age.

## **Section 2**

For a crime which someone has committed under the influence of mental disease, feeble-mindedness or other mental abnormality of so profound a nature that it must be considered equivalent to mental disease, no other sanction may be applied than surrender for special care or, in cases specified in the second paragraph, a fine or probation.

A fine may be imposed if found to answer the purpose of deterring the defendant from further criminality. Probation may be imposed if in view of the circumstances such sanction is considered more appropriate than special care.

The defendant shall be exempt from sanction if it is found that a sanction mentioned in this Section should not be imposed. (SFS 1979:680)

## **Section 3**

Annulled (Swedish Code of Statutes 1973:43)

## **Section 4**

If someone has committed a crime before reaching the age of twentyone, a milder punishment than that provided for the crime may be imposed, depending on circumstances. If special reasons so dictate, a milder punishment may also be imposed for crime which someone committed under the influence of mental abnormality.

If very strong reasons so dictate and no obvious obstacle exists with reference to general obedience to the law, a milder punishment than that provided for the crime may be imposed in other cases as well.

A sanction may be completely dispensed with if, because of special circumstances, it is found obvious that no sanction for the crime is necessary. (SFS 1979:680)

## **Section 5**

If a person is sentenced to imprisonment for a fixed term or if, pursuant to Chapter 34, Section 1, (1), a court decrees that such sanction shall apply to additional crimes, and if, by reason of suspicion of crime examined by trial in the case, the offender has during a continuous period of at least twentyfour hours been deprived of liberty through detention, remand in custody, confinement or admission to a clinic of forensic psychiatry pursuant to Section 9 of the Act concerning Forensic Psychiatric Examination in Criminal Proceedings (1966:301), the period of deprivation of liberty, to the extent that execution of a sentence in another case was not proceeding simultaneously, shall be regarded as the term served in an institution

for the sanction imposed. The court shall state in its sentence the number of days the sanction shall be regarded as having been served. If the period by which the sentence of imprisonment exceeds the period of deprivation of liberty is of short duration, it may be decreed that the term of imprisonment shall be regarded as fully served through the deprivation of liberty.

If a conditional sentence or probation is vacated and imprisonment for a fixed term is imposed instead, the first paragraph shall be applicable also in respect of deprivation of liberty preceding the conditional sentence, the sentence to probation or a sentence directing that the sanction imposed thereby shall be regarded as applying also to additional crimes. This applies, however, only insofar as the period of deprivation of liberty had not been taken into consideration in accordance with the first or third paragraph.

If a person is sentenced to a fine or disciplinary punishment and if, by reason of suspicion of crime examined by trial in the case, he has been deprived of liberty as stated in the first paragraph, it may be decreed that the sanction shall be regarded as having been wholly or partly served through the deprivation of liberty. (SFS 1981:211)

## **Section 6**

The provisions of Section 5 to the effect that a period of deprivation of liberty shall be taken into consideration as execution of a sentence may, insofar as is deemed reasonable in view of the circumstances, be applied also in respect of deprivation of liberty outside the Realm.

## **Section 7**

If a person has started to undergo imprisonment and is instead sentenced by a higher court to another sanction stated in Section 5, first or third paragraph, what is there specified to the effect that any period of deprivation of liberty shall be taken into consideration shall be correspondingly applicable in respect of the period during which execution has accordingly taken place.

If a conditional sentence or probation is vacated and the offender is sentenced instead to imprisonment for a fixed term, the first paragraph shall be correspondingly applicable in respect of the period during which execution has taken place by reason of a sentence in the case in which the conditional sentence or the sentence to probation was finally pronounced. (SFS 1981:211)

## **Section 8**

On examination in a higher court of a complaint concerning a sanction imposed, a decision on a matter as stated in Sections 5-7 may

be amended even if appeal against the decision has not been lodged.

### **Section 9**

In determining the punishment for a crime committed by an employee, attention shall be paid to dismissal or other consequence of the crime that is permitted under the employment contract or by statute applying to the employment conditions, and a fine or disciplinary punishment which would otherwise have been imposed may be entirely remitted.

As equivalent to an employee shall be considered a person exercising a mandate for another. (SFS 1975:667)

## **Chapter 34**

### **Certain Provisions concerning Concurrence of Crimes and Change of Sanction.**

#### **Section 1**

If a person who has been sentenced for crime to imprisonment, conditional sentence or probation is found to have committed another crime prior to the sentence, or if he commits a new crime subsequent to the sentence but before the sanction has been fully served or otherwise terminated, the court may, depending on circumstances and taking note of what Sections 2-6 and 9 prescribe in certain cases,

1. order that the sanction imposed earlier shall apply also to the second crime;
2. impose a separate sanction for that crime, or,
3. If the earlier sentence has acquired legal force, vacate the sanction imposed and impose a different kind of sanction for the crimes.

If, in addition to probation, a sentence of imprisonment has been imposed pursuant to Chapter 28, Section 3, in the application of the provisions in the present Chapter the imprisonment shall be regarded as a part of the probation. (SFS 1981:211)

#### **Section 2**

If the offender is serving life imprisonment, only an order in accordance with Section 1 (1) may be given.

### **Section 3**

If the prior sentence is to imprisonment for a fixed term, an order in accordance with Section 1 (1) may be given only if it is obvious that, so far as the sanction is concerned, the new crime, compared with the earlier one, is of no appreciable importance, or else that strong reasons so dictate.

If in applying Section 1 (2) punishment is imposed for crime committed before the execution of the earlier sentence has begun, all possible care should be taken in determining the punishment that the combined punishments do not exceed what could have been imposed for the two crimes in accordance with Chapter 26, Section 2, and in so doing a milder punishment than that provided for the crime may be imposed.

The vacating of imprisonment in conformity with Section 1 (3) may occur only if sentence is pronounced before the prison term has been fully served.

### **Section 4**

If Section 1 (1) or (2) is applied with respect to a person paroled from imprisonment, the conditionally granted liberty or part thereof may be declared forfeited if the crime was committed during the parole term.

If forfeiture in accordance with the first paragraph is not ordered, the court may decide on a measure referred to in Chapter 26, Section 18, or prolong the parole term by at most one year beyond that determined at the time of release.

Forfeiture or a measure just mentioned may not be decided unless the question thereof arises in a case in which the parolee has been committed to jail or been informed of the prosecution before the expiration of the parole term. (SFS 1979:680)

### **Section 5**

If the sanction previously imposed is a conditional sentence, an order based on Section 1 (1) may have reference only to a crime committed before the beginning of the probationary period.

If an order is given as stated in Section 1 (1), the court may, if found to be necessary for correction of the defendant or out of consideration for general obedience to the law, also sentence to a fine of at most one hundred and eighty days' income, whether a fine is provided for the crime or not

If section 1 (1) or (2) is applied, the court may decide on a measure mentioned in Chapter 27, Section 6 (1 or 2), or prolong the probationary period to three years, but only if the question thereof

arises in a case in which the offender has been committed to jail or been informed of the prosecution before the expiration of the probationary period.

The vacating of a conditional sentence in conformity with Section 1 (3) may not take place unless the question thereof arises in a case in which the offender has been committed to jail or been informed of the prosecution within a year from the expiration of the probationary period. (SFS 1983:240)

## **Section 6**

If the sanction previously imposed is probation, the court may, in applying Section 1 (1), if necessary for correction of the offender or out of consideration for general obedience to the law, also sentence to a fine of at most one hundred and eighty days' income, whether a fine is provided for the crime or not. If imprisonment may be imposed for the new crime and if deprivation of liberty is found to be indispensable out of consideration for general obedience to the law, the court, instead of sentencing to a fine, may sentence to imprisonment pursuant to Chapter 28, Section 3.

If Section 1 (1) or (2) is applied, the court may decide on a measure referred to in Chapter 28, Section 9, or prolong the probationary period to at most five years.

If imprisonment is imposed pursuant to Section 1 (3), fair consideration shall be paid, in determining the punishment, to what the offender has suffered as a result of the sentence to probation and to what term of imprisonment he has served in accordance with the first paragraph or with Chapter 28, Section 3, as also to any fine imposed in accordance with the first paragraph or with Chapter 28, Section 2, and imprisonment may be imposed for a shorter term than is provided for the crime.

Imprisonment in accordance with the first paragraph may not be imposed and a decision in accordance with the second paragraph or a decision to vacate probation may not be passed unless the question thereof arises in a case in which the offender has been committed to jail or been informed of the prosecution before the expiration of the probationary period. (SFS 1983:240))

## **Sections 7-8**

Annulled (Swedish Code of Statutes 1979:680) .

## **Section 9**

Annulled (Swedish Code of Statutes 1981:211)

## **Section 10**

If on the basis of Section 1 (1) a sentence which has acquired legal force has directed that imprisonment, conditional sentence or probation imposed in an earlier case shall cover further crime, and if the earlier sentence is changed by a higher court by a judgement which acquires legal force, the question of sanction for said crime shall, upon notification by the prosecutor, be reconsidered by the court. The same shall apply when a punishment has been decided on the basis of Section 3, second paragraph, and the punishment imposed earlier is changed.

If, when a sentence to imprisonment for a fixed term is to be executed, it is found that the offender committed the crime before the execution of such punishment, imposed on him for another crime, has begun, and if it does not appear from the sentences that the other punishment has been taken into consideration, the court, once the sentences have acquired legal force, shall, upon notification by the prosecutor and on the basis of Section 3, second paragraph, fix the punishment the offender shall suffer as a result of the sentence which is to be executed last. (SFS 1981:211)

## **Section 11**

If the execution of a sentence to life imprisonment is to take place concurrently with a sentence to a fine, punishment to which a fine has been converted, imprisonment for a fixed term, conditional sentence, probation or disciplinary punishment, the life sentence shall supplant the other sanction.

If execution of a sentence to imprisonment for a fixed term of at least two years takes place concurrently with a sentence to a fine, punishment to which a fine has been converted or disciplinary punishment imposed before the serving of the term of imprisonment has started, that sentence of imprisonment shall supplant the other sanction. (SFS 1983:351)

## **Section 12**

Annulled (Swedish Code of Statutes 1979:680)

## **Section 13**

Annulled (Swedish Code of Statutes 1981:211)

## **Sections 14–17**

Annulled (Swedish Code of Statutes 1975:667)

## **Section 18**

If a question arises of expatriation to Sweden for execution of a sentence whereby a person has been sentenced to imprisonment as joint sanction for two or more crimes, and if, under the laws of the foreign state, expatriation may not take place for all the crimes, the court, after notification by a prosecutor, shall vacate the earlier imposed sanction and sentence to a sanction for the criminality for which expatriation may take place.

The provisions of the first paragraph shall apply also when a sentence in a Swedish criminal case, relating to two or more crimes, is to be executed abroad in accordance with the Act on International Collaboration in Execution of Sentence in Criminal Cases (1972:260) or the Act on International Collaboration in Respect of Probation (1978:801), and hindrance to execution exists under the laws of the foreign state in respect of one or more of the crimes. (SFS 1981:211)

## **Chapter 35**

### **On Limitations of Sanctions**

#### **Section 1**

No sanction may be imposed unless the suspect has been committed to jail or informed of his prosecution for the crime within

1. two years, if the crime is punishable by no more severe punishment than imprisonment for one year;
2. five years, if the most severe punishment is imprisonment for more than one but not longer than two years;
3. ten years, if the most severe punishment is imprisonment for more than two but no longer than eight years;
4. fifteen years, if the most severe punishment is imprisonment for a fixed term of more than eight years;
5. twentyfive years, if the crime is punishable by life imprisonment.

If an act includes several crimes, a sanction may be imposed for all the crimes, regardless of what has just been stated, so long as a sanction can be imposed for any one of them.

#### **Section 2**

Annulled (Swedish Code of Statutes 1975:667)



### **Section 3**

If a person committed to jail is released without having been informed of his prosecution for the crime or if the case against him is dismissed or filed after he has been so informed, the commitment or information shall be considered as never having occurred if a question of the possibility of imposing a sanction is raised.

### **Section 4**

The times specified in Section 1 shall be counted from the date when the crime was committed. If the appearance of a given consequence of the act is a prerequisite for the imposition of a sanction, the time shall be counted from the date when such consequence appeared.

If, in a bookkeeping crime which is not petty, the offender has within five years of the crime been declared bankrupt, has been granted or has offered composition or has suspended payments, the time shall be counted from the date when this occurred. (SFS 1982:150)

### **Section 5**

Annulled (Swedish Code of Statutes 1971:964)

### **Section 6**

In no case may a sanction be imposed when, from the date mentioned in Section 4, the following periods have elapsed:

1. five years, if the crime is not punishable by more than a fine and the time for the imposition of a sanction for the crime is determined under Section 1 (1),
2. fifteen years, if other than under paragraph 1, the crime is not punishable by imprisonment for more than two years,
3. thirty years in other cases. (SFS 1971:964)

### **Section 7**

A fine imposed is null and void when five years have elapsed from the date when the sentence acquired legal force. This does not apply if at the expiry of the stated period an application for conversion of the fine has been brought to the notice of the offender and this application has not been finally examined. If the application does not lead to conversion of the fine, it shall be nullified when the court's final decision in the case acquires legal force. Special provisions exist concerning the nullification of a sentence imposing conversion of a fine.

If the offender dies, an imposed fine is nullified. If the sentence acquired legal force during the offender's lifetime and if, in

satisfaction of the fine, chattel property has been distrained or placed in public custody, the fine shall, however, be payable out of such property.

What has been said now about fines applies equally to a monetary penalty ordered paid. (SFS 1983:351)

### **Section 8**

A sentence to imprisonment is null and void if its execution has not begun before the period stated below has elapsed since the sentence acquired legal force:

1. five years, if imprisonment for not more than one year was imposed;
2. ten years, if imprisonment for a period in excess of one year but not more than four years was imposed;
3. fifteen years, if imprisonment in excess of four years but not over eight years was imposed;
4. twenty years, if imprisonment for a fixed term longer than eight years was imposed;
5. thirty years, if life imprisonment was imposed. (SFS 1971:964)

### **Section 9**

If the serving of a sentence to imprisonment for a fixed term is interrupted, the provisions in Section 8 shall correspondingly apply with respect to the continuation of a serving of the sentence; in such case the time shall be computed with consideration of what remains of the punishment imposed. The time shall be counted from the date when the interruption occurred or, when parole has been granted but declared revoked, from the date when the declaration acquired legal force.

### **Section 10**

Annulled (Swedish Code of Statutes 1981:211)

### **Section 11**

Special legislation governs the nullification of disciplinary punishments.

## **Chapter 36**

### **On Forfeiture of property, Company Fines and Other Special Legal Effects of Crime**

#### *Forfeiture*

#### **Section 1**

The profits of a crime under this Code which do not correspond to injury to the individual shall be declared forfeited if this is not obviously unreasonable. The same shall apply to a bribe for a crime or its value if the bribe was accepted and the recipient committed a crime under this Code. (SFS 1968:165)

#### **Section 2**

Property which has been used as an instrument in the commission of a crime under this Code or which is the product of such a crime may be declared forfeited if this is called for in order to prevent crime or for other special reasons. The same shall apply to property the use of which constitutes a crime under this Code or which is otherwise used in a manner which constitutes such a crime.

The value of property may be declared forfeited instead of the property itself. (SFS 1968:165)

#### **Section 3**

Forfeiture may also be decided in cases other than those referred to in Section 2 in respect of

1. objects which, because of their special character and other circumstances, arouse apprehension that they may be put to criminal use,
2. other objects which are calculated to be used as weapons in crimes against human life and health and which have been encountered under circumstances which gave rise to the apprehension that they would be put to such use. (SFS 1983:224)

#### **Section 4**

If, in consequence of a crime committed in the course of business, the businessman has derived financial advantages, the value thereof shall be declared forfeited, even when not so provided in Section 1 or 2 or otherwise specially directed.

The provisions of the first paragraph do not apply if the forfeiture is inequitable. In judging whether this is so, it shall be taken into consideration, among other circumstances, whether there is reason to assume that other payment obligation corresponding to the financial

advantages from the crime will be imposed on the businessman or otherwise be fulfilled by him.

If proof of what is to be declared forfeited cannot, or can only with difficulty, be presented, the value may be estimated to an amount which is reasonable in view of the circumstances. (SFS 1986:118)

### **Section 5**

Forfeiture of property or its worth on account of crime may (if no provision is otherwise made) be imposed against:

- a) the offender or another who participated in the crime;
- b) the person whose position was occupied by the offender or other accomplice;
- c) the person who profited from the crime or a businessman as stated in Section 4;
- d) the person who acquired the property after the crime because of marital property rights, inheritance or devise, or through a gift, or who acquired the property after the crime in another way and in so doing had knowledge of or reason to assume that the property was connected with the crime.

If the property did not belong to any of the persons categorized in a)–c), it may not be declared forfeited.

Special right to property which has been declared forfeited remains if the special right is not also declared to be forfeited.

A right gained through provisional attachment or security of payment ceases if the property is declared forfeited unless for a special reason an order is given that the right shall remain. (SFS 1986:118)

### **Section 6**

Instead of forfeiture, the court may prescribe a measure in order to prevent misuse. (SFS 1986:118)

### *Company fines*

### **Section 7**

For a crime committed in the exercise of business activities the entrepreneur shall, at the instance of a public prosecutor, be enjoined to pay a company fine if

1. the crime has entailed gross disregard for the special obligations associated with the business or is otherwise of a serious kind and
2. the entrepreneur has not done what could reasonably be demanded for prevention of the crime.

The first paragraph does not apply if the crime was directed against the entrepreneur or if otherwise it would be manifestly unreasonable to impose a company fine. (SFS 1986:118)

### **Section 8**

A company fine shall be at least SEK 10 000 and at most SEK 3 000 000. (SFS 1986:118)

### **Section 9**

When the amount of a company fine is determined, special consideration shall be paid to the nature and extent of the crime and to its relation to the business activity. (SFS 1986:118)

### **Section 10**

A company fine may be remitted or reduced below what it should have been according to Section 9

1. if a sanction for the crime is imposed on the entrepreneur or a representative for him,
2. if the crime involves other payment liability or a special consequence defined by law,
3. if otherwise called for on special grounds. (SFS 1986:118)

### *Common provisions*

### **Section 11**

Provisions in law or statute with regard to a special legal effect of someone being sentenced to punishment shall apply also when some other sanction mentioned in Chapter 1, Section 3, is imposed.

In applying the first paragraph, conditional sentence and probation, and also, unless the sentence otherwise states, surrender for special care shall be considered equivalent to imprisonment. In that connection, if so ordered, probation and surrender for special care shall be considered as corresponding to imprisonment for at least six months. (SFS 1986:118)

### **Section 12**

If sentencing someone to a sanction is a prerequisite to the forfeiture of property or other special legal effect which may follow upon crime, the court may, if the sanction for the crime is remitted, order, in so far as circumstances so dictate, that such legal effect shall ensue. (SFS 1986:118)

### **Section 13**

If a crime has been committed by someone who has not reached fifteen years of age or who has acted under the influence of mental disease, feeble-mindedness or other mental abnormality of so profound a nature that it must be considered as equivalent to mental disease, the court may order forfeiture of property or other special

legal effect that may follow upon the crime only if, and to the extent that, this may be regarded as reasonable in view of his state of mind, the nature of the act, and other circumstances. (SFS 1986:118)

#### **Section 14**

If a scantion can no longer be imposed because of the death of the criminal or for other cause, property may be declared forfeited or . company fine imposed because of the crime or a measure be prescribed to avert misuse only if, in a preceeding pertaining thereto, a summons has been served within five years from the time when the crime was committed. In such a case the prosecutor may institute proceedings only if deemed required in the public interest. (SFS 1986:118)

#### **Section 15**

A decision concerning forfeiture or measure to avert misuse or concerning a company fine is null and void if its execution has not occurred within ten years from the date when the decision acquired legal force. (SFS 1986:118)

#### **Section 16**

If a law or statue requires that an explanation be furnished concerning forfeiture or other such special legal consequence of a crime, this may nevertheless be omitted if such legal consequence is obviously unreasonable. (SFS 1986:118)

#### **Section 17**

Forfeited property and a copany fine go to the Crown unless otherwise prescribed. (SFS 1986:118)

### **Chapter 37**

#### **On Boards**

##### **Section 1**

The Government determines the division of the country into supervisory board areas.

A supervisory board consists of chairman, vice-chairman and three other members, unless the Government decrees that a given board shall have more members. The chairman and two members constitute

a quorum. In urgent cases as well as in matters of less importance the chairman alone may decide on behalf of the board. Such decision shall be reported at the next meeting of the board.

The Government may order that a supervisory board shall work in sections. Applicable parts of the law governing the board shall apply to such section. (SFS 1983:240)

## Section 2

The Government appoints the chairman and vice-chairman of the supervisory boards. In the absence of the chairman the vice-chairman serves in his stead. When both the chairman and vice-chairman are absent, a temporary deputy is appointed by the National Prison and Probation Board. The chairman, vice-chairman and deputy shall be learned in law and have experience of service as judge.

The other members and an equal number of deputies for them are elected. Elections are conducted by the local council if the supervisory board's area comprises a single local district, and otherwise by the county council. If in the supervisory board's area there is also a local district not included in a county council region, the election is conducted by the county council and the local council in the proportions between them that are decided by the county administrative board on the basis of the population figures. If a supervisory board's area includes several counties or parts of counties, the Government decides on the same principles the number of members and deputies for each county or part of a county.

Proportional representation of members or deputies in county council or local council elections shall be adopted if requested by at least as many members of the county council or local council as correspond to the quotient obtained if the number of members present is divided by the number of persons to be elected, increased by 1. If the quotient is a fraction, it shall be rounded off to the next higher integer. Provisions governing the procedure for such proportional representation exist in the Act on Proportional Representation in Elections to County Councils, Local Councils, etc (1955:138). If the deputies are not elected proportionally, the order in which they shall be summoned to serve shall also be decided in the election.

Members and non-temporary deputies are appointed for terms of three years. If a member who has been appointed in a proportional-representation election resigns before the expiry of his term, a deputy is appointed in accordance with the order between deputies decided in the election. If a member or deputy resigns who has not been appointed in a proportional-representation election, a new member or deputy is appointed for the balance of the term. Temporary deputies shall be appointed for at most six months.

When a member or deputy is to be appointed, the supervisory board shall notify the fact to the body which is to appoint him. (SFS 1983:240)

### **Section 3**

Eligible as member or deputy member of a local supervision board is a person who has the right to vote in local council elections, who is registered in the board's sphere of jurisdiction, and who has not attained, or during the term of office attains, the age of seventy years. A judge learned in law, public prosecutor, policeman, an official of the prison and probation system, an attorney or person whose profession otherwise is to plead the cause of other persons before a court of law is not eligible as member or deputy. The local supervision board examines the legal qualification of elected persons on its own motion. (SFS 1985:942)

### **Section 4**

The correction board shall consist of one member, who occupies or has occupied a judicial office and who shall be chairman of the board, and four additional members. Deputies are appointed to a number determined by the Government. The Government appoints the chairman, other members and deputies. In the absence of the chairman, his function shall be exercised by a member or deputy designated by the Government and qualified for appointment as chairman.

In urgent cases and in matters of minor importance the chairman alone may decide on behalf of the board. Such decisions shall be notified at the next meeting of the board.

The chairman, other members and deputies are appointed for terms of five years. If a member or deputy leaves before the expiration of his term, a new member or deputy is appointed to serve for the balance of the term. (SFS 1983:240)

### **Section 5**

A member or substitute of a supervisory board and the correction board shall have taken a judge's oath. The same grounds for disqualification that apply to a judge shall apply to a member or substitute, but the provisions of Chapter 4, Section 13 (7) of the Code of Procedure shall not be applicable to a member or substitute of a supervisory board.

With respect to decisions by a board referred to in the first paragraph, applicable parts of the provisions governing voting in criminal cases in superior court shall be observed. (SFS 1981:211)



## **Section 6**

If an offender requests a personal appearance in a matter dealt with by a supervisory board, he shall be granted the opportunity.

In a matter before the correction board an opportunity for a personal appearance should be granted to the offender if this can be assumed to be useful and can be conveniently arranged. (SFS 1981:211)

## **Section 7**

A person sentenced to imprisonment may request review of a decision of a probation officer in accordance with Chapter 26, Section 11, Section 12, second sentence, or Section 13, second sentence, by the supervisory board in whose area the probation officer is active. The board may also, of its own accord, take up such a decision for review and in other respects decide on a matter the resolution of which is incumbent upon the probation officer in accordance with any of the provisions aforesaid. The probation officer may refer such a matter to the board for decision.

If the person sentenced to imprisonment is not satisfied with a supervisory board's decision in accordance with Chapter 26, Section 15, 18, 19 or 22, he may request the correction board to review the decision.

In conjunction with a decision concerning conditional release in accordance with Chapter 26, Section 9, the correction board may issue an order for supervision which, according to Section 11 of the same Chapter, is incumbent upon the probation officer. (SFS 1983:240)

## **Section 8**

The provisions of Section 7, first paragraph, are correspondingly applicable to a person sentenced to probation.

A person sentenced to probation may appeal to the circuit court of appeals against a supervisory board's decision in matters referred to in Chapter 26, Section 15, or Chapter 28, Section 7 or 11. The time for appeal is counted from the date when he was informed of the decision. (SFS 1983:240)

## **Section 9**

Annulled (Swedish Code of Statutes 1981:211)

## **Section 10**

A probation officer's and a supervisory board's decision mentioned in Sections 7 and 8 shall be instantly obeyed unless otherwise provided. (SFS 1983:240)

## **Section 11**

No appeal may be lodged against a decision made by a supervisory board in accordance with this Code except in cases mentioned in Sections 7 and 8, by a circuit court of appeals in accordance with Section 8 or by the correction board. (SFS 1981:211)

## **Chapter 38**

### **Procedural Provisions, etc.**

#### **Section 1**

A person receiving a conditional sentence may, before the time for appeal has expired, make a declaration that he is satisfied with the judgment as to the sanction imposed. Such declaration shall also cover fines imposed on the basis of Chapter 27, Section 2. The declaration shall be made in the manner prescribed by the Government.

A declaration once made in the prescribed manner is not retractable. If the offender has appealed the sentence, his appeal shall be considered withdrawn by the declaration so far as the sanction for the crime is concerned.

Special provisions exist relating to the declaration of satisfaction in connection with a sentence to imprisonment. (SFS 1983:240)

#### **Section 2**

If a court pursuant to Chapter 31, Section 1, has surrendered someone for care in the social welfare service but it is thereafter found that the care cannot be administered with the offender's consent or, on examination in the prescribed manner, that the prerequisites indicated by law for such care as the social welfare board, in a report to the court, declared its intention to arrange are absent, the court which first adjudicated the case may, upon application by the prosecutor, vacate the order for surrender for care and impose another sanction for the crime.

The same shall apply when the court has surrendered someone for care pursuant to Chapter 31, Section 2, and the care which the county administrative board, in a report to the court, declared its intention to arrange proves to be impossible. (SFS 1981:1253)

#### **Section 3**

A question concerning a measure in accordance with Chapter 27, Section 5, second paragraph, or Section 6, is dealt with by the court

which first adjudicated the case in which conditional sentence was passed.

A proceeding based on Chapter 28, Section 8, shall be instituted in the public court of first instance within whose district the supervisory board which has made a representation in the matter is active.

Cases referred to in this Section may also be brought before a court presently adjudicating a criminal charge against the offender, or before the court in the locality where the offender is mostly staying, if, in view of the investigation as well as costs and other circumstances, the court deems it appropriate. (SFS 1983:240)

#### **Section 4**

Notification pursuant to Chapter 34, Section 10, is addressed to the first court in any one of the cases.

Application based on Chapter 34, Section 18, is made to the court which first adjudicated in the case. (SFS 1981:211)

#### **Section 5**

A proceeding to which reference is made in Chapter 27, Section 6, or Chapter 28, Section 8, shall be considered instituted when the offender was informed of the opening of the case. (SFS 1981:211)

#### **Section 6**

A board shall participate in a lower court decision on questions referred to in Section 2 or in Chapter 27, Section 6, Chapter 28, Section 9, or Chapter 34, Section 10, second paragraph, or Section 18. The same shall apply with respect to the vacating of sanctions in accordance with Chapter 34, Section 1 (3), the forfeiture of conditionally granted liberty or other measure in accordance with Chapter 34, Section 4, or a measure in accordance with Chapter 34, Section 5, third paragraph, or Chapter 34, Section 6, second paragraph.

A lower court is competent to decide a question concerned with Chapter 27, Section 5, second paragraph, or Chapter 28, Section 11, with one judge who is learned in the law. (SFS 1981:211)

#### **Section 7**

Annulled (Swedish Code of Statutes 1981:211)

#### **Section 8**

In a proceeding concerning a measure in accordance with Section 2, or Chapter 27, Section 5, second paragraph, or Section 6; Chapter 28, Section 9, or Chapter 34, Section 10, second paragraph, the court of

first instance shall give the offender an opportunity to express himself. If he requests to be heard orally, he shall be given the opportunity. In a case on a measure in accordance with Chapter 34, Section 18, the offender shall be given the opportunity to express himself when so possible. The court's adjudication of the matter is by decision.

A measure in accordance with Chapter 28, Section 11, may be decided without giving the offender an opportunity to express himself. (SFS 1981:211)

### **Section 9**

The court's decision on a measure in accordance with Chapter 27, Section 5, second paragraph, Chapter 28, Section 11, or Chapter 34, Section 10, second paragraph, or Section 18, is to be instantly obeyed, unless otherwise decided. The same applies to decisions based on Chapter 27, Section 6, Chapter 28, Section 9, or Chapter 34, Section 4, 5 or 6, with reference to directives, supervision or probationary period. (SFS 1983:240)

### **Section 10**

A warning decided upon by a court or a supervisory board shall be promptly delivered to the offender in person. If the warning cannot be delivered in connection with the decision, another court or supervisory board may be requested to deliver it.

### **Section 11**

Annulled (Swedish Code of Statutes 1973:918)

### **Section 12**

It is the duty of police authorities to assist the court, the supervisory board, the correction board and a probation officer in assuring the offender's appearance at a proceeding or in a matter dealt with in accordance with this Code or in his taking in charge pursuant to Chapter 26, Section 22 or Chapter 28, Section 11. (SFS 1983:240)

### **Section 13**

The National Prison and Probation Board or, by authorization of the Board, the head of the correctional services region may amend what a probation officer has decided in accordance with this Code. The Board's decision in such a matter cannot be appealed. The same applies to a decision of the head of a region, which however may be amended by the Board.

The first paragraph does not apply to decisions referred to in Chapter 26, Section 11, Section 12, second sentence, Section 13, second

sentence, or Section 16, first paragraph, second sentence.  
(SFS 1983:240)


**Section 14**

The Government may prescribe that a probation officer may assign another official to perform tasks which according to this Code are incumbent upon the probation officer. (SFS 1983:240)

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