

**CONGRESS**

**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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*Hanoi, November 27, 2015*

**LAW**

**CRIMINAL**

*Pursuant to the Constitution of the Socialist Republic of Vietnam;*

*The National Assembly promulgates the Penal Code.*

**Part One**

**GENERAL PROVISIONS**

**Chapter I**

**BASIC TERMS**

**Article 1. Tasks of the Penal Code**

The Penal Code has the task of protecting national sovereignty and security, protecting the socialist regime, human rights, and citizen rights, protecting the equal rights of ethnic minorities, and protecting the rights of citizens. to protect the interests of the State and organizations, to protect the legal order and to combat all criminal acts; educate people to be aware of obeying the law, preventing and fighting crime.

This Code provides for crimes and punishments.

**Article 2. Basis of penal liability**

1. Only a person who commits a crime prescribed by the Penal Code shall bear penal liability.
2. Only commercial legal entities that commit an offense specified in Article 76 of this Code shall bear penal liability.

**Article 3. Handling principles**

1. For offenders:
  - a) All criminal acts committed by persons must be detected in time, handled quickly and fairly in accordance with law;

- b) All offenders are equal before the law, regardless of gender, ethnicity, belief, religion, class or social status;
- c) Strictly punish those who are the masterminds, leaders, commanders, stubbornly opposers, thugs, dangerous repeat offenders, who abuse their positions and powers to commit crimes;
- d) Strictly punish offenders who use cunning, organized, professional tricks and intentionally cause particularly serious consequences.

Tolerance for those who confess, surrender, honestly declare and denounce accomplices, make atonement, repent, voluntarily repair or compensate for damage caused;

- dd) For those who commit less serious crimes for the first time, a lighter penalty than imprisonment may be applied, and they may be assigned to an agency, organization or family for supervision and education;
- e) For persons sentenced to prison, they shall be forced to serve their sentences in detention facilities, work and study in order to become useful people to society; if they fully meet the conditions prescribed by this Code, they may be considered for a reduction in the sentence serving term, or for conditional prison parole;
- g) Persons who have finished serving their punishments may be given favorable conditions to do business and live an honest life and integrate into the community. When they fully satisfy the conditions prescribed by law, their criminal records will be expunged.

## 2. For commercial legal entities committing crimes:

- a) All criminal acts committed by commercial legal entities must be detected in time, handled quickly and fairly in accordance with law;
- b) All commercial legal entities committing crimes are equal before the law, regardless of form of ownership and economic sectors;
- c) Strictly punish commercial legal entities that commit crimes using sophisticated tricks of a professional nature, intentionally causing particularly serious consequences;
- d) Tolerance for commercial legal entities that actively cooperate with the procedure-conducting agency in the course of settling the case, voluntarily repair or compensate for damage caused, and actively prevent or remedy the consequences. happen.

## **Article 4. Responsibility to prevent and fight against crime**

1. The Public Security Agency, the People's Procuracy, the People's Court and other relevant agencies shall have to fully perform their functions, tasks and powers, and at the same time guide and assist the other State agencies, organizations and individuals to prevent and fight crime, supervise and educate offenders in the community.
2. Agencies and organizations have the duty to educate people under their management to raise their vigilance, sense of protection and compliance with the law, and to respect the rules of social life.

means; promptly take measures to eliminate the causes and conditions of crime in agencies and organizations his position.

3. All citizens have the obligation to actively participate in crime prevention and combat.

## **chapter II**

### **EFFECTIVENESS OF THE PRINCIPLE CODE**

#### **Article 5. Effect of the Penal Code for criminal acts in the territory of the Socialist Republic of Vietnam**

1. The Penal Code shall apply to all criminal acts committed in the territory of the Socialist Republic of Vietnam.

This provision also applies to criminal acts or the consequences of criminal acts occurring on aircraft or ships of Vietnamese nationality or in the exclusive economic zone or continental shelf of Vietnam.

2. For foreigners who commit crimes in the territory of the Socialist Republic of Vietnam who are entitled to diplomatic or consular immunity under Vietnamese law, according to international treaties to which the Socialist Republic of Vietnam is a member or according to international practices, their criminal liability shall be settled according to the provisions of the international treaty or according to such international practice; where such international treaty does not stipulate or has no international custom, their criminal liability shall be settled through diplomacy.

#### **Article 6. Effect of the Penal Code for crimes committed outside the territory of the Socialist Republic of Vietnam**

1. Vietnamese citizens or Vietnamese commercial legal entities committing crimes outside the territory of the Socialist Republic of Vietnam which this Code defines as crimes, may be examined for penal liability in Vietnam in accordance with this Code.

This provision also applies to stateless people permanently residing in Vietnam.

2. Foreigners and foreign commercial legal entities committing crimes outside the territory of the Socialist Republic of Vietnam may be examined for penal liability in accordance with this Code in case of criminal acts infringing upon the legitimate rights and interests of Vietnamese citizens or infringing upon the interests of the Socialist Republic of Vietnam or under the provisions of international treaties to which the Socialist Republic of Vietnam is a signatory.

3. For criminal acts or consequences of criminal acts occurring on board aircraft or seagoing ships without Vietnamese nationality while at sea or at the limits of airspace outside the territory of the Socialist Republic of Vietnam, the offenders may be examined for penal liability under the provisions of this Code in cases where an international treaty to which the Socialist Republic of Vietnam is a signatory provides.

### **Article 7. Effect of the Penal Code on time**

1. The law applicable to an offense is the law in force at the time the offense is committed.
2. The law stipulates a new crime, a heavier penalty, a new aggravating circumstance or limits the scope of application of a suspended sentence, exemption from criminal liability, exclusion of criminal liability, exemption from punishment, reduction of penalties, remission of criminal records and other provisions that are not favorable to offenders, shall not be applied to offenses committed before such law takes effect. enforce.
3. The law abolishes a crime, a penalty, an aggravating circumstance, prescribes a lighter penalty, a new extenuating circumstance or expands the scope of application of suspended sentence, exempts criminal liability, Exclusion of penal liability, exemption from punishment, reduction of punishment, conditional early release from prison, remission of criminal records and other provisions in favor of offenders, shall be applied to the offences committed. before the law comes into force.

## **Chapter III**

### **CRIMINAL**

#### **Article 8. Crime concept**

1. A crime is an act dangerous to society specified in the Penal Code, committed by a person with penal liability capacity or a commercial legal entity intentionally or unintentionally, infringing upon independence, sovereignty, unification and territorial integrity of the Fatherland, infringing upon the political regime, economic regime, culture, national defense, security, social order and safety, and legitimate rights and interests of organizations, infringing upon human rights, legitimate rights and interests of citizens, infringing upon other areas of the socialist legal order, which, according to the provisions of this Code, must be penalized.
2. Acts with signs of crime but insignificant danger to society are not crimes and shall be handled by other measures.

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

Based on the nature and level of danger to society of the criminal act specified in  
Under this Code, crimes are classified into the following four categories:

1. A less serious crime is a crime with a nature and level of danger to society that is not great, for which the highest level of the penalty bracket prescribed by this Code is a fine or non-custodial reform. keep or be imprisoned for up to 3 years;
2. Serious crime is a crime of great nature and danger to the society for which the maximum penalty bracket prescribed by this Code is from over 3 years to 07 years of imprisonment;

3. Very serious crime is a crime of very great nature and danger to society, for which the maximum penalty bracket prescribed by this Code is from over 07 years to 15 years in prison. ;

4. A particularly serious crime is a crime of particularly great nature and danger to society for which the maximum penalty bracket prescribed by this Code is from over 15 years to 20 years. years in prison, life in prison or the death penalty.

#### **Article 10. Intentionally committing crimes**

Intentionally committing a crime is committing a crime in the following cases:

1. Offenders are aware that their acts are dangerous to society, foresee the consequences of such acts and expect the consequences to happen;
2. Offenders are aware that their acts are dangerous to society, foresee the possible consequences of such acts, although they do not want to, they still have the consciousness to let the consequences happen.

#### **Article 11. Unintentionally committing crimes**

Accidentally committing a crime is committing a crime in the following cases:

1. Offenders foresee that their acts may cause harmful consequences to society but think that such consequences will not occur or can be prevented.
2. Offenders do not foresee that their acts may cause harmful consequences to society, although they must foresee and be able to foresee such consequences.

#### **Article 12. Age of criminal responsibility**

1. Persons aged full 16 years or older must bear penal liability for all crimes, except those crimes otherwise provided for by this Code.
2. Persons aged full 14 years or older, but under 16 years of age, shall only be held criminally responsible for murder, intentionally causing injury or causing harm to the health of others, rape, or rape. prostitution of a person under 16 years old, the crime of raping a person from full 13 to under 16 years of age, the crime of property robbery, the crime of kidnapping for the purpose of appropriating property; about very serious crimes, especially serious crimes specified in one of the following articles:
  - a) Article 143 (crime of rape); Article 150 (criminal of human trafficking); Article 151 (crime of trafficking in people under 16 years old);
  - b) Article 170 (criminal of property appropriation); Article 171 (criminal robbery); Article 173 (crime of property theft); Article 178 (crime of destroying or intentionally damaging property);

c) Article 248 (criminal of illegal production of narcotics); Article 249 (criminal of illegal possession of narcotics); Article 250 (criminal of illegal transportation of narcotics); Article 251 (criminal of illegal trading in narcotics); Article 252 (criminal appropriation of narcotics);

d) Article 265 (crime of organizing illegal racing); Article 266 (criminal of illegal racing);

dd) Article 285 (Crime of manufacturing, trading, exchanging or donating tools, equipment and software for illegal use); Article 286 (criminal of spreading informatics programs that harm the operation of computer networks, telecommunications networks and electronic means); Article 287 (crime of obstructing or disrupting the operation of computer networks, telecommunications networks and electronic means); Article 289 (criminal of illegally infiltrating other people's computer networks, telecommunications networks or electronic means); Article 290 (criminal of using computer networks, telecommunications networks, electronic means to commit acts of appropriating property);

e) Article 299 (crime of terrorism); Article 303 (crime of destroying important national security works, facilities and means); Article 304 (Crime of making, storing, transporting, using, illegally trading in or appropriating military weapons and military technical means).

### **Article 13. Committing crimes by using alcohol, beer or other strong stimulants**

A person who commits a crime in a state of loss of awareness or ability to control his or her behavior due to the use of alcohol, beer or other strong stimulants, shall still have to bear criminal responsibility.

### **Article 14. Preparation to commit a crime**

1. Preparing to commit a crime means finding and preparing tools and means or creating other conditions for committing a crime or forming or joining a criminal group, except for the case specified in Article 109, point a, clause 1. 2 Article 113 or point a, Clause 2, Article 299 of this Code.

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

a) Article 108 (crime of betraying the Fatherland); Article 110 (criminal of espionage); Article 111 (crime of infringing upon territorial security); Article 112 (crime of riot); Article 113 (crime of terrorism aimed at the people's administration); Article 114 (crime of destroying material and technical foundations of the Socialist Republic of Vietnam); Article 117 (Crime of making, storing, distributing or propagating information, documents and items to fight against State of the Socialist Republic of Vietnam); Article 118 (crime of disrupting security); Article 119 (crime against the detention facility); Article 120 (crime of organizing, coercing or instigating others to flee abroad or stay abroad in order to oppose the people's administration); Article 121 (criminal of fleeing abroad or staying abroad in order to oppose the people's administration);

b) Article 123 (murder); Article 134 (crime of intentionally causing injury or causing harm to the health of others);

c) Article 168 (criminal robbery); Article 169 (crime of kidnapping to appropriate property);

d) Article 299 (crime of terrorism); Article 300 (criminal financing of terrorism); Article 301 (the crime of kidnapping hostages); Article 302 (piracy); Article 303 (crime of destroying important national security works, facilities and means); Article 324 (money laundering).

3. Persons between full 14 and under 16 years of age who prepare to commit the offences specified at Points b and c, Clause 2 of this Article shall bear penal liability.

#### **Article 15. Unsatisfactory offenses**

Committing an unsatisfactory crime is intentionally committing a crime but failing to do so to the end for reasons beyond the will of the offender.

Persons who commit unsatisfactory crimes must bear penal liability for unsatisfactory crimes.

#### **Article 16. Arbitrarily terminating the crime**

Voluntarily ending the crime halfway is not committing the crime to the end, although there is nothing to prevent it.

Persons who voluntarily terminate the commission of a crime shall be exempt from penal liability for the intended crime; if the actual act performed has enough constitutive elements of another crime, that person must bear penal liability for this crime.

#### **Article 17. Accomplice**

1. Accomplice is a case where two or more people intentionally commit the same crime.

2. Organized crime is a form of accomplices with close collusion between persons who jointly commit the crime.

3. The accomplices include the organizer, the practitioner, the instigator, the helper.

The practitioner is the person who directly commits the crime.

An organizer is the person who instigates, leads and directs the execution of a crime.

An instigator is a person who incites, entices, and motivates others to commit crimes.

A helper is a person who creates mental or physical conditions for the commission of a crime.

4. The accomplices are not criminally responsible for the excessive acts of the real person onion.

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

1. Any person who does not promise in advance, but after knowing the crime has been committed has concealed the offender, traces and evidences of the crime or commits other acts to obstruct the detection, investigation and handling of the offender. committing a crime, they must bear penal liability for the crime of concealing the crime in the cases prescribed by this Code.

2. The offender's grandfather, grandmother, father, mother, child, grandchild, sibling, wife or husband shall not bear penal liability as prescribed in Clause 1 of this Article, except for the following cases: cases of concealing crimes infringing upon national security or other particularly serious crimes specified in Article 389 of this Code.

#### **Article 19. Failure to denounce crimes**

1. Those who know that a crime is being prepared, are being committed or have been committed but fail to denounce it, shall bear penal liability for the crime of failing to denounce the crime in the cases specified in Article 389 of this Code.

2. A person who fails to denounce the offender's grandfather, grandmother, father, mother, child, grandchild, sibling, wife or husband shall not be held responsible as prescribed in Clause 1 of this Article, except for the case of failure to denounce detecting crimes of infringing upon national security or other particularly serious crimes specified in Article 389 of this Code.

3. The defense counsels shall not bear penal liability as prescribed in Clause 1 of this Article in case they fail to denounce the crimes committed or participated by the persons they defend themselves, or have participated in, which the defense counsels know about. when performing the duty of defense, except for the case of failure to denounce crimes of infringing upon national security or other particularly serious crimes specified in Article 389 of this Code.

### **Chapter IV**

#### **CASE OF EXCLUSION OF CRIMINAL LIABILITY**

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

Persons who commit acts of causing harmful consequences to society in cases where they cannot foresee or are not forced to foresee the consequences of such acts, shall not be held criminally responsible.  
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##### **Article 21. Incapability for penal liability**

Persons who commit acts that are dangerous to society while suffering from a mental illness, another disease that causes them to lose the ability to perceive or control their behavior, shall not be held criminally responsible.

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

1. Legitimate defense is an act of a person in order to protect his/her own legitimate rights or interests, that of other people or the interests of the State, agencies or organizations, but necessary to fight back against an existing person. acts of infringing upon the aforesaid interests.

Legitimate self-defense is not a crime.

2. Exceeding the limit of legitimate defense is an act of resistance that is clearly overkill, incompatible with the nature and level of danger to society of the act of abuse.

Persons whose acts exceed the limit of legitimate self-defense must bear penal liability under the provisions of this Code.

### **Article 23. Urgent situation**

1. An urgent situation is a situation of a person who wants to avoid causing damage to his/her own or other people's lawful rights and interests or the interests of the State, agencies or organizations and has no other choice. must cause less damage than the damage to be prevented.

The act of causing damage in an urgent situation is not a crime.

2. In case the damage caused clearly exceeds the requirements of the urgent situation, the person causing such damage must bear penal liability.

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

1. An act of a person to arrest a person who commits a crime without having any other way than to force the use of necessary force to cause damage to the person being arrested is not a crime.

2. Where damage is caused by the use of force clearly exceeding the necessary level, the person causing the damage must bear penal liability.

### **Article 25. Risks in research, testing and application of scientific, technical and technological advances**

Acts of causing damage while conducting research, testing, and applying new scientific, technical and technological advances even though they have complied with the correct procedures and regulations and fully applied preventive measures is not a crime.

Those who fail to properly apply processes and regulations, fail to fully apply preventive measures and cause damage, shall still have to bear penal liability.

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

Persons who commit acts of causing damage while executing orders of commanders or superiors in the people's armed forces to perform national defense and security tasks if they

fully implement the reporting process to the person who gave the order but the person who gave the order still requires the execution of that order, he/she will not be held criminally responsible. In this case, the person giving the order must be held criminally responsible.

This provision does not apply to the cases specified in Clause 2, Article 421, Clause 2, Article 422 and Clause 2, Article 423 of this Code.

## **Chapter V**

### **TIME LIMIT FOR FINDING CRIMINAL LIABILITY, EXCEPTION OF CRIMINAL LIABILITY**

#### **Article 27. Statute of limitations for criminal prosecution**

1. The statute of limitations for penal liability examination is the time limit prescribed by this Code, upon the expiration of which, the offender shall not be examined for penal liability.

2. The statute of limitations for penal liability examination is prescribed as follows:

- a) 05 years for less serious crimes;
- b) 10 years for serious crimes;
- c) 15 years for very serious crimes;
- d) 20 years for particularly serious crimes.

3. The statute of limitations for criminal prosecution is counted from the date the crime is committed. If, within the time limit specified in Clause 2 of this Article, the offender again commits a new crime for which this Code prescribes the highest level of the penalty bracket for that crime, over 01 year in prison, the statute of limitations for The old crime is recalculated from the date of committing the new offense.

If within the time limit specified in Clause 2 of this Article, the offender intentionally evades and a wanted decision has been issued, the statute of limitations shall be recalculated from the time he surrenders himself or is arrested.

#### **Article 28. No statute of limitations for criminal prosecution**

The statute of limitations for penal liability examination specified in Article 27 of this Code shall not apply to the following crimes:

- 1. Crimes of infringing upon national security specified in Chapter XIII of this Code;
- 2. Crimes of undermining peace, against humanity and war crimes specified in Chapter XXVI of this Code;
- 3. Crime of embezzlement of property in the cases specified in Clauses 3 and 4, Article 353 of this Code; the crime of accepting bribes in the cases specified in Clauses 3 and 4, Article 354 of this Code.

### **Article 29. Grounds for exemption from penal liability**

1. Offenders are exempt from penal liability when having one of the following grounds:

a) When investigating, prosecuting or adjudicating, due to changes in policies and laws, criminal acts are no longer dangerous to society;

b) When there is an amnesty decision.

2. Offenders may be exempt from penal liability when having one of the following grounds:

a) When conducting investigation, prosecution or trial due to changes in the situation, the offender is no longer dangerous to society;

b) When conducting investigation, prosecution or trial, the offender suffers from a fatal disease that makes it no longer capable of causing danger to society;

c) Offenders confess, clearly state the facts, effectively contribute to the detection and investigation of crimes, try to minimize the consequences of the crime, and make great merit or special contributions. recognized by the State and society.

3. A person who commits a less serious crime or a serious crime that unintentionally causes damage to the life, health, honor, dignity or property of another person and is supported by the victim or his or her representative. If the victim voluntarily reconciles and proposes to be exempt from criminal liability, he or she may be exempt from criminal liability.

## **Chapter VI**

### **PENALTY**

#### **Article 30. The concept of punishment**

Punishment is the most severe coercive measure of the State specified in this Code, decided by the Court to be applied to a person or commercial legal entity committing a crime in order to deprive or limit the rights and interests of the person or legal entity. that commercial legal entity.

#### **Article 31. Purpose of punishment**

Punishment is not only to punish people and commercial legal entities who commit crimes, but also to educate them to obey the law and the rules of life, to prevent them from committing new crimes; educate people, other commercial legal entities to respect the law, prevent and fight against crime.

#### **Article 32. Penalties for offenders**

1. Main penalties include:

- a) Warning;
- b) Impose a fine;
- c) Non-custodial reform;
- d) Deportation;
- dd) Fixed-term imprisonment;
- e) Life imprisonment;
- g) Death penalty.

2. Additional penalties include:

- a) Ban from holding certain posts, practicing certain professions or doing certain jobs;
- b) Prohibited residence;
- c) Probation;
- d) Deprivation of certain citizenship rights;
- d) Confiscate property;
- e) A fine, when not applied is the principal penalty;
- g) Expulsion, when not applicable is the primary penalty.

3. For each crime, the offender is only subject to one main penalty and may be subject to one or several additional penalties.

**Article 33. Penalties for commercial legal entities committing crimes**

1. Main penalties include:

- a) Impose a fine;
- b) Suspension of operations for a definite time;
- c) Permanently suspend operations.

2. Additional penalties include:

- a) Prohibit business and activities in certain fields;

b) Prohibit capital mobilization;

c) A fine, when not applied is the principal penalty.

3. For each crime, the criminal commercial legal entity is only subject to one main penalty and may be subject to one or several additional penalties.

#### **Article 34. Warnings**

Warnings are applied to those who commit less serious crimes and have many extenuating circumstances, but not to the extent of penalty exemption.

#### **Article 35. Fines**

1. Fine is applied as the main penalty in the following cases:

a) Persons committing less serious crimes or serious crimes prescribed by this Code;

b) The offenders commit very serious crimes of infringing upon the economic management order, the environment, public order, public safety and a number of other crimes prescribed by this Code.

2. The applied fine is an additional penalty for the offenders of corruption, drugs or other crimes prescribed by this Code.

3. The fine level shall be decided based on the nature and seriousness of the crime, and taking into account the offender's property situation and price fluctuations, but must not be lower than 1,000. 000 dong.

4. Fines imposed on commercial legal entities that commit crimes are specified in Article 77 of this Code.

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

1. Non-custodial reform shall apply from 6 months to 3 years to offenders who commit less serious crimes or commit serious crimes prescribed by this Code who currently have a stable workplace or a clear place of residence. If it is deemed unnecessary to isolate the offender from society.

If the convict has been held in custody or temporary detention, the time of custody or temporary detention shall be deducted from the period of serving the penalty of non-custodial reform, every 1 day of custody or temporary detention is equal to 3 days of non-custodial reform. hold.

2. The court assigns the person subject to non-custodial reform to the agency or organization where he or she works or studies or the People's Committee of the commune where he/she resides for supervision and education. The convict's family has the responsibility to coordinate with agencies, organizations or commune-level People's Committees in supervising and educating such persons.

3. During the time of serving sentences, convicts must perform a number of obligations according to the provisions on non-custodial reform and have their incomes deducted from 05% to 20% to supplement the state fund. Income deductions are made monthly. In special cases, the Court may waive income deduction, but must clearly state the reason in the judgment.

No income deduction for the sentenced person who is performing military service.

4. If the person subject to non-custodial reform has no job or loses his/her job during the time of serving this penalty, he/she must perform a number of community service jobs during the non-custodial reform. hold.

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

The measure of community service labor shall not be applied to pregnant women or nursing children under 6 months old, the elderly and weak, people suffering from serious diseases, people with severe or particularly severe disabilities.

Persons sentenced to non-custodial reform must perform the obligations specified in the Law on Criminal Judgment Execution.

### **Article 37. Expulsion**

Deportation is forcing a convicted foreigner to leave the territory of the Socialist Republic of Vietnam.

Expulsion is imposed by the Court as a primary or additional penalty in each particular case.

### **Article 38. Fixed-term imprisonment**

1. Fixed-term imprisonment means forcing a convict to serve a sentence at a detention facility for a certain period of time.

The term imprisonment for a person who commits a crime has a minimum of 3 months and a maximum of 20 years.

The time of custody and temporary detention shall be deducted from the prison term, for every 1 day of custody or temporary detention equals 1 day of imprisonment.

2. The imprisonment penalty for a definite term shall not be applied to those who commit a less serious crime for the first time because they are unintentional and have a clear place of residence.

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

Life imprisonment is an indefinite prison sentence that is applied to people who commit particularly serious crimes, but not yet to the extent of being sentenced to death.

Life imprisonment is not applicable to persons under 18 years of age who commit crimes.

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

1. The death penalty is a special penalty applied only to those who commit particularly serious crimes in one of the groups of crimes infringing upon national security, infringing on human life, drug-related crimes, or corruption, and a number of other particularly serious crimes prescribed by this Code.

2. The death penalty shall not be applied to persons under 18 years of age when committing crimes, pregnant women, women raising children under 36 months old or persons aged full 75 years or older when committing crimes or at trial.

3. Failing to execute the death sentence against convicts in one of the following cases:

a) Pregnant women or women nursing children under 36 months old;

b) Persons aged full 75 years or older;

c) The person sentenced to death for embezzlement of property, the crime of accepting bribes, after being convicted, has actively returned at least three-quarters of the embezzled property, accepted bribes and actively cooperated with the authorities in detecting, investigating and handling crimes or making great achievements.

4. In the case specified in Clause 3 of this Article or where the person sentenced to death is entitled to a commutation, the death penalty shall be converted to life imprisonment.

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

Prohibition from holding certain posts, practicing certain professions or doing certain jobs is applied when it is considered that allowing the sentenced person to hold such positions, practice or do such jobs may cause harm to society.

The ban period is from 1 year to 5 years from the date of fully serving the prison sentence or from the date the judgment takes legal effect if the main penalty is a warning, a fine, non-custodial reform or in case convicts are given a suspended sentence.

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

Residence ban means forcing a person sentenced to prison not to temporarily or permanently reside in certain localities.

The period of residence ban is from 1 year to 5 years from the date of completion of the imprisonment penalty.

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

Probation is forcing a person sentenced to prison to reside, do business, live and re-educate in a certain locality under the control and education of the local government and people. During the probation period, the convict is not allowed to leave his/her residence voluntarily, is deprived of certain citizenship rights as prescribed in Article 44 of this Code, and is prohibited from practicing certain professions or doing certain jobs.

Probation shall be applied to offenders infringing upon national security, dangerous repeat offenders or in other cases prescribed by this Code.

The term of probation is from 1 year to 5 years from the date of completing the prison sentence.

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

1. Vietnamese citizens sentenced to imprisonment for crimes of infringing upon national security or other crimes in the cases prescribed by this Code, shall be deprived of one or several of the following citizenship rights:

- a) The right to stand for election as a delegate to a state power agency;
- b) The right to work in state agencies and the right to serve in the people's armed forces.

2. The time limit for deprivation of certain citizenship rights is from 1 year to 5 years from the date of completing the imprisonment penalty or from the date the judgment takes legal effect in case the convict is entitled to a suspended sentence.

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

Property confiscation is the removal of part or all of the property owned by a convict to remit into the state budget.

Property confiscation is only applicable to persons convicted of serious crimes, very serious crimes or particularly serious crimes against national security, drug crimes, corruption or crimes otherwise provided for by this Code.

When all assets are confiscated, the convicts and their families still have living conditions.

## **Chapter VII**

### **JUSTICE MEASURES**

#### **Article 46. Judicial measures**

1. Judicial measures against offenders include:

- a) Confiscate objects and money directly related to the crime;

b) Return property, repair or compensate for damage; forced public apology;

c) Compulsory medical treatment.

2. Judicial measures against commercial legal entities committing crimes include:

a) Confiscate objects and money directly related to the crime;

b) Return property, repair or compensate for damage; forced public apology;

c) Restore the original condition;

d) Take a number of measures to remedy and prevent further consequences.

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

1. Confiscation shall be added to the state budget or confiscation and destruction shall be applied to:

a) Tools and means used in committing crimes;

b) Objects or money obtained by committing crimes or by buying, selling or exchanging such things; illicit profits from committing crimes;

c) Objects banned from circulation by the State.

2. For objects and money that are illegally appropriated or used by the offender, they shall not be confiscated but returned to the lawful owner or manager.

3. Objects and money that are the property of another person, if this person is at fault in allowing the offender to use it in the commission of a crime, it may be confiscated.

#### **Article 48. Return of property, repair or compensation for damage; forced to publicly apologize**

1. Offenders must return the appropriated property to the lawful owner or manager, repair or pay compensation for material damage already determined caused by the criminal act.  
day.

2. In case of committing a crime causing mental damage, the Court shall force the offender to make material compensation and publicly apologize to the victim.

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

1. For persons who commit acts dangerous to society while suffering from diseases specified in Article 21 of this Code, the procuracies or courts shall base themselves on the conclusions of forensic examination and forensic psychiatric examination. may decide to place them in a specialist treatment facility for mandatory treatment.

2. For offenders who, while having penal liability capacity but before being convicted, have contracted a disease to the point of losing the ability to perceive or control their acts, the expert opinion shall be based on the conclusion of the examination. forensic medicine, forensic psychiatric assessment, the Court may decide to send them to a specialized treatment facility for compulsory treatment. After recovering from illness, the person may be held criminally responsible.

3. For a person who is serving a prison sentence but falls ill to the point of losing the ability to perceive or control his or her behavior, the Court shall, based on the conclusion of forensic examination, forensic psychiatric assessment, the Court. The court may decide to place them in a specialized treatment facility for mandatory treatment. After recovering from illness, if there is no other reason to exempt him from serving the penalty, he or she must continue to serve the penalty.

The time for compulsory medical treatment shall be deducted from the period of serving the prison sentence.

## **Chapter VIII**

### **DECISION OF PENALTY**

#### **Section 1. GENERAL PROVISIONS ON PENALTY DECISIONS**

##### **Article 50. Basis for penalty decision**

1. When deciding a penalty, the Court shall base itself on the provisions of this Code, consider the nature and degree of danger to society of the criminal act, the offender's identity, the mitigating circumstances and the circumstances of the crime. aggravation of criminal liability.

2. When deciding to impose a fine, in addition to the grounds specified in Clause 1 of this Article, the Court shall base itself on the property situation and the offender's enforceability.

##### **Article 51. Mitigating circumstances of penal liability**

1. The following circumstances are extenuating circumstances for penal liability:

- a) The offender has prevented or reduced the harm of the crime;
- b) Offenders voluntarily repair, compensate for damage or overcome consequences;
- c) Committing the crime in cases where the limit of legitimate defense is exceeded;
- d) Committing the crime in cases beyond the requirements of the urgent situation;
- d) Committing the crime in excess of the necessary level when arresting the offender;
- e) Committing the crime in the case of mental agitation caused by the victim's illegal acts;

- g) Committing the crime because of extremely difficult circumstances that are not caused by themselves;
  - h) Committing the crime but causing no damage or causing minor damage;
  - i) Committing the crime for the first time and in less serious cases;
  - k) Committing the crime because of being threatened or coerced by others;
  - l) Committing the crime in the case of limited cognitive ability that is not caused by their own fault day;
  - m) Committing the crime because of obsolescence;
  - n) The offender is a pregnant woman;
  - o) The offender is a person aged full 70 years or older;
  - p) The offender is a person with severe or particularly severe disability;
  - q) The offender is a person with a disease that has limited cognitive ability or ability to control his/her behavior;
  - r) The offender confesses;
  - s) The offender sincerely declares or repents;
  - t) Offenders actively assist agencies responsible for detecting or investigating crimes;
  - u) The offender has made atonement for the crime;
  - v) The offender is a person with outstanding achievements in production, combat, study or work;
  - x) Offenders are fathers, mothers, wives, husbands, children of martyrs, people with meritorious services to the revolution.
2. When deciding penalties, the Court may consider surrender or other circumstances as extenuating circumstances, but must clearly state the reasons for extenuating circumstances in the judgment.
3. Extenuating circumstances which have been prescribed by this Code as signs of criminal conviction or framing shall not be considered as extenuating circumstances while deciding penalties.

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

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

- a) Committing crimes in an organized manner;

- b) Committing the crime of a professional nature;
- c) Abusing positions and powers to commit crimes;
- d) Committing a crime of a hooligan nature;
- d) Committing the crime for despicable motives;
- e) Deliberately committing the crime to the end;
- g) Committing the crime twice or more;
- h) Recidivism or dangerous recidivism;
- i) Committing the crime against a person under 16 years old, a pregnant woman, or a person aged full 70 years or older;
- k) Committing the crime against a person who is in a state of defenselessness, a person with severe or particularly severe disabilities, a person with limited cognitive ability or a person who is physically, mentally, or socially dependent. effect or otherwise;
- l) Taking advantage of circumstances of war, emergency, natural disasters, epidemics or other special difficulties of society to commit crimes;
- m) Using sophisticated, cunning and cruel tricks to commit crimes;
- n) Using tricks and means capable of causing harm to many people to commit crimes;
- o) Inciting a person under 18 to commit a crime;
- p) Acting cunningly or aggressively in order to evade or conceal a crime.

2. Circumstances which have been prescribed by this Code as signs of criminal conviction or penalty framing shall not be considered as aggravating circumstances.

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

1. Recidivism is a case where a conviction has not yet been expunged, but commits an intentional crime or commits a crime of a very serious crime, or a particularly serious crime due to ignorance. idea.

2. The following cases are considered dangerous recidivism:

- a) Having been convicted of very serious crimes or particularly serious crimes intentionally, have not yet had their criminal records cleared, but have committed crimes of very serious crimes or particularly serious crimes committed by the offenders. deliberate;

b) Having recidivism, not yet having criminal record remission, but committing the crime intentionally.

## **Section 2. DECISION OF PENALTIES IN SPECIFIC CASES**

### **Article 54. Deciding on penalties below the lowest level of the applicable penalty bracket**

1. The court may decide a penalty below the lowest level of the applicable penalty frame but must be within the adjacent lighter penalty bracket of the law when the offender has at least two extenuating circumstances specified in Clause 1 of this Article. Clause 1, Article 51 of this Code.

2. The court may decide on a penalty below the lowest level of the applicable penalty bracket, but it is not required to be in the adjacent lighter penalty bracket of the law for first-time offenders who assist in the crime. accomplices, but played an insignificant role.

3. In case the conditions specified in Clause 1 or Clause 2 of this Article are satisfied but the law has only one penalty frame or that penalty frame is the lightest penalty frame, the Court may decide to switch to another punishment of a lesser kind. The reason for the mitigation must be clearly stated in the judgment.

### **Article 55. Deciding on penalties in case of committing multiple crimes**

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

1. For the main penalty:

a) If the penalties already declared are both non-custodial reform or term imprisonment, those penalties shall be added together to form a common penalty; the general penalty must not exceed 3 years for non-custodial reform, 30 years for fixed-term imprisonment;

b) If the declared penalties are non-custodial reform or fixed-term imprisonment, the non-custodial reform penalty shall be converted into imprisonment penalty according to the ratio that every 3 days of non-custodial reform is converted to 01 day imprisonment to aggregate into a general penalty as prescribed at Point a, Clause 1 of this Article;

c) If the heaviest penalty among the declared penalties is life imprisonment, the general penalty shall be life imprisonment;

d) If the heaviest penalty among the declared penalties is death, the general penalty shall be death;

dd) Fines are not combined with other types of penalties; fines are added to the overall penalty;

e) Expulsion does not combine with other types of punishment;

2. For additional penalties:

- a) If the penalties declared are of the same type, the joint penalty shall be decided within the limits due to This Code provides for that type of penalty; for fines alone, the fines are added together to form a general penalty;
- b) If the declared penalties are of different types, the sentenced person must serve all of the declared penalties.

#### **Article 56. Summary of penalties of many judgments**

1. In case a person who is serving a sentence is tried again for a crime he has committed before this judgment is issued, the court shall decide the penalty for the crime being tried, and then decide to impose a penalty. general penalties as prescribed in Article 55 of this Code.

The period of serving the penalty of the previous judgment shall be deducted from the general penalty serving time limit.

2. When adjudicating a person who is currently serving a sentence but commits a new crime, the Court shall decide the penalty for the new crime, then sum it up with the unserved part of the previous sentence. and then decide on a general penalty according to the provisions of Article 55 of this Code.

3. In case a person has to serve many legally effective judgments but the penalties of the judgments have not been aggregated, the Chief Justice of the Court has the authority to issue a decision to aggregate the penalties of the judgments. judgment as prescribed in Clauses 1 and 2 of this Article.

#### **Article 57. Deciding on penalties in case of preparing to commit a crime or committing an unsatisfactory crime**

1. For acts of being prepared to commit a crime and an unsatisfactory offense, the penalty shall be decided according to the articles of this Code on the respective crimes depending on the nature and degree of danger to the society of the act. vigilance, degree of execution of the criminal intent and other circumstances that prevent the crime from being carried out to the end.

2. In case of preparing to commit a crime, the penalty shall be decided within the penalty frame prescribed in specific laws.

3. For unsatisfactory crimes, if the applicable law provides that the highest penalty is life imprisonment or death, a prison term of not more than 20 years shall be applied; if it is a term imprisonment, the penalty shall not exceed three-quarters of the prison term prescribed by the law.

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

When deciding penalties for accomplices, the Court must consider the nature of the accomplices, the nature and extent of each accomplice's participation in the crime.

Extenuating, aggravating or excluding the criminal liability of an accomplice shall only apply to that person.

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

Offenders may be exempt from penalties if they fall into the cases specified in Clauses 1 and 2, Article 54 of this Code and deserve special leniency but are not to the extent of being exempt from penal liability.

### **Chapter IX**

#### **TIME LIMIT FOR IMPLEMENTATION OF JUDGEMENTS, EXPECTATION OF PENALTIES, REDUCTION OF TERM ACCEPTANCE OF PENALTIES**

##### **Article 60. Statute of limitations for judgment enforcement**

1. The statute of limitations for execution of a criminal judgment is the time limit prescribed by this Code, upon the expiration of which the convict, the convicted commercial legal entity is not required to serve the declared judgment.
2. The statute of limitations for executing criminal judgments against convicts is prescribed as follows:
  - a) 05 years for cases of fines, non-custodial reform or imprisonment of 3 years or less;
  - b) 10 years for cases of imprisonment from over 3 years to 15 years;
  - c) 15 years for cases of imprisonment from over 15 years to 30 years;
  - d) 20 years for cases punishable by life imprisonment or capital punishment.
3. The statute of limitations for executing criminal judgments for commercial legal entities is 05 years.
4. The statute of limitations for execution of a criminal judgment is counted from the date the judgment takes legal effect. If within the time limit specified in Clauses 2 and 3 of this Article, the convicted person or the convicted commercial legal entity commits a new crime, the statute of limitations shall be recalculated from the date of committing the crime.  
new.
5. Within the time limit specified in Clause 2 of this Article, if a convict intentionally evades and has a wanted warrant issued, the statute of limitations shall be recalculated from the date he/she presents himself or is arrested.

##### **Article 61. No statute of limitations for judgment enforcement**

The statute of limitations for judgment enforcement does not apply to crimes specified in Chapter XIII and Chapter XXVI of this Code.

##### **Article 62. Exemption from serving penalties**

1. Convicted persons are exempt from serving their penalties when they are granted amnesty or general amnesty.
2. Persons sentenced to non-custodial reform or to imprisonment for a term of up to 3 years who have not yet served their penalties, at the request of the Procurator General, the Court may decide to exempt them from serving the penalty if they fall into one of the following categories: in the following cases:
  - a) After being sentenced, he has made merit;
  - b) Having a serious illness;
  - c) Obey the law well, have a particularly difficult family situation and consider that person is no longer a danger to society.
3. Persons sentenced to imprisonment for a term of more than 3 years, who have not yet served the penalty if they have made great achievements or contracted a dangerous disease and are no longer dangerous to society, at the proposal of the Director of the Institute The court may decide to waive the entire penalty.
4. Persons sentenced to imprisonment for up to 3 years, who have been temporarily suspended from serving their sentences, if during the period of temporary suspension they have made merit or have well complied with the law, their family circumstances are extremely difficult and deeming that person is no longer a danger to society, at the proposal of the Procurator General, the Court may decide to exempt him from serving the remainder of the penalty.
5. Persons sentenced to fines have actively served part of their penalties but are unable to continue living in extremely difficult economic situations for a long time due to natural disasters, fires, accidents or illnesses. If the court continues to serve the remaining part of the penalty or makes great achievements, at the proposal of the Procurator General, the Court may decide to exempt the remaining fine from serving.
6. Persons subject to a ban from residence or probation, if they have served half of the penalty term and are well-reformed, they shall, at the request of the district-level criminal judgment execution agency, where they serve their penalty. , the Court may decide to waive the remaining portion of the penalty.
7. Persons exempted from serving penalties as prescribed in this Article must still fully perform the civil obligations declared by the court in the judgments.

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

1. A person sentenced to non-custodial reform, to a term of imprisonment or to life imprisonment, if he has served the penalty for a certain period of time, has made great progress, and has partially compensated for his civil obligations. At the request of a competent criminal judgment execution agency, the Court may decide to reduce the time limit for serving the sentence.

The time spent serving the penalty to be considered for reduction for the first time is one third of the time limit for non-custodial reform, term imprisonment, 12 years for life imprisonment.

2. A person can be reduced many times, but must ensure to serve half of the declared penalty.

Persons sentenced to life imprisonment shall be reduced to 30 years in prison for the first time and, even if they are reduced many times, must ensure that the actual term of serving the sentence is 20 years.

3. In case the person convicted of many crimes, including the crime, is sentenced to life imprisonment, the Court will only consider reducing the prison term to 30 years for the first time after serving 15 years of imprisonment and despite being reduced many times, still have to ensure the actual implementation time is 25 years.

4. For a person who has received a partial reduction of the penalty but commits a new, less serious intentional crime, the Court will only consider the first reduction after that person has served half of the penalty level. shared.

5. For a person who has had a partial penalty reduction but commits a new serious, very serious or particularly serious crime, the Court shall consider the first reduction only after that person has served two one-third of the general penalty level or where the common penalty is life imprisonment, the consideration of sentence reduction shall comply with the provisions of Clause 3 of this Article.

6. For a person sentenced to death who is entitled to commutation or a person sentenced to death in the cases specified at Point b or c, Clause 3, Article 40 of this Code, the time of serving the penalty for consideration shall be determined. The first reduction is 25 years and even though it is reduced many times, the actual term of penalty execution is 30 years.

#### **Article 64. Reduction of the penalty serving time limit in special cases**

If a convict has a reason to deserve additional leniency such as meritorious service, is too old and weak, or suffers from a serious illness, the Court may consider the reduction at an earlier time or at a higher rate than the time and level of the convict. prescribed in Article 63 of this Code.

#### **Article 65. Suspension**

1. When sentenced to imprisonment for not more than 3 years, based on the offender's identity and extenuating circumstances, if it is deemed that it is not necessary to force the execution of the prison sentence, the Court shall grant a suspended sentence and fix its probation period from 01 year to 05 years and perform the obligations during the probation period in accordance with the Law on Criminal Judgment Execution.

2. During the probationary period, the Court assigns the person serving a suspended sentence to the agency or organization where he/she works or the local government where he/she resides for supervision and education. The convict's family has the responsibility to coordinate with agencies, organizations and local authorities in supervising and educating that person.

3. The court may decide to apply an additional penalty to the person entitled to a suspended sentence if this penalty is provided in the applicable law.

4. If a person serving a suspended sentence has served half of the probation period and has made great progress, the Court may, at the request of the agency or organization responsible for supervision and education, decide to shorten its challenge time.

5. During the probation period, if a person serving a suspended sentence intentionally violates his/her obligations as prescribed in the Law on Criminal Judgment Execution 02 or more times, the Court may decide to force him/her to serve the penalty. prison sentence was given a suspended sentence. In case of committing a new criminal act, the Court shall force the person to serve the penalty of the previous judgment and sum it up with the penalty of the new judgment according to the provisions of Article 56 of this Code.

#### **Article 66. Conditional early release from prison**

1. A person serving an imprisonment sentence may be released from prison ahead of time when fully meeting the following conditions:

a) Committing the crime for the first time;

b) Having made a lot of progress, having a good sense of reform;

c) The term of imprisonment has been reduced for persons convicted of serious crimes or more;

d) Having a clear place of residence;

dd) Having completely served the additional penalty of a fine, a court fee and the obligations to pay civil compensation the;

e) Having served at least half of the prison term for a term imprisonment or at least 15 years for a life imprisonment which has been reduced to a fixed term prison.

In cases where the offenders are wounded soldiers, sick soldiers, relatives of martyrs' families, families with meritorious services to the revolution, persons aged full 70 years or older, persons with severe or particularly severe disabilities, women raising children under 36 months of age, the time has served at least one third of the term imprisonment or at least 12 years for life imprisonment has been reduced to a term prison;

g) Not falling into one of the crimes specified in Clause 2 of this Article.

2. The provisions of this Article shall not apply to convicts falling into one of the following cases:

a) Persons convicted of crimes of infringing upon national security; terrorism crimes; crimes against peace, against humanity and war criminals or persons sentenced to 10 years in prison or more for the crime of intentionally infringing upon human life, health and dignity; 07 years or more imprisonment for crimes of robbery, kidnapping to appropriate property and illegal production, illegal trading, appropriation of narcotics;

b) Persons sentenced to death receive commutation or fall into the cases specified in Clause 3, Article 40 of this Code.

3. At the request of a competent criminal judgment enforcement agency, the court shall decide to release the convicts from prison before the time limit. Persons who are released from prison before the conditional term must perform their obligations during the probationary period. The probationary period is equal to the remaining time of the prison sentence.

4. If a person who is released from prison ahead of time has conditions and intentionally violates his/her obligations twice or more or is administratively sanctioned for 02 or more times during the probation period, the court may cancel the decision on parole. a conditional prison term for that person and force them to serve the remaining part of the prison sentence that has not yet been served.

If such person commits a new offense during the probationary period, the Court shall force him/her to serve the penalty of the new sentence and combine it with the unserved imprisonment penalty portion of the previous sentence as prescribed in Article 56. of this Code.

5. If a person who is released from prison before the conditional term has served at least half of the probationary period and has made great progress, the court may, at the request of a competent criminal judgment execution agency, may decide to shorten the trial period.

#### **Article 67. Postponement of serving prison sentences**

1. Persons sentenced to imprisonment may have their punishment suspended in the following cases:

a) Having a serious illness, it is postponed until the health is restored;

b) Women who are pregnant or nursing a child under 36 months old may be postponed until the child is full 36 months old;

c) As the only employee in the family, if he/she has to serve a prison sentence, the family will face special difficulties, which may be postponed for up to 01 year, unless that person is convicted of crimes of infringing upon security. national or other crimes are very serious crimes, particularly serious crimes important;

d) Convicted of less serious crimes, due to official duty needs, the postponement is up to 01 year.

2. During the period of postponement of the serving of prison sentences, if the person entitled to the postponement of serving the penalty commits a new crime, the Court shall force that person to serve the penalty first and aggregate it with the penalty of his/her self. new judgment as prescribed in Article 56 of this Code.

#### **Article 68. Suspension of serving prison sentences**

1. Persons who are serving an imprisonment penalty and fall into one of the cases specified in Clause 1, Article 67 of this Code may be temporarily suspended from serving the prison sentence.

2. The period of temporary suspension shall not be counted into the period of serving the prison sentence.

### **Chapter X**

## ERASE CRIMINAL RECORDS

### Article 69. Remission of criminal records

1. Convicted persons may have their criminal records cleared according to the provisions of Articles 70 to 73 of this Code.

Persons whose criminal records are expunged are considered to have not been convicted.

2. Persons convicted of unintentional offenses of less serious crimes, serious crimes and persons exempt from punishment are not considered to have criminal records.

### Article 70. Naturally expunged criminal records

1. Of course, criminal record remission shall be applied to persons convicted of crimes other than those specified in Chapter XIII and Chapter XXVI of this Code when they have finished serving the main penalty and the probationary period, or the statute of limitations for judgment enforcement expires and the conditions specified in Clauses 2 and 3 of this Article are satisfied.

2. The convicts are automatically expunged, if, since the completion of serving the main penalty or the end of the probationary period, such person has fully served the additional penalty and other decisions of the sentence and not commit new criminal acts within the following time limit:

a) 01 year in case of being subject to a warning, a fine, non-custodial reform, imprisonment but a suspended sentence;

b) 02 years in case of imprisonment up to 05 years;

c) 03 years in case of imprisonment from over 05 years to 15 years;

d) 05 years in case of imprisonment of more than 15 years, life imprisonment or death but the sentence has been reduced.

In case the convict is serving an additional penalty of probation, a ban from residence, a ban from holding certain posts, a ban from practicing certain occupations or doing certain jobs, deprivation of a number of citizenship rights, but the time limit to serve is long; than the time limit specified at Points a, b and c of this Clause, the period of automatic criminal record remission will expire at the time that person has finished serving the additional penalty.

3. Convicted persons are automatically entitled to criminal record remission if, after the expiration of the statute of limitations for judgment execution, such person fails to commit a new crime within the time limit specified in Clause 2 of this Article.

4. The judicial record database management agency is responsible for updating information on the convict's criminal history and, upon request, issuing a judicial record card confirming the absence of a criminal record, if they fully satisfy the conditions specified in Clause 2 or Clause 3 of this Article.

### Article 71. Remission of criminal records according to court decisions

1. Criminal record remission according to court decisions shall be applied to persons convicted of crimes specified in Chapter XIII and Chapter XXVI of this Code when they have finished serving the main penalty and the probation period. suspend or expire the statute of limitations for judgment enforcement and satisfy the conditions specified in Clauses 2 and 3 of this Article.

Courts shall decide on criminal record remission for those who have been convicted of crimes specified in Chapter XIII and Chapter XXVI of this Code, based on the nature of the crimes committed, their attitude of law observance. , the labor attitude of the convict.

2. The convicts are decided by the Court to have their criminal records cleared. If, since the time of serving the main penalty or the probation period of the suspended sentence, such person has fully served the additional penalty and other decisions of the judgment. and not commit a new offense within the following time limit:

a) 03 years in case of being subject to warning, non-custodial reform or imprisonment for up to 5 years;

b) 05 years in case of imprisonment from over 05 years to 15 years;

c) 07 years in the case of imprisonment of more than 15 years, life imprisonment or death but the sentence has been reduced.

In case the convict is serving an additional penalty of probation, ban from residence, deprivation of certain citizenship rights and the time limit for serving is longer than the time limit specified at Point a of this Clause, the time limit for sentence expungement shall be Accumulation will expire at the time the person has finished serving the additional penalty.

3. A convict who has his/her criminal record cleared by the court, if, after the expiration of the statute of limitations for judgment enforcement, he/she fails to commit a new crime within the time limit specified in Clause 2 of this Article.

4. Persons whose applications for criminal record remission are rejected by the Court for the first time shall only be allowed to apply for criminal record remission after 1 year; If the application is rejected for the second time on, it will only take 2 years to apply for criminal record remission.

#### **Article 72. Remission of criminal records in special cases**

In cases where the convicts show obvious signs of progress and have made merits, and are requested by the agency or organization where he/she works or the local government where he/she resides, the court shall decide the criminal record remission if that person has ensured at least one-third of the time limit specified in Clause 2, Article 70 and Clause 2, Article 71 of this Code.

#### **Article 73. Calculation of time limit for criminal record remission**

1. The time limit for criminal record remission specified in Articles 70 and 71 of this Code is based on the main penalty already declared.

2. If a convict who has not yet had his/her criminal record cleared but commits a new crime and is sentenced by a legally effective judgment by a court, the time limit for remission of the old criminal record will be counted from the date of acceptance.

the main penalty or the probationary period of the new sentence has been completed or from the date the new sentence expires.

3. Persons who are convicted in case of committing many crimes but commit crimes that are automatically expunged, or guilty of crimes subject to criminal record remission according to court decisions, shall base themselves on the time limit specified in Article 71. of this Code The court shall decide on the remission of criminal records against that person.

4. Persons exempt from serving the remainder of the penalty are also considered to have completely served their penalties.

## **Chapter XI**

### **PROVISIONS FOR COMMERCIAL juridical persons who commit crimes**

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

Commercial legal entities committing crimes shall be criminally liable under the provisions of this Chapter; in accordance with other provisions of Part I of this Code not contrary to the provisions of this Chapter.

#### **Article 75. Conditions for criminal liability of commercial legal entities**

1. A commercial juridical person shall only bear penal liability when the following conditions are fully satisfied:

- a) The offense is committed in the name of a commercial legal entity;
- b) The offense is committed for the benefit of a commercial legal entity;
- c) The offense is committed under the direction, administration or approval of the commercial legal entity;
- d) The statute of limitations for penal liability examination prescribed in Clauses 2 and 3, Article 27 of this Code has not yet expired.

2. Criminal liability of commercial legal entities does not exclude criminal liability of individuals.

#### **Article 76. Scope of criminal liability of commercial legal entities**

Commercial legal entities are only liable for the following crimes:

1. Article 188 (smuggling); Article 189 (crime of illegally transporting goods and currency across borders); Article 190 (criminal of production and trading of banned goods); Article 191 (crime of storing and transporting banned goods); Article 192 (Crime of manufacturing and trading in fake goods); Article 193 (criminal of producing and trading in counterfeit food, foodstuffs and food additives); Article 194 (Crime of manufacturing and trading in counterfeit goods being curative drugs,

preventive medicine); Article 195 (Crime of manufacturing and trading in counterfeit goods being animal feed, fertilizers, veterinary drugs, plant protection drugs, plant varieties and livestock); Article 196 (speculation crime); Article 200 (tax evasion); Article 203 (crime of illegally printing, issuing, trading invoices and receipts for state budget collection); Article 209 (intentionally disclosing false information or concealing information in securities activities); Article 210 (crime of using inside information to buy and sell securities); Article 211 (crime of manipulating the stock market); Article 213 (crimes of fraud in insurance business); Article 216 (crime of evading payment of social insurance, health insurance, unemployment insurance for employees); Article 217 (crimes against competition regulations); Article 225 (crime of infringing copyright and related rights); Article 226 (crime of infringing industrial property rights); Article 227 (criminal of violating regulations on research, exploration and exploitation of natural resources); Article 232 (criminal of violating regulations on forest exploitation, protection and management of forest products); Article 234 (crimes of violating regulations on management and protection of wild animals);

2. Article 235 (crime of causing environmental pollution); Article 237 (crimes of preventing, responding to and overcoming environmental incidents); Article 238 (crimes of violating regulations on safety protection of irrigation works, dykes and natural disaster prevention and control; violations of regulations on protection of banks and riverbanks); Article 239 (criminal of bringing waste into the Vietnamese territory); Article 242 (crime of destroying aquatic resources); Article 243 (criminal of forest destruction); Article 244 (crimes of violating regulations on management and protection of endangered, precious and rare animals); Article 245 (criminal of violating regulations on management of nature reserves); Article 246 (crime of importing and spreading invasive alien species).

#### **Article 77. Fines**

1. A fine is applied as the main or additional penalty to the commercial legal entity committing the crime.
2. The fine level is decided based on the nature and seriousness of the crime and taking into account the financial situation of the criminal commercial legal entity, the price fluctuation, but must not be lower than 50,000. 000 dong.

#### **Article 78. Suspension of operation for a definite time**

1. Operational suspension for a definite time is the suspension of the operation of a commercial legal entity in one or several areas where the commercial legal entity commits a crime, causing damage to life, human health, the environment or security. , social order, safety and consequences that can be overcome in reality.
2. The duration of operation suspension is from 6 months to 3 years.

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

1. Permanent suspension of operation is the termination of operations of a commercial legal entity in one or several areas where the commercial legal entity commits a crime causing damage or is likely to actually cause damage to the lives of many people. , causing environmental problems or adversely affecting security, order and social safety and being unable to remedy the consequences.

2. Commercial legal entities established solely to commit crimes shall be permanently suspended from all activities.

#### **Article 80. Prohibition of business and activities in certain fields**

1. Prohibition of doing business or of operating in certain fields shall be applied when it is found that allowing a convicted commercial legal entity to continue doing business or operating in that field may cause harm to human life, health or for society.

2. Courts decide specific areas prohibited from doing business or from operating.

3. The time limit for banning business or activities in certain fields is from 01 year to 03 years from the date the judgment takes legal effect.

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

1. Prohibition on capital mobilization is applied when it is considered that if a convicted commercial legal entity is allowed to raise capital, there is a risk of continuing the crime.

2. Prohibited forms of capital mobilization include:

a) Prohibit borrowing from banks, credit institutions or investment funds;

b) Prohibit the issuance or offering of securities;

c) Prohibiting customer capital mobilization;

d) Prohibit joint ventures and associations at home and abroad;

d) Prohibit the formation of real estate trust funds.

3. The court shall decide to apply one or several forms of prohibition from raising capital specified in Clause 2 of this Article.

4. The time limit for mobilizing capital is from 01 year to 03 years from the date the judgment takes legal effect.

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

1. Courts may decide to apply the following judicial measures to commercial legal entities committing crimes:

a) Judicial measures specified in Articles 47 and 48 of this Code;

b) Forcible restoration of the original state;

c) Forcible implementation of a number of measures to remedy and prevent further consequences.

2. The court may decide to apply judicial measures to force the criminal commercial legal entity to restore the original state that has been changed due to its criminal act.

3. Based on each specific crime case, the Court may decide to force the criminal commercial legal entity to take one or several of the following measures in order to remedy and prevent the consequences of the crime:

a) Forcible dismantling of works or parts of works built without permits or constructed in contravention of permits;

b) Forcible remedy of environmental pollution and disease spread;

c) Forcibly bringing out of the territory of the Socialist Republic of Vietnam or re-exporting goods, articles and means which are brought into the territory of the Socialist Republic of Vietnam or imported in contravention of regulations of the Socialist Republic of Vietnam. or temporarily imported for re-export but not re-exported in accordance with the provisions of law; imported and transited goods infringing upon intellectual property rights, goods forging intellectual property rights, imported vehicles, raw materials and materials used mainly for production and trading of counterfeit goods on intellectual property after removing the infringing element;

Forc the law;

d) Forcible removal of infringing elements on goods, goods packages, means of business, articles;

e) Forcible recall of infringing products and goods being circulated on the market.

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

When deciding the penalty, the Court shall base itself on the provisions of this Code, consider the nature and degree of danger to society of the criminal act, the commercial legal entity's observance of the law and other circumstances. mitigating and aggravating criminal liability applicable to commercial legal entities.

#### **Article 84. Extenuating circumstances of criminal liability applicable to commercial legal entities**

1. The following circumstances are extenuating circumstances for penal liability:

a) The crime has been prevented or reduced;

b) Voluntarily repair, compensate for damage or overcome consequences;

c) Committing the crime but causing no damage or causing minor damage;

d) Actively cooperate with procedure-conducting agencies during the settlement of the case;

d) Having made many contributions to the implementation of social policies.

2. When deciding on penalties, the Court may consider other circumstances as extenuating circumstances, but must clearly state the reasons for extenuating circumstances in the judgment.

3. Extenuating circumstances which have been prescribed by this Code as signs of criminal conviction or framing shall not be considered as extenuating circumstances while deciding penalties.

#### **Article 85. The aggravating circumstances of criminal liability applicable to commercial legal entities**

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

a) Collaborating with other commercial legal entities to commit crimes;

b) Intentionally committing the crime to the end;

c) Committing the crime twice or more;

d) Recidivism or dangerous recidivism;

dd) Taking advantage of war, emergency, natural disasters, epidemics or other special difficulties of society to commit crimes;

e) Using sophisticated tricks to commit crimes or to evade or conceal crimes.

2. Circumstances which have been prescribed by this Code as signs of criminal conviction or penalty framing shall not be considered as aggravating circumstances.

#### **Article 86. Deciding on penalties in cases where commercial legal entities commit multiple crimes**

When adjudicating at the same time a commercial legal entity commits more than one crime, the Court shall decide the penalty for each crime and summarize the penalties according to the following provisions:

1. For the main penalty:

a) If the imposed penalties are the same as fines, the fines shall be added together to form the common penalty;

b) Penalties declared as suspension of operations for a definite period of time for each specific field shall not be aggregated;

c) The fine is not combined with other types of penalties;

2. For additional penalties:

- a) If the penalties declared are of the same type, the joint penalty shall be decided within the limits due to This Code provides for such penalties; separately for the fine, the sums of money shall be added together to form the general penalty;
- b) If the declared penalties are of different types, the convicted commercial legal entity must serve all of the declared penalties.

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

1. In case a commercial juridical person is serving a sentence but is tried again for a crime committed before this judgment is issued, the court shall decide the penalty for the crime being tried and then decide on the punishment. general penalties as prescribed in Article 86 of this Code.

The period of serving the penalty of the previous judgment on suspension of operations for a definite time, ban from doing business, ban from operating in certain fields or prohibiting capital mobilization shall be deducted from the general penalty serving term.

2. When adjudicating a commercial legal entity that is currently serving a sentence but commits a new crime, the Court shall decide the penalty for the new crime, then sum it up with the part of the unpaid penalty of judgments first and then decide on general penalties as prescribed in Article 86 of this Code.

3. In case a commercial juridical person has to serve many legally effective judgments but the penalties of the judgments have not been aggregated, the Chief Justice of the Court has the authority to issue a decision to aggregate the penalties. of the judgments prescribed in Clauses 1 and 2 of this Article.

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

A commercial legal entity that commits a crime may be exempt from punishment when it has fully remedied the consequences and has fully compensated for the damage caused by the criminal act.

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

Convicted commercial legal entities are automatically entitled to criminal record remission if, within 2 years from the date of completion of the main penalty, additional penalties, other decisions of the judgment or from the expiration of the statute of limitations for the execution of the original sentence. the judgment in which the commercial legal entity does not commit the offence new.

## **Chapter XII**

### **PROVISIONS FOR PEOPLE BELOW 18 YEARS OF CRIMINATION**

#### **Section 1. GENERAL PROVISIONS ON CRIMINAL HANDLING FOR PEOPLE BELOW 18 AGE OF CRIMINATIONS**

### **Article 90. Application of the Penal Code to offenders under 18 years old**

Persons between full 14 years old and under 18 years old who commit crimes shall bear penal liability according to the provisions of this Chapter; in accordance with other provisions of Part I of this Code not contrary to the provisions of this Chapter.

### **Article 91. Principles for handling crimes against persons under 18 years of age**

1. The handling of persons under the age of 18 committing crimes must ensure the best interests of the under-18s and mainly for the purpose of educating and helping them to correct their mistakes, develop healthily, become competent citizens. beneficial to society.

The handling of offenders under 18 years of age must be based on their age, their perception of the dangerous nature of the crime, the causes and conditions that cause the crime.

2. A person under 18 years of age who commits a crime in one of the following circumstances and has many extenuating circumstances, voluntarily redresses most of the consequences, if not in the case specified in Article 29 of this Code, has may be exempt from penal liability and apply the measures specified in Section 2 of this Chapter:

a) Persons aged between full 16 and under 18 have committed less serious crimes or serious crimes, except for the case specified in Article 134 (crime of intentionally causing injury or causing harm to the health of others); Article 141 (rape); Article 171 (criminal robbery); Article 248 (criminal of illegal production of narcotics); Article 249 (criminal of illegal possession of narcotics); Article 250 (criminal of illegal transportation of narcotics); Article 251 (criminal of illegal trading in narcotics); Article 252 (criminal appropriation of narcotics) of this Code;

b) Persons aged between full 14 and under 16 years old commit very serious crimes intentionally specified in Clause 2, Article 12 of this Code, except for the case specified in Article 123 (murder); Article 134, Clauses 4, 5 and 6 (crime of intentionally causing injury or causing harm to the health of others); Article 141 (rape), Article 142 (rape of a person under 16 years old); Article 144 (crime of raping a person from full 13 years old to under 16 years old); Article 150 (criminal of human trafficking); Article 151 (crime of trafficking in people under 16 years old); Article 168 (criminal robbery); Article 171 (criminal robbery); Article 248 (criminal of illegal production of narcotics); Article 249 (criminal of illegal possession of narcotics); Article 250 (criminal of illegal transportation of narcotics); Article 251 (criminal of illegal trading in narcotics); Article 252 (criminal appropriation of narcotics) of this Code;

c) Persons under the age of 18 are accomplices but play an insignificant role in the case.

3. The criminal prosecution of persons under 18 years of age who commit crimes only in necessary cases and must be based on their personal characteristics, the dangerous nature of the offense and the requirements of crime prevention.

4. When adjudicating, the Court only applies penalties to offenders under 18 years of age if it considers that the penal liability exemption and application of one of the measures specified in Section 2 or the

The application of educational measures at reformatory schools specified in Section 3 of this Chapter does not guarantee the effectiveness of education and prevention.

5. No life imprisonment or death penalty shall be imposed on persons under 18 years of age who commit the crime.

6. Courts shall only apply prison sentences with a definite term to offenders under 18 years of age when deeming that other punishments and educational measures have no deterrent or preventive effect.

When imposing a term of imprisonment, the Court shall grant a lesser sentence to a person under 18 years old committing a crime than the sentence applicable to a person aged full 18 years or older who commits the corresponding crime and with the shortest appropriate term.

No additional penalties are applied to persons under the age of 18 committing crimes.

7. Judgments that have been pronounced against persons under 16 years of age committing crimes shall not be counted to determine recidivism or dangerous recidivism.

## **Section 2. SUPERVISORY AND EDUCATIONAL MEASURES TO APPLY IN CASE OF CRIMINAL LIABILITY AWAY**

### **Article 92. Conditions for application**

The investigating agency, the Procuracy or the Court shall only decide to exempt the person from criminal liability and apply the measure of reprimand, conciliation in the community or the measure of education in the commune, ward or township, if the person is under 18 years of age, offender or their legal representative consents to the application of one of these measures.

### **Article 93. Reprimand**

1. Reprimand is applied to persons under 18 years of age who commit crimes in the following cases in order to help them become aware of the crime and its consequences for the community, society and their obligations:

a) A person aged between full 16 and under 18 commits a less serious crime for the first time;

b) Persons under the age of 18 are accomplices who play an insignificant role in the case.

2. The investigating agency, the Procuracy or the Court shall decide to apply the measure of reprimand. The reprimand for a person under the age of 18 who commits a crime must be witnessed by the parent or legal representative of the person under the age of 18.

3. The person being reprimanded must perform the following obligations:

a) Comply with the laws, rules and regulations of the place of residence, study or work;

b) To present themselves to the competent authority upon request;

c) Participating in learning and vocational training programs organized by the locality, participating in labor in an appropriate form.

4. Depending on each specific case, the competent authority shall fix the time limit for performing the obligations specified at Points b and c, Clause 3 of this Article from 3 months to 1 year.

#### **Article 94. Mediation in the community**

1. Community mediation is applied to persons under 18 years of age who commit crimes in the following cases:

a) Persons between full 16 years old and under 18 years old commit less serious crimes or commit serious crimes;

b) Persons between full 14 years old and under 16 years old commit very serious crimes specified at Point b, Clause 2 Article 91 of this Code.

2. The investigating agency, the procuracies or the court shall coordinate with the commune-level People's Committees to organize the conciliation in the community when the victim or the victim's lawful representative has voluntarily reconciled and proposed exemption from criminal liability.

3. Persons subject to the application of conciliation measures in the community must perform the following obligations:

a) Apologize to the victim and pay compensation for damage;

b) Obligations specified in Clause 3, Article 93 of this Code.

#### **Article 95. Education in communes, wards and townships**

1. Investigating agencies, procuracies or courts may apply the measure of education in communes, wards or townships from 1 year to 2 years to offenders under 18 years of age in the following cases:

a) Persons between full 16 years old and under 18 years old commit less serious crimes or commit serious crimes specified at Point a, Clause 2, Article 91 of this Code;

b) Persons between full 14 years old and under 16 years old commit very serious crimes specified at Point b, Clause 2, Article 91 of this Code.

2. Persons assigned by the investigating bodies, procuracies or courts to commune-level People's Committees to organize supervision and education must perform the following obligations:

a) To fully comply with study and labor obligations;

b) Subject to the supervision and education of the family, commune, ward or township;

c) Do not leave the place of residence without permission;

d) The obligations specified in Clause 3, Article 93 of this Code.

3. If the person being educated in the commune, ward or township has served half of the time limit and has made great progress, at the request of the commune-level People's Committee, assigned the responsibility for management, education, the agency who have applied this measure may decide to terminate the term of education in communes, wards or townships.

### **Section 3. JUSTICE MEASURES OF EDUCATION IN EDUCATION SCHOOL**

#### **Article 96. Education in reformatories**

1. The court may apply the measure of education in reformatories from 1 year to 2 years for offenders under 18 years old, if it is found that due to the serious nature of the offense, personal identity and environment the person's life without placing the person in a highly disciplined educational institution.

2. Persons who are educated at reformatories must fully fulfill their obligations regarding study, vocational training, labor and living under the management and education of the school.

#### **Article 97. Early termination of the measure of education in reformatories**

If the person being educated at a reformatory has served half of the time limit and has made great progress, the Court may, at the request of the reformatory assigned to manage and educate, decide to terminate the time limit. term of education in a reformatory.

### **Section 4. PENALTIES**

#### **Article 98. Penalties applied to persons under 18 years of age committing crimes**

Persons under 18 years of age who commit crimes shall only be subject to one of the following penalties for each crime:

1. Warning.
2. Fine.
3. Non-custodial rehabilitation.
4. Prison term.

#### **Article 99. Fines**

Fine is applied as the main penalty for persons from full 16 years old to under 18 years old, if that person has income or owns property.

The fine level for a person from full 16 years old to under 18 years old who commits a crime is not more than half of the fine level prescribed by the law.

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

1. Non-custodial reform shall be applied to persons aged between full 16 and under 18 who commit less serious crimes, serious crimes or very serious crimes committed unintentionally, or persons aged between full 14 and under 16. very serious crimes committed intentionally.

2. When applying the penalty of non-custodial reform to a person under the age of 18 who commits a crime, that person's income shall not be deducted.

The term of non-custodial reform for a person under 18 years old who commits a crime must not exceed half of the time limit prescribed by the law.

#### **Article 101. Fixed-term imprisonment**

The level of imprisonment with a definite term applicable to persons under 18 years of age committing crimes is prescribed as follows:

1. For persons aged between full 16 and under 18 years of age when committing crimes, if the applicable law prescribes the penalty of life imprisonment or death, the applied maximum penalty shall not exceed 18 years of imprisonment; if it is a term of imprisonment, the highest penalty applied shall not exceed three-quarters of the prison term prescribed by the law;

2. For persons aged between full 14 and under 16 years old when committing crimes, if the applicable law prescribes the penalty of life imprisonment or death, the applied maximum penalty shall not exceed 12 years of imprisonment; if it is a term imprisonment, the highest penalty applied shall not exceed one-half of the prison term prescribed by the law.

### **Section 5. PENALTY DECISION, SUMMARY OF PENALTIES, PENALTY AWARENESS, CLEARANCE**

#### **Article 102. Deciding on penalties in case of preparing to commit a crime or committing an unsatisfactory crime**

1. Courts shall decide penalties for persons under 18 years of age in case they are prepared to commit crimes or commit crimes that have not yet been committed according to the principles specified in Clause 1, Article 57 of this Code.

2. The highest penalty level for a person from full 14 years old to under 16 years old who prepares to commit a crime is not more than one-third of the penalty level specified in the penalty frame for the act of preparing to commit a crime in the applicable law. use.

The maximum penalty level for a person aged between full 16 and under 18 years old who prepares to commit a crime shall not exceed half of the penalty level specified in the penalty frame for the act of preparing to commit a crime in the applicable law.

3. The highest penalty level applicable to persons aged between full 14 years and under 16 years who commits a crime not exceeding one third of the penalty level specified in Articles 100 and 101 of this Code.

The highest penalty level applicable to persons aged between full 16 and under 18 years old committing crimes has not yet reached half of the penalty level specified in Articles 99, 100 and 101 of this Code.

#### **Article 103. Summary of penalties in case of committing multiple crimes**

1. When adjudicating a person under 18 years of age who commits more than one crime at the same time, the court shall decide the penalty for each crime and sum up the general penalty according to the provisions of Article 55 of this Code.

If the general penalty is non-custodial reform, the maximum penalty applied shall not exceed 3 years. If the general penalty is imprisonment for a definite term, the maximum applicable penalty must not exceed 18 years for persons aged between full 16 years and under 18 years when committing the crime and 12 years for persons aged between full 14 years and under 16 years old at the time of the crime.

2. For a person under 18 years old who commits many crimes, committing crimes before reaching the age of 16 or committing crimes after reaching the age of 16, the summary of penalties shall be applied as follows:

a) If the declared penalty for the crime committed before the person turns 16 years old is heavier or equal to the penalty level declared for the crime committed after reaching the age of 16, the general penalty shall not exceed the maximum penalty. the highest penalty imposed on persons aged between full 14 years and under 16 years as prescribed in Clause 1 of this Article;

b) If the declared penalty for the crime committed after the person turns 16 years old is heavier than the penalty level declared for the crime committed before reaching the age of 16, the general penalty shall not exceed the higher penalty level. especially for people between full 16 years old and under 18 years old as prescribed in Clause 1 of this Article.

3. For a person who commits many crimes, guilty of crimes committed before reaching the age of 18, and crimes committed after reaching the age of 18, the summary of penalties shall be applied as follows:

a) If the penalty level imposed by the Court for a crime committed when he or she is under 18 years old is heavier than or equal to the penalty level applicable to the crime committed when he is full 18 years old, the general penalty is not may exceed the maximum penalty specified in Clause 1 of this Article;

b) If the penalty level imposed by the Court for a crime committed when that person is full 18 years old is heavier than the penalty level applied to the crime committed when he or she is under 18 years old, the general penalty shall apply as for persons aged full 18 years or older commit crimes.

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

The aggregation of penalties in case a person who is serving a sentence is tried again for a crime committed before or after this judgment is issued, shall comply with the provisions of Articles 55 and 56 of the Code. This.

The general penalty must not exceed the highest penalty level specified in Article 103 of this Code.

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

1. Persons under 18 years of age who commit crimes are subject to non-custodial reform or imprisonment. If they make progress and have served a quarter of the term, they shall be considered for reduction by the Court; Particularly for prison sentences, each time can be reduced to 4 years but must ensure that at least two-fifths of the declared penalty has been served.

2. Persons under 18 years of age who commit crimes are subject to non-custodial reform or imprisonment. If they make merit or suffer a fatal disease, they shall be considered for immediate reduction and may be exempted from serving the remainder of the penalty.

3. Persons under 18 years of age who commit crimes are subject to fines but fall into extremely difficult economic circumstances for a prolonged period due to natural disasters, fires, accidents or illnesses, or make great merits, at the proposal of the Institute. The head of the Procuracy or the Court may decide to reduce or exempt the remaining portion of the fine.

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

1. Persons under 18 years of age who are serving prison sentences, if they do not fall into the cases specified in Clause 2, Article 66 of this Code, may be released from prison early when fully meeting the following conditions:

- a) Committing the crime for the first time;
- b) Having made a lot of progress, having a good sense of reform;
- c) Having served one-third of the prison term;
- d) Having a clear place of residence.

2. The conditional early release from prison shall comply with the provisions of Clauses 3, 4 and 5, Article 66 of this Code.

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

1. Convicted persons under 18 years of age are considered to have no criminal record if they fall into one of the following cases:

- a) Persons between full 14 and under 16 years old;
- b) Persons from full 16 years old to under 18 years old have been convicted of less serious crimes, serious crimes or very serious crimes committed unintentionally;
- c) Persons subject to judicial measures specified in Section 3 of this Chapter.

2. Persons aged between full 16 and under 18 years old and convicted of very serious intentional crimes or particularly serious crimes shall have their criminal records automatically expunged if within 3 years from the date of completion of serving their principal penalties. or since the statute of limitations for judgment enforcement has expired, that person has not committed a new crime.

## **The second part**

### **US Crimes**

#### **Chapter XIII**

##### **Crimes of Infringing upon National Security**

###### **Article 108. Crime of betraying the Fatherland**

1. Any Vietnamese citizen who colludes with foreign countries to endanger the independence, sovereignty, unity and territorial integrity of the Fatherland, the socialist regime and the State of the Socialist Republic of Vietnam Men with potential for national defense and security shall be sentenced to between 12 and 20 years of imprisonment, life imprisonment or the death penalty.

2. Committing the crime in cases where there are many extenuating circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment.

3. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.

###### **Article 109. Crime of activities aimed at overthrowing the people's administration**

Those who establish or join organizations aimed at overthrowing the people's administration shall be penalized as follows:

1. The organizers, instigators, people who operate effectively or cause serious consequences, shall be sentenced to between 12 and 20 years of imprisonment, life imprisonment or capital punishment;

2. The other accomplices shall be sentenced to between 5 and 12 years of imprisonment;

3. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.

###### **Article 110. Crime of espionage**

1. Those who commit one of the following acts shall be sentenced to between 12 and 20 years of imprisonment, life imprisonment or capital punishment:

a) Intelligence activities, sabotage or creating a basis for intelligence activities, anti-water sabotage  
Socialist Republic of Vietnam;

b) Causing bases for intelligence and sabotage activities under the direction of foreign countries; activities of spying, pointing, harboring, guiding or performing other acts to assist foreigners in intelligence and sabotage activities;

c) Providing or collecting for the purpose of providing State secrets to foreign countries; collect and provide information and other documents for foreign use against the Socialist Republic of Vietnam.

2. Committing the crime in less serious cases, the offenders shall be sentenced to between 5 and 15 years of imprisonment.

3. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.

4. Persons who have accepted to act as a spy, but fail to perform their assigned tasks and confess and honestly report to a competent state agency, shall be exempt from penal liability for this crime.

#### **Article 111. Crime of infringing upon territorial security**

Those who infiltrate the territory, take actions to distort the national borders or take other actions to harm the territorial security of the Socialist Republic of Vietnam.

Male, shall be penalized as follows:

1. Those who organize and operate effectively or cause serious consequences shall be sentenced to between 12 and 20 years of imprisonment or life imprisonment;

2. The other accomplices shall be sentenced to between 5 and 15 years of imprisonment;

3. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.

#### **Article 112. Crime of rioting**

Those who engage in armed activities or use organized violence to oppose the people's administration shall be punished as follows:

1. Those who organize and operate effectively or cause serious consequences shall be sentenced to between 12 and 20 years of imprisonment, life imprisonment or capital punishment;

2. The other accomplices shall be sentenced to between 5 and 15 years of imprisonment;

3. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.

#### **Article 113. Crime of terrorism aimed at opposing the people's administration**

1. Those who aim to oppose the people's administration and infringe upon the lives of cadres, civil servants or other people shall be sentenced to between 12 and 20 years of imprisonment, life imprisonment or death.

2. Committing the crime in the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

- a) Establishing or joining a terrorist organization or a terrorist sponsoring organization;
- b) Coercing, enticing, recruiting, training, training terrorists; manufacturing and supplying weapons to terrorists;
- c) Infringing upon the physical freedom and health of cadres, civil servants or other people.

3. Committing the crime in case of threatening to infringe on life or committing other acts of mental intimidation, the offenders shall be sentenced to between 5 and 10 years of imprisonment.

4. Terrorizing foreign individuals, organizations or international organizations in order to create difficulties for the international relations of the Socialist Republic of Vietnam, shall also be sanctioned according to this Article.

5. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.

**Article 114. Crime of destroying material and technical foundations of the Socialist Republic of Vietnam**  
**Male**

1. Those who aim to oppose the people's administration and destroy the material and technical foundations of the Socialist Republic of Vietnam in the fields of politics, national defense, security, economy, science and technology art, culture or society, shall be sentenced to between 12 and 20 years of imprisonment, life imprisonment or death image.

2. Committing the crime in less serious cases, the offenders shall be sentenced to between 5 and 15 years of imprisonment.

3. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.

**Article 115. Crime of sabotaging the implementation of socio-economic policies**

1. Those who aim to oppose the people's administration and sabotage the implementation of socio-economic policies shall be sentenced to between 07 and 15 years of imprisonment.

2. Committing the crime in less serious cases, the offenders shall be sentenced to between 03 and 07 years of imprisonment.

3. Those who prepare to commit this crime shall be sentenced to between 6 months and 3 years of imprisonment.

**Article 116. Crime of undermining the solidarity policy**

1. Those who commit one of the following acts to oppose the people's administration shall be sentenced to between 07 and 15 years of imprisonment:

- a) Causing division between classes of people, between the people and the people's administration, the people's armed forces, and socio-political organizations;

b) Causing hatred, discrimination, division, ethnic separatism, infringing on equal rights in the Vietnamese ethnic community;

c) Causing division between religious followers and non-religious people, between followers of different religions, between religious believers and the people's administration, and socio-political organizations;

d) Undermining the implementation of the policy of international solidarity.

2. Committing the crime in less serious cases, the offenders shall be sentenced to between 02 and 07 years of imprisonment.

3. Those who prepare to commit this crime shall be sentenced to between 6 months and 3 years of imprisonment.

**Article 117. Crime of making, storing, spreading or propagating information, documents and items aimed at opposing the State of the Socialist Republic of Vietnam**

1. Those who commit one of the following acts aimed at opposing the State of the Socialist Republic of Vietnam, shall be sentenced to between 5 and 12 years of imprisonment:

a) Making, storing, spreading or propagating information, documents and items with content that distort or defame the people's administration;

b) Making, storing, spreading or propagating information, documents and items with fabricated content, causing confusion among the people;

c) Making, storing, disseminating or propagating information, documents and items that cause psychological warfare.

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

3. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.

**Article 118. Crime of disturbing security**

1. Any person who, in order to oppose the people's administration, incites, entices or gathers many people to disrupt security, oppose official duty performers, or obstruct the operation of agencies or organizations, if not falling within the specified cases. defined in Article 112 of this Code, shall be sentenced to between 5 and 15 years of imprisonment.

2. Other accomplices shall be sentenced to between 02 and 07 years of imprisonment.

3. Those who prepare to commit this crime shall be sentenced to between 6 months and 3 years of imprisonment.

**Article 119. Crime of opposing detention facilities**

1. Those who, in order to oppose the people's administration, destroy the detention facilities, organize to escape from the detention facilities, beat the incarcerated persons, escorted persons or escape from the detention facilities, shall be sentenced to imprisonment of from 10 to 20 years or life in prison.

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

3. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.

**Article 120. Crime of organizing, forcing or inciting others to flee abroad or stay abroad in order to oppose the people's administration**

1. Those who organize, coerce or incite others to flee abroad or stay abroad in order to oppose the people's administration shall be sentenced to between 5 and 15 years of imprisonment.

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

3. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.

**Article 121. Crime of fleeing abroad or staying abroad to oppose the people's administration**

1. Those who flee abroad or stay abroad in order to oppose the people's administration shall be sentenced to between 3 and 12 years of imprisonment.

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

3. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.

**Article 122. Additional penalties**

Offenders specified in this Chapter may also be deprived of certain citizenship rights, subject to probation, banned from residence for one to five years, or have part or all of their property confiscated.

**Chapter XIV**

**Crimes of Infringing upon the LIFE, HEALTH, Dignity, and Honor of HUMAN**

**Article 123. Crime of murder**

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

a) Killing 02 or more people;

b) Murder of a person under the age of 16;

c) Killing women knowing they are pregnant;

- d) Murder of a person on duty or for reasons of the victim's official duty;
- d) Killing their grandfather, grandmother, father, mother, foster person, teacher, teacher;
- e) Murder committed immediately before or immediately after the commission of a very serious crime or a particularly serious crime;
- g) To commit or conceal another crime;
- h) To take the victim's body parts;
- i) Committing the crime in a barbaric manner;
- k) By taking advantage of profession;
- l) By a method capable of killing many people;
- m) Hire to kill or kill tenants;
- n) Being of a thug nature;
- o) Organized;
- p) Dangerous recidivism;
- q) Because of despicable motives.

2. Committing the crime not in the cases specified in Clause 1 of this Article, the offenders shall be sentenced to between 07 and 15 years of imprisonment.

3. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.

4. Offenders may also be banned from practicing certain occupations or doing certain jobs for one to five years, subject to probation or residence ban for one to five years.

#### **Article 124. Crime of killing or discarding a newborn child**

1. Any mother who, due to the heavy influence of backward thinking or in special objective circumstances, kills her child within 07 days of age, shall be sentenced to between 6 months and 3 years of imprisonment.

2. Any mother who, due to the heavy influence of backward ideology or in special objective circumstances, abandons her child within 07 days of age, resulting in the death of the child, shall be subject to non-custodial reform. kept for up to 2 years or sentenced to between 3 months and 2 years of imprisonment.

#### **Article 125. Crime of murder in a state of strong agitation**

1. Those who commit murder in a state of great agitation due to the victim's serious illegal acts towards that person or his/her relatives, shall be sentenced to between 06 months and 03 years of imprisonment. .

2. Committing the crime against 2 or more people, the offenders shall be sentenced to between 3 and 7 years of imprisonment.

**Article 126. Crime of murder due to exceeding the limit of legitimate defense or exceeding the necessary level when arresting offenders**

1. Those who commit murder in excess of the limit of legitimate defense or in cases of exceeding the necessary level when arresting the offender, shall be sentenced to non-custodial reform for up to 2 years or a prison term of from 3 months. up to 2 years.

2. Committing the crime against 02 or more people, the offenders shall be sentenced to between 02 and 05 years of imprisonment.

**Article 127. Crime of causing death while performing official duties**

1. Any person who, while on duty, causes death by using force outside of the specified circumstances permitted by law, shall be sentenced to between 5 and 10 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 08 and 15 years of imprisonment:

a) Causing death of 02 or more people;

b) For people under 16 years old, women who know they are pregnant.

3. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

**Article 128. Crime of unintentionally causing death**

1. Those who unintentionally cause death shall be sentenced to non-custodial reform for up to 3 years or to between 1 and 5 years of imprisonment.

2. Committing the crime of causing death of 2 or more persons, the offenders shall be sentenced to between 3 and 10 years of imprisonment.

**Article 129. Crime of unintentionally causing death due to violation of professional or administrative rules**

1. Those who unintentionally cause death by violating professional or administrative rules shall be sentenced to between 01 and 05 years of imprisonment.

2. Committing the crime of causing death of 2 or more persons, the offenders shall be sentenced to between 5 and 12 years of imprisonment.

3. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

**Article 130. Crime of forced death**

1. Those who cruelly treat, often bully, mistreat or humiliate their dependents, causing that person to commit suicide, shall be sentenced to between 02 and 07 years of imprisonment.

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

- a) Against 02 or more people;
- b) For people under 16 years old, women who know they are pregnant.

**Article 131. Crime of instigating or helping others commit suicide**

1. Those who commit one of the following acts shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years:

- a) Inciting, enticing and prompting others to take their own lives;
- b) Creating material or mental conditions for others to take their own lives.

2. Committing the crime of causing 02 or more people to commit suicide, the offenders shall be sentenced to between 02 and 07 years of imprisonment.

**Article 132. Crime of failing to help people who are in danger of life**

1. Those who see that another person is in a state of danger to their life, but fail to save life despite conditions, resulting in the death of that person, shall be subject to warning, non-custodial reform for up to 2 years or imprisonment from 3 months to 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 05 years of imprisonment:

- a) The person who fails to help is the person who unintentionally causes a dangerous situation;
- b) A person who fails to help is someone who is legally or professionally obliged to help.

3. Committing the crime and resulting in the death of 2 or more people, the offenders shall be sentenced to between 3 and 7 years of imprisonment.

4. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

**Article 133. Crime of threatening to kill**

1. Those who threaten to kill, if there are grounds to make the threatened person fear that this threat will be carried out, shall be sentenced to non-custodial reform for up to three years or a prison term of between six months and three years. year.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Against 02 or more people;
- b) Abusing positions and powers;
- c) Against the person on official duty or for the victim's official duty;
- d) Against a person under 16 years old;
- d) To conceal or evade the handling of another crime.

**Article 134. Crime of intentionally causing injury or causing harm to the health of others**

1. Those who intentionally injure or cause harm to the health of other persons with an injury rate of between 11% and 30% or less than 11% but fall into one of the following circumstances shall be subject to a fine, create non-custodial up to 03 years or imprisonment from 06 months to 03 years:

- a) Using dangerous weapons or dangerous tricks to 2 or more people;
- b) Using sulfuric acid (H<sub>2</sub>SO<sub>4</sub>) or other dangerous chemicals to cause injury or harm to the health of others;
- c) Causing slight disability to the victim;
- d) Committing the crime twice or more;
- d) Committing the crime against 02 or more people;
- e) Against people under 16 years old, women who know they are pregnant, elderly, weak, sick or other people who are unable to defend themselves;
- g) Against his grandfather, grandmother, father, mother, nurturer, teacher, teacher;
- h) Organized;
- i) Abusing positions and powers;
- k) Committing the crime while being held in custody, temporary detention, serving a prison sentence or being apply the measure of sending to compulsory education establishments, reformatory schools, compulsory detoxification establishments;
- l) Hiring causes injury or harm to health or causes injury or harm to health as a result of being employed;
- m) Having a thug character;
- n) Dangerous recidivism;

o) Against the person on duty or for the victim's official reason.

2. Committing the crime of causing injury or causing harm to the health of others with an injury rate of between 11% and 30% but falling into one of the cases specified at Points a, b, d, dd, e, g, h, i, k, l, m, n and o, Clause 1 of this Article, shall be sentenced to between 02 and 05 years of imprisonment.

3. Committing the crime of causing injury or causing harm to the health of others with an injury rate of between 31% and 60%, the offenders shall be sentenced to between 04 and 07 years of imprisonment.

4. Committing the crime of causing injury or causing harm to the health of others with an injury rate of between 31% and 60% but falling into one of the cases specified at Points a, b, d, dd, e, g, h, i, k, l, m, n and o, Clause 1 of this Article, shall be sentenced to between 07 and 12 years of imprisonment.

5. Committing the crime of causing injury or causing harm to the health of others with an injury rate of 61% or higher, if not falling into the case specified at Point c, Clause 6 of this Article or leading to death, imprisonment from 10 to 15 years.

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

a) Causing death of 02 or more people;

b) Inflicting injury or causing harm to the health of 02 or more people with an injury rate of 61% or higher for each person;

c) Causing injury to the face of another person with an injury rate of 61% or higher.

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

**Article 135. Crime of intentionally causing injury or causing harm to the health of others in a state of strong agitation**

1. Those who intentionally injure or cause harm to the health of others with a body injury rate of between 31% and 60% in a state of strong agitation due to their serious illegal acts the victim against such person or his/her relatives, shall be subject to a fine of between VND 10,000,000 and VND 50,000,000 or non-custodial reform for up to 03 years.

year.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 06 months and 03 years of imprisonment:

a) Against 02 or more people with an injury rate of between 31% and 60% for each person;

b) Inflicting injury or causing harm to the health of others with an injury rate of 61% or higher or leading to death.

**Article 136. Crime of intentionally causing injury or causing harm to the health of others due to exceeding the limit of legitimate defense or exceeding the necessary level when arresting offenders**

1. Those who intentionally injure or cause harm to the health of others with an injury rate of between 31% and 60% due to exceeding the limit of legitimate defense or exceeding the necessary level when arresting, detain offenders, shall be subject to a fine of between VND 5,000,000 and 20,000,000 or non-custodial reform for up to 3 years.

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

a) Against 02 or more people with an injury rate of between 31% and 60% for each person;

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

3. Committing the crime resulting in death or injury or causing harm to the health of 02 or more persons with an injury rate of 61% or higher for each person, the offenders shall be sentenced to between 01 and 03 years of imprisonment.

**Article 137. Crime of causing injury or causing harm to the health of others while on official duty**

1. Those who, while performing their official duties, use force beyond the cases permitted by law to cause injury or harm to the health of others with an injury rate of between 31% and 60%, shall be punished. shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Against 02 or more people, with an injury rate of 31% or more for each person;

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

c) Against people under 16 years old, women who know they are pregnant, old and weak, sick or other people who are unable to defend themselves.

3. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs from 01 to 05 years.

**Article 138. Crime of unintentionally causing injury or causing harm to the health of others**

1. Those who unintentionally injure or cause harm to other people's health with an injury rate of between 31% and 60%, shall be subject to a warning and a fine of between VND 5,000,000 and 20,000,000 VND or non-custodial reform for up to 3 years.

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

a) Against 02 or more people with an injury rate of between 31% and 60% for each person;

b) Inflicting injury or causing harm to the health of others with a rate of bodily harm 61% or more.

3. Committing the crime against 02 or more people with an injury rate of 61% or higher for each person, the offenders shall be sentenced to between 01 and 03 years of imprisonment.

**Article 139. Crime of unintentionally causing injury or causing harm to the health of others due to violation of professional or administrative rules**

1. Those who unintentionally injure or cause harm to other people's health by violating professional rules or administrative rules with a body injury rate of between 31% and 60%, shall be subject to a fine of between 31% and 60%. VND 20,000,000 to VND 100,000,000, a non-custodial reform for up to 3 years or a prison term of between 3 months and 1 year.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 06 months and 03 years of imprisonment:

a) Against 02 or more people with an injury rate of between 31% and 60% for each person;

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

3. Committing the crime against 02 or more people with an injury rate of 61% or higher for each person, the offenders shall be sentenced to between 01 and 05 years of imprisonment.

4. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

**Article 140. Crime of torturing others**

1. Those who cruelly treat or humiliate their dependents, if they do not fall into the cases specified in Article 185 of this Code, shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 3 months and 2 years. year.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 03 years of imprisonment:

a) Against people under 16 years old, women who know they are pregnant, elderly, weak, sick or other people who are defenseless;

b) Causing mental and behavioral disorders of the victim 11% or more;

c) For 02 or more people.

**Article 141. Crime of rape**

1. Those who use force, threaten to use force or take advantage of the victim's defenseless state or by other tricks have intercourse or perform other sexual acts against the victim's will , shall be sentenced to between 2 and 7 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Organized;
- b) Against the person whom the offender is responsible for taking care of, educating and treating;
- c) Many people rape one person;
- d) Committing the crime twice or more;
- dd) Against 02 or more people;
- e) Being of an incestuous nature;
- g) Making the victim pregnant;
- h) Inflicting injury or causing harm to the health of the victim with an injury rate of between 31% and 60%;
- i) Causing mental and behavioral disorders of the victim from 11% to 45%;
- k) Dangerous recidivism.

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

- a) Inflicting injury or causing harm to the victim's health with an injury rate of 61% or higher;
- b) Knowing they are infected with HIV but still committing crimes;
- c) Causing mental and behavioral disorders of the victim 46% or more;
- d) Causing the victim to die or commit suicide.

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

Committing the crime in one of the cases specified in Clauses 2 or 3 of this Article, they shall be sanctioned according to the penalty levels specified in those Clauses.

5. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

**Article 142. Crime of raping a person under 16 years old**

1. Those who commit one of the following acts shall be sentenced to between 07 and 15 years of imprisonment:

a) Using force, threatening to use force or taking advantage of the victim's defenseless state or other tricks to have intercourse or perform other sexual acts with a person between full 13 years old and under 16 years old. against their will;

b) Have intercourse or perform other sexual acts with a person under the age of 13.

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

a) Is of an incestuous nature;

b) Making the victim pregnant;

c) Inflicting injury or causing harm to the health of the victim with an injury rate of between 31% and 60%;

d) Causing mental and behavioral disorders of the victim from 11% to 45%;

dd) Against the person for whom the offender is responsible for taking care of, educating and treating diseases;

e) Committing the crime twice or more; g) Against 02 or more people; h) Dangerous recidivism.

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

a) Organized;

b) Many people rape one person;

c) Committing the crime against a person under 10 years old;

d) Inflicting injury or causing harm to the victim's health with an injury rate of 61% or higher;

dd) Causing mental and behavioral disorders of the victim 46% or more;

e) Knowing they are infected with HIV but still committing crimes;

g) Causing the victim to die or commit suicide.

4. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

**Article 143. Crime of rape**

1. Those who use all tricks to compel their dependents or people in dire straits to have sexual intercourse or reluctantly perform other sexual acts shall be sentenced to between 01 and 05 years of imprisonment. .

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

a) Many people rape one person;

b) Rape 02 times or more;

c) Rape 02 or more people;

d) Of an incestuous nature;

d) Making the victim pregnant;

e) Inflicting injury or causing harm to the victim's health with an injury rate of between 31% and 60%;

g) Causing mental and behavioral disorders of the victim from 11% to 45%;

h) Dangerous recidivism.

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

a) Inflicting injury or causing harm to the victim's health with an injury rate of 61% or higher;

b) Causing mental and behavioral disorders of the victim 46% or more;

c) Knowing they are infected with HIV but still committing crimes;

d) Causing the victim to die or commit suicide.

4. Forcing a person from full 16 years old to under 18 years old, the offenders shall be sentenced to between 2 and 07 years of imprisonment.

Committing the crime in one of the cases specified in Clauses 2 or 3 of this Article, they shall be sanctioned according to the penalty levels specified in those Clauses.

5. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

**Article 144. Crime of raping a person from full 13 years old to under 16 years old**

1. Those who use all tricks to make people from full 13 years old to under 16 years old who are in a state of dependence or in dire straits to have sexual intercourse or reluctantly perform other sexual acts, shall be sentenced to between 5 and 10 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Is of an incestuous nature;

b) Making the victim pregnant;

c) Inflicting injury or causing harm to the health of the victim with an injury rate of between 31% and 60%;

d) Causing mental and behavioral disorders of the victim from 11% to 45%;

dd) Committing the crime twice or more;

e) Against 02 or more people;

g) Dangerous recidivism.

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

a) Many people rape one person;

b) Inflicting injury or causing harm to the victim's health with an injury rate of 61% or higher;

c) Causing mental and behavioral disorders of the victim 46% or more;

d) Knowing they are infected with HIV but still committing crimes;

d) Causing the victim to die or commit suicide.

4. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

**Article 145. Crime of having intercourse or performing other sexual acts with a person between full 13 years old and under 16 years old**

1. Those who are full 18 years old and have intercourse or perform other sexual acts with a person between full 13 years old and under 16 years old, if they do not fall into the cases specified in Articles 142 and 144 of this Code, shall be sentenced to between 1 and 5 years of imprisonment.

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

- a) Committing the crime twice or more;
- b) Against 02 or more people;
- c) Being of an incestuous nature;
- d) Making the victim pregnant;
- dd) Inflicting injury or causing harm to the victim's health with an injury rate of between 31% and 60%;
- e) Against the person for whom the offender has the responsibility to take care of, educate and treat diseases.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Inflicting injury or causing harm to the victim's health with an injury rate of 61% or higher;
- b) Knowing they are infected with HIV but still committing crimes.

4. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

#### **Article 146. Crime of lewdness against persons under 16 years old**

1. Those who are full 18 years of age or older but commit lewd acts towards persons under 16 years old without the purpose of having intercourse or other sexual acts, shall be sentenced to between 06 months and 03 months of imprisonment. year.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) Committing crimes in an organized manner;
- b) Committing the crime twice or more;
- c) Against 02 or more people;
- d) Against the person for whom the offender is responsible for taking care of, educating and treating diseases;
- dd) Causing mental and behavioral disorders of the victim from 11% to 45%;
- e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 12 years of imprisonment:

- a) Causing mental and behavioral disorders of the victim 46% or more;

b) Causing the victim to commit suicide.

4. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

**Article 147. Crime of using people under 16 years old for pornographic purposes**

1. Those who are full 18 years of age or older but entice, entice or force a person under 16 to perform pornography or directly witness pornographic performance in any form, shall be sentenced to between 06 months and 03 months of imprisonment. year.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

a) Committing crimes in an organized manner;

b) Committing the crime twice or more;

c) Against 02 or more people;

d) Against the person for whom the offender is responsible for taking care of, educating and treating diseases;

d) Having commercial purposes;

e) Causing mental and behavioral disorders of the victim from 11% to 45%;

g) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 12 years of imprisonment:

a) Causing mental and behavioral disorders of the victim 46% or more;

b) Causing the victim to commit suicide.

4. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

**Article 148. Crime of transmitting HIV to others**

1. Those who know they are infected with HIV but intentionally transmit HIV to others, except where the victim already knows about the HIV status of the HIV-infected person and voluntarily engages in sex, shall be sentenced to between 1 year of imprisonment and 1 year of imprisonment. up to 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

a) Against 02 or more people;

- b) Against people under 18 years old;
- c) Against women who know they are pregnant;
- d) Against a physician or medical staff who directly treat the patient;
- dd) Against the official or for the victim's official duty.

**Article 149. Crime of intentionally transmitting HIV to others**

1. Those who knowingly transmit HIV to others, if not falling into the cases specified in Article 148 of this Code, shall be sentenced to between 03 and 07 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Organized;
- b) Against the person on official duty or for the victim's official duty;
- c) Against people under 18 years old;
- d) Against from 02 to 05 people;
- dd) Taking advantage of profession;
- e) Causing mental and behavioral disorders of the victim from 11% to 45%.

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

- a) Against women who know they are pregnant;
- b) Against 06 or more people;
- c) Causing mental and behavioral disorders of the victim 46% or more;
- d) Causing the victim to commit suicide.

4. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

**Article 150. Crime of human trafficking**

1. Those who use force, threaten to use force, deceive or use other tricks to commit one of the following acts, shall be sentenced to between 5 and 10 years of imprisonment:

- a) Transfer or receive people to deliver or receive money, property or other material benefits;
- b) Transferring or receiving people for sexual exploitation, forced labor, taking body parts of victims or for other inhumane purposes;
- c) Recruiting, transporting or harboring other people to commit the acts specified at Point a or Point b of this Clause.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 08 and 15 years of imprisonment:

- a) Organized;
- b) For despicable motives;
- c) Causing mental and behavioral disorders of the victim from 11% to 45%;
- d) Inflicting injury or causing harm to the health of the victim with an injury rate of 31% or higher, except for the case specified at Point b, Clause 3 of this Article;
- dd) Take the victim out of the border of the Socialist Republic of Vietnam;
- e) For from 02 to 05 people;
- g) Committing the crime twice or more.

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

- a) Be of a professional nature;
- b) The victim's body parts have been taken;
- c) Causing mental and behavioral disorders of the victim 46% or more;
- d) Causing the victim to die or commit suicide;
- dd) Against 06 or more people;
- e) Dangerous recidivism.

4. Offenders may also be subject to a fine of between VND 20,000,000 and 100,000,000, probation, ban from residence for 1 to 5 years, or confiscation of part or all of their property.

#### **Article 151. Crime of trafficking in persons under 16 years old**

1. Those who commit one of the following acts shall be sentenced to between 07 and 12 years of imprisonment:

a) Transfer or receive a person under the age of 16 to deliver or receive money, property or other material benefits, except for humanitarian purposes;

b) Transferring or receiving a person under the age of 16 for sexual exploitation, forced labor, organ harvesting or for other inhumane purposes;

c) Recruiting, transporting or harboring people under 16 years old to commit the acts specified at Point a or Point b of this Clause.

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

a) Abusing positions and powers;

b) Taking advantage of adoption activities to commit crimes;

c) Against from 02 to 05 people;

d) Against the person they are responsible for taking care of and nurturing;

dd) Take the victim out of the border of the Socialist Republic of Vietnam;

e) Committing the crime twice or more;

g) For despicable motives;

h) Causing mental and behavioral disorders of the victim from 11% to 45%;

i) Inflicting injury or causing harm to the victim's health with an injury rate of 31% or higher, except for the case specified at Point d, Clause 3 of this Article.

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

a) Organized;

b) Being of a professional nature;

c) Causing mental and behavioral disorders of the victim 46% or more;

d) Having taken the victim's body parts;

d) Causing the victim to die or commit suicide;

e) Against 06 or more people;

g) Dangerous recidivism.

4. Offenders may also be subject to a fine of between VND 50,000,000 and 200,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, and sentenced to 1 year probation. up to 5 years or confiscate part or all of the property.

**Article 152. Crime of swapping people under 1 year old**

1. Those who swap one under-1-year-old with another under-01-year-old shall be sentenced to between two and five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) Organized;
- b) Abusing positions, powers and professions;
- c) Against a person under 1 year of age whom they are responsible for taking care of and nurturing;
- d) Committing the crime twice or more.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 12 years of imprisonment:

- a) Be of a professional nature;
- b) Dangerous recidivism.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

**Article 153. Crime of appropriating people under 16 years old**

1. Those who use force, threaten to use force or other tricks to seize or assign others to occupy persons under 16 years of age, shall be sentenced to between 03 and 07 years of imprisonment.

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

- a) Organized;
- b) Abusing positions, powers and professions;
- c) Against the person they are responsible for taking care of and nurturing;
- d) Against from 02 to 05 people;
- dd) Committing the crime twice or more;
- e) Causing mental and behavioral disorders of the victim from 11% to 45%;

g) Inflicting injury or causing harm to the victim's health with an injury rate of 31% or higher.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

a) Be of a professional nature;

b) Against 06 or more people;

c) Causing mental and behavioral disorders of the victim 46% or more;

d) Causing the death of the victim;

d) Dangerous recidivism.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000; banned from holding certain posts, practicing certain professions or doing certain jobs from 01 to 05 years.

#### **Article 154. Crime of trading in, appropriating human tissues or organs**

1. Those who trade in or appropriate other people's tissues or organs shall be sentenced to between 03 and 07 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Organized;

b) For commercial purposes;

c) Abusing positions, powers and professions;

d) Against from 02 to 05 people;

dd) Committing the crime twice or more;

e) Inflicting injury or causing harm to the health of others with an injury rate of between 31% and 60%.

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

a) Be of a professional nature;

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

c) Against 06 or more people;

d) Causing death;

d) Dangerous recidivism.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

#### **Article 155. Crime of humiliating others**

1. Those who seriously offend the dignity and honor of others shall be subject to warning, a fine of between VND 10,000,000 and 30,000,000 or non-custodial reform for up to 3 years.

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

a) Committing the crime twice or more;

b) Against 02 or more people;

c) Abusing positions and powers;

d) Against persons on official duty;

dd) Against the person who teaches, nurtures, takes care of and cures his/her illness;

e) Using computer networks or telecommunications networks or electronic means to commit crimes;

g) Causing mental and behavioral disorders of the victim from 11% to 45%.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 05 years of imprisonment:

a) Causing mental and behavioral disorders of the victim 46% or more;

b) Causing the victim to commit suicide.

4. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

#### **Article 156. Crime of slander**

1. Those who commit one of the following acts shall be subject to a fine of between VND 10,000,000 and 50,000,000, a non-custodial reform for up to two years or a prison term of between three months and one year:

a) Fabricating or spreading things that are known to be untrue in order to seriously offend the dignity and honor or cause damage to the lawful rights and interests of others;

b) Making up other people to commit crimes and denouncing them to competent authorities.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 03 years of imprisonment:

- a) Organized;
- b) Abusing positions and powers;
- c) Against 02 or more people;
- d) Against the grandfather, grandmother, father, mother, the person who teaches, nurtures, cares for, educates and cures for them;
- dd) For persons on official duty;
- e) Using computer networks or telecommunications networks or electronic means to commit crimes;
- g) Causing mental and behavioral disorders of the victim from 11% to 45%;
- h) Slander other people to commit very serious or particularly serious crimes.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) For despicable motives;
- b) Causing mental and behavioral disorders of the victim 46% or more;
- c) Causing the victim to commit suicide.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

## **Chapter XV**

### **CRIMINES INCREASING HUMAN RIGHTS, FREEDOM, DEMOCRACY OF CITIZENS**

#### **Article 157. Crime of unlawful arrest, detention or detention**

1. Those who illegally arrest, detain or detain people, if they do not fall into the cases specified in Article 377 of this Code, shall be subject to non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Organized;
- b) Abusing positions and powers;

- c) For official duty performers;
  - d) Committing the crime twice or more;
  - dd) Against 02 or more people;
  - e) Against people under 18 years old, women who know they are pregnant, old and weak people or people who are unable to defend themselves;
  - g) Causing the family of the detainee or detainee to fall into a difficult and dire situation;
  - h) Causing mental and behavioral disturbances of persons illegally arrested, detained or detained between 11% and 45%.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 and 12 years of imprisonment:
- a) Causing the death or suicide of a person who is unlawfully arrested, detained or detained;
  - b) Torture, cruel, inhuman or degrading treatment or punishment;
  - c) Causing mental and behavioral disturbances of persons illegally arrested, detained or detained 46% or more.
4. Offenders may also be banned from holding certain posts for 1 to 5 years.

**Article 158. Crime of trespassing on other people's residences**

1. Those who commit one of the following acts to infringe upon other people's residences shall be subject to non-custodial reform for up to 02 years or a prison term of between 03 months and 02 years:
- a) Illegally searching the residence of another person;
  - b) Using force, threatening to use force, exerting mental pressure or other illegal tricks to force other people to leave their lawful residences;
  - c) Using all illegal tricks to illegally occupy, keep or obstruct, prevent people who are residing or lawfully managing the accommodation from entering their accommodation;
  - d) Arbitrarily entering the residence of another person without the consent of the landlord or legal manager.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 05 years of imprisonment:
- a) Organized;
  - b) Abusing positions and powers;
  - c) Committing the crime twice or more;

d) Making the person whose accommodation is infringed commit suicide;

d) Causing adverse effects on social security, order and safety.

3. Offenders may also be banned from holding certain posts for 1 to 5 years.

**Article 159. Crime of infringing upon the secret or safety of another's correspondence, telephone, telegram or other form of private information exchange**

1. Those who commit one of the following acts and have already been disciplined or administratively sanctioned for such acts but continue to commit them, shall be subject to a warning or a fine of between VND 20,000,000 and VND 20,000,000 VND 50,000,000 or non-custodial reform for up to 03 years:

a) Appropriating another person's correspondence, telegraph, telex, fax or other documents transmitted by post or telecommunications networks in any form;

b) Deliberately damaging, losing or intentionally taking information and contents of other people's letters, telegraphs, telex, faxes or other documents transmitted by post or telecommunications networks;

c) Listening to or recording illegal conversations;

d) Searching and seizing illegal letters and telegrams;

dd) Other acts of infringing upon the confidentiality or safety of another person's correspondence, telephone, telegram, telex, fax or other form of private information exchange.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 03 years of imprisonment:

a) Organized;

b) Abusing positions and powers;

c) Committing the crime twice or more;

d) Disclosing information that has been appropriated, affecting the honor, reputation and dignity of others;

d) Causing the victim to commit suicide.

3. Offenders may also be subject to a fine of between VND 5,000,000 and 20,000,000, a ban from holding certain posts for 1 to 5 years.

**Article 160. Crime of infringing upon citizens' rights to vote, stand for election or vote when the State holds a referendum**

1. Those who deceive, bribe, coerce or use other tricks to obstruct citizens from exercising their right to vote, to stand for election or to vote when the State holds a referendum, shall be subject to warning, fines and fines. create a non-custodial sentence of up to 1 year or a prison term of between 3 months and 1 year.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 02 years of imprisonment:

- a) Organized;
- b) Abusing positions and powers;
- c) Leads to postponement of election date, re-election or postponement of referendum.

3. Offenders may also be banned from holding certain posts for 1 to 5 years.

#### **Article 161. Crime of falsifying election results and referendum results**

1. Those who are responsible for organizing and supervising the election or holding the referendum but forged papers, rigged votes or used other tricks to falsify the election results or the referendum results. referendum, the offenders shall be sentenced to non-custodial reform for up to two years or to a prison term of between three months and three months 02 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 03 years of imprisonment:

- a) Organized;
- b) Leads to reorganization of the election or referendum.

3. Offenders may also be banned from holding certain posts for 1 to 5 years.

#### **Article 162. Crime of forcing civil servants to quit or illegally dismiss employees**

1. Those who, for personal gain or other personal motives, commit one of the following acts, causing the person to be laid off, the person being dismissed or their family to fall into a difficult situation or lead to a strike, shall be subject to a fine of between VND 10,000,000 and 100,000,000, a non-custodial reform for up to 1 year or a prison term of between 3 months and 1 year:

- a) Illegally issuing decisions on forced severance of civil servants and public employees;
- b) Illegal dismissal of employees;
- c) Forcing or threatening to force workers, civil servants and public employees to quit their jobs.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 100,000,000 and 200,000,000 or a prison term of between 01 and 03 years:

- a) Against 02 or more people;
  - b) Against women who know they are pregnant;
  - c) For people who are raising children under 12 months old;
  - d) Causing the person to be forced to quit or commit suicide.
3. Offenders may also be banned from holding certain posts for 1 to 5 years.

**Article 163. Crime of infringing upon citizens' right to assembly and association**

1. Those who use force, threaten to use force or use other tricks to prevent or force other people to establish lawful associations or meetings, have been disciplined or administratively sanctioned for one of the following violations: If this act is still committed, the offenders shall be subject to non-custodial reform for up to one year or a prison term of between three months and one year.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 03 years of imprisonment:

- a) Organized;
- b) Abusing positions and powers;
- c) Committing the crime twice or more;
- d) Leads to demonstrations;
- d) Causing adverse effects on social security, order and safety.

3. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs from 01 to 05 years.

**Article 164. Crime of infringing upon the freedom of belief or religion of others**

1. Those who use force, threaten to use force or use other tricks to prevent or force other people to exercise their right to freedom of belief or religion, to follow or not to follow a religion, has been disciplined law or administratively sanction one of these acts but continue to commit them, shall be subject to non-custodial reform for up to one year or a prison term of between three months and one year.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 03 years of imprisonment:

- a) Organized;
- b) Abusing positions and powers;
- c) Committing the crime twice or more;

d) Leads to demonstrations;

d) Causing adverse effects on social security, order and safety.

3. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs from 01 to 05 years.

**Article 165. Crime of infringing on gender equality rights**

1. Any person who, for gender reasons, commits acts in any form to prevent others from participating in activities in the fields of politics, economy, labor, education and training, science and public affairs, technology, culture, information, physical training, sports, health care, who have been disciplined or administratively sanctioned for such acts but continue to violate them, shall be subject to a warning or a fine of from 5,000,000 VND to 50,000,000 VND or non-custodial reform for up to 02 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 50,000,000 and 100,000,000 or a prison term of between 3 months and 2 years:

a) Abusing positions and powers;

b) Committing the crime twice or more;

c) For 02 or more people.

3. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs from 01 to 05 years.

**Article 166. Crime of infringing upon the right to complain and denounce**

1. Those who commit one of the following acts shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years:

a) Using force, threatening to use force or other acts to obstruct the complaint or denunciation, the consideration and settlement of the complaint or denunciation or the handling of the complained or denounced person;

b) Abuse of positions and powers to obstruct the implementation of decisions of agencies competent to consider and settle complaints and denunciations, causing damage to complainants or denunciators.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Organized;

b) Take revenge on complainants or denunciators;

c) Abusing positions and powers to commit acts specified at Point a, Clause 1 of this Article;

d) Leads to demonstrations;

d) Acting as a suicide complainant or denouncer.

3. Offenders may also be banned from holding certain posts for 1 to 5 years.

**Article 167. Crime of infringing upon citizens' right to freedom of speech, freedom of the press, access to information and the right to protest**

1. Those who use force, threaten to use force or other tricks to obstruct citizens from exercising their rights to freedom of speech, freedom of the press, access to information, and citizens' rights to protest have been handled, disciplined or administratively sanctioned for one of these acts but continue to commit them, shall be subject to non-custodial reform for up to two years or a prison term of between three months and two years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 05 years of imprisonment:

a) Organized;

b) Abusing positions and powers;

c) Causing adverse effects on social security, order and safety.

3. Offenders may also be banned from holding certain posts for 1 to 5 years.

**Chapter XVI**

**Crimes of PROPERTY INFRINGEMENT**

**Article 168. Crime of property robbery**

1. Those who use force, threaten to use force immediately or commit other acts to make the attacked person fall into an irresistible state in order to appropriate property, shall be sentenced to between three years of imprisonment and a term of imprisonment of between three years and three years. 10 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Organized;

b) Being of a professional nature;

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

d) Using weapons, means or other dangerous tricks;

dd) Appropriating property valued between VND 50,000,000 and under VND 200,000,000;

e) Committing the crime against a person under 16 years old, a woman who is known to be pregnant, an elderly person or a person incapable of self-defense;

g) Causing adverse effects on social security, order and safety;

h) Dangerous recidivism.

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

a) Appropriating property valued between VND 200,000,000 and under VND 500,000,000;

b) Inflicting injury or causing harm to the health of others with an injury rate of between 31% and 60%;

c) Taking advantage of natural disasters and epidemics.

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

a) Appropriating property valued at VND 500,000,000 or more;

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

c) Causing death;

d) Taking advantage of the situation of war or state of emergency.

5. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.

6. Offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000, probation, ban from residence for 1 to 5 years, or confiscation of part or all of their property.

#### **Article 169. Crime of kidnapping to appropriate property**

1. Those who kidnap other people as hostages in order to appropriate property shall be sentenced to between 02 and 07 years of imprisonment.

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

a) Organized;

b) Being of a professional nature;

c) Using weapons, means or other dangerous tricks;

- d) Against a person under 16 years old;
  - dd) Against 02 or more people;
  - e) Appropriating property valued between VND 50,000,000 and under VND 200,000,000;
  - g) Inflicting injury or causing harm to the health of the person being held hostage with an injury rate of between 11% and 30%;
  - h) Causing mental and behavioral disorders of the victim from 11% to 45%;
  - i) Causing adverse effects on social security, order and safety;
  - k) Dangerous recidivism.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 18 years of imprisonment:
- a) Appropriating property valued between VND 200,000,000 and under VND 500,000,000;
  - b) Inflicting injury or causing harm to the health of the person being held hostage with an injury rate of between 31% and 60%;
  - c) Causing mental and behavioral disorders of the victim 46% or more.
4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 and 20 years of imprisonment or life imprisonment:
- a) Appropriating property valued at VND 500,000,000 or more;
  - b) Inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher or causing injury or causing harm to the health of 2 or more people with an injury rate of 61% or more. each person 31% or more;
  - c) Causing mental and behavioral disorders of 02 or more people with the rate of 46% or more for each person;
  - d) Causing death.
5. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.
6. Offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000, probation, ban from residence for 1 to 5 years, or confiscation of part or all of their property.

#### **Article 170. Crime of property appropriation**

1. Those who threaten to use force or use other tricks to intimidate others mentally in order to appropriate property shall be sentenced to between 01 and 05 years of imprisonment.

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

- a) Organized;
- b) Being of a professional nature;
- c) Committing the crime against a person under 16 years old, a woman who is known to be pregnant, an elderly person or a person incapable of self-defense;
- d) Appropriating property valued between VND 50,000,000 and under VND 200,000,000;
- d) Causing adverse effects on social security, order and safety;
- e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Appropriating property valued between VND 200,000,000 and under VND 500,000,000;
- b) Taking advantage of natural disasters and epidemics.

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

- a) Appropriating property valued at VND 500,000,000 or more;
- b) Taking advantage of the situation of war or state of emergency.

5. Offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000 or have part or all of their property confiscated.

#### **Article 171. Crime of robbery**

1. Those who rob other people's property shall be sentenced to between 01 and 05 years of imprisonment.

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

- a) Organized;
- b) Being of a professional nature;
- c) Appropriating property valued between VND 50,000,000 and under VND 200,000,000;
- d) Using dangerous tricks;
- d) Assault to escape;

e) Inflicting injury or causing harm to the health of others with an injury rate of between 11% and 30%;

g) Committing the crime against a person under 16 years old, a woman known to be pregnant, an elderly person or a person incapable of self-defense;

h) Causing adverse effects on social security, order and safety;

i) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Appropriating property valued between VND 200,000,000 and under VND 500,000,000;

b) Inflicting injury or causing harm to the health of others with an injury rate of between 31% and 60%;

c) Taking advantage of natural disasters and epidemics.

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

a) Appropriating property valued at VND 500,000,000 or more;

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

c) Causing death;

d) Taking advantage of the situation of war or state of emergency.

5. The offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000.

#### **Article 172. Crime of openly appropriating property**

1. Those who openly appropriate other people's property valued between VND 2,000,000 and under VND 50,000,000 or under VND 2,000,000 but fall into one of the following circumstances shall be subject to non-custodial reform. up to 03 years or imprisonment from 06 months to 03 years:

a) They have been administratively sanctioned for the act of appropriating property but continue to commit them;

b) Having been convicted of this crime or of one of the crimes specified in Articles 168, 169, 170, 171, 173, 174, 175 and 290 of this Code, not yet entitled to criminal record remission but continue to commit it;

c) Causing adverse effects on social security, order and safety;

d) Property is the main means of livelihood of the victim and their family; property means memorabilia, relics or worshipping objects of special spiritual value to the victim.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Appropriating property valued between VND 50,000,000 and under VND 200,000,000;

b) Assault to escape;

c) Dangerous recidivism;

d) Appropriating property being relief goods;

dd) Outright appropriation of property valued between VND 2,000,000 and under VND 50,000,000 but falls into one of the cases specified in one of the points a, b, c and d, Clause 1 of this Article.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Appropriating property valued between VND 200,000,000 and under VND 500,000,000;

b) Outright appropriation of property valued between VND 50,000,000 and under VND 200,000,000 but falls into one of the cases specified at Points a, b, c and d, Clause 1 of this Article;

c) Taking advantage of natural disasters and epidemics.

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

a) Appropriating property valued at VND 500,000,000 or more;

b) Outright appropriation of property valued between VND 200,000,000 and under VND 500,000,000 but falls into one of the cases specified at Points a, b, c and d, Clause 1 of this Article.

c) Taking advantage of the situation of war or state of emergency.

5. The offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000.

#### **Article 173. Crime of property theft**

1. Those who steal other people's property valued at between VND 2,000,000 and under VND 50,000,000 or under VND 2,000,000 but fall into one of the following circumstances, shall be subject to non-custodial reform for up to 03 years. years or imprisonment from 06 months to 03 years:

a) They have been administratively sanctioned for the act of appropriating property but continue to commit them;

b) Having been convicted of this crime or of one of the crimes specified in Articles 168, 169, 170, 171, 172, 174, 175 and 290 of this Code, not yet entitled to criminal record remission but continue to commit them;

c) Causing adverse effects on social security, order and safety;

d) Property is the main means of livelihood of the victim and their family; property means memorabilia, relics or worshiping objects of special spiritual value to the victim.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Organized;

b) Being of a professional nature;

c) Appropriating property valued between VND 50,000,000 and under VND 200,000,000;

d) Using cunning and dangerous tricks;

d) Assault to escape;

e) Stealing property valued between VND 2,000,000 and under VND 50,000,000 but falling into one of the cases specified at Points a, b, c and d, Clause 1 of this Article;

g) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Appropriating property valued between VND 200,000,000 and under VND 500,000,000;

b) Theft of property valued between VND 50,000,000 and under VND 200,000,000 but falls into one of the cases specified at Points a, b, c and d, Clause 1 of this Article;

c) Taking advantage of natural disasters and epidemics.

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

a) Appropriating property valued at VND 500,000,000 or more;

b) Stealing property valued between VND 200,000,000 and under VND 500,000,000 but falling into one of the cases specified at Points a, b, c and d, Clause 1 of this Article;

c) Taking advantage of the situation of war or state of emergency.

5. The offenders may also be subject to a fine of between VND 5,000,000 and 50,000,000.

**Article 174. Crime of fraud and appropriation of property**

1. Those who, by deceitful tricks, appropriate other people's property valued from VND 2,000,000 to under VND 50,000,000 or under VND 2,000,000 but fall into one of the following circumstances, shall be subject to a rehabilitation fine. non-custodial up to 03 years or imprisonment from 06 months to 03 years:

- a) They have been administratively sanctioned for the act of appropriating property but continue to commit them;
- b) Having been convicted of this crime or of one of the crimes specified in Articles 168, 169, 170, 171, 172, 173, 175 and 290 of this Code, not yet entitled to criminal record remission but continue to commit them;
- c) Causing adverse effects on social security, order and safety;
- d) Property is the main means of livelihood of the victim and their family; property means memorabilia, relics or worshiping objects of special spiritual value to the victim.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Organized;
- b) Being of a professional nature;
- c) Appropriating property valued between VND 50,000,000 and under VND 200,000,000;
- d) Dangerous recidivism;
- dd) Abusing positions and powers or taking advantage of the name of agencies or organizations;
- e) Using cunning tricks;
- g) Appropriating property valued between VND 2,000,000 and under VND 50,000,000 but falls into one of the cases specified at Points a, b, c and d, Clause 1 of this Article.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Appropriating property valued between VND 200,000,000 and under VND 500,000,000;
- b) Appropriating property valued between VND 50,000,000 and under VND 200,000,000 but falls into one of the cases specified at Points a, b, c and d, Clause 1 of this Article;
- c) Taking advantage of natural disasters and epidemics.

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

- a) Appropriating property valued at VND 500,000,000 or more;

b) Appropriating property valued between VND 200,000,000 and under VND 500,000,000 but falls into one of the cases specified at Points a, b, c and d, Clause 1 of this Article;

c) Taking advantage of the situation of war or state of emergency.

5. The offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, or having part or all of part confiscated. property set.

#### **Article 175. Crime of abusing trust to appropriate property**

1. Those who commit one of the following acts to appropriate other people's property valued from VND 4,000,000 to under VND 50,000,000 or under VND 4,000,000 but have been administratively sanctioned for an administrative violation. misappropriation or has been convicted for this crime or for one of the crimes specified in Articles 168, 169, 170, 171, 172, 173, 174 and 290 of this Code, not yet entitled to criminal record remission. or property is the victim's main means of livelihood or property has special spiritual value to the victim, the offenders shall be sentenced to non-custodial reform for up to three years or a prison term of between six months and two years. 03 years:

a) Borrowing, borrowing or renting property of another person or receiving another person's property in the form of a contract and then using fraudulent tricks to appropriate that property or on time to return the property, even though there are conditions; , the ability but deliberately do not pay;

b) Borrowing, borrowing, renting property of another person or receiving another person's property in the form of a contract and using such property for illegal purposes leading to the inability to return the property.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Organized;

b) Being of a professional nature;

c) Appropriating property valued between VND 50,000,000 and under VND 200,000,000; d) Abusing positions, powers or taking advantage of the name of agencies or organizations; d) Using cunning tricks;

e) Dangerous recidivism.

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

a) Appropriating property valued between VND 200,000,000 and under VND 500,000,000;

b) Causing adverse effects on social security, order and safety.

4. Committing the crime of appropriating property valued at 500,000,000 VND or more, the offenders shall be sentenced to between 12 and 20 years of imprisonment year.

5. The offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, or having part or part of it confiscated. entire property.

**Article 176. Crime of illegally appropriating property**

1. Those who deliberately fail to return to the owner or lawful manager or fail to hand over to the responsible agency any property valued at between VND 10,000,000 and under VND 200,000,000, relics and antiquities or objects of historical or cultural value that are mistakenly delivered or found or captured by themselves, after the owner, lawful manager or responsible agency requests to receive such property back in accordance with regulations. by law, shall be subject to a fine of between VND 10,000,000 and 50,000,000, non-custodial reform for up to 2 years or a prison term of between 3 months and 2 years.

2. Committing the crime of appropriating property valued at VND 200,000,000 or more or national treasures, the offenders shall be sentenced to between 01 and 05 years of imprisonment.

**Article 177. Crime of illegally using property**

1. Any person who illegally uses another person's property valued from VND 100,000,000 to under VND 500,000,000 for personal gain, has been disciplined, administratively sanctioned for this act or has committed an administrative violation. convicted of this crime, not yet entitled to criminal record remission but continue to commit the offence, or the property is a relic, antiquity or object of historical or cultural value, if it is not in the cases specified in Article 220 of this Code, shall be subject to a fine of between VND 10,000,000 and 50,000,000, non-custodial reform for up to 2 years or a prison term of between 3 months and 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 50,000,000 and 100,000,000 or a prison term of between 01 and 05 years:

a) Assets valued between VND 500,000,000 and under VND 1,500,000,000;

b) The property is a national treasure;

c) Committing the crime twice or more;

d) Abusing positions and powers;

d) Dangerous recidivism.

3. Committing the crime of illegally using property valued at VND 1,500,000,000 or more, the offenders shall be sentenced to between 03 and 07 years of imprisonment.

4. The offenders may also be subject to a fine of between VND 5,000,000 and 20,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

**Article 178. Crime of destroying or intentionally damaging property**

1. Those who destroy or intentionally damage other people's property valued between VND 2,000,000 and under VND 50,000,000, property being relics, antiques or objects of historical, cultural or property value. property valued at less than VND 2,000,000 but falling into one of the following circumstances, shall be subject to a fine of between VND 10,000,000 and 50,000,000, a non-custodial reform for up to 3 years or a prison term of between 6 months and 6 months. 03 years:

- a) They have been administratively sanctioned for the act of appropriating property but continue to commit them;
- b) Has been convicted of this crime, has not yet had his/her criminal record cleared but still commits it;
- c) Causing adverse effects on social security, order and safety;
- d) Property is the main means of livelihood of the victim and their family; property means memorabilia, relics or worshiping objects of special spiritual value to the victim.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Organized;
- b) Causing damage to property valued between VND 50,000,000 and under VND 200,000,000;
- c) Causing damage to property being a national treasure;
- d) Using dangerous substances in fire, explosion or other dangerous tricks;
- d) To conceal other crimes;
- e) Due to the victim's official duty;
- g) Causing damage to property valued at between VND 2,000,000 and under VND 50,000,000 but falling into one of the cases specified at Points a, b, c and d, Clause 1 of this Article;
- h) Dangerous recidivism.

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

- a) Causing damage to property valued between VND 200,000,000 and under VND 500,000,000;
- b) Causing damage to property valued between VND 50,000,000 and under VND 200,000,000 but falls into one of the cases specified at Points a, b, c and d, Clause 1 of this Article.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 20 years of imprisonment:

- a) Causing damage to property valued at VND 500,000,000 or more;

b) Causing damage to property valued at between VND 200,000,000 and under VND 500,000,000 but falling into one of the cases specified at Points a, b, c and d, Clause 1 of this Article.

5. The offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

#### **Article 179. Crime of irresponsibility causing damage to property of the State, agencies, organizations and enterprises**

1. Those who have direct duties in the management of property of the State, agencies, organizations or enterprises, because of lack of responsibility, let loss, damage or waste cause damage to their property. The State, agencies, organizations and enterprises from VND 100,000,000 to under VND 500,000,000 shall be subject to warning or non-custodial reform for up to 3 years.

2. Committing the crime of causing damage to property of the State, agencies, organizations or enterprises valued between VND 500,000,000 and under VND 2,000,000,000, the offenders shall be sentenced to between 01 and 05 years of imprisonment.

3. Committing the crime of causing damage to property of the State, agencies, organizations or enterprises valued at VND 2,000,000,000 or more, the offenders shall be sentenced to between 5 and 10 years of imprisonment.

4. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

#### **Article 180. Crime of unintentionally causing serious damage to property**

1. Those who unintentionally cause damage to other people's property valued between VND 100,000,000 and under VND 500,000,000 shall be subject to a warning or a non-custodial reform for up to 2 years.

2. Committing the crime of causing damage to other people's property valued at VND 500,000,000 or more, the offenders shall be sentenced to between 3 months and 2 years of imprisonment.

### **Chapter XVII**

#### **Crimes of Infringing on the MARRIAGE AND FAMILY REGULATION**

#### **Article 181. Crime of forcing marriage, divorce or obstructing voluntary and progressive marriage, obstructing voluntary divorce**

A person who forces another person to marry against his/her own free will, obstructs another person from marrying or maintains a voluntary, progressive or forced marriage relationship, or prevents another person from getting a divorce by torturing, contrary to Treating, intimidating mentally, claiming property or by other tricks, having already been administratively sanctioned for such act but continue to commit it, shall be subject to warning, non-custodial reform for up to 3 years or imprisonment from 3 months to 3 years.

#### **Article 182. Crime of violating monogamy**

1. Any person who is married or has a husband but marries or lives together as husband and wife with another person or a person who is unmarried or unmarried but marries or lives as husband and wife with someone he or she knows is married, having a wife in one of the following circumstances, the offenders shall be subject to warning, non-custodial reform for up to 1 year or a prison term of between 3 months and 1 year:

- a) Causing the marriage relationship of one or both parties to lead to divorce;
- b) Having been administratively sanctioned for this act but continue to commit it.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 06 months and 03 years of imprisonment:

- a) Causing the wife, husband or child of either party to commit suicide;
- b) There has been a court decision to cancel the marriage or forcibly terminate the cohabitation as husband and wife contrary to the monogamy and monogamy and still maintain such relationship.

#### **Article 183. Crime of organizing child marriage**

Those who organize the marriage or marriage for people who are not yet of age for marriage, have been administratively sanctioned for this act but continue to commit it, shall be subject to a fine of between VND 10,000,000 and 30,000,000. or non-custodial reform for up to 2 years.

#### **Article 184. Crime of incest**

Those who have sexual intercourse with a person who knows that such person is directly related by blood, is a sibling of the same parents, a brother or a sister of the same mother, or of the same mother, shall be sentenced to between 01 and 05 years of imprisonment. year.

#### **Article 185. Crime of mistreating or persecuting grandparents, parents, spouses, children, grandchildren or people with meritorious care**

1. Those who treat badly or commit acts of violence infringing upon the body of grandparents, parents, spouses, children, grandchildren or persons with meritorious services to raise them in one of the following circumstances shall be subject to a police fine. report, be sentenced to non-custodial reform for up to 03 years or a prison term of between 06 months and 03 years:

- a) Regularly inflicting physical and mental pain on the victim;
- b) Having been administratively sanctioned for this act but continue to commit it.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 05 years of imprisonment:

- a) Against people under 16 years old, women who know they are pregnant, elderly and weak people;
- b) For people with severe disabilities, especially severe disabilities or people with serious diseases.

#### **Article 186. Crime of refusal or evasion of support obligations**

A person who has a support obligation and has the practical ability to provide support to a person for whom he or she has a support obligation under a court decision, but refuses or shirks the support obligation, makes the beneficiary If they are in a state of danger to life or health, or they have been administratively sanctioned for this act but continue to commit it, they shall be subject to a warning, non-custodial reform for up to 2 years or a prison term of not less than 2 years. 3 months to 2 years.

#### **Article 187. Crime of organizing surrogacy for commercial purposes**

1. Those who organize surrogacy for commercial purposes shall be subject to a fine of between VND 50,000,000 and 200,000,000, a non-custodial reform for up to 2 years or a prison term of between 3 months and 2 year.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 05 years of imprisonment:

- a) Against 02 or more people;
- b) Committing the crime twice or more;
- c) Taking advantage of the name of an agency or organization;
- d) Dangerous recidivism.

3. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

### **Chapter XVIII**

#### **Crimes of Infringing upon ECONOMIC MANAGEMENT ORDER**

##### **Section 1. Crimes IN THE SECTOR OF PRODUCTION, BUSINESS, TRADE**

#### **Article 188. Crime of smuggling**

1. Those who trade across borders or from non-tariff zones into the inland or vice versa contrary to law provisions in one of the following cases shall be subject to a fine of between VND 50,000,000 and 300,000,000 or imprisonment from 06 months to 03 years:

a) Goods, Vietnamese currency, foreign currency, precious metals, and gems valued at between VND 100,000,000 and under VND 300,000,000 or under VND 100,000,000 but have been administratively sanctioned for acts of regulation. defined in this Article or in one of Articles 189, 190, 191, 192, 193, 194, 195, 196 and 200 of this Code or has been convicted of one of these crimes, has not yet had his criminal record cleared, but also violations, if they do not fall into the cases specified in Articles 248, 249, 250, 251, 252, 253, 254, 304, 305, 306, 309 and 311 of this Code;

b) Relics, antiques or objects of historical and cultural value.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 300,000,000 and VND 1,500,000,000 or a prison term of between 3 and 7 years:

- a) Organized;
- b) Being of a professional nature;
- c) The illegal items are valued between VND 300,000,000 and under VND 500,000,000;
- d) Gaining illicit profits from VND 100,000,000 to under VND 500,000,000;
- dd) The illegal object is a national treasure;
- e) Abusing positions and powers;
- g) Taking advantage of the name of an agency or organization;
- h) Committing the crime twice or more;
- i) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 1,500,000,000 and 5,000,000,000 or a prison term of between 7 and 15 years:

- a) The illegal items are worth from 500,000,000 VND to under 1,000,000,000 VND;
- b) Gaining illicit profits from VND 500,000,000 to under VND 1,000,000,000.

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

- a) Illegal objects worth 1,000,000,000 VND or more;
- b) Gaining illegal profits of 1,000,000,000 VND or more;
- c) Taking advantage of wars, natural disasters, epidemics or other extremely difficult circumstances.

5. The offenders may also be subject to a fine of from VND 20,000,000 to VND 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, or having part or all of part confiscated. property set.

6. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

- a) A commercial legal entity that commits the acts specified in Clause 1 of this Article with goods, Vietnamese currency, foreign currency, precious metals and gems valued at between VND 200,000,000 and under VND 300,000,000, or a relic antiques or objects of historical or cultural value that have been administratively sanctioned for the acts specified in this Article or in one of Articles 189, 190, 191, 192, 193, 194, 195, 196

and 200 of this Code or who have been convicted of one of these crimes, have not yet had their criminal records remitted but continue to commit them, except for the case specified at Point dd of this Clause, they shall be subject to a fine of between VND 300,000,000 and 1,000,000,000 VND;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 3,000,000,000 and 7,000,000,000;

d) Committing the crime in the cases specified in Clause 4 of this Article, the offenders shall be subject to a fine of between VND 7,000,000,000 and VND 15,000,000,000 or have their operation suspended for a term of from 6 months to 3 years;

dd) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;

e) Commercial legal entities may also be subject to a fine of from VND 50,000,000 to VND 300,000,000, ban from doing business or operating in certain fields or from raising capital from 01 to 03 years.  
year.

#### **Article 189. Crime of illegally transporting goods and currency across borders**

1. Those who transport goods across the border or from a non-tariff zone to the inland or vice versa contrary to the provisions of law in one of the following cases shall be subject to a fine of between VND 20,000,000 and 200,000,000, shall be sentenced to non-custodial reform for up to 2 years or a prison term of between 3 months and 2 years:

a) Goods, Vietnamese currency, foreign currency, precious metals, and gems valued at between VND 100,000,000 and under VND 300,000,000 or under VND 100,000,000 but have been administratively sanctioned for acts of regulation. defined in this Article or in one of Articles 188, 190, 191, 192, 193, 194, 195, 196 and 200 of this Code or has been convicted of one of these crimes, has not yet had his criminal record cleared, but also violations, if they do not fall into the cases specified in Articles 248, 249, 250, 251, 252, 253, 254, 304, 305, 306, 309 and 311 of this Code;

b) Relics, antiques or objects of historical and cultural value.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 200,000,000 and 1,000,000,000 or a prison term of between 2 and 5 years:

a) Organized;

b) The illegal object is valued at between VND 300,000,000 and under VND 500,000,000;

c) The illegal objects are national treasures;

d) Abusing positions and powers;

dd) Taking advantage of the name of an agency or organization;

e) Committing the crime twice or more;

g) Dangerous recidivism.

3. Committing the crime in cases where illegal goods are valued at VND 500,000,000 or more, the offenders shall be subject to a fine of between VND 1,000,000,000 and 3,000,000,000 or a prison term of between 05 years and 10 years.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

5. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

a) A commercial legal entity that commits the acts specified in Clause 1 of this Article with goods, Vietnamese currency, foreign currency, precious metals and gems valued at between VND 200,000,000 and under VND 300,000,000, or a relic antiques or objects of historical or cultural value but have been administratively sanctioned for the acts specified in this Article or in one of Articles 188, 190, 191, 192, 193, 194, 195, 196 and 200 of this Code or who have been convicted of one of these crimes, have not yet been expunged, but continue to commit them, except for the case specified at Point d of this Clause, shall be subject to a fine of between VND 200,000,000 and VND 500,000,000 VND;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 500,000,000 and 2,000,000,000;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of from VND 2,000,000,000 to VND 5,000,000,000 or have their operation suspended for a term of between 06 months and 03 years;

d) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;

dd) The commercial legal entity may also be subject to a fine of from VND 50,000,000 to VND 200,000,000, ban from doing business or operating in certain fields or from raising capital from 01 to 03 years.  
year.

#### **Article 190. Crime of producing and trading banned goods**

1. A person who produces or trades in goods that the State has banned from trading, from circulation, from using, has not yet been permitted to circulate or use in Vietnam, falls under one of the following circumstances, if not falling into the cases specified in Articles 248, 251, 253, 254, 304, 305, 306, 309 and 311 of this Code, the offenders shall be subject to a fine of between VND 100,000,000 and 1,000,000,000 or a prison term of from 01 five to five years:

a) Illegal goods are chemicals, antibiotics, veterinary drugs, and plant protection drugs banned from use in cultivation, animal husbandry, aquaculture, salt making, preliminary processing, processing and preservation of agriculture and forestry. , seafood and salt;

b) Other illegal goods valued at between VND 100,000,000 and under VND 300,000,000;

c) Gaining illicit profits from VND 50,000,000 to under VND 200,000,000;

d) Other illegal goods valued at under VND 100,000,000 or illegally obtained under VND 50,000,000 but have been administratively sanctioned for the acts specified in this Article or in one of Articles 188, 189, 191, 192, 193, 194, 195, 196 and 200 of this Code or has been convicted of one of these crimes, has not yet had his criminal record cleared but still commits it;

dd) Trading in prohibited goods across the border or from a non-tariff zone into the inland and vice versa with a value of between VND 50,000,000 and under 100,000,000, earning an illegal profit from VND 20,000,000 to under VND 50,000,000 .

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 1,000,000,000 and 3,000,000,000 or a prison term of between 5 and 10 years:

a) Organized;

b) Abusing positions and powers;

c) Taking advantage of the name of an agency or organization;

d) Being of a professional nature;

dd) Illegal goods valued at between VND 300,000,000 and under VND 500,000,000;

e) Gaining illicit profits from VND 200,000,000 to under VND 500,000,000;

g) Committing the crime in one of the cases specified at Points a, b, c and d, Clause 1 of this Article, crossing the border or from the free trade zone to the inland and vice versa;

h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 8 and 15 years of imprisonment:

a) Illegal goods valued at VND 500,000,000 or more;

b) Gaining illicit profits of 500,000,000 VND or more.

4. The offenders may also be subject to a fine of from VND 20,000,000 to VND 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

5. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

a) A commercial legal entity that commits a crime in the case specified in Clause 1 of this Article shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 3,000,000,000 and 6,000,000,000;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 6,000,000,000 and VND 9,000,000,000 or have their operation suspended for a term of from 6 months to 3 years;

d) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;

dd) Commercial legal entities may also be subject to a fine of from VND 50,000,000 to VND 200,000,000, ban from doing business, from operating in certain fields or from raising capital from 01 to 03 years.

#### **Article 191. Crime of storing and transporting banned goods**

1. A person who stores or transports goods banned by the State from trading, from circulation, from using, not yet being allowed to circulate or not yet permitted to use in Vietnam, falls under one of the following circumstances, if not falling into the cases specified in Articles 249, 250, 253, 254, 304, 305, 306, 309 and 311 of this Code, the offenders shall be subject to a fine of between VND 50,000,000 and VND 300,000,000 or a prison term of from 06 month to 03 years:

a) Illegal goods are chemicals, antibiotics, veterinary drugs, and plant protection drugs banned from use in cultivation, animal husbandry, aquaculture, salt making, preliminary processing, processing and preservation of agriculture and forestry, seafood and salt;

b) Illegal goods valued at between VND 100,000,000 and under VND 300,000,000;

c) Gaining illicit profits from VND 50,000,000 to under VND 200,000,000;

d) Illegal goods valued at under VND 100,000,000 or illegally earned under VND 50,000,000 but have been administratively sanctioned for the acts specified in this Article or in one of Articles 188, 189, 190, 192, 193, 194, 195, 196 and 200 of this Code or has been convicted of one of these crimes, has not yet had his criminal record cleared but still commits it;

dd) Transporting banned goods across the border or from the non-tariff zone to the inland and vice versa with a value of between VND 50,000,000 and under 100,000,000, earning an illegal profit from VND 20,000,000 to under VND 50,000,000 .

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 300,000,000 and 1,000,000,000 or a prison term of between 2 and 5 years:

a) Organized;

b) Abusing positions and powers;

c) Taking advantage of the name of an agency or organization;

d) Being of a professional nature;

dd) Illegal goods valued at between VND 300,000,000 and under VND 500,000,000;

e) Gaining illicit profits from VND 200,000,000 to under VND 500,000,000;

g) Committing the crime in one of the cases specified at Points a, b, c and d, Clause 1 of this Article, crossing the border or from the free trade zone to the inland and vice versa;

h) Dangerous recidivism.

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

a) Illegal goods valued at VND 500,000,000 or more;

b) Gaining illicit profits of VND 500,000,000 or more;

c) Committing the crime in one of the cases specified at Points a, b, c, d, dd, e and h, Clause 2 of this Article, and crossing the border or from the free trade zone to the inland and vice versa.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

5. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

a) A commercial legal entity that commits a crime in the cases specified in Clause 1 of this Article shall be subject to a fine of between VND 300,000,000 and 1,000,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 3,000,000,000 and VND 5,000,000,000 or have their operation suspended for a term of between 06 months and 03 years;

d) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;

dd) Commercial legal entities may also be subject to a fine of from VND 50,000,000 to VND 200,000,000, ban from doing business, from operating in certain fields or from raising capital from 01 to 03 years.

#### **Article 192. Crime of producing and trading in fake goods**

1. Those who produce or trade in fake goods in one of the following circumstances shall be subject to a fine of between VND 100,000,000 and 1,000,000,000 or a prison term of between 01 and 05 years:

- a) Counterfeit goods valued at between VND 20,000,000 and under VND 100,000,000 based on the selling price, the listed price, and the price stated in the invoice;
- b) The quantity of counterfeit goods is equivalent to the quantity of the real goods or goods with the same technical features and uses, valued at between VND 30,000,000 and under VND 150,000,000 in case the selling price or listed price cannot be determined. , the price stated in the invoice;
- c) Counterfeit goods valued at less than VND 20,000,000 according to the selling price, list price, invoice price, or counterfeit goods equivalent to the quantity of the real goods or goods with the same technical features and uses. under VND 30,000,000 but have been administratively sanctioned for the acts specified in this Article or in one of Articles 188, 189, 190, 191, 193, 194, 195, 196 and 200 of this Code or has been convicted of one of these crimes, has not yet had his criminal record cleared but still commits it;
- d) Counterfeit goods valued at less than VND 20,000,000 according to the selling price, list price, invoice price, or counterfeit goods equivalent to the quantity of the real goods or goods with the same technical features and uses. under VND 30,000,000 but causing consequences in one of the following cases: causing harm to a person's health with an injury rate of between 31% and 60%; causing harm to the health of 02 or more people with a total injury rate of between 31% and 60% or causing property damage from VND 100,000,000 to under VND 500,000,000.

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

- a) Organized;
- b) Being of a professional nature;
- c) Abusing positions and powers;
- d) Taking advantage of the name of an agency or organization;
- dd) Counterfeit goods valued at between VND 100,000,000 and under VND 200,000,000 calculated according to the selling price, the listed price, and the price stated in the invoice;
- e) The quantity of counterfeit goods is equivalent to the quantity of the real goods or goods with the same technical features and uses, valued at between VND 150,000,000 and under VND 500,000,000 in case the selling price or listed price cannot be determined. , the price stated in the invoice;
- g) Gaining illicit profits from VND 100,000,000 to under VND 500,000,000;
- h) Causing death;
- i) Causing harm to the health of 1 person with an injury rate of 61% or more;
- k) Causing harm to the health of 02 or more people with a total injury rate of between 61% and 121%;

l) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000;

m) Committing the crime in one of the cases specified in Clause 1 of this Article across the border or from a free trade zone to the inland and vice versa;

n) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Counterfeit goods with a production cost of VND 100,000,000 or more;

b) Counterfeit goods have the selling price, the listed price and the price stated in the invoice of VND 200,000,000 or more;

c) The quantity of counterfeit goods is equivalent to the quantity of the real goods or goods with the same technical features and uses valued at 500,000,000 VND or more in case the production cost, selling price or listing price cannot be determined. list, price stated in the invoice;

d) Gaining illegal profits of 500,000,000 VND or more;

d) Causing death of 02 or more people;

e) Causing harm to the health of 02 or more people, with an injury rate of 61% or more for each person;

g) Causing harm to the health of 02 or more people with a total injury rate of 122% or more of these persons;

h) Causing property damage of VND 1,500,000,000 or more.

4. The offenders may also be subject to a fine of from VND 20,000,000 to VND 50,000,000, a ban from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years, or having part or all of all confiscated. property set.

5. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

a) A commercial legal entity that commits a crime in the case specified in Clause 1 of this Article shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 3,000,000,000 and 6,000,000,000;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 6,000,000,000 and VND 9,000,000,000 or have their operation suspended for a term of between 06 months and 03 years;

d) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;

dd) Commercial legal entities may also be subject to a fine of from VND 50,000,000 to VND 200,000,000, ban from doing business, from operating in certain fields or from raising capital from 01 to 03 years.

**Article 193. Crime of producing and trading in counterfeit goods being food, foodstuffs or food additives**

1. Those who produce or trade in counterfeit food, foodstuffs or food additives shall be sentenced to between 2 and 5 years of imprisonment.

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

a) Organized;

b) Being of a professional nature;

c) Dangerous recidivism;

d) Abusing positions and powers;

dd) Taking advantage of the name of an agency or organization;

e) Committing the crime across the border or from a non-tariff zone to the inland and vice versa;

g) Counterfeit goods valued at between VND 100,000,000 and under VND 200,000,000 calculated according to the selling price, the listed price, and the price stated in the invoice;

h) Counterfeit goods are equivalent to the quantity of real goods valued at between VND 150,000,000 and under VND 500,000,000 in case the selling price, list price or invoice price cannot be determined;

i) Gaining illicit profits from VND 100,000,000 to under VND 500,000,000;

k) Causing harm to the health of 1 person with an injury rate of between 31% and 60%;

l) Causing harm to the health of 02 or more people with a total injury rate of between 31% and 60%;

m) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

a) The counterfeit goods have the selling price, the listed price, or the price stated in the invoice of 200,000,000 VND or more;

b) Counterfeit goods are equivalent to the quantity of the real goods worth 500,000,000 VND or more in case the production cost, selling price, listed price or invoice price cannot be determined;

c) Gaining illicit profits from VND 500,000,000 to under VND 1,500,000,000;

d) Causing death;

dd) Causing harm to the health of 1 person with an injury rate of 61% or higher;

e) Causing harm to the health of 02 or more people with a total injury rate of between 61% and 121%;

g) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

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

a) Gaining illicit profits of VND 1,500,000,000 or more;

b) Causing death of 02 or more people;

c) Causing harm to the health of 02 or more people, with an injury rate of 61% or higher for each person;

d) Causing harm to the health of 02 or more people with a total bodily injury rate of 122% or more of these persons;

dd) Causing property damage of VND 1,500,000,000 or more.

5. The offenders may also be subject to a fine of from VND 20,000,000 to VND 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, or having part or all of part confiscated. property set.

6. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

a) A commercial legal entity that commits a crime in the case specified in Clause 1 of this Article shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 3,000,000,000 and 6,000,000,000;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 6,000,000,000 and 9,000,000,000;

d) Committing the crime in the cases specified in Clause 4 of this Article, the offenders shall be subject to a fine of between VND 9,000,000,000 and VND 18,000,000,000 or have their operation suspended for a term of from 6 months to 3 years;

dd) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;

e) The commercial legal entity may also be subject to a fine of from VND 100,000,000 to VND 300,000,000, ban from doing business or operating in certain fields or from raising capital for 1 to 3 years.

**Article 194. Crime of producing and trading in fake goods being curative and preventive drugs**

1. Those who manufacture or trade in fake goods being curative or preventive drugs shall be sentenced to between 02 and 07 years of imprisonment.

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

a) Organized;

b) Being of a professional nature;

c) Dangerous recidivism;

d) Abusing positions and powers;

dd) Taking advantage of the name of an agency or organization;

e) Committing the crime across the border or from a non-tariff zone to the inland and vice versa;

g) Counterfeit goods valued at between VND 100,000,000 and under VND 200,000,000 calculated according to the selling price, the listed price, and the price stated in the invoice;

h) Counterfeit goods are equivalent to the quantity of real goods valued at between VND 150,000,000 and under VND 500,000,000 in case the selling price, list price or invoice price cannot be determined;

i) Gaining illicit profits from VND 100,000,000 to under VND 500,000,000;

k) Inflicting injury or harm to the health of 1 person with an injury rate of between 31% and 60%;

l) Inflicting injury or causing harm to the health of 02 or more people with a total injury rate of between 31% and 60%;

m) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

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

a) The counterfeit goods have the selling price, the listed price, or the price stated in the invoice of 200,000,000 VND or more;

b) Counterfeit goods are equivalent to the quantity of the real goods worth 500,000,000 VND or more in case the production cost, selling price, listed price or invoice price cannot be determined;

c) Gaining illicit profits from VND 500,000,000 to under VND 2,000,000,000;

d) Causing death;

dd) Causing harm to the health of 1 person with an injury rate of 61% or higher;

e) Causing harm to the health of 02 or more people with a total injury rate of between 61% and 121%;

g) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

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

a) Gaining illegal profits of 2,000,000,000 VND or more;

b) Causing death of 02 or more people;

c) Inflicting injury or causing harm to the health of 02 or more people, with an injury rate of 61% or higher for each person;

d) Inflicting injury or causing harm to the health of 02 or more people with a total injury rate of 122% or more of these persons;

dd) Causing property damage of VND 1,500,000,000 or more.

5. The offenders may also be subject to a fine of from VND 20,000,000 to VND 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, or having part or all of part confiscated. property set.

6. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

a) A commercial legal entity that commits a crime in the cases specified in Clause 1 of this Article shall be subject to a fine of between VND 1,000,000,000 and VND 4,000,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 4,000,000,000 and 9,000,000,000;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 9,000,000,000 and VND 15,000,000,000;

d) Committing the crime in the cases specified in Clause 4 of this Article, the offenders shall be subject to a fine of between VND 15,000,000,000 and VND 20,000,000,000 or have their operation suspended for a term of between 01 and 03 years;

dd) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;

e) The commercial legal entity may also be subject to a fine of from VND 100,000,000 to VND 300,000,000, ban from doing business or operating in certain fields or from raising capital for 1 to 3 years.

**Article 195. Crime of producing and trading in counterfeit goods being animal feed, fertilizers, veterinary drugs, plant protection drugs, plant varieties and livestock**

1. Those who produce or trade in counterfeit goods being animal feed, fertilizers, veterinary drugs, plant protection drugs, plant varieties or domestic animals in one of the following circumstances shall be subject to a fine. a fine ranging from VND 100,000,000 to VND 1,000,000,000 or imprisonment from 01 to 05 years:

a) Counterfeit goods valued at between VND 20,000,000 and under VND 100,000,000 based on the selling price, the listed price, and the price stated in the invoice;

b) Counterfeit goods are equivalent to the quantity of the real goods or goods with the same use, valued at between VND 30,000,000 and under VND 150,000,000 in case the selling price, listing price or price stated in the goods cannot be determined. single;

c) Counterfeit goods valued at less than VND 20,000,000 calculated according to the selling price, list price, invoice price, or counterfeit goods equivalent to the quantity of real goods or goods with the same use valued at under VND 30,000,000 but has been administratively sanctioned for the act specified in this Article or in one of articles 188, 189, 190, 191, 192, 193, 194, 196 and 200 of this Code or has been convicted of one of these crimes has not yet been expunged but still commits it;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

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

a) Organized;

b) Being of a professional nature;

c) Dangerous recidivism;

d) Abusing positions and powers;

dd) Taking advantage of the name of an agency or organization;

e) Committing the crime across the border or from a non-tariff zone to the inland and vice versa;

g) Counterfeit goods valued at between VND 100,000,000 and under VND 200,000,000 calculated according to the selling price, the listed price, and the price stated in the invoice;

h) Counterfeit goods are equivalent to the quantity of real goods valued at between VND 150,000,000 and under VND 500,000,000 in case the selling price, list price or invoice price cannot be determined;

i) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000;

k) Gaining illicit profits from VND 100,000,000 to under VND 500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

a) The counterfeit goods have the selling price, the listed price, or the price stated in the invoice of 200,000,000 VND or more;

b) Counterfeit goods are equivalent to the quantity of the real goods worth 500,000,000 VND or more in case the production cost, selling price, listed price or invoice price cannot be determined;

c) Causing property damage of between VND 1,500,000,000 and under VND 3,000,000,000;

d) Gaining illicit profits from VND 500,000,000 to under VND 2,000,000,000.

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

a) Causing property damage of 3,000,000,000 VND or more;

b) Gaining illegal profits of 2,000,000,000 VND or more.

5. The offenders may also be subject to a fine of from VND 20,000,000 to VND 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, or having part or all of part confiscated. property set.

6. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

a) A commercial legal entity that commits a crime in the case specified in Clause 1 of this Article shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 3,000,000,000 and 6,000,000,000;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 6,000,000,000 and 9,000,000,000;

d) Committing the crime in the cases specified in Clause 4 of this Article, the offenders shall be subject to a fine of between VND 9,000,000,000 and VND 15,000,000,000 or have their operation suspended for a term of from 6 months to 3 years;

dd) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;

e) The commercial legal entity may also be subject to a fine of from VND 100,000,000 to VND 300,000,000, ban from doing business or operating in certain fields or from raising capital for 1 to 3 years.

**Article 196. Crime of speculation**

1. Those who take advantage of the situation of scarcity or create artificial scarcity in the event of natural disasters, epidemics, wars or economic difficulties to buy and sell goods on the list of price-stabilizing goods or on the list of goods valued by the State for resale for illicit profit in one of the following cases, the offenders shall be subject to a fine of between VND 30,000,000 and 300,000,000 or a prison term of between 06 months and 03 years. :

a) Goods worth between VND 500,000,000 and under VND 1,500,000,000;

b) Gaining illicit profits from VND 100,000,000 to under VND 500,000,000.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 300,000,000 and VND 1,500,000,000 or a prison term of between 3 and 7 years:

a) Organized;

b) Abusing positions and powers;

c) Taking advantage of the name of an agency or organization;

d) Goods worth between VND 1,500,000,000 and under VND 3,000,000,000;

dd) Gaining illicit profits from VND 500,000,000 to under VND 1,000,000,000;

e) Causing adverse effects on social security, order and safety.

3. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 1,500,000,000 and 5,000,000,000 or a prison term of between 07 and 15 years:

a) Goods worth 3,000,000,000 VND or more;

b) Gaining illegal profits of 1,000,000,000 VND or more;

c) Dangerous recidivism.

4. The offenders may also be subject to a fine of from VND 20,000,000 to VND 200,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

5. A commercial legal entity that commits an offense specified in this Article shall be sanctioned as follows:

a) Committing the crime in the cases specified in Clause 1 of this Article, the offenders shall be subject to a fine of between VND 300,000,000 and 1,000,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and VND 4,000,000,000;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 4,000,000,000 and 9,000,000,000;

d) The commercial legal entity may also be subject to a fine of from VND 100,000,000 to VND 300,000,000, ban from doing business and operating in certain fields or from raising capital for 1 to 3 years.

#### **Article 197. Crime of false advertising**

1. Those who falsely advertise goods or services, have been administratively sanctioned for this act or have been sentenced for this crime, have not yet been expunged, but continue to commit it, shall be subject to a fine. from 10,000,000 VND to 100,000,000 VND or to a non-custodial reform for up to 3 years.

2. The offenders may also be subject to a fine of between VND 5,000,000 and 50,000,000, a ban from practicing certain professions or doing certain jobs for 1 to 5 years.

#### **Article 198. Crime of deceiving customers**

1. Those who, in the purchase or sale of goods or provision of services, weigh, measure, measure, count, calculate goods or services or use other fraudulent tricks in one of the following circumstances, shall be subject to a penalty. a warning, a fine of between VND 10,000,000 and 100,000,000 or a non-custodial reform for up to 03 years:

a) Has been administratively sanctioned for this act or has been convicted for this crime, has not yet had his criminal record cleared but still commits it;

b) Gaining illicit profits from VND 5,000,000 to under VND 50,000,000.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 100,000,000 and 500,000,000 or a prison term of between 01 and 05 years:

a) Organized;

b) Being of a professional nature;

c) Using cunning tricks;

d) Gaining illicit profits of VND 50,000,000 or more.

3. The offenders may also be subject to a fine of between VND 20,000,000 and 100,000,000, a ban from practicing certain professions or doing certain jobs for 1 to 5 years.

#### **Article 199. Crime of violating regulations on electricity supply**

1. Any responsible person who commits one of the following acts causes injury or harms the health of 01 person with an injury rate of between 31% and 60%, causing injury

causing harm to the health of 02 or more people with the total injury rate of these persons between 31% and 60% or causing property damage from VND 100,000,000 to under VND 500,000,000 or who have been disciplined or administratively sanctioned for this act or have been convicted for this crime but have not yet had their criminal records remitted but continue to commit them, shall be subject to a fine of between VND 30,000,000 and 150,000,000. non-custodial reform for up to 2 years or imprisonment for between 3 months and 2 years:

- a) Cut off power without grounds or without notice as prescribed;
- b) Unfounded refusal to supply electricity;
- c) Delaying the handling of electrical incidents without a valid reason.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 150,000,000 and 500,000,000 or a prison term of between 01 and 05 years:

- a) Causing death;
- b) Inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher or causing harm to the health of 2 or more people with the total bodily injury rate of these persons from 61% to 121%;

c) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) Causing death of 02 or more people;
- b) Inflicting injury or causing harm to the health of 02 or more people with an injury rate of 61% or higher for each person or causing harm to the health of 02 or more people with the total injury rate the body of these people 122% or more;
- c) Causing property damage of VND 1,500,000,000 or more.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

## **Section 2. Crimes in TAX, FINANCIAL, BANKING, SECURITIES, INSURANCE**

### **Article 200. Tax evasion**

1. Those who commit one of the following acts of tax evasion with an amount of between VND 100,000,000 and under VND 300,000,000 or under VND 100,000,000, have been administratively sanctioned for tax evasion or has been convicted of this crime or for one of the offenses specified in articles 188, 189, 190, 191, 192, 193, 194, 195, 196, 202, 248, 249, 250, 251, 252, 253, 254, 304, 305, 306,

309 and 311 of this Code, who have not yet had their criminal records remitted but continue to commit them, shall be subject to a fine of between VND 100,000,000 and 500,000,000 or a prison term of between 3 months and 2 years:

- a) Failing to submit tax registration dossiers; failure to file tax returns; submitting tax declaration dossiers on time as prescribed by law;
- b) Failure to record in the accounting books the revenues related to the determination of payable tax amounts;
- c) Failing to issue invoices when selling goods or services or write the value on the sale invoice lower than the actual payment value of the sold goods or services;
- d) Using illegal invoices and vouchers to account for goods and input materials in activities generating tax obligations, which reduces the payable tax amount or increases the exempted or exempted tax amounts. reduce or increase the amount of tax withheld, tax refund;
- dd) Using other illegal vouchers and documents to wrongly determine the payable tax amount or the refunded tax amount;
- e) Making false declarations of imported and exported goods without additional declaration of tax declaration dossiers after the goods have been cleared from customs;
- g) Intentionally failing to declare or falsely declare tax on exported or imported goods;
- h) Collaborating with the consignor to import goods;
- i) Using goods that are not subject to tax, tax exemption or consideration for tax exemption for improper purposes without declaring the change of use purpose to the tax administration agency.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 500,000,000 and 1,500,000,000 or a prison term of between 01 and 03 years:

- a) Organized;
- b) The amount of tax evasion is from VND 300,000,000 to under VND 1,000,000,000;
- c) Abusing positions and powers;
- d) Committing the crime twice or more;
- d) Dangerous recidivism.

3. Committing the crime of tax evasion with an amount of VND 1,000,000,000 or more, the offenders shall be subject to a fine of between VND 1,500,000,000 and 4,500,000,000 or a prison term of between 02 and 07 years:

4. The offenders may also be subject to a fine of from VND 20,000,000 to VND 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, or having part or all of part confiscated. property set.

5. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

a) A commercial legal entity that commits an act specified in Clause 1 of this Article, has been administratively sanctioned for such act or has been sentenced for this crime, has not yet been expunged but continues to commit it, then be fined from 300,000,000 VND to 1,000,000,000 VND;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 3,000,000,000 and VND 10,000,000,000 or have their operation suspended for a term of between 06 months and 03 years;

d) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;

dd) The commercial legal entity may also be subject to a fine of from VND 50,000,000 to VND 200,000,000, ban from doing business or operating in certain fields or from raising capital from 01 to 03 years.  
year.

#### **Article 201. Crime of lending heavy interest in civil transactions**

1. Any person who, in a civil transaction, lends at an interest rate 5 times higher than the highest interest rate prescribed in the Civil Code, earns an illegal profit of between VND 30,000,000 and under VND 100,000,000 or has been prosecuted If you have been administratively sanctioned for this act or have been convicted for this crime, have not yet had your criminal record remitted but continue to commit it, you will be subject to a fine of between VND 50,000,000 and 200,000,000 or a non-custodial reform to 03 years.

2. Committing the crime of obtaining illicit profits of VND 100,000,000 or more, the offenders shall be subject to a fine of between VND 200,000,000 and 1,000,000,000 or a prison term of between 6 months and 3 years.

3. The offenders may also be subject to a fine of between VND 30,000,000 and 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

#### **Article 202. Crime of making and trading fake stamps and tickets**

1. Those who make or trade in fake stamps and tickets in one of the following circumstances shall be subject to a fine of between VND 30,000,000 and 100,000,000, a non-custodial reform for up to 3 years or a fine prison from 06 months to 03 years:

a) Counterfeit stamps and tickets with no face value are from 15,000 to less than 30,000 units;

b) Forged stamps and tickets with a face value of between VND 50,000,000 and under VND 200,000,000;

c) Has been administratively sanctioned for this act or has been sentenced for this crime, has not yet had his criminal record cleared but continues to commit it;

d) Gaining illicit profits from VND 30,000,000 to under VND 100,000,000.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 100,000,000 and 500,000,000 or a prison term of between 02 and 07 years:

a) Organized;

b) Abusing positions and powers;

c) Forged stamps, fake tickets with no face value of 30,000 units or more;

d) Forged stamps and tickets with a total face value of VND 200,000,000 or more;

dd) Gaining illegal profits of VND 100,000,000 or more;

e) Dangerous recidivism.

3. The offenders may also be subject to a fine of between VND 5,000,000 and 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

**Article 203. Crime of illegally printing, issuing, trading in invoices and receipts for collection and payment of the house budget water**

1. Those who illegally print, issue, trade in invoices and receipts for state budget payment in the form of blanks with between 50 numbers and under 100 numbers or invoices and vouchers with content from 10 numbers to under 30 numbers. If the amount or illegal gain is between VND 30,000,000 and under VND 100,000,000, the offenders shall be subject to a fine of between VND 50,000,000 and 200,000,000, a non-custodial reform for up to 3 years or a prison term of between 6 months and 3 months. year.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 100,000,000 and 500,000,000 or a prison term of between 01 and 05 years:

a) Organized;

b) Being of a professional nature;

c) Abusing positions and powers;

d) Invoices and vouchers in billet form with 100 numbers or more or invoices and vouchers with 30 numbers or more inscribed;

dd) Gaining illegal profits of VND 100,000,000 or more;

e) Causing damage to the state budget of VND 100,000,000 or more;

g) Dangerous recidivism.

3. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

4. A commercial legal entity that commits an offense specified in this Article shall be fined as follows:

a) Committing the crime in the cases specified in Clause 1 of this Article, the offenders shall be subject to a fine of between VND 100,000,000 and 500,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 500,000,000 and 1,000,000,000;

c) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;

d) The commercial legal entity may also be subject to a fine of from VND 50,000,000 to VND 200,000,000, a ban from doing business, from operating in certain fields for 1 to 3 years, or from raising capital from 1 to 3 years. five to three years.

#### **Article 204. Crime of violating regulations on preservation and management of state budget receipts and receipts**

1. Those who are responsible for preserving and managing invoices and documents but violate the State's regulations on preservation and management of state budget receipts and receipts, causing damage to the State budget or to another person from VND 100,000,000 to under VND 500,000,000, the offenders shall be subject to a fine of between VND 10,000,000 and 100,000,000 or non-custodial reform for up to 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 100,000,000 and 500,000,000 or a prison term of between 06 months and 03 years:

a) Committing the crime twice or more;

b) Causing damage of 500,000,000 VND or more.

3. Offenders may also be banned from holding certain posts or doing certain jobs for 1 to 5 years.

#### **Article 205. Crime of illegally establishing funds**

1. Those who abuse their positions and powers to set up a fund in contravention of law and have used such fund cause damage to the State's property from VND 50,000,000 to under VND 200,000,000 or have been handled. If they are disciplined for this act but continue to violate it, they shall be subject to a fine of between VND 50,000,000 and 100,000,000 or a non-custodial reform for up to 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 100,000,000 and 500,000,000 or a prison term of between 01 and 05 years:

a) Using cunning tricks to evade control;

b) To commit other illegal acts;

c) Causing damage to the State's property from 200,000,000 VND to under 1,000,000,000 VND.

3. Committing the crime of causing damage to State property from VND 1,000,000,000 or more, the offenders shall be sentenced to between 5 and 10 years of imprisonment.

4. Offenders are also banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years, and may be subject to a fine of between VND 10,000,000 and 50,000,000.

#### **Article 206. Crime of violating regulations in the operation of credit institutions, foreign bank branches**

1. Any person in the operation of credit institutions, foreign bank branches who intentionally commits one of the following acts, causing property damage ranging from VND 100,000,000 to under VND 300,000,000, shall be subject to a fine of between VND 50,000,000 and 300,000,000 or a prison term of between 06 months and 03 years:

a) Granting credit for cases where credit cannot be granted, except in the form of credit card issuance;

b) Granting unsecured credit or granting credit with preferential conditions to those who are not eligible for credit as prescribed by law;

c) Violating restrictions to ensure safety for credit activities as prescribed by the Law on Credit Institutions or intentionally raising the value of security assets when appraising prices for credit granting;

d) Violating the provisions of law on the total credit outstanding balance for subjects subject to credit restrictions;

dd) Extend credit beyond the limit compared to own capital to a customer and related persons, unless approved by a competent person as prescribed by law;

e) Violating the law on capital contribution, capital contribution limit, share purchase, credit extension or asset purchase and sale conditions;

g) Illegally issuing, supplying or using payment means; forging payment vouchers, payment means; using payment vouchers, fake payment means; conducting banking activities without the permission of competent state agencies.

2. Committing the crime of causing property damage of between VND 300,000,000 and under VND 1,000,000,000, the offenders shall be sentenced to between 3 and 7 years of imprisonment.

3. Committing the crime of causing property damage of between VND 1,000,000,000 and under VND 3,000,000,000, the offenders shall be sentenced to between 07 and 12 years of imprisonment.

4. Committing the crime of causing property damage of 3,000,000,000 VND or more, the offenders shall be sentenced to between 12 and 20 years of imprisonment year.

5. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

**Article 207. Crime of making, storing, transporting and circulating counterfeit money**

1. Those who make, store, transport or circulate counterfeit money shall be sentenced to between 03 and 07 years of imprisonment.

2. Committing the crime in cases where counterfeit money is worth between VND 5,000,000 and under VND 50,000,000, the offenders shall be sentenced to between 5 and 12 years of imprisonment.

3. Committing the crime in cases where counterfeit money is valued at VND 50,000,000 or more, the offenders shall be sentenced to between 10 and 20 years of imprisonment or life imprisonment.

4. Those who prepare to commit this crime shall be sentenced to non-custodial reform for up to 3 years or to between 1 and 3 years of imprisonment.

5. Offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000 or have part or all of their property confiscated.

**Article 208. Crime of making, storing, transporting and circulating counterfeit negotiable instruments or other counterfeit valuable papers**

1. Those who make, store, transport or circulate fake negotiable instruments or other fake valuable papers shall be sentenced to between 02 and 07 years of imprisonment.

2. Committing the crime in cases where counterfeit negotiable instruments or other counterfeit valuable papers are valued at between VND 10,000,000 and under VND 100,000,000, the offenders shall be sentenced to between 05 years and 10 years of imprisonment year.

3. Committing the crime in cases where counterfeit negotiable instruments or other counterfeit valuable papers are valued at between VND 100,000,000 and under VND 300,000,000, the offenders shall be sentenced to between 10 years and 15 years of imprisonment.

4. Committing the crime in cases where the counterfeit negotiable instrument or other counterfeit valuable papers are valued at VND 300,000,000 or more, the offenders shall be sentenced to between 15 years and 20 years of imprisonment.

5. Offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000 or have part or all of their property confiscated.

**Article 209. Crime of intentionally disclosing false information or concealing information in securities activities contract**

1. Those who intentionally disclose false information or conceal information in activities of offering, listing, trading, securities business activities, market organization, registration, depository, clearing or securities settlement in one of the following cases, shall be subject to a fine of between VND 100,000,000 and 500,000,000, a non-custodial reform for up to 2 years or a prison term of between 3 months and 2 years:

- a) Causing damage to the investor from 1,000,000,000 VND to under 3,000,000,000 VND;
- b) Gaining illicit profits from VND 500,000,000 to under VND 1,000,000,000;
- c) Having been administratively sanctioned for the act of disclosing false information or concealing information in securities activities but continue to commit the violation.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 500,000,000 and 2,000,000,000 or a prison term of between 01 and 05 years:

- a) Organized;
- b) Gaining illegal profits of 1,000,000,000 VND or more;
- c) Causing damage to the investor 3,000,000,000 VND or more;
- d) Dangerous recidivism.

3. The offenders may also be subject to a fine of between VND 50,000,000 and 200,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

4. A commercial legal entity that commits an offense specified in this Article shall be fined as follows:

- a) Committing the crime in the cases specified in Clause 1 of this Article, the offenders shall be subject to a fine of between VND 500,000,000 and 2,000,000,000;
- b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 2,000,000,000 and 5,000,000,000;
- c) A commercial legal entity may also be banned from doing business, operating in certain fields or from raising capital for one to three years.

**Article 210. Crime of using inside information to buy and sell securities**

1. Any person who knows information related to a public company or public fund that has not been disclosed which, if disclosed, may greatly affect the price of securities of such public company or public fund that uses this information to buy or sell securities or disclose, provide

this information or advise others to buy and sell securities on the basis of this information, gain illicit profits from VND 300,000,000 to under VND 1,000,000,000 or cause damage to investors from VND 500,000,000 to under 1,500,000,000 VND, shall be subject to a fine of between VND 500,000,000 and 2,000,000,000 or a prison term of between 6 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 2,000,000,000 and 5,000,000,000 or a prison term of between 2 and 07 years:

- a) Organized;
- b) Gaining illegal profits of 1,000,000,000 VND or more;
- c) Causing damage to the investor VND 1,500,000,000 or more;
- d) Dangerous recidivism.

3. The offenders may also be subject to a fine of between VND 50,000,000 and 200,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

4. A commercial legal entity that commits an offense specified in this Article shall be fined as follows:

- a) Committing the crime in the cases specified in Clause 1 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and 5,000,000,000;
- b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 5,000,000,000 and 10,000,000,000;
- c) A commercial legal entity may also be banned from doing business, operating in certain fields or from raising capital for one to three years.

#### **Article 211. Crime of manipulating the stock market**

1. Those who commit one of the following acts to gain illicit profits from VND 500,000,000 to under VND 1,500,000,000 or cause damage to investors from VND 1,000,000,000 to under VND 3,000,000,000, shall be a fine of from VND 500,000,000 to VND 2,000,000,000 or imprisonment from 06 months to 03 years:

- a) Using one or more trading accounts of their own or of others or colluding with each other to continuously buy and sell securities in order to create artificial supply and demand;
- b) Colluding with others to place orders to buy and sell the same securities on the same trading day, or colluding with each other in trading securities without leading to actual transfer of ownership or ownership rights only between group members to create securities prices, artificial supply and demand;

c) Continuously buying or selling securities with a dominant volume at the time of opening or closing the market in order to create a new closing or opening price for that type of security on the market;

d) Trading securities in the form of colluding, enticing other people to continuously place buy and sell orders for securities, greatly affecting supply and demand and securities prices, manipulating securities prices;

dd) Giving opinions directly or indirectly through the mass media about a type of security, about the issuer of securities in order to influence the price of that type of security after making the decision. trading and holding positions in such securities;

e) Using methods or performing other transactions to create artificial supply and demand, and manipulate securities prices.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 2,000,000,000 and VND 4,000,000,000 or a prison term of between 02 and 07 years:

a) Organized;

b) Gaining illicit profits of VND 1,500,000,000 or more;

c) Causing damage to the investor 3,000,000,000 VND or more;

d) Dangerous recidivism.

3. Offenders may also be subject to a fine of between VND 50,000,000 and 250,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

4. A commercial legal entity that commits an offense specified in this Article shall be fined as follows:

a) Committing the crime in the cases specified in Clause 1 of this Article, the offenders shall be subject to a fine of between VND 2,000,000,000 and 5,000,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 5,000,000,000 and 10,000,000,000;

c) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;

d) The commercial legal entity may also be subject to a fine of from VND 500,000,000 to VND 2,000,000,000, a ban from doing business, from operating in certain fields from 01 to 03 years or from raising capital from 01 year. five to three years.

#### **Article 212. Crime of falsifying documents in securities offering and listing documents**

1. Those who falsify documents in the dossiers of securities offering or listing for an illegal gain of between VND 1,000,000,000 and under VND 2,000,000,000 or cause damage to investors from VND 1,500,000,000 to under 3,000,000,000 VND, the offenders shall be subject to a fine of between VND 500,000,000 and 2,000,000,000 or a prison term of between 6 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 2,000,000,000 and 5,000,000,000 or a prison term of between 2 and 07 years:

a) Gaining illegal profits of 2,000,000,000 VND or more;

b) Causing damage to investors 3,000,000,000 VND or more;

c) Organized;

d) Dangerous recidivism.

3. Offenders may also be subject to a fine of between VND 50,000,000 and 250,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

#### **Article 213. Crime of fraud in insurance business**

1. Those who commit one of the following acts to appropriate insurance money from 20,000,000 VND to under 100,000,000 VND or cause damage from 50,000,000 VND to under 200,000,000 VND, shall be fined from VND 30,000,000 to VND 100,000,000 or non-custodial reform for up to 03 years:

a) Colluding with beneficiaries of insurance benefits to settle insurance claims or illegal insurance payments;

b) Forging documents, intentionally falsifying information to refuse compensation or insurance payment when the insured event has occurred;

c) Forging documents, intentionally falsifying information in the claim file, insurance payment;

d) Causing damage to their own property or health to enjoy insurance benefits, unless otherwise provided for by law.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 100,000,000 and 300,000,000 or a prison term of between 01 and 03 years:

a) Organized;

b) Using sophisticated and cunning tricks;

c) Appropriating the insurance amount from 100,000,000 VND to under 500,000,000 VND;

d) Causing damage of between VND 200,000,000 and under VND 1,000,000,000;

d) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

a) Appropriating the insurance amount of VND 500,000,000 or more;

b) Causing damage of 1,000,000,000 VND or more.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

5. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

a) Committing the crime in one of the cases specified in Clause 1 of this Article, with an appropriate amount ranging from VND 200,000,000 to under VND 1,000,000,000 or causing damage from VND 400,000,000 to under VND 2,000,000,000; shall be fined from VND 200,000,000 to VND 1,000,000,000;

b) Committing the crime in one of the cases specified at Points a, b, c and d, Clause 2 of this Article, with an appropriate amount of between VND 1,000,000,000 and under VND 3,000,000,000 or causing damage from 2,000 VND. 000,000,000 VND to under 5,000,000,000 VND, a fine of between 1,000,000,000 VND and 3,000,000,000 VND shall be imposed;

c) Committing the crime with the appropriate amount of VND 3,000,000,000 or more or causing damage of VND 5,000,000,000 or more, the offenders shall be subject to a fine of between VND 3,000,000,000 and 7,000,000,000;

d) A commercial legal entity may also be banned from doing business, from operating in certain fields or from raising capital for one to three years.

#### **Article 214. Crime of fraud on social insurance and unemployment insurance**

1. Those who commit one of the following acts, appropriate social insurance or unemployment insurance money from 10,000,000 VND to under 100,000,000 VND or cause damage from 20,000,000 VND to under 200,000 VND. 000 VND but not falling into the cases specified in one of Articles 174, 353 and 355 of this Code, the offenders shall be subject to a fine of between VND 20,000,000 and 100,000,000, a non-custodial reform for up to 2 years or a fine of between VND 20,000,000 and VND 100,000,000. imprisonment from 3 months to 2 years:

a) Making fake dossiers or falsifying contents of social insurance dossiers or unemployment insurance dossiers, deceiving social insurance agencies;

b) Using fake documents or falsified documents to deceive the social insurance agency to enjoy social insurance and unemployment insurance benefits.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 100,000,000 and 200,000,000 or a prison term of between 01 and 05 years:

- a) Organized;
- b) Being of a professional nature;
- c) Appropriating social insurance, unemployment insurance money from 100,000,000 VND to under 500,000,000 VND;
- d) Causing damage of between VND 200,000,000 and under VND 500,000,000;
- d) Using sophisticated and cunning tricks;
- e) Dangerous recidivism.

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

- a) Appropriating social insurance, unemployment insurance money 500,000,000 VND or more;
- b) Causing damage of 500,000,000 VND or more.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

#### **Article 215. Crime of health insurance fraud**

1. Any person who commits one of the following acts, appropriates health insurance money from 10,000,000 VND to under 100,000,000 VND or causes damage from 20,000,000 VND to under 200,000,000 VND but does not belong in the case specified in one of Articles 174, 353 and 355 of this Code, the offenders shall be subject to a fine of between VND 20,000,000 and 100,000,000, a non-custodial reform for up to two years or a prison term of between three months and two years. 02 years:

- a) Making medical records, prescribing false drugs or prescribing an increase in the quantity or additional types of drugs, medical supplies, technical services, hospital beds and other expenses that the patient does not actually use;
- b) Forging records, health insurance cards or using fake health insurance cards, fake health insurance cards, revoked cards, modified cards, health insurance cards of others in medical examination and treatment are entitled to illegal health insurance regimes.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 100,000,000 and 200,000,000 or a prison term of between 01 and 05 years:

- a) Organized;
- b) Being of a professional nature;
- c) Appropriating health insurance money from 100,000,000 VND to under 500,000,000 VND;

d) Causing damage of between VND 200,000,000 and under VND 500,000,000;

d) Using sophisticated and cunning tricks;

e) Dangerous recidivism.

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

a) Appropriating health insurance money 500,000,000 VND or more;

b) Causing damage of 500,000,000 VND or more.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

**Article 216. Crime of evading payment of social insurance, health insurance and unemployment insurance for employees**

1. Those who are obliged to pay social insurance, health insurance and unemployment insurance premiums for employees but cheat or use other tricks to fail to pay or fully pay as prescribed for 06 months or more In one of the following cases, who have already been administratively sanctioned for this act but continue to commit it, shall be subject to a fine of between VND 50,000,000 and 200,000,000, non-custodial reform for up to 1 year or imprisonment from 03 months to 01 year:

a) Evading insurance payment from VND 50,000,000 to under VND 300,000,000;

b) Evading insurance contributions for between 10 and less than 50 employees.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 200,000,000 and 500,000,000 or a prison term of between May 6 and 3 years:

a) Committing the crime twice or more;

b) Evading insurance payment from VND 300,000,000 to under VND 1,000,000,000;

c) Avoid paying insurance premiums for between 50 and under 200 people;

d) Failure to pay the insurance amount already collected or deducted from the employee specified at Point a or Point b, Clause 1 of this Article.

3. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 500,000,000 and 1,000,000,000 or a prison term of between 02 and 07 years:

a) Evading insurance payment of 1,000,000,000 VND or more;

b) Evading insurance contributions for 200 people or more;

c) Failure to pay the insurance amount already collected or deducted from the employee specified at Point b or Point c, Clause 2 of this Article.

4. The offenders may also be subject to a fine of from VND 20,000,000 to VND 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

5. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

a) Committing the crime in the cases specified in Clause 1 of this Article, the offenders shall be subject to a fine of between VND 200,000,000 and 500,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 500,000,000 and 1,000,000,000;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and 3,000,000,000.

### **Section 3. OTHER Crimes Infringing upon ECONOMIC MANAGEMENT ORDER**

#### **Article 217. Crime of violating regulations on competition**

1. Any person who directly participates in or performs acts of violating competition regulations in one of the following circumstances, earns an illicit profit of between VND 500,000,000 and under VND 3,000,000,000 or causes damage to For other persons from VND 1,000,000,000 to under VND 5,000,000,000, the offenders shall be subject to a fine of between VND 200,000,000 and 1,000,000,000, a non-custodial reform for up to 2 years or a prison term of between 3 months and 2 years:

a) Agreement to prevent or restrain other enterprises from entering the market or developing their business;

b) Agreement to exclude from the market enterprises that are not parties to the agreement;

c) An agreement to limit competition when the parties to the agreement have a combined market share of 30% or more in the relevant market in one of the following cases: an agreement to directly fix the prices of goods or services; or indirectly; agreement on division of consumption market, supply of goods and supply of services; agreement to limit or control the quantity and volume of production, purchase and sale of goods and services; agreements to limit technical and technological development and investment; agreement to impose on other enterprises the conditions for entering into contracts for the purchase and sale of goods or services, or to force other enterprises to accept obligations that are not directly related to the subject matter of the contract.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000 or a prison term of between 01 and 05 years:

a) Committing the crime twice or more;

- b) Using sophisticated and cunning tricks;
- c) Abuse of dominant market position or market monopoly position;
- d) Gaining illicit profits of 5,000,000,000 VND or more;
- dd) Causing damage to other people 3,000,000,000 VND or more.

3. The offenders may also be subject to a fine of between VND 50,000,000 and 200,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

4. A commercial legal entity that commits an offense specified in this Article shall be fined as follows:

- a) Committing the crime in the cases specified in Clause 1 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000;
- b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 3,000,000,000 and VND 5,000,000,000 or have their operation suspended for a term of from 6 months to 2 years;
- c) The commercial legal entity may also be subject to a fine of from VND 100,000,000 to VND 500,000,000, ban from doing business or operating in certain fields or from raising capital for 1 to 3 years.

#### **Article 218. Crime of violating regulations on asset auction activities**

1. Those who commit one of the following acts, gain an illicit profit of between VND 30,000,000 and under VND 200,000,000 or cause damage to others from VND 50,000,000 to under VND 300,000,000, shall be a fine ranging from VND 20,000,000 to VND 200,000,000, a non-custodial reform for up to 2 years or a prison term of between 3 months and 2 years:

- a) Make a short list of people registering to buy auctioned assets;
- b) Making false dossiers, fake dossiers of participation in asset auction activities;
- c) Collusion to lower prices or raise prices in asset auction activities.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 200,000,000 and 1,000,000,000 or a prison term of between 01 and 05 years:

- a) Organized;
- b) Gaining illegal profits of VND 200,000,000 or more;
- c) Causing damage to other people 300,000,000 VND or more;
- d) Committing the crime twice or more;

d) Using sophisticated and cunning tricks.

3. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

**Article 219. Crime of violating regulations on management and use of State property, causing loss and waste**

1. Any person assigned to manage and use state property violates the regulations on management and use of property, causing loss or waste of between VND 100,000,000 and under VND 300,000,000 or under VND 100,000,000 but have already been disciplined for this act but continue to commit it, the offenders shall be subject to non-custodial reform for up to 3 years or a prison term of between 1 and 5 years.

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

a) For self-interest;

b) Organized;

c) Using sophisticated and cunning tricks;

d) Causing property damage of between VND 300,000,000 and under VND 1,000,000,000.

3. Committing the crime of causing property damage of 1,000,000,000 VND or more, the offenders shall be sentenced to between 10 years and 20 years of imprisonment year.

4. Offenders may also be banned from holding certain posts or doing certain jobs for 1 to 5 years or having part or all of their property confiscated.

**Article 220. Crime of violating State regulations on management and use of public investment capital, causing serious consequences**

1. Those who abuse their positions and powers to commit one of the following acts, causing damage ranging from VND 100,000,000 to under VND 300,000,000 or under VND 100,000,000 but have been disciplined for their acts. If they do not fall into the cases specified in Article 224 of this Code, they shall be subject to non-custodial reform for up to 03 years or a prison term of between 01 and 05 years.

year:

a) Violations against regulations on investment policy decisions;

b) Violations against regulations on formulation and appraisal of investment policies;

c) Violations against regulations on investment decisions on programs and projects;

d) Violations against regulations on consultancy and design of programs and projects.

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

- a) For self-interest;
- b) Organized;
- c) Using sophisticated and cunning tricks;
- d) Causing damage of between VND 300,000,000 and under VND 1,000,000,000.

3. Committing the crime and causing damage of VND 1,000,000,000 or more, the offenders shall be sentenced to between 10 and 20 years of imprisonment.

4. Offenders may also be banned from holding certain posts or doing certain jobs for 1 to 5 years or having part or all of their property confiscated.

**Article 221. Crime of violating State regulations on accounting, causing serious consequences**

1. Those who abuse their positions and powers to commit one of the following acts, causing damage ranging from VND 100,000,000 to under VND 300,000,000 or under VND 100,000,000 but have been disciplined for their actions. If they continue to commit this violation, they shall be sentenced to non-custodial reform for up to 03 years or a prison term of between 01 and 05 years:

- a) Forging, making false statements, agreeing to or forcing others to forge, make false statements or erase accounting documents;
- b) To entice, negotiate or force others to provide or confirm untruthful accounting information and data;
- c) Leaving the assets of the accounting unit outside the accounting books or assets related to the accounting units;
- d) Destroying or intentionally damaging accounting documents before the archival period prescribed in the Law on Accounting;
- dd) Establish two or more systems of financial accounting books in order to exclude assets, capital sources and funding from the accounting units.

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

- a) For self-interest;
- b) Organized;
- c) Using sophisticated and cunning tricks;
- d) Causing damage of between VND 300,000,000 and under VND 1,000,000,000.

3. Committing the crime and causing damage of VND 1,000,000,000 or more, the offenders shall be sentenced to between 10 and 20 years of imprisonment.

4. Offenders may also be banned from holding certain posts or doing certain jobs for 1 to 5 years or having part or all of their property confiscated.

#### **Article 222. Crime of violating regulations on bidding, causing serious consequences**

1. Those who commit one of the following acts, causing damage ranging from VND 100,000,000 to under VND 300,000,000 or under VND 100,000,000 but have been disciplined for this act but continue to violate, shall be sentenced to non-custodial reform for up to 03 years or a prison term of between 01 and 05 years:

a) Illegal interference in bidding activities;

b) Tender notice;

c) Fraud in bidding;

d) Obstructing bidding activities;

dd) Violating the law on ensuring fairness and transparency in bidding activities;

e) Organize contractor selection when the source of capital for the bidding package has not been determined, leading to arrears of the contractor's capital;

g) Unauthorized contractor transfer.

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

a) For self-interest;

b) Organized;

c) Abusing positions and powers;

d) Using sophisticated and cunning tricks;

dd) Causing damage of between VND 300,000,000 and under VND 1,000,000,000.

3. Committing the crime and causing damage of VND 1,000,000,000 or more, the offenders shall be sentenced to between 10 and 20 years of imprisonment.

4. Offenders may also be banned from holding certain posts or doing certain jobs for 1 to 5 years or having part or all of their property confiscated.

#### **Article 223. Crime of colluding, covering up for taxpayers, causing serious consequences**

1. Those who abuse their positions and powers to commit one of the following acts, causing loss of tax payment must be between VND 100,000,000 and under VND 300,000,000 or under VND 100,000,000 but have been handled. If they are disciplined for this act but continue to commit it, the offenders shall be subject to non-custodial reform for up to 03 years or a prison term of between 01 and 05 years:

a) Performing tax exemption, tax reduction, tax arrears, penalty arrears, tax refund in contravention of the Law on Tax Administration and other provisions of the tax law;

b) Certifying the taxpayer's fulfillment of tax obligations in contravention of the Law on Tax Administration and other provisions of the tax law.

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

a) For self-interest;

b) Organized;

c) Using sophisticated and cunning tricks;

d) Loss of tax from 300,000,000 VND to less than 1,000,000,000 VND.

3. Committing the crime of causing tax loss of 1,000,000,000 VND or more, the offenders shall be sentenced to between 10 years and 20 years of imprisonment year.

4. Offenders may also be banned from holding certain posts or doing certain jobs for 1 to 5 years or having part or all of their property confiscated.

#### **Article 224. Crime of violating regulations on investment in construction works, causing serious consequences**

1. Those who abuse their positions and powers to commit one of the following acts, causing damage ranging from VND 100,000,000 to under VND 300,000,000 or under VND 100,000,000 but have been disciplined for their actions. If they continue to commit this violation, they shall be sentenced to non-custodial reform for up to 03 years or a prison term of between 01 and 05 years:

a) The construction investment decision is not in compliance with the provisions of the Construction Law;

b) Making, appraising, approving designs, cost estimates, adjusting estimates, pre-acceptance test of works funded by the State in contravention of the Construction Law;

c) Selecting contractors that are not qualified to carry out construction activities;

d) Arranging or colluding to falsify results of project formulation, survey, design, construction supervision and construction.

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

- a) For self-interest;
- b) Organized;
- c) Using sophisticated and cunning tricks;
- d) Causing damage of between VND 300,000,000 and under VND 1,000,000,000.

3. Committing the crime and causing damage of VND 1,000,000,000 or more, the offenders shall be sentenced to between 10 and 20 years of imprisonment.

4. Offenders may also be banned from holding certain posts or doing certain jobs for 1 to 5 years or having part or all of their property confiscated.

#### **Article 225. Crime of infringing upon copyright and related rights**

1. Any person who, without the permission of the copyright or related right holders, intentionally commits one of the following acts, infringing upon copyright or related rights being protected in Vietnam, and earns illegal profits. from VND 50,000,000 to under VND 300,000,000 or causing damage to the copyright or related right holders from VND 100,000,000 to under VND 500,000,000 or infringing goods valued at from VND 100,000,000 to VND 500,000,000 under VND 500,000,000, the offenders shall be subject to a fine of between VND 50,000,000 and 300,000,000 or non-custodial reform for up to 03 years:

- a) Copying works, phonograms or video recordings;
- b) Distributing to the public copies of works, copies of phonograms, copies of video recordings.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 300,000,000 and 1,000,000,000 or a prison term of between 06 months and 03 years:

- a) Organized;
- b) Committing the crime twice or more;
- c) Gaining illegal profits of VND 300,000,000 or more;
- d) Causing damage to the copyright or related right holder 500,000,000 VND or more;
- dd) Infringing goods valued at VND 500,000,000 or more.

3. The offenders may also be subject to a fine of between VND 20,000,000 and 200,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

4. A commercial legal entity that commits an offense specified in this Article shall be fined as follows:

- a) A commercial legal entity that commits an act specified in Clause 1 of this Article, has been administratively sanctioned for such act or has been sentenced for this crime, has not yet been expunged but continues to commit it, then be fined from 300,000,000 VND to 1,000,000,000 VND;
- b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000 or have their operation suspended for a term of between 06 months and 02 years;
- c) The commercial legal entity may also be subject to a fine of from VND 100,000,000 to VND 300,000,000, ban from doing business, from operating in certain fields or from raising capital for 1 to 3 years.

#### **Article 226. Crime of infringing upon industrial property rights**

1. Those who intentionally infringe industrial property rights over trademarks or geographical indications being protected in Vietnam, gain illicit profits from VND 100,000,000 to under VND 300,000,000, or cause damage to owners of trademarks or geographical indications ranging from VND 200,000,000 to under VND 500,000,000 or infringing goods valued from VND 200,000,000 to under VND 500,000,000 shall be subject to a fine of from VND 50,000,000 to VND 500,000,000. 500,000,000 VND or a non-custodial reform for up to 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 500,000,000 and 1,000,000,000 or a prison term of between 06 months and 03 years:

- a) Organized;
- b) Committing the crime twice or more;
- c) Gaining illegal profits of VND 300,000,000 or more;
- d) Causing damage to the owner of the mark or geographical indication of 500,000,000 VND or more;
- dd) Infringing goods valued at VND 500,000,000 or more.

3. The offenders may also be subject to a fine of between VND 20,000,000 and 200,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

4. A commercial legal entity that commits an offense specified in this Article shall be fined as follows:

- a) A commercial legal entity that commits an act specified in Clause 1 of this Article, has been administratively sanctioned for such act or has been sentenced for this crime, has not yet been expunged but continues to commit it, then be fined from VND 500,000,000 to VND 2,000,000,000;
- b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of from VND 2,000,000,000 to VND 5,000,000,000 or have their operation suspended for a term of 6 months to 2 years;

c) The commercial legal entity may also be subject to a fine of from VND 100,000,000 to VND 500,000,000, ban from doing business, from operating in certain fields or from raising capital from 01 to 03 years.

**Article 227. Crime of violating regulations on research, exploration and exploitation of natural resources**

1. Those who violate the State's regulations on research, exploration and exploitation of natural resources in the mainland, islands, internal waters, territorial sea, exclusive economic zone, continental shelf and airspace of Vietnam without a license or not in accordance with the license content in one of the following cases or has been administratively sanctioned for this act or has been convicted of this crime, has not yet had his criminal record cleared: but continue to violate, the offenders shall be subject to a fine of between VND 300,000,000 and VND 1,500,000,000 or a prison term of between 06 months and 03 years:

a) Gaining illicit profits from research, exploration and exploitation of water, oil and gas resources or other minerals ranging from VND 100,000,000 to under VND 500,000,000;

b) Minerals valued at between VND 500,000,000 and under VND 1,000,000,000;

c) Inflicting injury or causing harm to the health of others with an injury rate of between 31% and 60%.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 1,500,000,000 and 5,000,000,000 or a prison term of between 02 and 07 years:

a) Gaining illicit profits from research, exploration and exploitation of water, oil and gas resources or other minerals 500,000,000 VND or more;

b) Minerals valued at 1,000,000,000 or more;

c) Organized;

d) Causing environmental incidents;

dd) Inflicting injury or causing harm to the health of 02 persons with an injury rate of 61% or higher for each person or causing injury or causing harm to the health of 04 persons with an injury rate of less than 4 persons. of each person 31% or more;

e) Causing death.

3. The offenders may also be subject to a fine of between VND 50,000,000 and 500,000,000.

4. A commercial legal entity that commits an offense specified in this Article shall be fined as follows:

a) A commercial legal entity that commits the act specified in Clause 1 of this Article, has already been administratively sanctioned for such act, but still commits it or has been sentenced for this crime, has not yet been entitled to criminal record remission but still commits it. violators, shall be subject to a fine of between VND 1,500,000,000 and 3,000,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 3,000,000,000 and VND 7,000,000,000 or have their operation suspended for a term of between 06 months and 03 years;

c) The commercial legal entity may also be subject to a fine of from VND 100,000,000 to VND 500,000,000, ban from doing business, from operating in certain fields or from raising capital from 01 to 03 years.

#### **Article 228. Crime of violating regulations on land use**

1. Those who encroach on land, transfer land use rights or use land contrary to the provisions of law on land management and use, have been administratively sanctioned for this act or have been convicted of such act. If the sentence for this crime has not yet been expunged but still commits it, the offenders shall be subject to a fine of between VND 50,000,000 and 500,000,000, a non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 500,000,000 and 2,000,000,000 or a prison term of between 02 and 07 years:

a) Organized;

b) Committing the crime twice or more;

c) Dangerous recidivism.

3. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000.

#### **Article 229. Crime of violating regulations on land management**

1. Those who abuse or abuse their positions and powers to allocate, recover, lease, permit the transfer of the right to use, or permit the change of land use purpose contrary to the provisions of law in one of the following circumstances the following, shall be sentenced to non-custodial reform for up to 03 years or a prison term of between 06 months and 03 years:

a) Land for rice cultivation with an area from 5,000 square meters (m<sup>2</sup>) to less than 30,000 square meters (m<sup>2</sup>); land for special-use forests, protection forests and production forests with an area from 10,000 square meters (m<sup>2</sup>) to less than 50,000 square meters (m<sup>2</sup>); other agricultural land and non-agricultural land with an area from 10,000 square meters (m<sup>2</sup>) to less than 40,000 square meters (m<sup>2</sup>);

b) Land with a monetary value of land use rights ranging from VND 500,000,000 to under VND 2,000,000,000 for agricultural land or from VND 1,000,000,000 to under VND 5,000,000,000 for non-agricultural land;

c) Have been disciplined for this act but continue to commit it.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Organized;

b) Land for rice cultivation with an area from 30,000 square meters (m<sup>2</sup>) to less than 70,000 square meters (m<sup>2</sup>); land for special-use forests, protection forests and production forests with an area from 50,000 square meters (m<sup>2</sup>) to less than 100,000 square meters (m<sup>2</sup>); other agricultural land and non-agricultural land with an area from 40,000 square meters (m<sup>2</sup>) to less than 80,000 square meters (m<sup>2</sup>);

c) Land with a cash value of between VND 2,000,000,000 and under VND 7,000,000,000 for agricultural land or from VND 5,000,000,000 to under VND 15,000,000,000 for non-agricultural land;

d) Causing adverse effects on social security, order and safety.

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

a) Land for rice cultivation with an area of 70,000 square meters (m<sup>2</sup>) or more; land of special-use forests, protection forests and production forests with an area of 100,000 square meters (m<sup>2</sup>) or more; other agricultural land and non-agricultural land with an area of 80,000 square meters (m<sup>2</sup>) or more;

b) Land with a cash value of 7,000,000,000 VND or more for agricultural land or 15,000,000,000 VND or more for non-agricultural land.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 150,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

### **Article 230. Crime of violating regulations on compensation, support and resettlement when the State recovers land**

1. Those who abuse their positions and powers to commit one of the following acts, causing property damage ranging from VND 100,000,000 to under VND 300,000,000 or under VND 100,000,000 but have been disciplined If the law on this act is violated, the offenders shall be subject to non-custodial reform for up to 03 years or a prison term of between 01 and 05 years:

a) Violating the law on land compensation, support and resettlement;

b) Violating the provisions of law on property compensation, production and business.

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

a) For self-interest or other personal motives;

b) Organized;

c) Using sophisticated and cunning tricks;

d) Causing adverse effects on social security, order and safety;

dd) Causing damage of between VND 300,000,000 and under VND 1,000,000,000.

3. Committing the crime and causing damage of VND 1,000,000,000 or more, the offenders shall be sentenced to between 10 and 20 years of imprisonment.

4. Offenders may also be banned from holding certain posts or doing certain jobs for 1 to 5 years or having part or all of their property confiscated.

#### **Article 231. Crime of intentionally violating regulations on distribution of relief money and goods**

1. Those who abuse their positions and powers to intentionally violate regulations on distribution of relief money and goods, causing damage or loss of relief money or goods from 100,000,000 VND to under 300,000,000 VND, be subject to warning, a fine of between VND 50,000,000 and 200,000,000 or non-custodial reform for up to 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 200,000,000 and 1,000,000,000 or a prison term of between 01 and 05 years:

- a) Organized;
- b) Committing the crime twice or more;
- c) Causing damage or loss of money or relief goods 300,000,000 VND or more;
- d) Causing adverse effects on social security, order and safety.

3. Offenders may also be banned from holding certain posts for 1 to 5 years.

#### **Article 232. Crime of violating regulations on forest exploitation, protection and management of forest products**

1. Any person who commits one of the following acts, if not falling into the cases specified in Article 243 of this Code, shall be subject to a fine of between VND 50,000,000 and 300,000,000, a non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years:

- a) Illegally exploiting production forests with the volume from 20 cubic meters (m<sup>3</sup>) to less than 40 cubic meters (m<sup>3</sup>) of common plant species; from 12.5 cubic meters (m<sup>3</sup>) to less than 25 cubic meters (m<sup>3</sup>) of endangered, precious and rare forest plant species Group IIA;
- b) Illegally exploiting protection forests with the volume from 15 cubic meters (m<sup>3</sup>) to less than 30 cubic meters (m<sup>3</sup>) of common plant species; from 10 cubic meters (m<sup>3</sup>) to less than 20 cubic meters (m<sup>3</sup>) of endangered, precious and rare forest plant species Group IIA;
- c) Illegally exploiting special-use forests with the volume from 15 cubic meters (m<sup>3</sup>) to less than 30 cubic meters (m<sup>3</sup>) of common plant species; from 5 cubic meters (m<sup>3</sup>) to less than 10 cubic meters (m<sup>3</sup>) of endangered, precious and rare forest plant species Group IIA; plants of Group IIA valued at between VND 50,000,000 and under VND 100,000,000;

d) Illegally exploiting non-timber forest plants valued at between VND 100,000,000 and under VND 200,000,000;

dd) Exploiting endangered and rare species prioritized for protection and other plants of Group IA valued from VND 30,000,000 to under VND 60,000,000 or from 01 cubic meter (m<sup>3</sup>) to under VND 60,000,000 . 02 cubic meters (m<sup>3</sup>) of timber in production forests or from 0.5 cubic meters (m<sup>3</sup>) to less than 1.5 cubic meters (m<sup>3</sup>) in protection forests or from 0.5 cubic meters (m<sup>3</sup>) to less than 01 cubic meter (m<sup>3</sup>) timber in special-use forests or nature reserves;

e) Illegally storing, transporting, processing, trading in from 1.5 cubic meters (m<sup>3</sup>) to less than 03 cubic meters (m<sup>3</sup>) of endangered, precious and rare species of wood of Group IA or timber derived from foreign species of species included in Appendix I to the Convention on International Trade in Endangered and Endangered Species of Wild Fauna and Flora or the List of endangered precious and rare species prioritized for protection; from 10 cubic meters (m<sup>3</sup>) to less than 20 cubic meters (m<sup>3</sup>) of endangered, precious and rare Group IIA plant species or wood of foreign origin of species included in Appendix II of the Convention on International Trade in Species endangered wild animals and plants; from 20 cubic meters (m<sup>3</sup>) to less than 40 cubic meters (m<sup>3</sup>) of common plant species;

g) Illegally storing, transporting, processing, trading in other wild plants valued at between VND 300,000,000 and under VND 600,000,000;

h) The illegal object has the volume or value below the lowest level specified in one of the points a, b, c, d, dd or e of this Clause but has been administratively sanctioned for this act or has been convicted of this crime, has not yet been expunged, but still commits violations.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 300,000,000 and VND 1,500,000,000 or a prison term of between 02 and 07 years:

a) Illegally exploiting production forests with the volume from 40 cubic meters (m<sup>3</sup>) to less than 80 cubic meters (m<sup>3</sup>) of common plant species; from 25 cubic meters (m<sup>3</sup>) to less than 50 cubic meters (m<sup>3</sup>) of endangered, precious and rare species of wood of Group IIA;

b) Illegally exploiting protection forests with the volume from 30 cubic meters (m<sup>3</sup>) to less than 60 cubic meters (m<sup>3</sup>) of common plant species; from 20 cubic meters (m<sup>3</sup>) to less than 40 cubic meters (m<sup>3</sup>) of endangered, precious and rare species of wood of Group IIA;

c) Illegally exploiting special-use forests with the volume from 30 cubic meters (m<sup>3</sup>) to less than 60 cubic meters (m<sup>3</sup>) of common plant species; from 10 cubic meters (m<sup>3</sup>) to less than 20 cubic meters (m<sup>3</sup>) of endangered, precious and rare species of wood of Group IIA;

d) Illegally exploiting non-timber forest plants valued at between VND 200,000,000 and under VND 400,000,000;

dd) Illegally storing, transporting, processing, trading in from 03 cubic meters (m<sup>3</sup>) to under 06 cubic meters (m<sup>3</sup>) of endangered, precious and rare species of wood of Group IA or timber derived from abroad of plant species included in Appendix I to the Convention on International Trade in Endangered and Wild Fauna and Flora or the List of endangered precious and rare species prioritized for protection; from 20 cubic meters (m<sup>3</sup>)

up to less than 40 cubic meters (m<sup>3</sup>) of endangered, precious and rare Group IIA plant species or wood of foreign origin of plant species included in Appendix II to the Convention on International Trade in Fauna and Flora wild, endangered; from 40 cubic meters (m<sup>3</sup>) to less than 80 cubic meters (m<sup>3</sup>) of common plant species;

e) Illegally storing, transporting, processing, trading in other wild plant species valued at between VND 600,000,000 and under VND 1,200,000,000;

g) Committing the crime across the border or from a non-tariff zone to the inland or vice versa;

h) Committing crimes in an organized manner;

i) Dangerous recidivism.

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

a) Illegally harvesting in production forests of 80 cubic meters (m<sup>3</sup>) or more of common plant species; 50 cubic meters (m<sup>3</sup>) or more of endangered, precious and rare species of plant species Group IIA;

b) Illegally exploiting in protection forests 60 cubic meters (m<sup>3</sup>) or more of common plant species; 40 cubic meters (m<sup>3</sup>) or more of endangered, precious and rare species of plant species Group IIA;

c) Illegally exploiting in special-use forests 60 cubic meters (m<sup>3</sup>) or more of common plant species; 20 cubic meters (m<sup>3</sup>) or more of endangered, precious and rare species of plant species Group IIA;

d) Illegally exploiting other forest plants valued at VND 400,000,000 or more;

dd) Illegally storing, transporting, processing, trading in 06 cubic meters (m<sup>3</sup>) or more of endangered, precious and rare species of plant species Group IA or timber of foreign origin of plant species in the Appendix I Convention on International Trade in Endangered and Endangered Species of Wild Fauna and Flora or the List of endangered, precious and rare species prioritized for protection; 40 cubic meters (m<sup>3</sup>) or more of endangered, precious and rare Group IIA plant species or wood of foreign origin of plant species listed in Appendix II Convention on International Trade in Endangered and Wild Fauna and Flora; 80 cubic meters (m<sup>3</sup>) or more of common plant species wood;

e) Illegally storing, transporting, processing, trading in other wild plants valued at VND 1,200,000,000 or more.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000.

5. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

a) Committing the crime in the case specified in Clause 1 of this Article and having already been administratively sanctioned for such act but continue to commit it, except for the case specified at Point g, Clause 1 of this Article, a fine of from 300,000,000 VND to 1,000,000,000 VND;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000 or have their operation suspended for a term of between 06 months and 03 years;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 3,000,000,000 and VND 6,000,000,000 or have their operation suspended for a term of between 06 months and 03 years;

d) The commercial legal entity may also be subject to a fine of from VND 100,000,000 to VND 500,000,000, ban from doing business, from operating in certain fields or from raising capital from 01 to 03 years.

### **Article 233. Crime of violating regulations on forest management**

1. Those who abuse or abuse their positions and powers to commit one of the following acts shall be subject to non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years:

a) Illegally allocating forests, afforestation land, illegally recovering forests or afforestation land from 20,000 square meters (m<sup>2</sup>) to less than 25,000 square meters (m<sup>2</sup>), for production forests; from 15,000 square meters (m<sup>2</sup>) to less than 20,000 square meters (m<sup>2</sup>) for protection forests or from 10,000 square meters (m<sup>2</sup>) to less than 15,000 square meters (m<sup>2</sup>) for special-use forests, if not in the cases specified in Clause 1 of this Article. Article 229 of this Code;

b) Illegally changing the use purpose of forests or afforestation land from 10,000 square meters (m<sup>2</sup>) to less than 12,500 square meters (m<sup>2</sup>) for production forests; from 7,500 square meters (m<sup>2</sup>) to less than 10,000 square meters (m<sup>2</sup>) for protection forests or from 5,000 square meters (m<sup>2</sup>) to less than 7,500 square meters (m<sup>2</sup>) for special-use forests, if not in the cases specified in Article 229 of this Code;

c) Allowing illegal exploitation and transportation of forest products in one of the cases specified in Clause 1, Article 232 of this Code;

d) Have been disciplined for this act but continue to violate it.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Organized;

b) Committing the crime twice or more;

c) Illegally allocating forests, afforestation land, illegally recovering forests or afforestation land from 25,000 square meters (m<sup>2</sup>) to less than 40,000 square meters (m<sup>2</sup>), for production forests; from 20,000 square meters (m<sup>2</sup>) to less than 30,000 square meters (m<sup>2</sup>) for protection forests or from 15,000 square meters (m<sup>2</sup>) to less than 25,000 square meters (m<sup>2</sup>) for special-use forests;

d) Illegally changing the use purpose of forests or afforestation land from 12,500 square meters (m<sup>2</sup>) to less than 17,000 square meters (m<sup>2</sup>) for production forests; from 10,000 square meters (m<sup>2</sup>) to

15,000 square meters (m<sup>2</sup>) for protection forests or from 7,500 square meters (m<sup>2</sup>) to 12,000 square meters (m<sup>2</sup>) for special-use forests;

dd) Illegal exploitation and transportation of forest products are permitted in one of the cases specified in Clause 2, Article 232 of this Code.

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

a) Illegally assigning forests or afforestation land, illegally recovering forests or afforestation land from 40,000 square meters (m<sup>2</sup>) or more, for production forests; from 30,000 square meters (m<sup>2</sup>) or more for protection forests or from 25,000 square meters (m<sup>2</sup>) or more for special-use forests;

b) Illegally changing the use purpose of forests or afforestation land from 17,000 square meters (m<sup>2</sup>) or more, for production forests; from 15,000 square meters (m<sup>2</sup>) or more for protection forests or from 12,000 square meters (m<sup>2</sup>) or more for special-use forests.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000 or a ban from holding certain posts for 1 to 5 years.

#### **Article 234. Crime of violating regulations on management and protection of wild animals**

1. Those who commit one of the following acts, if not falling into the cases specified in Articles 242 and 244 of this Code, shall be subject to a fine of between VND 50,000,000 and 300,000,000, and a fine of reform. not detained for up to 3 years or sentenced to between 6 months and 3 years of imprisonment:

a) Illegally hunting, killing, raising, confining, transporting and trading endangered, precious and rare animals of Group IIB or Appendix II of the Convention on International Trade in Wild Fauna and Flora endangered with a value of between VND 300,000,000 and under VND 1,000,000,000; other common wild animals valued at between VND 500,000,000 and under VND 1,500,000,000;

b) Illegally possessing, transporting or trading in individuals, body parts or products of endangered, precious and rare animals of Group IIB or Appendix II of the Convention on International Trade in Species of Animals. Endangered wild animals and plants valued at between VND 300,000,000 and under VND 1,000,000,000 or other common wild animals valued at between VND 500,000,000 and under VND 1,500,000,000;

c) Committing the crime in cases where animals, body parts or products of animals have a value below the levels specified at Points a and b of this Clause but have already been administratively sanctioned for this act or have committed an administrative violation. convicted of this crime, has not yet been expunged, but still commits violations.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 300,000,000 and VND 1,500,000,000 or a prison term of between 3 and 7 years:

a) Organized;

b) Abusing positions, powers or taking advantage of the name of agencies or organizations;

- c) Using prohibited hunting tools or means;
- d) Hunting in prohibited areas or at prohibited times;
- dd) Cross-border trading and transportation;
- e) The quantity of endangered and rare animals of Group IIB or Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora with a value of between VND 1,000,000,000 and under 2,000,000,000 copper; common wild animals or parts, products of such animals valued at VND 1,500,000,000 or more;
- g) Gaining illicit profits from VND 200,000,000 to under VND 500,000,000;
- h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 12 years of imprisonment:

- a) Number of endangered and rare animals of Group IIB or Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora or parts and products of such animals, valued 2,000,000,000 VND or more;
- b) Gaining illicit profits of 500,000,000 VND or more.

4. The offenders may also be subject to a fine of from VND 50,000,000 to VND 200,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

5. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

- a) Committing the crime in the cases specified in Clause 1 of this Article, the offenders shall be subject to a fine of between VND 300,000,000 and 1,000,000,000;
- b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000;
- c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 3,000,000,000 and VND 6,000,000,000 or have their operation suspended for a term of between 06 months and 03 years;
- d) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;
- dd) Commercial legal entities may also be subject to a fine of from VND 50,000,000 to VND 200,000,000, ban from doing business, from operating in certain fields or from raising capital from 01 to 03 years.

## **Chapter XIX**

## ENVIRONMENTAL Crimes

### Article 235. Crime of causing environmental pollution

1. Those who commit one of the following acts shall be subject to a fine of between VND 100,000,000 and 1,000,000,000 or a prison term of between 01 and 05 years:

a) Burying, burying, dumping, discharging into the environment hazardous wastes or persistent organic substances that need to be eliminated according to the provisions of Annex A of the Stockholm Convention on Persistent Organic Pollutants contrary to regulations. of the law from 3,000 kilograms to under 5,000 kilograms;

b) Discharging into the environment from 5,000 cubic meters (m<sup>3</sup>)/day to less than 10,000 cubic meters (m<sup>3</sup>)/day of wastewater with hazardous environmental parameters exceeding the technical regulations on waste by 10 times or more;

c) Discharging wastewater into the environment containing radioactive substances causing environmental radiation in excess of technical regulations from 02 times to less than 04 times;

d) Discharging into the environment from 5,000 cubic meters (m<sup>3</sup>)/day to less than 10,000 cubic meters (m<sup>3</sup>)/day of wastewater with pH from 0 to less than 2 or from 12.5 to 14;

dd) Discharge into the environment from 300,000 cubic meters (m<sup>3</sup>)/hour to less than 500,000 cubic meters (m<sup>3</sup>)/hour of dust, emissions exceeding the technical regulations on waste 10 times or more;

e) Burying, burying, dumping or discharging into the environment ordinary solid waste from 200,000 kg to under 500,000 kg;

g) Wastes containing radioactive substances, causing environmental contamination of radioactive sources of medium danger according to the national technical regulations on radiation safety - grouping and classification of radioactive sources exceeding the regulations. allowable standards;

h) Dispersing radiation into the environment, exceeding technical regulations or exceeding the prescribed limit from 02 times to less than 04 times.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000 or a prison term of between 03 and 07 years:

a) Burying, burying, dumping, discharging into the environment hazardous wastes or persistent organic substances that need to be eliminated according to the provisions of Annex A of the Stockholm Convention on Persistent Organic Pollutants contrary to regulations. of the law 5,000 kilograms or more;

b) Discharging into the environment 10,000 cubic meters (m<sup>3</sup>)/day or more of wastewater with hazardous environmental parameters exceeding the technical regulations on waste by 10 times or more;

c) Discharging wastewater into the environment containing radioactive substances that cause environmental radiation in excess of the technical regulation 04 times or more;

d) Discharging into the environment 10,000 cubic meters (m<sup>3</sup>)/day of wastewater with pH from 0 to less than 2 or from 12.5 to 14;

dd) Discharging into the environment 500,000 cubic meters (m<sup>3</sup>)/hour or more of dust and gas emissions exceeding the technical regulations on waste by 10 times or more;

e) Burying, burying, dumping or discharging into the environment ordinary solid waste contrary to law provisions of 500,000 kilograms or more;

g) Wastes containing radioactive substances, causing environmental contamination of radioactive sources of above-average danger according to the National Technical Regulations on radiation safety - grouping and classification of radioactive sources exceeding permitted standards;

h) Dispersing radiation into the environment, exceeding the technical regulations or exceeding the prescribed limit 04 times or more.

3. Those who commit one of the following acts, have been administratively sanctioned for this act or have been sentenced for this crime, have not yet had their criminal record expunged but continue to commit them, shall be subject to a fine of from 50,000,000 VND to 500,000,000 VND or imprisonment from 3 months to 2 years:

a) Burying, burying, dumping, discharging into the environment hazardous wastes or persistent organic substances that need to be eliminated according to the provisions of Annex A of the Stockholm Convention on Persistent Organic Pollutants contrary to regulations. of the law from 1,000 kilograms to under 3,000 kilograms;

b) Transferring, giving, buying and selling hazardous waste or persistent organic substances on the list of banned substances from illegal use of 2,000 kilograms or more;

c) Discharging into the environment from 1,000 cubic meters (m<sup>3</sup>)/day to 10,000 cubic meters (m<sup>3</sup>)/day of wastewater with hazardous environmental parameters exceeding the technical regulations on waste from 05 times to less than 10 times. time;

d) Discharging wastewater into the environment containing radioactive substances causing environmental radiation in excess of the permitted technical regulations or the prescribed limit from 01 time to less than 02 times;

dd) Discharging into the environment from 1,000 cubic meters (m<sup>3</sup>)/day to less than 10,000 cubic meters (m<sup>3</sup>)/day of wastewater with pH from 0 to less than 2 or from 12.5 to 14;

e) Discharging into the environment from 150,000 cubic meters (m<sup>3</sup>)/hour to less than 300,000 cubic meters (m<sup>3</sup>)/hour of dust, emissions exceeding the technical regulations on waste 10 times or more;

g) Burying, dumping, dumping and discharging into the environment ordinary solid waste against the provisions of law from 100,000 kg to 200,000 kg;

h) Waste containing radioactive substances, causing environmental contamination of radioactive sources with a level of danger below average according to the national technical regulations on radiation safety - grouping and classification of radioactive sources exceeding the average level. permitted standards;

i) Dispersing radiation to the environment, exceeding technical regulations or exceeding the prescribed limit from 01 time to less than 02 times.

4. The offenders may also be subject to a fine of from VND 30,000,000 to VND 200,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

5. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

a) Committing the crime in the cases specified in Clause 1 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and 5,000,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 5,000,000,000 and 10,000,000,000 or have their operation suspended for a term of between 06 months and 03 years;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 500,000,000 and 3,000,000,000;

d) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;

dd) The commercial legal entity may also be subject to a fine of from VND 50,000,000 to VND 500,000,000, a ban from doing business or from operating in certain fields for one to three years.

#### **Article 236. Crime of violating regulations on hazardous waste management**

1. Any competent person who allows burying, burying, dumping or discharging in contravention of the law on hazardous wastes on the list of persistent organic pollutants that need to be eliminated according to the provisions of Appendix A Stockholm Convention on Persistent Organic Pollutants from 3,000 kilograms to less than 5,000 kilograms; waste containing radioactive substances, causing environmental contamination of radioactive sources with a level of danger below average according to the National Technical Regulations on radiation safety - grouping and classification of radioactive sources exceeding the standards permit, the offenders shall be subject to a fine of between VND 50,000,000 and 200,000,000, a non-custodial reform for up to two years or a prison term of between three months and two years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 200,000,000 and 1,000,000,000 or a prison term of between 2 and 5 years:

a) Hazardous wastes on the list of persistent organic pollutants that need to be eliminated according to the provisions of Annex A of the Stockholm Convention on persistent organic pollutants from 5,000 kilograms to less than 10,000 kilograms; waste containing radioactive substances, causing environmental contamination of radioactive sources of medium danger according to national technical regulations on radiation safety - grouping and classification of radioactive sources exceeding the standards for permission;

b) Organized;

c) Committing the crime twice or more;

d) Dangerous recidivism.

3. Committing the crime in the case of hazardous waste on the list of persistent organic pollutants that must be eliminated according to the provisions of Annex A of the Stockholm Convention on Persistent Organic Pollutants 10,000 kilograms or more go up; waste containing radioactive substances, causing environmental contamination of radioactive sources of above-average danger according to national technical regulations on radiation safety - grouping and classification of radioactive sources exceeding the standards permit, shall be sentenced to between 5 and 10 years of imprisonment:

4. The offenders may also be subject to a fine of between VND 10,000,000 and 150,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

#### **Article 237. Crime of violating regulations on prevention, response and remedy of environmental incidents**

1. Those who commit one of the following acts shall be subject to a fine of between VND 50,000,000 and 500,000,000, a non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years:

a) Violating regulations on prevention of environmental incidents to cause environmental incidents;

b) Violations against regulations on response to and remediation of environmental incidents that cause serious pollution to the environment or harm the health of others with an injury rate of 31% or higher or cause damage from 1,000,000,000 VND to less than 3,000,000,000 VND.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 500,000,000 and 2,000,000,000 or a prison term of between 02 and 07 years:

a) Causing death;

b) Causing damage of between VND 3,000,000,000 and under VND 7,000,000,000.

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

a) Causing death of 02 or more people;

b) Causing property damage of VND 7,000,000,000 or more.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

5. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

a) Committing the crime in the cases specified in Clause 1 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 3,000,000,000 and 5,000,000,000;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 5,000,000,000 and 10,000,000,000;

d) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;

dd) The commercial legal entity may also be subject to a fine of from VND 100,000,000 to VND 500,000,000, a ban from doing business or from operating in certain fields from 01 to 03 years.

**Article 238. Crime of violating regulations on safety protection of irrigation works, dikes and natural disaster prevention and control; Violations against regulations on protection of banks and riverbanks**

1. Those who commit one of the following acts, causing injury or harm to the health of other people with an injury rate of 31% or higher or causing damage of between VND 100,000,000 and under 300,000,000 VND, shall be subject to a fine of between VND 50,000,000 and 300,000,000, a non-custodial reform for up to 3 years or a prison term of between 3 months and 2 years:

a) Illegally building houses or works within the safety protection of irrigation works, dikes, natural disaster prevention and control;

b) Destroying or damaging irrigation works, dikes, natural disaster prevention and control works, works of protection, exploitation, use, monitoring and supervision of water resources, works for prevention, combat and remediation of post harmful effects caused by water, except for the case specified in Article 303 of this Code;

c) Illegally drilling, digging, surveying, exploiting soil, rock, sand, gravel, minerals, underground water;

d) Using explosives, causing explosions, causing fires within the protection of irrigation works, dikes, natural disaster prevention and control; works for protection, exploitation, use, monitoring and supervision of water resources, works for prevention, combat against and overcoming of harmful effects caused by water, except for cases of permit or emergency cases prescribed by law. determined;

dd) Operating water reservoirs, inter-reservoirs, flood diversion and flood retarding works in contravention of the permitted process and technical regulations, except for special cases under the direction of competent persons. .

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 300,000,000 and 2,000,000,000 or a prison term of between 2 and 07 years:

a) Organized;

b) Committing the crime twice or more;

c) Causing death;

d) Causing damage of between VND 300,000,000 and under VND 1,000,000,000;

d) Dangerous recidivism.

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

a) Causing death of 02 or more people;

b) Causing damage of 1,000,000,000 VND or more.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, a ban from practicing certain professions or doing certain jobs for between 02 and 05 years.

5. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

a) Committing the crime in the cases specified in Clause 1 of this Article, the offenders shall be subject to a fine of between VND 300,000,000 and 1,000,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 3,000,000,000 and 5,000,000,000;

d) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;

dd) The commercial legal entity may also be subject to a fine ranging from VND 100,000,000 to VND 500,000,000, banned from doing business or operating in certain fields from 01 to 03 years.

#### **Article 239. Crime of bringing waste into the Vietnamese territory**

1. Those who commit one of the following acts shall be subject to a fine of between VND 200,000,000 and 1,000,000,000, a non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years.  
**year:**

a) Bringing hazardous wastes or persistent organic substances that need to be eliminated as prescribed in Annex A of the Stockholm Convention from 1,000 kilograms to 3,000 kilograms into the Vietnamese territory;

b) Bringing other wastes from 70,000 kilograms to under 170,000 kilograms into the Vietnamese territory.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 1,000,000,000 and VND 2,000,000,000 or a prison term of between 02 and 07 years:

a) Organized;

b) Hazardous waste or persistent organic matter that needs to be eliminated according to the provisions of Annex A of the Stockholm Convention with a weight of between 3,000 kilograms and under 5,000 kilograms;

c) Other waste weighing between 170,000 kilograms and under 300,000 kilograms.

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

a) Hazardous waste or persistent organic matter that needs to be eliminated according to the provisions of Annex A of the Stockholm Convention with a mass of 5,000 kilograms or more;

b) Other waste weighing 300,000 kilograms or more.

4. The offenders may also be subject to a fine of from VND 50,000,000 to VND 200,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

5. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

a) Committing the crime in the cases specified in Clause 1 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 3,000,000,000 and VND 5,000,000,000 or be temporarily suspended from operation for 6 months to 1 year;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 5,000,000,000 and 7,000,000,000 or have their operation suspended for a term of between 06 months and 03 years;

d) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;

dd) The commercial legal entity may also be subject to a fine of from VND 100,000,000 to VND 500,000,000, a ban from doing business or from operating in certain fields from 01 to 03 years.

#### **Article 240. Crime of spreading dangerous infectious diseases to humans**

1. Those who commit one of the following acts, causing the spread of dangerous infectious diseases to humans, shall be subject to a fine of between VND 50,000,000 and 200,000,000 or a prison term of between 01 and 05 years. :

a) Bringing out or allowing to take out of the epidemic area of animals, plants, animal products, plants or other articles capable of transmitting dangerous diseases to humans, unless otherwise provided for by law. other determination;

b) Bringing into or allowing the introduction into the Vietnamese territory of animals, plants or animal and plant products infected with or carrying dangerous pathogens capable of being transmitted to humans;

c) Other acts of spreading dangerous diseases to people.

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

a) Resulting in the announcement of the epidemic falling under the authority of the Chairman of the Provincial People's Committee or the Minister of Health;

b) Causing death.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 12 years of imprisonment:

a) It leads to the announcement of the epidemic falling under the Prime Minister's authority;

b) Causing death of 02 or more people.

4. The offenders may also be subject to a fine of from VND 20,000,000 to VND 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

#### **Article 241. Crime of spreading dangerous diseases to animals and plants**

1. Those who commit one of the following acts, spreading dangerous diseases to animals and plants, causing property damage ranging from VND 100,000,000 to VND 500,000,000 or have already been fined for the violation. If they continue to commit any of these acts, they shall be subject to a fine of between VND 50,000,000 and 200,000,000, a non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years:

a) Bringing into, taking out or allowing to be brought in or brought out of an epidemic area of animals, plants, animal products, plants or other articles that are infected or carry disease pathogens, unless otherwise provided for by law. other rule;

b) Bringing into or allowing the introduction into the territory of Vietnam of animals, plants, animal and plant products subject to quarantine without complying with the provisions of law on quarantine;

c) Other acts of spreading dangerous diseases to animals and plants.

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

a) Causing property damage of between VND 500,000,000 and under VND 1,000,000,000;

b) The epidemic must be announced under the authority of the chairperson of the district-level People's Committee or the president of the provincial-level People's Committee.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

a) Causing property damage of 1,000,000,000 VND or more;

b) It leads to the announcement of the epidemic under the authority of the Minister of Agriculture and Rural Development.

4. The offenders may also be subject to a fine of from VND 20,000,000 to VND 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

**Article 242. Crime of destroying aquatic resources**

1. Those who violate regulations on protection of aquatic resources in one of the following circumstances, causing damage to aquatic resources from 100,000,000 VND to under 500,000,000 VND or the value of aquatic products obtained from 50,000,000 VND to under 200,000,000 VND or have been administratively sanctioned for one of these acts or have been sentenced for this crime, have not yet had criminal records remitted but continue to commit them, shall be fined. from 50,000,000 VND to 300,000,000 VND, a non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years:

a) Using poisons, explosives, other chemicals, electric current or prohibited means and fishing gear to exploit aquatic products or destroy aquatic resources;

b) Exploiting aquatic products in prohibited areas or prohibited areas for a definite period as prescribed by law;

c) Exploiting aquatic species banned from exploitation according to the provisions of law;

d) Destroying habitats of aquatic species on the list of endangered, precious and rare species as prescribed by law;

dd) Inflicting injury or causing harm to the health of others with an injury rate of between 31% and 61%;

e) Violating other regulations on protection of aquatic resources.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 300,000,000 and 1,000,000,000 or a prison term of between 3 and 5 years:

a) Causing damage to aquatic resources of between VND 500,000,000 and under VND 1,500,000,000 or the obtained aquatic products valued at between VND 200,000,000 and under VND 500,000,000;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person, or causing injury or causing harm to the health of 4 persons with an injury rate of of each person 31% or more;

c) Causing death.

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

a) Causing damage to aquatic resources of VND 1,500,000,000 or more or the obtained aquatic products valued at VND 500,000,000 or more;

b) Causing death of 02 or more people.

4. The offenders may also be subject to a fine of from VND 20,000,000 to VND 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

5. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

a) Committing the crime in the cases specified in Clause 1 of this Article, the offenders shall be subject to a fine of between VND 300,000,000 and 1,000,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 3,000,000,000 and VND 5,000,000,000 or have their operation suspended for a term of between 06 months and 03 years;

d) The commercial legal entity may also be subject to a fine of from VND 50,000,000 to VND 200,000,000, a ban from doing business, from operating in certain fields for 1 to 3 years, or from raising capital from 1 to 3 years. five to three years.

#### **Article 243. Crime of destroying forests**

1. Those who illegally burn or destroy forests or commit other acts of destroying forests in one of the following circumstances shall be subject to a fine of between VND 50,000,000 and 500,000,000 and non-custodial reform for up to 03 years. five years or be sentenced to between 01 and 05 years of imprisonment:

a) Plants that have not yet been forested or zoned for regeneration belonging to forests without reserves, with an area from over 30,000 square meters (m<sup>2</sup>) to less than 50,000 square meters (m<sup>2</sup>);

b) The area of production forest is from over 5,000 square meters (m<sup>2</sup>) to less than 10,000 square meters (m<sup>2</sup>);

c) Protection forests have an area from over 3,000 square meters (m<sup>2</sup>) to less than 7,000 square meters (m<sup>2</sup>);

d) Special-use forests with an area from over 1,000 square meters (m<sup>2</sup>) to less than 3,000 square meters (m<sup>2</sup>);

dd) Causing damage to forest products valued from over 30,000,000 VND to under 60,000,000 VND, for production forests being natural forests; from over VND 50,000,000 to under VND 100,000,000 for planted production forests or regenerated forests in cases where the damage to the forest cannot be calculated as the area of the forest burned, destroyed or otherwise committed. destruction of forests is not concentrated but scattered and scattered in the same sub-zone or many sub-zones;

e) The forest area or value of forest products and plants is below the level specified in one of the points a, b, c, d and dd, Clause 1 of this Article, and has already been administratively sanctioned for this act, but also has committed or has been convicted of this crime, has not yet had his criminal record cleared but still commits it.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

a) Organized;

- b) Abusing positions, powers or taking advantage of the name of agencies or organizations;
- c) Dangerous recidivism;
- d) Plants that have not yet become forested or zoned for regeneration of the forest state type with an area from 50,000 square meters (m<sup>2</sup>) to less than 100,000 square meters (m<sup>2</sup>);
- dd) Production forests have an area of between 10,000 square meters (m<sup>2</sup>) and less than 50,000 square meters (m<sup>2</sup>);
- e) Protection forest with an area from 7,000 square meters (m<sup>2</sup>) to less than 10,000 square meters (m<sup>2</sup>);
- g) The area of special-use forest is from 3,000 square meters (m<sup>2</sup>) to less than 5,000 square meters (m<sup>2</sup>);
- h) Causing damage to forest products valued at between VND 60,000,000 and under VND 120,000,000, for production forests being natural forests; from 100,000,000 VND to less than 200,000,000 VND for planted production forests or regenerated forests in case the forest damage cannot be calculated as the area of forest burned, destroyed or other acts of destruction. forest destruction is not concentrated but scattered and scattered in the same sub-zone or many sub-zones;
- i) Plants of endangered and rare species prioritized for protection, other plants of Group IA valued from over 60,000,000 VND to under 100,000,000 VND; plants of Group IIA valued at between VND 100,000,000 and under VND 200,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Plants that have not yet become forested or zoned for regeneration of the type of forest with an area of 100,000 square meters (m<sup>2</sup>) or more;
- b) Production forest with an area of 50,000 square meters (m<sup>2</sup>) or more; c) Protection forest with an area of 10,000 square meters (m<sup>2</sup>) or more; d) Special-use forests with an area of 5,000 square meters (m<sup>2</sup>) or more;
- dd) Causing damage to forest products valued at VND 120,000,000 or more, for production forests being natural forests; VND 200,000,000 or more for planted production forests or regenerated forests in case the forest damage is not equal to the area of forest burned, destroyed or other acts of destruction of forests are not concentrated. which are scattered, scattered in the same sub-district or multiple sub-zones;
- e) Plants of endangered and rare species prioritized for protection, other plants of Group IA valued at VND 100,000,000 or more; plants of Group IIA valued at VND 200,000,000 or more  
go up.

4. The offenders may also be subject to a fine of from VND 20,000,000 to VND 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

5. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

a) Committing the crime in the cases specified in Clause 1 of this Article, the offenders shall be subject to a fine of between VND 500,000,000 and 2,000,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 2,000,000,000 and 5,000,000,000;

c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 5,000,000,000 and 7,000,000,000 or the operation shall be suspended for a term of between 06 months and 03 years;

d) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;

dd) Commercial legal entities may also be subject to a fine of from VND 50,000,000 to VND 200,000,000, ban from doing business, from operating in certain fields or from raising capital from 01 to 03 years.

#### **Article 244. Crime of violating regulations on management and protection of endangered, precious and rare animals**

1. Those who violate regulations on management and protection of animals on the list of endangered precious and rare species prioritized for protection; Endangered and rare animals of Group IB or Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, in one of the following cases, shall be subject to a fine of from 500,000 VND 000 VND to 2,000,000,000 VND or be sentenced to between 01 and 05 years of imprisonment:

a) Illegally hunting, killing, raising, confining, transporting and trading animals on the list of endangered precious and rare species prioritized for protection;

b) Illegally storing, transporting or trading in individuals, body parts or products of animals specified at Point a of this Clause; ivory weighing between 02 kilograms and under 20 kilograms; rhino horn weighing between 0.05 kilograms and under 01 kilogram;

c) Illegally hunting, killing, raising, confining, transporting and trading endangered and rare animals IB or Appendix I to the Convention on International Trade in Endangered Species of Wild Fauna and Flora which are not of the species specified at Point a of this Clause with the number from 03 to 07 individuals of the mammal class, from 07 up to 10 individuals of the class of birds, reptiles or from 10 to 15 individuals of animals of other classes;

d) Illegally possessing, transporting or trading in 03 to 07 body parts that are inseparable from life of the same species of mammals, 07 to 10 individuals of the class of birds, reptiles or 10 to 15 fish fauna of other classes belonging to the animal species specified at point c of this clause;

dd) Illegal hunting, killing, raising, confining, transporting, trading in animals or illegally storing, transporting or trading body parts that cannot be separated from life of the same type of animals with similar quantity below the minimum level of points b, c and d of this clause but have been administratively sanctioned for these acts or have been sentenced for this crime, have not yet been expunged but continue to commit them.

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

- a) Organized;
- b) Abusing positions, powers or taking advantage of the name of agencies or organizations;
- c) Using prohibited hunting tools or means;
- d) Hunting in prohibited areas or at prohibited times;
- dd) Cross-border trading and transportation;
- e) The number of animals on the list of endangered, precious and rare species prioritized for protection or the number of body parts that cannot be separated from life of the same type of from 07 to 10 individuals of the mammal class, from 07 to 10 individual birds, reptiles or from 10 to 15 individuals of other classes on the list of endangered precious and rare species prioritized for protection;
- g) The number of endangered and rare animals specified at Point c, Clause 1 of this Article or the number of body parts that cannot be separated from life of the same type of between 08 and 11 individuals of the mammal class, from 11 to 15 individuals of the class of birds, reptiles or from 16 to 20 individuals of animals of other classes;
- h) From 01 to 02 individuals of elephant, rhinoceros or body parts that cannot be separated from life of the same type; from 03 to 05 individuals of bears, tigers or body parts that cannot be separated from life of the same type; ivory weighing between 20 kilograms and under 90 kilograms; rhino horn weighing from 01 kilogram to under 09 kilograms;
- i) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

- a) The number of animals on the list of endangered precious and rare species prioritized for protection or the number of body parts that cannot be separated from life of the same type of 08 or more individuals of the mammal class, 11 individuals of the same class; birds, reptile class or more or 16 individuals of other class or more on the list of endangered precious and rare species prioritized for protection;
- b) The number of endangered and rare animals specified at Point c, Clause 1 of this Article or the number of body parts that cannot be separated from life of the same type of 12 or more individuals of the mammal class, 16 individuals of the bird class, reptiles or more or 21 or more animals of other classes;
- c) From 03 individuals of elephant, rhinoceros or body parts that cannot be separated from life of the same type or more; 06 or more individuals of bears, tigers or body parts that cannot be separated from life of the same type; ivory weighing 90 kilograms or more; rhino horn weighing 09 kilograms or more.

4. The offenders may also be subject to a fine of from VND 50,000,000 to VND 200,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

5. A commercial legal entity that commits an offense specified in this Article shall be penalized as follows:

- a) Committing the crime in the cases specified in Clause 1 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and 5,000,000,000;
  - b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 5,000,000,000 and 10,000,000,000;
  - c) Committing the crime in the cases specified in Clause 3 of this Article, the offenders shall be subject to a fine of between VND 10,000,000,000 and VND 15,000,000,000 or have their operation suspended for a term of between 06 months and 03 years;
  - d) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;
- dd) The commercial legal entity may also be subject to a fine ranging from VND 300,000,000 to VND 600,000,000, banned from doing business, from operating in certain fields or from raising capital for 1 to 3 years.

#### **Article 245. Crime of violating regulations on management of nature reserves**

1. Those who violate regulations on management of nature reserves in one of the following circumstances shall be subject to a fine of between VND 50,000,000 and 300,000,000 and a non-custodial reform for up to 3 years. or imprisonment from 06 months to 03 years:

- a) Causing property damage of between VND 50,000,000 and under VND 200,000,000;
- b) Causing damage to the landscape, natural ecosystems in the strictly protected subdivision of the nature reserve with a total area from 300 square meters (m<sup>2</sup>) to less than 500 square meters (m<sup>2</sup>) ;
- c) They have been administratively sanctioned for one of these acts but continue to commit them or have been convicted for this crime, not yet have their criminal records cleared but continue to commit them.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) Causing property damage of VND 200,000,000 or more;
- b) Causing damage to the landscape, natural ecosystems in the strictly conservation zone of the nature reserve with a total area of 500 square meters (m<sup>2</sup>) or more ;
- c) Organized;
- d) Using prohibited tools, means and measures;
- d) Dangerous recidivism.

3. The offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

4. A commercial legal entity that commits an offense specified in this Article shall be fined as follows:

a) Committing the crime in the cases specified in Clause 1 of this Article, the offenders shall be subject to a fine of between VND 300,000,000 and 1,000,000,000;

b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000 or have their operation suspended for a term of between 06 months and 03 years;

c) Committing the crime in the cases specified in Article 79 of this Code, the operation shall be permanently suspended;

d) The commercial legal entity may also be subject to a fine of from VND 50,000,000 to VND 500,000,000, ban from doing business, from operating in certain fields or from raising capital from 01 to 03 years.

#### **Article 246. Crime of importing and spreading invasive alien species**

1. Those who commit one of the following acts shall be subject to a fine of between VND 100,000,000 and 1,000,000,000, non-custodial reform for up to 3 years or a prison term of between 1 and 5 years.  
**year:**

a) Illegally importing invasive alien animals and plants or potentially invasive alien animals and plants in case the illegal object is valued at between VND 250,000,000 and under VND 500,000,000 or in case the illegal object is valued at under VND 250,000,000 but has already been administratively sanctioned for this act but continues to commit it;

b) Dispersing invasive alien animals and plants or potentially invasive alien animals and plants, causing property damage ranging from VND 150,000,000 to under VND 500,000,000.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

a) Organized;

b) Illegally importing invasive alien animals and plants or potentially invasive alien animals and plants in case the illegal object is worth 500,000,000 VND or more;

c) Dispersing invasive alien species of animals and plants or potentially invasive alien animals and plants, causing property damage of 500,000,000 VND or more;

d) Dangerous recidivism.

3. The offenders may also be subject to a fine of between VND 50,000,000 and 500,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

4. A commercial legal entity that commits an offense specified in this Article shall be fined as follows:

- a) Committing the crime in the cases specified in Clause 1 of this Article, the offenders shall be subject to a fine of between VND 1,000,000,000 and VND 3,000,000,000;
- b) Committing the crime in the cases specified in Clause 2 of this Article, the offenders shall be subject to a fine of between VND 3,000,000,000 and VND 5,000,000,000 or have their operation suspended for a term of between 06 months and 03 years;
- c) The commercial legal entity may also be subject to a fine of between VND 100,000,000 and 1,000,000,000, ban from doing business, from operating in certain fields or from raising capital from 01 to 03 years.

## **Chapter XX**

### **DRUG Crimes**

#### **Article 247. Crime of growing poppy, coca, cannabis or other plants containing narcotics**

1. Those who grow opium poppy, coca, cannabis or other plants containing narcotics in one of the following circumstances shall be sentenced to between 06 months and 03 years of imprisonment:

- a) Has been educated twice and has been facilitated to stabilize his life;
- b) Has been administratively sanctioned for this act or has been sentenced for this crime, has not yet had his criminal record cleared but continues to commit it;
- c) With the quantity from 500 trees to less than 3,000 trees.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) Organized;
- b) With an amount of 3,000 trees or more;
- c) Dangerous recidivism.

3. The offenders may also be subject to a fine of between VND 5,000,000 and 50,000,000.

4. Those who commit crimes in Clause 1 of this Article, but voluntarily destroy them and hand them over to competent authorities before harvesting, may be exempt from penal liability.

#### **Article 248. Crime of illegal production of narcotics**

1. Those who illegally produce narcotics in any form shall be sentenced to between 02 and 07 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Organized;
- b) Committing the crime twice or more;
- c) Abusing positions and powers;
- d) Taking advantage of the name of an agency or organization;
- dd) Opium resin, cannabis resin or coca extract weighing between 500 grams and under 1 kilogram;
- e) Heroin, cocaine or Methamphetamine, Amphetamine, MDMA weighing between 05 grams and under 30 grams;
- g) Other narcotic substances in solid form weighing between 20 grams and under 100 grams;
- h) Other narcotic substances in liquid form with a volume from 100 milliliters to less than 200 milliliters;
- i) Dangerous recidivism;
- k) There are 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from dd to h of this clause.

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

- a) Be of a professional nature;
- b) Opium resin, cannabis resin or coca extract weighing between 01 kilogram and under 05 kilograms;
- c) Heroin, cocaine or Methamphetamine, Amphetamine, MDMA weighing between 30 grams and under 100 grams;
- d) Other narcotic substances in solid form weighing between 100 grams and under 300 grams;
- dd) Other narcotic substances in liquid form with a volume from 200 milliliters to less than 750 milliliters;
- e) Having 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from b to dd of this clause.

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

- a) Opium resin, marijuana resin or coca extract weighing 5 kilograms or more;
- b) Heroin, cocaine or Methamphetamine, Amphetamine, MDMA weighing 100 grams or more;

- c) Other narcotic substances in solid form weighing 300 grams or more;
- d) Other narcotic substances in liquid form with a volume of 750 milliliters or more;
- dd) Having 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from a to d of this clause.

5. The offenders may also be subject to a fine of between VND 5,000,000 and 500,000,000, a ban from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years, or having part or all of the work confiscated. property set.

#### **Article 249. Crime of illegal possession of narcotics**

1. Those who illegally store narcotics without the purpose of illegally trading, transporting or producing narcotics in one of the following circumstances shall be sentenced to between 01 and 05 years of imprisonment:

- a) Has been administratively sanctioned for this act or has been convicted for this crime, has not yet had his criminal record cleared but still commits it;
- b) Opium resin, cannabis resin or coca extract weighing from 1 gram to under 500 grams;
- c) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA weighing between 0.1 grams and under 05 grams;
- d) Cannabis leaves, roots, stems, branches, flowers, fruits or coca leaves weigh between 10 kilograms and under 25 kilograms;
- dd) Dried poppy fruit weighing between 05 kilograms and under 50 kilograms;
- e) Fresh poppy fruit weighing between 1 kilogram and under 10 kilograms;
- g) Other narcotic substances in solid form weighing from 1 gram to under 20 grams;
- h) Other narcotic substances in liquid form with a volume from 10 milliliters to less than 100 milliliters;
- i) Having 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from b to h of this clause.

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

- a) Organized;
- b) Committing the crime twice or more;
- c) Abusing positions and powers;

- d) Taking advantage of the name of an agency or organization;
- dd) Employing a person under 16 years of age to commit a crime;
- e) Opium resin, marijuana resin or coca extract weighing between 500 grams and under 1 kilogram;
- g) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA weighing between 05 grams and under 30 grams;
- h) Cannabis leaves, roots, stems, branches, flowers, fruits or coca leaves weigh between 25 kilograms and under 75 kilograms;
- i) Dried poppy fruit weighing between 50 kilograms and under 200 kilograms;
- k) Fresh poppy fruit weighing between 10 kilograms and under 50 kilograms;
- l) Other narcotic substances in solid form weighing between 20 grams and under 100 grams;
- m) Other narcotic substances in liquid form with a volume from 100 milliliters to less than 250 milliliters;
- n) Dangerous recidivism;
- o) There are 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from point e to point m of this clause.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

- a) Opium resin, marijuana resin or coca extract weighing between 01 kilogram and under 05 kilograms;
- b) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA weighing between 30 grams and under 100 grams;
- c) The cannabis plant's leaves, roots, stems, branches, flowers, fruits or leaves weigh between 25 kilograms and under 75 kilograms;
- d) Dried poppy fruit weighing between 200 kilograms and under 600 kilograms;
- dd) Fresh poppy fruit weighing between 50 kilograms and under 150 kilograms;
- e) Other narcotic substances in solid form weighing between 100 grams and under 300 grams;
- g) Other narcotic substances in liquid form with a volume from 250 milliliters to less than 750 milliliters;
- h) There are 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from a to g of this clause.

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

- a) Opium resin, cannabis resin or coca extract weighing 5 kilograms or more;
- b) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA weighing 100 grams or more;
- c) Leaves, roots, stems, branches, flowers, fruits of the cannabis plant or coca leaves weighing 75 kilograms or more;
- d) Dried poppy fruit weighing 600 kilograms or more;
- dd) Fresh poppy fruit weighing 150 kilograms or more;
- e) Other narcotic substances in solid form weighing 300 grams or more;
- g) Other narcotic substances in liquid form with a volume of 750 milliliters or more;
- h) There are 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from a to g of this clause.

5. The offenders may also be subject to a fine of from VND 5,000,000 to VND 500,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, or having part or all of all confiscated. property set.

#### **Article 250. Crime of illegal transportation of narcotics**

1. Those who illegally transport narcotic substances not for the purpose of illegally producing, trading or storing narcotic substances shall be sentenced to between 02 and 07 years of imprisonment:

- a) Has been administratively sanctioned for this act or has been convicted for this crime, has not yet had his criminal record cleared but still commits it;
- b) Opium resin, cannabis resin or coca extract weighing from 1 gram to under 500 grams;
- c) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA weighing between 0.1 grams and under 05 grams;
- d) Cannabis leaves, roots, stems, branches, flowers, fruits or coca leaves weigh between 10 kilograms and under 25 kilograms;
- dd) Dried poppy fruit weighing between 05 kilograms and under 50 kilograms;
- e) Fresh poppy fruit weighing between 1 kilogram and under 10 kilograms;
- g) Other narcotic substances in solid form weighing from 1 gram to under 20 grams;

h) Other narcotic substances in liquid form with a volume from 10 milliliters to less than 100 milliliters;

i) Having 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from b to h of this clause.

2. Committing the crime in the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Organized;

b) Committing the crime twice or more;

c) Abusing positions and powers;

d) Taking advantage of the name of an agency or organization;

dd) Employing a person under 16 years of age to commit a crime;

e) Cross-border transportation;

g) Opium resin, marijuana resin or coca extract weighing between 500 grams and under 1 kilogram;

h) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA weighing between 05 grams and under 30 grams;

i) Leaves, roots, stems, branches, flowers, fruits of the cannabis plant or coca leaves weighing between 10 kilograms and under 25 kilograms;

k) Dried poppy fruit weighing between 50 kilograms and under 200 kilograms;

l) Fresh poppy fruit weighing between 10 kilograms and under 50 kilograms;

m) Other narcotic substances in solid form weighing between 20 grams and under 100 grams;

n) Other narcotic substances in liquid form with a volume from 100 milliliters to less than 250 milliliters;

o) Having 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from g to n of this Clause;

p) Dangerous recidivism.

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

a) Opium resin, cannabis resin or coca cocoa weighing between 01 kilogram and under 05 kilograms;

- b) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA weighing between 30 grams and under 100 grams;
- c) The cannabis plant's leaves, roots, stems, branches, flowers, fruits or leaves weigh between 25 kilograms and under 75 kilograms;
- d) Dried poppy fruit weighing between 200 kilograms and under 600 kilograms;
- dd) Fresh poppy fruit weighing between 50 kilograms and under 150 kilograms;
- e) Other narcotic substances in solid form weighing between 100 grams and under 300 grams;
- g) Other narcotic substances in liquid form with a volume from 250 milliliters to less than 750 milliliters;
- h) Having 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from a to g of this Clause.

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

- a) Opium resin, cannabis resin or coca extract weighing 5 kilograms or more;
- b) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA weighing 100 grams or more;
- c) Leaves, roots, stems, branches, flowers, fruits of the cannabis plant or coca leaves weighing 75 kilograms or more;
- d) Dried poppy fruit weighing 600 kilograms or more;
- dd) Fresh poppy fruit weighing 150 kilograms or more;
- e) Other narcotic substances in solid form weighing 300 grams or more;
- g) Other narcotic substances in liquid form with a volume of 750 milliliters or more;
- h) Having 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from a to g of this Clause.

5. The offenders may also be subject to a fine of between VND 5,000,000 and 500,000,000, a ban from holding certain posts, practicing certain occupations or doing certain jobs for 1 to 5 years, or having part or all of the work confiscated. property set.

#### **Article 251. Crime of illegal trading in narcotics**

1. Those who illegally trade in narcotics shall be sentenced to between 02 and 07 years of imprisonment.
2. Committing the crime in the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Organized;
  - b) Committing the crime twice or more;
  - c) Trading with 02 people or more;
  - d) Abusing positions and powers;
  - dd) Taking advantage of the name of an agency or organization;
  - e) Using people under 16 years old to commit crimes or selling drugs to people under 16 years old;
  - g) Opium resin, marijuana resin or coca extract weighing between 500 grams and under 1 kilogram;
  - h) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA weighing between 05 grams and under 30 grams;
  - i) Leaves, roots, stems, branches, flowers, fruits of the cannabis plant or coca leaves weighing between 10 kilograms and under 25 kilograms;
  - k) Dried poppy fruit weighing between 50 kilograms and under 200 kilograms;
  - l) Fresh poppy fruit weighing between 10 kilograms and under 50 kilograms;
  - m) Other narcotic substances in solid form weighing between 20 grams and under 100 grams;
  - n) Other narcotic substances in liquid form with a volume from 100 milliliters to less than 250 milliliters;
  - o) Having 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from a to n of this Clause;
  - p) Dangerous recidivism.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 and 20 years of imprisonment:
- d) Dried poppy fruit weighing between 200 kilograms and under 600 kilograms;
  - dd) Fresh poppy fruit weighing between 50 kilograms and under 150 kilograms;
  - e) Other narcotic substances in solid form weighing between 100 grams and under 300 grams;
  - g) Other narcotic substances in liquid form with a volume from 250 milliliters to less than 750 milliliters;
  - h) There are 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from a to g of this clause.

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

- a) Opium resin, cannabis resin or coca extract weighing 5 kilograms or more;
- b) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA weighing 100 grams or more;
- c) Leaves, roots, stems, branches, flowers, fruits of the cannabis plant or coca leaves weighing 75 kilograms or more;
- d) Dried poppy fruit weighing 600 kilograms or more;
- dd) Fresh poppy fruit weighing 150 kilograms or more;
- e) Other narcotic substances in solid form weighing 300 grams or more;
- g) Other narcotic substances in liquid form with a volume of 750 milliliters or more;
- h) There are 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from a to g of this clause.

5. The offenders may also be subject to a fine of from VND 5,000,000 to VND 500,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, or having part or all of all confiscated. property set.

#### **Article 252. Crime of appropriating narcotics**

1. Those who appropriate narcotics in any form in one of the following circumstances shall be sentenced to between 01 and 05 years of imprisonment:

- a) Has been administratively sanctioned for this act or has been convicted for this crime, has not yet had his criminal record cleared but still commits it;
- b) Opium resin, cannabis resin or coca extract weighing from 1 gram to under 500 grams;
- c) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA weighing between 0.1 grams and under 05 grams;
- d) Cannabis leaves, roots, stems, branches, flowers, fruits or coca leaves weigh between 10 kilograms and under 25 kilograms;
- dd) Dried poppy fruit weighing between 05 kilograms and under 50 kilograms;
- e) Fresh poppy fruit weighing between 1 kilogram and under 10 kilograms;
- g) Other narcotic substances in solid form weighing from 1 gram to under 20 grams;

h) Other narcotic substances in liquid form with a volume from 10 milliliters to less than 100 milliliters;

i) Having 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from b to h of this clause.

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

a) Organized;

b) Committing the crime twice or more;

c) Abusing positions and powers;

d) Taking advantage of the name of an agency or organization;

dd) Employing a person under 16 years of age to commit a crime;

e) Opium resin, marijuana resin or coca extract weighing between 500 grams and under 1 kilogram;

g) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA weighing between 05 grams and under 30 grams;

h) Cannabis leaves, roots, stems, branches, flowers, fruits or coca leaves weigh between 10 kilograms and under 25 kilograms;

i) Dried poppy fruit weighing between 50 kilograms and under 200 kilograms;

k) Fresh poppy fruit weighing between 10 kilograms and under 50 kilograms;

l) Other narcotic substances in solid form weighing between 20 grams and under 100 grams;

m) Other narcotic substances in liquid form with a volume from 100 milliliters to less than 250 milliliters;

n) Having 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from e to m of this clause;

o) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

d) Dried poppy fruit weighing between 200 kilograms and under 600 kilograms;

dd) Fresh poppy fruit weighing between 50 kilograms and under 150 kilograms;

e) Other narcotic substances in solid form weighing between 100 grams and under 300 grams;

g) Other narcotic substances in liquid form with a volume from 250 milliliters to less than 750 milliliters;

h) There are 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from a to g of this clause.

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

a) Opium resin, cannabis resin or coca extract weighing 5 kilograms or more;

b) Heroin, cocaine, Methamphetamine, Amphetamine, MDMA weighing 100 grams or more;

c) Leaves, roots, stems, branches, flowers, fruits of the cannabis plant or coca leaves weighing 75 kilograms or more;

d) Dried poppy fruit weighing 600 kilograms or more;

dd) Fresh poppy fruit weighing 150 kilograms or more;

e) Other narcotic substances in solid form weighing 300 grams or more;

g) Other narcotic substances in liquid form with a volume of 750 milliliters or more;

h) There are 02 or more narcotic substances whose total quantity is equivalent to the quantity of narcotic substances specified at one of the points from a to g of this clause.

5. The offenders may also be subject to a fine of from VND 5,000,000 to VND 500,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, or having part or all of all confiscated. property set.

### **Article 253. Crime of storing, transporting, trading in or appropriating pre-substances used for the illegal production of narcotics**

1. Those who store, transport, trade in or appropriate pre-substances used for the illegal production of narcotics in one of the following circumstances shall be sentenced to between 01 and 06 years of imprisonment.  
year:

a) Has been administratively sanctioned for one of these acts or has been sentenced for this crime, has not yet been expunged but still commits it;

b) Precursor has a mass of between 50 grams and under 200 grams for the solid state, from 75 milliliters to less than 300 milliliters for the liquid form.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 06 and 13 years of imprisonment:

a) Organized;

- b) Committing the crime twice or more;
- c) Abusing positions and powers;
- d) Taking advantage of the name of an agency or organization;
- dd) Precursor in solid form weighing from 200 grams to under 500 grams;
- e) Precursors in liquid form from 300 milliliters to less than 750 milliliters;
- g) Employing a person under the age of 16 to commit a crime;
- h) Transporting, trading across borders;
- i) Dangerous recidivism.

3. Committing the crime in the case of pre-substances weighing between 500 grams and under 1200 grams for solid forms, and from 750 milliliters to under 1,850 milliliters for liquids, the offenders shall be sentenced to between 13 and 20 years of imprisonment.

4. Committing the crime in the case of pre-substances weighing 1,200 grams or more in the solid state, 1,850 milliliters or more in the liquid form, the offenders shall be sentenced to 20 years' imprisonment or life imprisonment.

5. In case the crime has both solid precursors and liquid precursors, it shall be converted to serve as a basis for criminal prosecution, with the rate of 01 gram of solid precursors equivalent to 1.5 milliliters. liquid precursor. After converting, the amount of precursors belongs to any clause, the person who commits the offense will be examined for penal liability according to that provision.

6. The offenders may also be subject to a fine of from VND 5,000,000 to VND 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, or having part or all of all confiscated. property set.

**Article 254. Crime of producing, storing, transporting or trading in means and tools used for the illegal production or use of narcotics**

1. Those who produce, store, transport or trade in means and tools used for the illegal production or use of narcotics in one of the following circumstances shall be sentenced to between 01 and 20 years of imprisonment. 05 years:

- a) Has been administratively sanctioned for one of these acts or has been sentenced for this crime, has not yet been expunged but still commits it;
- b) There are from 06 to 19 units of tools and means of the same or different types.

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

- a) Organized;

- b) Committing the crime twice or more;
- c) Abusing positions and powers;
- d) Taking advantage of the name of an agency or organization;
- dd) Transporting more than 20 units of tools and means of the same or different types;
- e) Cross-border transportation;
- g) Employing a person under the age of 16 to commit a crime;
- h) Dangerous recidivism.

3. The offenders may also be subject to a fine of between VND 5,000,000 and 500,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, or having part or whole of it confiscated. property set.

**Article 255. Crime of organizing illegal use of narcotics**

1. Any person who organizes to illegally use narcotics in any form shall be sentenced to between 02 and 07 years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:
  - a) Committing the crime twice or more;
  - b) Against 02 or more people;
  - c) Against a person between full 13 years old and under 18 years old;
  - d) Against women who know they are pregnant;
  - dd) For people undergoing detoxification;
  - e) Causing harm to the health of others with an injury rate of between 31% and 60%;
  - g) Causing dangerous diseases to other people;
  - h) Dangerous recidivism.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15 and 20 years of imprisonment:
  - a) Causing harm to the health of others with an injury rate of 61% or higher or causing death;

b) Causing harm to the health of 02 or more people with an injury rate of between 31% and 60% for each person;

c) Causing dangerous diseases to 02 or more people;

d) For people under 13 years old.

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

a) Causing harm to the health of 02 or more people with an injury rate of 61% or higher for each person;

b) Causing death of 02 or more people.

5. Offenders may also be subject to a fine of between VND 50,000,000 and 500,000,000, probation, ban from residence for 1 to 5 years, or confiscation of part or all of their property.

#### **Article 256. Crime of harboring the illegal use of narcotics**

1. Those who rent or lend a place or commit any other act of harboring the illegal use of narcotics, if not falling into the cases specified in Article 255 of this Code, shall be sentenced to imprisonment from 02 years to 07 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Abusing positions and powers;

b) Committing the crime twice or more;

c) Against people under 16 years old;

d) Against 02 or more people;

d) Dangerous recidivism.

3. The offenders may also be subject to a fine of from VND 50,000,000 to VND 200,000,000 or have part or all of their property confiscated.

#### **Article 257. Crime of forcing others to illegally use narcotics**

1. Those who use force, threaten to use force or use other tricks to intimidate other people's spirits in order to force them to illegally use narcotics against their will, shall be sentenced to between two years of imprisonment and two years' imprisonment. up to 07 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Organized;
- b) Committing the crime twice or more;
- c) For despicable motives or self-interest;
- d) Against a person between full 13 years old and under 18 years old;
- dd) Against women who know they are pregnant;
- e) Against 02 or more people;
- g) For people undergoing detoxification;
- h) Causing harm to the health of others with an injury rate of between 31% and 60%;
- i) Causing dangerous diseases to other people;
- k) Dangerous recidivism.

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

- a) Causing harm to the health of others with an injury rate of 61% or higher or causing death;
- b) Causing dangerous diseases to 02 or more people;
- c) For people under 13 years old.

4. Committing the crime in cases where 02 or more people are killed, the offenders shall be sentenced to 20 years' imprisonment or life imprisonment.

5. Offenders may also be subject to a fine of between VND 5,000,000 and 100,000,000.

#### **Article 258. Crime of enticing others to illegally use narcotics**

1. Those who entice, entice, instigate or use other tricks to entice others to illegally use narcotics, shall be sentenced to between 01 and 05 years of imprisonment.

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

- a) Organized;
- b) Committing the crime twice or more;
- c) For despicable motives or self-interest;

- d) Against a person between full 13 years old and under 18 years old;
  - dd) Against women who know they are pregnant;
  - e) Against 02 or more people;
  - g) For people undergoing detoxification;
  - h) Causing harm to the health of others with an injury rate of between 31% and 60%;
  - i) Causing dangerous diseases to other people;
  - k) Dangerous recidivism.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:
- a) Causing harm to the health of others with an injury rate of 61% or higher or causing death;
  - b) Causing dangerous diseases to 02 or more people;
  - c) For people under 13 years old.
4. Committing the crime in cases where 02 or more people are killed, the offenders shall be sentenced to between 15 and 20 years of imprisonment or life imprisonment.
5. Offenders may also be subject to a fine of between VND 5,000,000 and 100,000,000.

**Article 259. Crime of violating regulations on management and use of narcotic substances, precursors, addictive drugs and psychotropic drugs**

1. Persons responsible for the production, transportation, preservation, storage, purchase, sale, distribution, use, handling, exchange, export, import, transit of the Vietnamese territory, illicit prescription, drug sale, assessment, research into narcotic substances, precursors, narcotic drugs or psychotropic drugs, which commits one of the following acts, has been disciplined or administratively sanctioned for one of the following violations: If you commit any of these acts, or have been convicted of one of the drug-related crimes, not yet have your criminal record cleared, but continue to commit them, you will be subject to a fine of between VND 10,000,000 and 100,000,000 or a prison term of from 01 five to five years:

- a) Violations against regulations on export, import, temporary import, re-export and transit of substances containing narcotic substances, narcotic drugs, psychotropic drugs and precursors;
- b) Violating regulations on research, assessment, production and preservation of narcotic substances and precursors;
- c) Violating regulations on delivery, receipt, storage and transportation of narcotic substances and precursors;
- d) Violating regulations on distribution, trading, use and exchange of drugs and precursors;

dd) Violations against regulations on management, control and storage of narcotics and precursors at border gates, at sea and at sea;

e) Transfer narcotic substances, psychotropic substances or other narcotic substances to persons who are not allowed to store or use them.

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

a) Organized;

b) Committing the crime twice or more;

c) Dangerous recidivism.

3. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

## **Chapter XXI**

### **Crimes of Infringement on Public Safety and Public Order**

#### **Section 1. Crimes of Infringement on Traffic Safety**

##### **Article 260. Crime of violating regulations on participation in road traffic**

1. Those who participate in road traffic and violate regulations on road traffic safety in one of the following circumstances shall be subject to a fine of from VND 30,000,000 to VND 100,000,000, and a fine imprisonment for up to 3 years or imprisonment from 1 to 5 years:

a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 02 people with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 03 or more people with the total bodily injury rate of these persons from 61% to 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

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

a) Do not have a driver's license as prescribed;

- b) In the state of using alcohol, beer with an alcohol concentration in the blood or breath exceeding the prescribed level, or using drugs or other strong stimulants that are prohibited by law;
- c) Causing an accident and then fleeing to evade responsibility or intentionally not helping the victim;
- d) Failure to obey orders of traffic controllers or instructions;
- d) Causing death of 02 people;
- e) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- g) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;
- h) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following schools, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Causing death of 03 people or more;
- b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;
- d) Causing property damage of VND 1,500,000,000 or more.

4. Road users who violate regulations on road traffic safety cause injury or harm to the health of 01 person with an injury rate of between 31% and 60% or cause injury harming the health of 02 or more persons with the total bodily injury rate of these persons between 31% and 60%, the offenders shall be subject to a fine of from VND 30,000,000 to VND 100,000,000 or be subject to re-education. no detention for up to 3 years.

5. Violations against regulations on road traffic safety that are actually likely to result in damage to life, health or property of others if not prevented in time, shall be subject to fines. from 10,000,000 VND to 50,000,000 VND, a non-custodial reform for up to 1 year or a prison term of between 3 months and 1 year.

6. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs from 01 to 05 years.

#### **Article 261. Crime of obstructing road traffic**

1. Those who illegally dig, drill, cut or level road traffic works; illegally placing or leaving materials, waste, garbage, dumping lubricants, sharp objects or other obstacles that obstruct road traffic; dismantling, illegally moving, falsifying, obscuring or destroying road signs, signal lights, focus posts, bridge mirrors, median strips or other road traffic safety devices; illegally open intersections across roads or roads with medians; illegal use of curbs, sidewalks and driveways; Illegally using road safety corridors or violating regulations on traffic safety during construction on roads in one of the following cases, the offenders shall be subject to a fine of between VND 30,000,000 and 100,000,000 dong, non-custodial reform for up to 03 years or imprisonment from 06 months to 03 years:

a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 100,000,000 and 300,000,000 or a prison term of between 02 and 07 years:

a) At passes, slopes, highways or dangerous road sections;

b) Causing death of 02 people;

c) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

d) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

dd) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

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

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 or more people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

4. Illegal digging, drilling, sawing and leveling road traffic works; illegally placing or leaving materials, waste, garbage, dumping lubricants, sharp objects or other obstacles that obstruct road traffic; dismantling, illegally moving, falsifying, obscuring or destroying road signs, signal lights, focus posts, bridge mirrors, median strips or other road traffic safety devices; illegally open intersections across roads or roads with medians; illegal use of curbs, sidewalks and driveways; Illegally using road safety corridors or violating regulations on traffic safety during construction on roads causing injury or harm to health of 01 person with an injury rate of 31 % to 60% or causing injury or causing harm to the health of 02 or more persons with the total bodily injury rate of these persons between 31% and 60%, shall be subject to a fine of between VND 30,000,000 and 100,000,000 VND or non-custodial reform for up to 3 years.

5. Committing the crime in cases where there is a real possibility of causing damage to the life, health or property of others, if not prevented in time, the offenders shall be subject to a fine of between VND 5,000,000 and 20,000,000 VND or non-custodial reform for up to 1 year.

**Article 262. Crime of putting into use road motorized vehicles and special-use motorcycles that fail to meet technical safety standards for traffic use**

1. Those who are directly responsible for the maneuvering or for the technical condition that permit the use of road motorized vehicles or special-use motorcycles that fail to meet technical safety standards participate Trafficking in one of the following cases, the offenders shall be subject to a fine of between VND 20,000,000 and 100,000,000, a non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years:

a) Killing 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years:

a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

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

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

4. Persons directly responsible for maneuvering or for technical conditions that permit the use of road motorized vehicles or special-use motorcycles that fail to meet technical safety standards to participate in traffic. Injury or harm to the health of 1 person with an injury rate of between 31% and 60% or cause injury or harm to the health of 2 or more people with the total rate of bodily injury If their bodies are between 31% and 60%, they shall be subject to a fine of between VND 20,000,000 and 100,000,000 or non-custodial reform for up to 3 years.

5. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

#### **Article 263. Crime of maneuvering people who are ineligible to drive vehicles participating in road traffic**

1. A competent person who knows a person who does not have a driving license, is not healthy enough, is of age to drive a vehicle, is in a state of alcohol or beer use and has a high concentration in his blood or breath. alcohol in excess of the prescribed level, or using drugs or other strong stimulants, but still directing that person to drive vehicles participating in road traffic in one of the following cases, the person shall be fined: from VND 20,000,000 to VND 100,000,000, subject to non-custodial reform for up to 3 years or imprisonment from 1 to 3 years:

a) Killing 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

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

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

4. A competent person who knows a person who does not have a driving license, is not healthy enough, is of age to drive a vehicle, is in a state of alcohol or beer use and has a high concentration in his blood or breath. alcohol in excess of the prescribed level or using drugs or other strong stimulants and still directing that person to drive vehicles participating in road traffic, causing injury or harm to the health of 01 person with an injury rate of between 31% and 60%, or causing injury or harm to the health of 2 or more people and the total injury rate of these persons is between 31% and 60%, the a fine ranging from VND 20,000,000 to VND 100,000,000 or non-custodial reform for up to 3 years.

5. The offenders may also be subject to a fine of between VND 10,000,000 and 30,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

#### **Article 264. Crime of assigning unqualified persons to operate vehicles participating in road traffic**

1. The owner or manager of a vehicle participating in road traffic that hands it over to a person without a driving license or a person who is in a state of alcohol or beer use and whose blood or breath alcohol concentration exceeds exceed the limit or have the use of drugs or other strong stimulants or do not meet other conditions as required by the governing law

Vehicles participating in road traffic in one of the following cases shall be subject to a fine of between VND 10,000,000 and 50,000,000 or non-custodial reform for up to 03 years:

- a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;
- d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 50,000,000 and 200,000,000 or a prison term of between 06 months and 03 years:

- a) Causing death of 02 people;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;
- d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) Causing death of 03 people or more;
- b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;
- d) Causing property damage of VND 1,500,000,000 or more.

4. The owner or manager of a vehicle participating in road traffic that has been handed over to a person without a driving license or to a person who is in a state of alcohol or beer use and whose blood or breath alcohol concentration exceeds exceeding the prescribed limit, or using drugs or other strong stimulants, or failing to meet other conditions as prescribed by law, causing injury or harm to the health of 01 person with a rate of bodily harm. may range from 31% to 60% or cause injury or harm to the health of 2 or more people with the total injury rate

bodily injury of these persons from 31% to 60%, shall be subject to a fine of between VND 10,000,000 and 50,000,000 or non-custodial reform for up to 2 years.

5. The offenders may also be subject to a fine of between VND 10,000,000 and 30,000,000.

#### **Article 265. Crime of illegal car racing**

1. Those who illegally organize the racing of cars, motorbikes or other motorized vehicles shall be subject to a fine of between VND 30,000,000 and 100,000,000 and a non-custodial reform for up to 3 years. or imprisonment from 01 to 05 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 100,000,000 and 500,000,000 or a prison term of between 03 and 07 years:

a) Illegally organizing car racing for 10 or more cars or organizing 02 or more car races at the same time;

b) Organizing betting;

c) Organize the fight against the person responsible for ensuring traffic order and safety or the person responsible for dissolving the illegal car race;

d) Organizing racing in places where the population is densely populated;

d) Remove safety devices from racing vehicles;

e) Killing 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

g) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

h) Inflicting injury or causing harm to the health of 03 or more people with a total injury rate of between 61% and 121%;

i) Causing property damage of between VND 100,000,000 and under VND 500,000,000;

k) Recidivism of this crime or illegal racing.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000;

d) Dangerous recidivism.

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

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

5. The person who illegally organizes the racing of cars, motorbikes or other motorized vehicles causing injury or harm to the health of 01 person with an injury rate of between 31% and 60% or causing injury or causing harm to the health of 2 or more persons with the total bodily injury rate of these persons between 31% and 60%, the offenders shall be sentenced to between 1 and 6 years of imprisonment.

6. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000.

#### **Article 266. Crime of illegal racing**

1. Those who illegally race cars, motorbikes or other motorized vehicles in one of the following cases shall be subject to a fine of between VND 10,000,000 and 50,000,000, and a fine of no imprisonment for up to 2 years or imprisonment from 3 months to 2 years:

a) Inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%;

b) Inflicting injury or causing harm to the health of 02 or more people with a total injury rate of between 31% and 60%;

c) Has been administratively sanctioned for this act or has been convicted for this crime, has not yet had his criminal record cleared but continues to commit it.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 50,000,000 and 150,000,000 or a prison term of between 01 and 05 years:

- a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;
- d) Causing property damage of between VND 100,000,000 and under VND 500,000,000;
- dd) Causing an accident and then running away to evade responsibility or intentionally not helping the victim;
- e) Participating in betting;
- g) Against the person responsible for ensuring traffic order and safety or the person responsible for dissolving the illegal car race;
- h) Racing in a densely populated area;
- i) Remove safety devices from racing vehicles;
- k) Dangerous recidivism.

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

- a) Causing death of 02 people;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;
- d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Causing death of 03 people or more;
- b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

5. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000.

#### **Article 267. Crime of violating regulations on railway vehicle control**

1. Those who command and operate railway vehicles and violate regulations on railway traffic safety in one of the following circumstances shall be subject to a fine of between VND 50,000,000 and 200,000,000 , shall be sentenced to non-custodial reform for up to 3 years or a prison term of from 1 year to 05 years:

a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

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

a) No license, diploma or professional certificate corresponding to the assigned task;

b) In the state of using alcohol, beer with an alcohol concentration exceeding the prescribed level in the blood or breath, or using drugs or other strong stimulants that are prohibited by law.  
use;

c) Causing an accident and then fleeing to evade responsibility or intentionally not helping the victim;

d) Failure to obey orders of the commander or person competent to control and maintain railway traffic order and safety;

d) Causing death of 02 people;

e) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

g) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

h) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment.

- a) Causing death of 03 people or more;
  - b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;
  - c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;
  - d) Causing property damage of VND 1,500,000,000 or more.
4. Committing the crime in cases where it is likely to actually lead to actual consequences causing damage to the life, health or property of others, if not prevented in time, the offenders shall be subject to a fine of from 10,000,000 VND 50,000,000, non-custodial reform for up to 2 years or imprisonment from 3 months to 2 years.
5. The conductor or operator of a railway vehicle that violates regulations on railway traffic safety causes injury or harms to the health of 01 person with an injury rate of between 31% and 31%. 60% or causing injury or causing harm to the health of 2 or more persons with the total injury rate of these persons between 31% and 60%, the offenders shall be subject to a fine of between VND 30,000,000 and 100,000,000. dong, shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 3 months and 2 years.
6. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs from 01 to 05 years.

#### **Article 268. Crime of obstructing railway traffic**

1. Those who place obstacles on the railway; move rails and sleepers; Illegally drilling, digging, cutting the railway platform, opening a crossroads, building culverts or other illegal works across the railway; damaging, changing, shifting or obscuring signals, signboards and landmarks of railway traffic works; allowing animals to cross the railway in contravention of regulations or allowing animals to pull carts across the railway without an operator; illegally bringing self-made vehicles, vehicles that are not allowed to run on railways or destroying railway transport means or encroaching on railway traffic safety corridors, railway traffic works protection scope obstructing railway traffic, causing damage in one of the following cases, the offenders shall be subject to a fine of between VND 30,000,000 and 100,000,000, a non-custodial reform for up to three years or a prison term of between one and two years. 03 years:

- a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000;

dd) Has been administratively sanctioned for this act or has been sentenced for this crime, has not yet been expunged but continues to commit it.

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

a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment.

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

4. People who put obstacles on railways; move rails and sleepers; Illegally drilling, digging, cutting the railway platform, opening a crossroads, building culverts or other illegal works across the railway; damaging, changing, shifting or obscuring signals, signboards and landmarks of railway traffic works; allowing animals to cross the railway in contravention of regulations or allowing animals to pull carts across the railway without an operator; illegally bringing self-made vehicles, vehicles that are not allowed to run on railways or destroying railway transport means or encroaching on railway traffic safety corridors, railway traffic works protection scope obstructing railway traffic causing injury or harm to the health of 1 person with an injury rate of between 31% and 60% or causing injury or harm to the health of 2 or more If the rate of bodily injury of these persons is between 31% and 60%, the offenders shall be subject to a fine of between VND 10,000,000 and 100,000,000, a non-custodial reform for up to 2 years or a prison term of between 3 months and 2 years. .

5. Committing the crime in cases where it is likely to actually lead to actual consequences causing damage to the life, health or property of others, if not prevented in time, the offenders shall be subject to a fine of from 10,000,000 VND 100,000,000, non-custodial reform for up to 2 years or imprisonment from 3 months to 2 years.

## **Article 269. Crime of putting into use unsafe railway vehicles and equipment**

1. The person who is directly responsible for the maneuvering or for the technical condition of the railway vehicle that permits the use of vehicles and equipment without a certificate of registration or registration or have, but know that such means and equipment fail to meet technical and safety standards, causing damage in one of the following cases or having been disciplined for this act but continue to violate them, shall be subject to a penalty: a fine of between VND 20,000,000 and 100,000,000, non-custodial reform for up to 3 years or imprisonment from 1 to 5 years:

- a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;
- d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

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

- a) Causing death of 02 people;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;
- d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Causing death of 03 people or more;
- b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;
- d) Causing property damage of VND 1,500,000,000 or more.

4. Persons directly responsible for maneuvering or technical conditions of railway vehicles that permit the use of vehicles and equipment without certificates of registration or registration or having but knowing that such means and equipment do not meet technical and safety standards, causing injury or harm to the health of 01 person with a body injury rate of between 31% and 60% or causing injury or cause harms to the health of 02 or more persons with the total bodily injury rate of these persons between 31% and 60%, the offenders shall be subject to a fine of from VND 20,000,000 to VND 100,000,000, a fine of no more than VND 100,000,000. imprisonment for up to 2 years or imprisonment from 3 months to 2 years.

5. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

#### **Article 270. Crime of mobilizing people who are not qualified to operate railway vehicles**

1. A person who maneuvers or assigns a person who does not have a license to drive a ship, or who is in a state of alcohol or beer use, whose blood or breath has an alcohol concentration exceeding the prescribed level, or who has used narcotics drugs or other strong stimulants or failing to meet other conditions as prescribed by law, driving railway vehicles causing damage in one of the following cases or having been disciplined for acts If they continue to violate these regulations, they shall be subject to a fine of between VND 30,000,000 and 100,000,000, a non-custodial reform for up to 3 years or a prison term of between 1 and 5 years:

- a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;
- d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

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

- a) Causing death of 02 people;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;
- d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Causing death of 03 people or more;
- b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;
- d) Causing property damage of VND 1,500,000,000 or more.

4. The person who dispatches or assigns a person who does not have a license to drive a ship or who is not physically fit; a person who is in a state of alcohol or beer use, whose blood or breath alcohol concentration exceeds the prescribed level, or who uses drugs or other strong stimulants, operates a railway vehicle, causes injury harms or causes harm to the health of 1 person with an injury rate of between 31% and 60%, or causes injury or harms to the health of 2 or more persons with the total bodily injury rate of these persons this person is between 31% and 60%, or has been disciplined for this act but continues to commit it, the offenders shall be subject to a fine of between VND 30,000,000 and 100,000,000, a non-custodial reform for up to 3 years or a fine of between VND 30,000,000 and VND 100,000,000. imprisonment from 3 months to 02 year.

5. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

#### **Article 271. Crime of assigning unqualified persons to operate railway vehicles**

1. Those who hand over to a person without a license to drive a train or to a person who is in a state of alcohol or beer use, whose blood or breath has an alcohol concentration exceeding the prescribed level, or who uses drugs or other substances other strong stimuli or failing to meet other conditions as prescribed by law, operating a railway vehicle causing damage in one of the following cases or having been disciplined for this act but also violating The offenders shall be subject to a fine of between VND 30,000,000 and 100,000,000, a non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years:

- a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;
- d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Causing death of 02 people;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 03 or more people whose total injury rate is 122% to 200%;
- d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 12 years of imprisonment:

- a) Causing death of 03 people or more;
- b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;
- d) Causing property damage of VND 1,500,000,000 or more.

4. Persons handing over to a person without a license to drive a train or to a person who is in a state of alcohol or beer use and whose blood or breath has an alcohol concentration exceeding the prescribed level or has used drugs or stimulant substances. other strong interests or failing to meet other conditions as prescribed by law, operating a railway vehicle causing injury or harm to the health of 01 person with an injury rate of between 31% and 60% or causing injury or causing harm to the health of 02 or more people with the total bodily injury rate of these persons between 31% and 60%, or having been disciplined for this act but still violate, shall be subject to a fine of between VND 30,000,000 and 100,000,000 or non-custodial reform for up to 3 years.

5. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

#### **Article 272. Crime of violating regulations on operating waterway means of transport**

1. Those who operate waterway traffic vehicles and violate regulations on waterway traffic safety and cause damage in one of the following circumstances shall be subject to a fine of between VND 30,000,000 and 100,000,000 dong, non-custodial reform for up to 03 years or imprisonment from 01 to 05 years:

- a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

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

a) There is no professional diploma or certificate suitable to the title or type of vehicle as prescribed;

b) In the state of using alcohol, beer with an alcohol concentration in the blood or breath exceeding the prescribed level or using drugs or other strong stimulants;

c) Causing an accident and then fleeing to evade responsibility or intentionally not helping the victim;

d) Failure to obey orders of the commander or person competent to control and maintain order and safety of waterway traffic;

d) Causing death of 02 people;

e) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

g) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

h) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

4. Committing the crime in cases where it is likely to lead to actual consequences causing damage to the life, health or property of others, if not prevented in time, a fine shall be imposed.

from 10,000,000 VND to 50,000,000 VND, a non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years.

5. The driver of a waterway vehicle that violates regulations on waterway traffic safety causes injury or harms to the health of 01 person with an injury rate of between 31% and 60% or causing injury or causing harm to the health of 02 or more persons with the total bodily injury rate of these persons between 31% and 60%, the offenders shall be subject to a fine of between VND 30,000,000 and 100,000,000 and a fine of between VND 30,000,000 and 100,000,000. non-custodial reform for up to 2 years or imprisonment from 3 months to 2 years.

6. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs from 01 to 05 years.

### **Article 273. Crime of obstructing waterway traffic**

1. Those who illegally drill or dig damage the structures of waterway traffic works; create obstacles to obstruct waterway traffic without placing and maintaining signals; moving reduces the effect and effect of the signal; dismantling signals or destroying waterway traffic works; encroaching on waterways or waterway traffic protection corridors or other acts of obstructing waterway traffic causing damage in one of the following cases, the offenders shall be subject to a fine of between VND 30,000,000 and 100,000,000; non-custodial reform for up to 03 years or imprisonment from 01 to 05 years:

a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

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

a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Causing death of 03 people or more;
- b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;
- d) Causing property damage of VND 1,500,000,000 or more.

4. Illegal drillers and excavators damage structures of waterway traffic works; creating obstacles to obstruct waterway traffic without placing and maintaining signals; moving reduces the effect and effect of the signal; dismantling signals or damaging waterway traffic works; encroaching on waterways or protection corridors of waterway traffic or other acts of obstructing waterway traffic causing injury or harm to the health of 01 person with an injury rate of between 31% and 60% or causing injury or causing harm to the health of 02 or more persons with the total bodily injury rate of these persons between 31% and 60%, the offenders shall be subject to a fine of between VND 10,000,000 and 50,000,000 and a fine of between VND 10,000,000 and VND 50,000,000. non-custodial reform for up to 2 years or imprisonment from 3 months to 2 years.

5. Committing the crime in cases where it is likely to actually lead to actual consequences causing damage to the life, health or property of others, if not prevented in time, the offenders shall be subject to a fine of from 10,000,000 VND 50,000,000, non-custodial reform for up to 2 years or imprisonment from 3 months to 2 years.

#### **Article 274. Crime of putting into use unsafe waterway means of transport**

1. The person who is directly responsible for the maneuvering or for the technical condition of the waterway means of transport that allows the watercraft to be put into use is clearly unsafe, causing damage to the in one of the following cases, or have been disciplined, administratively sanctioned for this act or convicted for this crime, not yet entitled to criminal record remission but continue to commit it, shall be subject to a fine of from 30,000 000 VND to 100,000,000 VND, subject to non-custodial reform for up to 03 years or imprisonment from 01 to 05 years:

- a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

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

a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

4. The person directly responsible for the maneuvering or for the technical condition of the watercraft that allows the watercraft to be put into use is clearly unsafe, causing injury or causing injury. causing harm to the health of 01 person with an injury rate of between 31% and 60% or causing injury or causing harm to the health of 02 or more people whose total bodily injury rate is from 31% to 60%, or have been disciplined, administratively sanctioned for this act, or have been convicted of this crime, have not yet had criminal records remitted but continue to commit it, shall be subject to a fine of from 30,000,000 VND 100,000,000, non-custodial reform for up to 3 years or imprisonment from 3 months to 2 years.

5. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

#### **Article 275. Crime of mobilizing people who are not qualified to operate waterway means of transport**

1. Any person who dispatches a person without a license, certificate or professional certificate as prescribed or fails to meet other conditions as prescribed by the law on waterway traffic causes damage in one of the following cases: have been disciplined or administratively sanctioned for this act or have been convicted for this crime, have not yet been expunged, but still commit

The offenders shall be subject to a fine of between VND 30,000,000 and 100,000,000, a non-custodial reform for up to 3 years or a prison term of between 1 and 5 years:

- a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;
- d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

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

- a) Causing death of 02 people;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;
- d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Causing death of 03 people or more;
- b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;
- d) Causing property damage of VND 1,500,000,000 or more.

4. The dispatcher does not have the license, certificate or professional certificate as prescribed or does not meet other conditions as prescribed by the law on waterway traffic, causing injury or harm to the health of the operator. 01 person with an injury rate of between 31% and 60% or causing injury or harm to the health of 02 or more people with the total injury rate of these persons from 31% to 60% or who have been disciplined, administratively sanctioned for this act or have been convicted for this crime, have not yet had their criminal records remitted but continue to commit them, shall be subject to a fine of between VND 30,000,000 and 100,000,000. , shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 3 months and 2 years.

5. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

**Article 276. Crime of assigning unqualified persons to operate waterway means of transport**

1. A person who assigns a person who does not have a license, certificate or professional certificate as prescribed or fails to meet other conditions as prescribed by law to operate a water transport vehicle causing damage, falls under one of the following categories: the following cases or have been disciplined, administratively sanctioned for this act or have been sentenced for this crime, have not yet had criminal record remission but continue to commit it, shall be subject to a fine of from 30,000,000 VND 100,000,000, non-custodial reform for up to 03 years or imprisonment from 06 months to 03 years:

a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

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

a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment.

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

4. The person who assigns a person without a license, certificate or professional certificate as prescribed or fails to meet other conditions as prescribed by law to operate a watercraft, causing injury or harm for the health of 1 person with an injury rate of between 31% and 60%, or causing injury or harm to the health of 2 or more people with the total injury rate of these persons from 31% up to 60%, or have been disciplined or administratively sanctioned for this act, or have been sentenced for this crime, have not yet been expunged, but continue to commit it, the offenders shall be subject to a fine of from VND 30,000,000 to VND 30,000,000. VND 100,000,000 or non-custodial reform for up to 3 years.

5. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

#### **Article 277. Crime of violating regulations on aircraft control**

1. Any person who commands or controls an aircraft and violates regulations on air traffic safety and is likely to actually lead to consequences causing damage to the life, health or property of others, if they are not prevented in time, they shall be subject to a fine of between VND 30,000,000 and 100,000,000, a non-custodial reform for up to 3 years or a prison term of between 1 and 5 years.

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

a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

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

- a) Causing death of 03 people or more;
- b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;
- d) Causing property damage of VND 1,500,000,000 or more.

5. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

#### **Article 278. Crime of obstructing air traffic**

1. Any person who commits one of the following acts, obstructs road traffic without killing 01 person or causing injury or harm to the health of 01 person with an injury rate of 61% or higher or causing injury or causing harm to the health of 02 people with an injury rate of between 31% and 60% for each person or causing injury or causing harm to the health of 03 or more people with the total injury rate bodily injury of these persons from 62% to 121% or property damage of between VND 100,000,000 and under VND 500,000,000 or have been disciplined, administratively sanctioned for this act or Those who have been convicted of this crime, have not yet had their criminal records remitted but continue to commit them, shall be subject to a fine of between VND 30,000,000 and 100,000,000, a non-custodial reform for up to 3 years or a prison term of between 1 year and 5 years. year:

- a) Placing obstacles to obstruct air traffic;
- b) Illegally moving, falsifying, obscuring, or destroying air traffic safety signs and signals;
- c) Misuse or interfere with communication frequencies;
- d) Intentionally providing false information to the extent that it threatens the safety of aircraft in flight or on the ground, the safety of passengers, crew, ground staff or people at airports, aerodromes and public transport. civil aviation process, equipment and equipment;
- dd) Damaging airport equipment or other ancillary equipment in service of flight safety;
- e) Other acts of obstructing air traffic.

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

- a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 03 or more people whose total injury rate is 122% to 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000;

e) Is the person directly responsible for ensuring air traffic safety or directly managing the air traffic safety equipment.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment.

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

4. People who place obstacles to obstruct air traffic; illegally move, falsify, obscure, or destroy air traffic safety signs and signals; misuse or interfere with communication frequencies; intentionally providing false information to the point of endangering the safety of aircraft in flight or on the ground; safety of passengers, flight crew, ground staff or people at airports, aerodromes and civil aviation facilities, equipment and facilities; damaging airport equipment or other ancillary equipment for flight safety or other acts of obstructing air traffic causing injury or harm to health of 01 person with an injury rate body from 31% to 60% or causing injury or causing harm to the health of 02 or more people with the total injury rate of these persons from 31% to 60% or having been disciplined, administratively sanction this act or have already been convicted of this crime, have not yet had criminal records remitted but continue to commit it, shall be subject to a fine of from VND 30,000,000 to VND 100,000,000, subject to non-custodial reform. up to 03 years or imprisonment from 06 months to 03 years.

5. Committing the crime which is likely to actually lead to consequences causing damage to the life, health or property of other persons, if not prevented in time, the offenders shall be subject to a fine of between VND 10,000,000 and 50,000,000 dong, shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years.

6. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs from 01 to 05 years.

**Article 279. Crime of putting into use unsafe air traffic means  
full**

1. Those who are directly responsible for the maneuvering or the technical condition of air traffic means but put into use the vehicles clearly not ensuring technical safety, shall be sentenced to imprisonment. from 1 year to 5 years.

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

a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 8 and 15 years of imprisonment:

a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

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

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

5. Persons who are directly responsible for the maneuvering or technical condition of air traffic vehicles but allow vehicles to be put into use that clearly fail to ensure technical safety, cause injury or cause serious injury. harm the health of 1 person with an injury rate of between 31% and 60% or cause injury or harm to the health of 2 or more people

if the total injury rate of these persons is between 31% and 60%, they shall be sentenced to between 6 months and 3 years of imprisonment.

6. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs from 01 to 05 years.

**Article 280. Crime of maneuvering or handing over unqualified persons to operate air transport vehicles**

1. Those who maneuver or assign to persons who do not have a license to pilot an aircraft or fail to meet other conditions as prescribed by law to operate an air traffic vehicle shall be sentenced to between 01 and 05 years of imprisonment. .

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

a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

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

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

5. The person who dispatches or assigns a person who does not have an aircraft pilot license or does not meet other conditions as prescribed by law to operate an air vehicle, causing injury or harm to the health of 01 person. a person with a bodily injury rate of between 31% and 60% or causing injury or harm to the health of 2 or more people and the total injury rate of these persons is between 31% and 60%, then shall be sentenced to between 6 months and 3 years of imprisonment.

#### **Article 281. Crime of violating regulations on maintenance, repair and management of traffic works**

1. Any person who is responsible for the maintenance, repair and management of road, railway, waterway or air traffic works and commits one of the following acts, causing injury or damage for the health of 1 person with an injury rate of between 31% and 60%, or causing injury or harm to the health of 2 or more people with the total injury rate of these persons from 31% up to 60%, shall be subject to a fine of between VND 30,000,000 and 100,000,000 or non-custodial reform for up to 03 years:

a) Failing to implement or improperly implementing regulations on maintenance, maintenance and management so that traffic works do not ensure the technical safety status and technical standards of the works related to safety assurance; traffic;

b) Failure to promptly remedy damaged traffic works, threatening traffic safety;

c) Failure to implement or improperly implementing measures to guide and control traffic, place signs, posts, and barriers to prevent accidents when traffic works have been damaged or are being repaired. repair, repair;

d) Failing to regularly inspect and take measures to ensure traffic safety on dangerous steep passes, road sections with landslides, landslides, flooded water or on road sections at risk of unsafety. whole traffic;

dd) Failing to take measures to promptly handle and prevent accidents when detecting or being informed that traffic works under their management are damaged;

e) Failing to place or not placing enough protective signals in accordance with regulations on construction and repair of traffic works;

g) Failing to clean up and clear guardrails, barriers, vehicles and materials during construction finished;

h) Other violations on maintenance, maintenance and management of traffic works.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 06 months and 03 years of imprisonment:

- a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;
- d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) Causing death of 02 people;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;
- d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Causing death of 03 people or more;
- b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;
- d) Causing property damage of VND 1,500,000,000 or more.

5. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

#### **Article 282. Crime of appropriating aircraft and ships**

1. Those who use force, threaten to use force or use other tricks to appropriate aircraft or ships shall be sentenced to between 07 and 15 years of imprisonment.

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

- a) Organized;
- b) Using dangerous weapons or means;
- c) Killing 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;
- d) Inflicting injury or causing harm to the health of two persons with an injury rate of between 31% and 60% for each person;
- dd) Inflicting injury or causing harm to the health of 03 or more people with the total bodily injury rate of these persons from 61% to 121%;
- e) Causing property damage of between VND 100,000,000 and under VND 500,000,000;
- g) Dangerous recidivism.

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

- a) Causing death of 02 or more people;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 03 or more people with a total injury rate of 122% or more of these persons;
- d) Causing property damage of 500,000,000 VND or more.

4. The offenders shall also be subject to probation or residence ban from 01 to 05 years.

**Article 283. Crime of operating aircraft in violation of aviation regulations of the Socialist Republic of Vietnam**

1. Any person who controls an aircraft entering or leaving Vietnam and violates the aviation regulations of the Socialist Republic of Vietnam if not falling into the cases specified in Articles 110 and 111 of this Code, shall be subject to a fine of between VND 100,000,000 and 300,000,000 or a prison term of between 3 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 300,000,000 and 500,000,000 or a prison term of between 01 and 05 years:

- a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 500,000,000 and 1,500,000,000 or a prison term of between 03 and 07 years:

a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

4. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 1,500,000,000 and 3,000,000,000 or a prison term of between 5 and 12 years:

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

5. An aircraft operator entering or leaving Vietnam that violates the aviation regulations of the Socialist Republic of Vietnam, if not falling into the cases specified in Articles 110 and 111 of this Code, causes injure or cause harm to the health of 1 person with an injury rate of between 31% and 60% or cause harm to the health of 2 or more people whose total bodily injury rate is from 31% to 60%, shall be subject to a fine of between VND 100,000,000 and 300,000,000 or non-custodial reform for up to 3 years.

**Article 284. Crime of operating a maritime vehicle in violation of the maritime regulations of the Socialist Republic of Vietnam**

1. The operator of a ship or other maritime vehicle entering or leaving Vietnam or passing through Vietnam's territorial sea and commits one of the following acts, causing injury or causing injury

harm the health of 1 person with an injury rate of between 31% and 60% or cause injury or harm to the health of 2 or more people with a total injury rate of 31 % to 60% or have been administratively sanctioned for this act but continue to commit it, if not falling into the cases specified in Articles 110 and 111 of this Code, shall be subject to a fine of between VND 50,000,000 and VND 50,000,000. 200,000,000 VND or non-custodial reform for up to 03 years:

- a) Running over the allowed speed in seaport waters;
- b) Running not in the permitted operating area according to regulations;
- c) Failure to perform or inadequately perform procedures for port entry and exit, pilotage regime, procedures for anchoring, mooring, berthing, berthing, order and hygiene, fire safety, and prevention. environmental pollution caused by marine vehicles;
- d) Failure to comply with or improperly complying with regulations on passing, avoiding, overtaking, giving way in maritime traffic, or marine traffic vehicles do not have, or fail to ensure, whistles, bells, and gongs. specified volume;
- dd) Failing to ensure that the navigation lights and beacons meet the prescribed standards; failing to perform or improperly performing signals about sound and light signals.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 50,000,000 and 200,000,000 or a prison term of between 3 months and 2 years:

- a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;
- d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 200,000,000 and 500,000,000 or a prison term of between 01 and 03 years.

- a) Causing death of 02 people;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

4. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 500,000,000 and 1,500,000,000 or a prison term of between 3 and 07 years:

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

## **Section 2. Crimes in the field of information technology, telecommunication networks**

### **Article 285. Crime of producing, trading in, exchanging or donating tools, equipment and software for illegal use**

1. Those who produce, buy, sell, exchange or donate tools, equipment, and software with the feature of attacking computer networks, telecommunications, or electronic devices for illegal purposes, shall: be subject to a fine of between VND 20,000,000 and 100,000,000, a non-custodial reform for up to 2 years or a prison term of between 3 months and 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 100,000,000 and 500,000,000 or a prison term of between 01 and 05 years:

a) Organized;

b) Committing the crime twice or more;

c) Be of a professional nature;

d) Gaining illicit profits from VND 50,000,000 to under VND 500,000,000;

dd) Causing property damage of between VND 100,000,000 and under VND 1,000,000,000;

e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 500,000,000 and 1,000,000,000 or a prison term of between 03 and 07 years:

a) Gaining illicit profits of VND 500,000,000 or more;

b) Causing property damage of 1,000,000,000 VND or more.

4. The offenders may also be subject to a fine of from VND 5,000,000 to VND 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, or having part or all of part confiscated. property set.

**Article 286. Crime of spreading informatics programs that harm the operation of computer networks, telecommunications networks and electronic means**

1. Those who intentionally distribute computer programs that cause harms to computer networks, telecommunications networks or electronic devices in one of the following circumstances shall be subject to a fine of between VND 50,000,000 and 200,000,000 , shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 6 months and 3 year:

a) Gaining illicit profits from VND 50,000,000 to under VND 200,000,000;

b) Causing damage of between VND 50,000,000 and under VND 300,000,000;

c) Infecting from 50 electronic means to less than 200 electronic means or information system with between 50 users and under 200 users;

d) Has been administratively sanctioned for this act or has been convicted for this crime, has not yet had his criminal record cleared but continues to commit it.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 200,000,000 and 500,000,000 or a prison term of between 03 and 07 years:

a) Organized;

b) Gaining illicit profits from VND 200,000,000 to under VND 500,000,000;

c) Causing damage of between VND 300,000,000 and under VND 1,000,000,000;

d) Infecting from 200 electronic media to less than 500 electronic means or information system with from 200 users to less than 500 users;

d) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 12 years of imprisonment:

a) For the data system classified as state secret; information systems in service of national defense and security;

b) For the national information infrastructure; the national grid operating information system; financial and banking information systems; traffic control information system;

- c) Gaining illegal profits of 500,000,000 VND or more;
- d) Causing damage of 1,000,000,000 VND or more;
- d) Infecting 500 or more electronic means or information systems with 500 or more users.

4. The offenders may also be subject to a fine of from VND 30,000,000 to VND 200,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

**Article 287. Crime of obstructing or disrupting the operation of computer networks, telecommunications networks and electronic means**

1. Those who arbitrarily delete, damage or change software, electronic data or illegally prevent data transmission of computer networks, telecommunications networks, electronic means or commit other acts to obstruct Obstructing or disrupting the operation of computer networks, telecommunications networks or electronic devices in one of the following cases, if not specified in Articles 286 and 289 of this Code, shall be subject to a fine a fine ranging from VND 30,000,000 to VND 200,000,000 or imprisonment from 06 months to 03 years:

- a) Gaining illicit profits from VND 50,000,000 to under VND 200,000,000;
- b) Causing damage between VND 100,000,000 and under VND 500,000,000;
- c) Paralyzing, interrupting or stopping the operation of computer networks, telecommunications networks and electronic means from 30 minutes to under 24 hours or from 03 to less than 10 times in a 24-hour period;
- d) Stalling the operation of agencies or organizations from 24 hours to less than 72 hours;
- dd) Has been administratively sanctioned for this act or has been sentenced for this crime, has not yet been expunged but continues to commit it.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 200,000,000 and 1,000,000,000 or a prison term of between 3 and 7 years:

- a) Organized;
- b) Abusing the right to administer computer networks or telecommunications networks;
- c) Dangerous recidivism;
- d) Gaining illicit profits from VND 200,000,000 to under VND 1,000,000,000;
- dd) Causing damage of between VND 500,000,000 and under VND 1,500,000,000;

e) Paralyzing, interrupting or halting the operation of computer networks, telecommunications networks, electronic means from 24 hours to under 168 hours or from 10 times to less than 50 times in a 24-hour period;

g) Stalling the operation of agencies or organizations from 72 hours to less than 168 hours.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 12 years of imprisonment:

a) For the data system classified as state secret; information systems in service of national defense and security;

b) For the national information infrastructure; the national grid operating information system; information systems, financial transactions, banking; traffic control information system;

c) Gaining illegal profits of 1,000,000,000 VND or more;

d) Causing damage of VND 1,500,000,000 or more;

dd) Paralyze, interrupt or stop the operation of computer networks, telecommunications networks and electronic means for 168 hours or more or 50 times or more in a 24-hour period;

e) Stalling the operation of agencies or organizations for 168 hours or more.

4. The offenders may also be subject to a fine of from VND 30,000,000 to VND 200,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

#### **Article 288. Crime of illegally giving or using information on computer networks or telecommunications networks**

1. Those who commit one of the following acts, gain illicit profits of between VND 50,000,000 and under VND 200,000,000 or cause damage from VND 100,000,000 to under VND 500,000,000 or cause bad publicity to do so. If the agency, organization or individual's reputation is reduced, the offenders shall be subject to a fine of between VND 30,000,000 and 200,000,000, a non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years:

a) Posting on computer networks or telecommunications networks information contrary to the provisions of law, if it does not fall into one of the cases specified in Articles 117, 155, 156 and 326 of this Code;

b) Buy, sell, exchange, donate, repair, change or publicize lawful private information of agencies, organizations or individuals on computer networks or telecommunications networks without permission of the owner. such information;

c) Other acts of illegally using information on computer networks or telecommunications networks.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 200,000,000 and 1,000,000,000 or a prison term of between 02 and 07 years:

- a) Organized;
- b) Abusing the right to administer computer networks or telecommunications networks;
- c) Gaining illegal profits of VND 200,000,000 or more;
- d) Causing damage of 500,000,000 VND or more;
- d) Infringing upon personal secrets leads to the victim committing suicide;
- e) Causing adverse effects to security, social order and safety or Vietnam's foreign relations;
- g) Leads to protests.

3. The offenders may also be subject to a fine of between VND 20,000,000 and 200,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

**Article 289. Crime of illegally infiltrating other people's computer networks, telecommunications networks or electronic means**

1. Those who intentionally bypass warnings, access codes, firewalls, use other people's administrative rights or by other methods illegally infiltrate computer networks, telecommunications networks or electronic means of other people. another hijacks; interfere with the functioning of electronic media; stealing, altering, destroying, falsifying data or illegally using services, shall be subject to a fine of between VND 50,000,000 and VND 300,000,000 or a prison term of between 01 and 05 years.  
year.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 300,000,000 and 1,000,000,000 or a prison term of between 03 and 07 years:

- a) Organized;
- b) Abusing positions and powers;
- c) Gaining illicit profits from VND 200,000,000 to under VND 500,000,000;
- d) Causing damage of between VND 300,000,000 and under VND 1,000,000,000;
- dd) For the national internet transfer station, the domain name database system and the national domain name server system;
- e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 12 years of imprisonment:

- a) For the data system classified as state secret; information systems in service of national defense and security;
  - b) For the national information infrastructure; the national grid operating information system; financial and banking information systems; traffic control information system;
  - c) Gaining illegal profits of 500,000,000 VND or more;
  - d) Causing damage of 1,000,000,000 VND or more.
4. The offenders may also be subject to a fine of between VND 5,000,000 and 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

**Article 290. Crime of using computer networks, telecommunications networks and electronic means to commit acts of appropriating property**

1. Those who use computer networks, telecommunications networks or electronic means commit one of the following acts, if not falling into one of the cases specified in Articles 173 and 174 of this Code, then: shall be sentenced to non-custodial reform for up to 03 years or a prison term of between 06 months and 03 years:

- a) Using information about accounts and bank cards of agencies, organizations or individuals to appropriate property of account holders or cardholders or pay for goods or services;
- b) Making, storing, buying, selling, using and circulating fake bank cards in order to appropriate assets of account holders, cardholders or pay for goods and services;
- c) Illegally accessing accounts of agencies, organizations and individuals in order to appropriate property;
- d) Deception in e-commerce, electronic payment, currency trading, capital raising, multi-level business or online securities trading in order to appropriate property;
- dd) Illegally establishing and providing telecommunications and internet services in order to appropriate property.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Organized;
- b) Committing the crime twice or more;
- c) Be of a professional nature;
- d) The number of fake cards is from 50 cards to less than 200 cards;
- dd) Appropriating property valued between VND 50,000,000 and under VND 200,000,000;

e) Causing damage of between VND 50,000,000 and under VND 300,000,000;

g) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Appropriating property valued between VND 200,000,000 and under VND 500,000,000;

b) Causing damage from 300,000,000 VND to under 500,000,000 VND;

c) The number of fake cards is from 200 cards to less than 500 cards.

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

a) Appropriating property valued at VND 500,000,000 or more;

b) Causing damage of 500,000,000 VND or more;

c) Number of fake cards 500 or more.

5. The offenders may also be subject to a fine of from VND 20,000,000 to VND 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, or having part or all of part confiscated. property set.

**Article 291. Crime of illegally collecting, storing, exchanging, trading, and disclosing information about bank accounts**

1. Those who illegally collect, store, exchange, buy, sell or publicize information about accounts other people's banks with the amount from 20 accounts to less than 50 accounts or illegally earning from 20,000,000 VND to less than 50,000,000 VND, they will be fined from 20,000,000 VND to 100,000,000 VND or be fined non-custodial reform for up to 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 100,000,000 and 200,000,000 or a prison term of between 3 months and 2 years:

a) Illegally collecting, storing, exchanging, buying, selling or publicly disclosing information about other people's bank accounts with the number from 50 accounts to less than 200 accounts;

b) Organized;

c) Be of a professional nature;

d) Gaining illicit profits from VND 50,000,000 to under VND 200,000,000;

d) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 200,000,000 and 500,000,000 or a prison term of between 02 and 07 years:

a) Illegally collecting, storing, exchanging, trading, or disclosing information about other people's bank accounts with the number of 200 accounts or more;

b) Gaining illicit profits of VND 200,000,000 or more.

4. The offenders may also be subject to a fine of from VND 10,000,000 to VND 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, or having part or all of part confiscated. property set.

**Article 292. Crime of illegally providing services on computer networks and telecommunications networks**

1. Those who provide one of the following services on a computer network or telecommunications network without a license or with the wrong content licensed, earn an illegal profit of between VND 50,000,000 and under VND 200,000,000 or having a turnover of between VND 500,000,000 and under VND 2,000,000,000, the offenders shall be subject to a fine of between VND 200,000,000 and 500,000,000 or non-custodial reform for up to 2 years:

a) Trading in gold on the account;

b) E-commerce trading floor;

c) Multi-level business;

d) Payment intermediary;

d) Online video games;

e) Other services on computer networks and telecommunications networks as prescribed by law.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 500,000,000 and 1,500,000,000 or a prison term of between 3 months and 2 years:

a) Organized;

b) Committing the crime twice or more;

c) Be of a professional nature;

d) Dangerous recidivism;

dd) Gaining illicit profits from VND 200,000,000 to under VND 500,000,000 or earning from VND 2,000,000,000 to under VND 5,000,000,000.

3. Committing the crime in case of illegally earning VND 500,000,000 or more or having a turnover of VND 5,000,000,000 or more, the offenders shall be subject to a fine of from VND 1,500,000,000 to VND 5,000,000,000 or face a prison term of between 2 years and 2 years. 05 years.

4. The offenders may also be subject to a fine of from VND 20,000,000 to VND 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, or having part or all of part confiscated. property set.

**Article 293. Crime of illegally using radio frequencies reserved for emergency, safety, search, rescue, rescue, national defense and security purposes**

1. Those who illegally use radio frequencies reserved for emergency, safety, search, rescue, rescue, national defense or security purposes for other purposes cause damage of from VND 200,000,000 up to less than 500,000,000 VND or have been administratively sanctioned for this act or have been sentenced for this crime, have not yet had criminal record remission but continue to commit it, shall be subject to a fine of between VND 50,000,000 and 100,000. 000 VND or non-custodial reform for up to 03 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 05 years of imprisonment:

- a) Organized;
- b) Causing damage of 500,000,000 VND or more;
- c) Dangerous recidivism.

**Article 294. Crime of intentionally causing harmful interference**

1. Those who intentionally cause harmful interference, obstruct the normal operation of the radio communication system, causing damage from 200,000,000 VND to under 500,000,000 VND or have already been administratively sanctioned for administrative violations. If you commit this crime or have been convicted of this crime, have not yet had your criminal record remitted but continue to commit it, you will be subject to a fine of between VND 50,000,000 and 100,000,000 or non-custodial reform for up to 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 05 years of imprisonment:

- a) Organized;
- b) Causing damage of 500,000,000 VND or more;
- c) Dangerous recidivism.

**Section 3. OTHER Crimes Infringing upon Public Safety**

**Article 295. Crime of violating regulations on occupational safety, occupational hygiene and safety in crowded places**

1. Those who violate regulations on occupational safety, occupational hygiene and safety in crowded places in one of the following circumstances shall be subject to a fine of between VND 20,000,000 and 100,000,000 , shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 1 and 5 years:

- a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;
- d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) Causing death of 02 people;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;
- d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000;
- d) Being the person responsible for occupational safety, hygiene and safety in crowded places.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 12 years of imprisonment:

- a) Causing death of 03 people or more;
- b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;
- d) Causing property damage of VND 1,500,000,000 or more.

4. A person who violates regulations on occupational safety, occupational hygiene and safety in crowded places causes injury or harms to the health of 1 person with an injury rate of between 31% and 31%. 60% or causing injury or causing harm to the health of 02 or more persons with the total bodily injury rate of these persons between 31% and 60%, the offenders shall be subject to a fine of from 20,000,000 VND.

VND 100,000,000, non-custodial reform for up to 2 years or imprisonment from 3 months to 2 years.

5. Committing the crime which is likely to actually cause damage to the life, health or property of others, if not prevented in time, the offenders shall be sentenced to non-custodial reform for up to 3 years or a prison term of from 6 months. up to 3 years.

6. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

**Article 296. Crime of violating regulations on employment of employees under 16 years of age**

1. Those who employ people under 16 years of age to do heavy and dangerous jobs or in contact with hazardous substances on the list prescribed by the State in one of the following cases, shall be subject to a fine of from 30,000 000 VND to 200,000,000 VND, non-custodial reform for up to 03 years or imprisonment from 06 months to 03 years:

a) Has been administratively sanctioned for this act or has been convicted for this crime, has not yet had his criminal record cleared but still commits it;

b) Inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%;

c) Inflicting injury or causing harm to the health of 02 or more people with a total injury rate of between 31% and 60% of these persons.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

a) Committing the crime twice or more;

b) Against 02 or more people;

c) Killing 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

d) Inflicting injury or causing harm to the health of two persons with an injury rate of between 31% and 60% for each person;

dd) Inflicting injury or causing harm to the health of 03 or more people with a total injury rate of 61% or more of these persons.

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

a) Causing death of 02 or more people;

b) Inflicting injury or causing harm to the health of 02 or more people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 03 or more people with the total bodily injury rate of these persons 122% or higher.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000.

#### **Article 297. Crime of forced labor**

1. Those who use force, threaten to use force or other tricks to force other people to work in one of the following circumstances shall be subject to a fine of between VND 50,000,000 and 200,000,000 and a fine create non-custodial up to 03 years or imprisonment from 06 months to 03 years:

a) Has been administratively sanctioned for this act or has been convicted for this crime, has not yet had his criminal record cleared but still commits it;

b) Inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%;

c) Inflicting injury or causing harm to the health of 02 or more people with a total injury rate of between 31% and 60% of these persons.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

a) Organized;

b) Against 02 or more people;

c) Against people under 16 years old, women who know they are pregnant, the elderly and weak, people with severe disabilities or particularly severe disabilities;

d) Killing 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

dd) Inflicting injury or causing harm to the health of two persons with an injury rate of between 31% and 60% for each person;

e) Inflicting injury or causing harm to the health of 03 or more people with a total injury rate of 61% or more of these persons;

g) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 12 years of imprisonment:

a) Causing death of 02 or more people;

b) Inflicting injury or causing harm to the health of 02 or more people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 03 or more people with the total bodily injury rate of these persons 122% or higher.

4. Offenders may be subject to a fine of between VND 30,000,000 and 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

**Article 298. Crime of violating construction regulations, causing serious consequences**

1. Those who violate construction regulations in the fields of survey, design, construction, use of raw materials, materials, machinery, supervision, acceptance of works or other fields, otherwise falling into the cases specified in Article 224 or Article 281 of this Code in one of the following cases, the offenders shall be subject to a fine of between VND 50,000,000 and 500,000,000, a non-custodial reform for up to 3 years or a fine of between VND 50,000,000 and VND 500,000,000. imprisonment from 1 year to 5 years:

a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 03 or more people with a total injury rate of between 62% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

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

a) Being a person with positions and powers;

b) Causing death of 02 people;

c) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

d) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

dd) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in the following circumstances, the offenders shall be sentenced to between 08 and 20 years of imprisonment:

a) Causing death of 03 people or more;

- b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;
- d) Causing property damage of VND 1,500,000,000 or more.

4. Violators of construction regulations in the fields of survey, design, construction, use of raw materials, materials, machinery, supervision and acceptance of works or other fields, if not in other fields in the case specified in Article 225 or Article 281 of this Code, causing injury or harm to the health of 01 person with an injury rate of between 31% and 60% or causing injury or harm to another person. the health of 02 or more people and the total injury rate of these persons is between 31% and 60%, the offenders shall be subject to a fine of between VND 50,000,000 and 200,000,000, a non-custodial reform for up to 03 years. or imprisonment from 06 months to 03 years.

5. Offenders may also be subject to a fine of from VND 30,000,000 to VND 100,000,000 from holding certain positions, prohibited from practicing certain professions or doing certain jobs from 01 to 05 years.

#### **Article 299. Crime of terrorism**

1. Those who, in order to cause panic in the public, infringe upon the lives of others or destroy the properties of agencies, organizations or individuals, shall be sentenced to between 10 and 20 years of imprisonment, or general imprisonment. body or death penalty.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 and 15 years of imprisonment:

- a) Establishing or joining a terrorist organization or a terrorist sponsoring organization;
- b) Coercing, enticing, recruiting, training, training terrorists; manufacturing and supplying weapons to terrorists;
- c) Infringing upon freedom of body and health or occupying or damaging property of agencies, organizations or individuals.

3. Committing the crime in case of threatening to commit one of the acts specified in Clause 1 of this Article or committing other acts of mental intimidation, the offenders shall be sentenced to between 02 and 07 years of imprisonment.

4. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.

5. Offenders may also be deprived of some citizenship rights, subject to probation, banned from residence for one to five years or have part or all of their property confiscated.

#### **Article 300. Crime of sponsoring terrorism**

1. Those who mobilize or support money and properties in any form for terrorist organizations or individuals shall be sentenced to between 5 and 10 years of imprisonment.
2. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.
3. Offenders may also be subject to probation, a ban from residence for 1 to 5 years, or confiscation of part or all of their property.

#### **Article 301. Crime of kidnapping hostages**

1. A person who holds or holds another person hostage and threatens to kill, injure or continue to detain or detain that person in order to coerce a country, territory, international organization or agency or organization Individuals who do or fail to do something as a condition for releasing hostages, if they do not fall into the cases specified in Articles 113 and 299 of this Code, shall be sentenced to between 01 and 05 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) Organized;
- b) Abusing positions and powers;
- c) Against a person under 18 years old, a woman who is known to be pregnant, or a person aged full 70 years or older;
- d) Committing crimes against official duty performers;
- dd) Against 02 or more people;
- e) Inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60% or causing injury or causing harm to the health of 2 or more people with a total injury rate of between 31% and 60%. the body of these people from 31% to 60%;
- g) Causing mental and behavioral disorders of the victim from 11% to 45%.

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

- a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;
- d) Causing property damage of between VND 100,000,000 and under VND 500,000,000;

dd) Causing mental and behavioral disorders of the victim 46% or more.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Causing death of 02 or more people;

b) Inflicting injury or causing harm to the health of 02 or more people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 03 or more people with a total injury rate of 122% or more of these persons;

d) Causing property damage of 500,000,000 VND or more.

5. Those who prepare to commit this crime shall be sentenced to between 06 months and 03 years of imprisonment.

#### **Article 302. Crime of piracy**

1. Those who commit one of the following acts shall be sentenced to between 5 and 10 years of imprisonment:

a) Attacking a ship, aircraft or other maritime vehicle at sea or in a place not under the jurisdiction of any country;

b) Attacking or arresting people on board ships, aircraft or other maritime means specified at Point a of this Clause;

c) Looting property on board ships, aircraft or other maritime means specified at Point a of this Clause.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

a) Organized;

b) Killing 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

c) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

d) Inflicting injury or causing harm to the health of 03 or more people with the total bodily injury rate of these persons from 61% to 121%;

dd) Appropriating property valued between VND 50,000,000 and under VND 300,000,000;

e) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

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

- a) Causing death of 02 people;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;
- d) Appropriating property valued between VND 300,000,000 and under VND 1,000,000,000;
- dd) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

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

- a) Causing death of 03 people or more;
- b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;
- d) Appropriating property worth 1,000,000,000 VND or more;
- dd) Causing property damage of VND 1,500,000,000 or more.

5. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.

**Article 303. Crime of destroying works, facilities and means important for national security**

1. Those who destroy works, facilities or means of transport, information - communication, electricity, fuel pipelines, irrigation works or other important works for national defense and security, economic, scientific - technical, cultural and social, if not falling into the cases specified in Article 114 of this Code, shall be sentenced to between 3 and 12 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 20 years of imprisonment or life imprisonment:

- a) Organized;
- b) Damage or stop operation of important national security works, facilities and means;
- c) Causing death of 03 people or more;

d) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

dd) Inflicting injury or causing harm to the health of 03 or more people with a total injury rate of 200% or more of these persons;

e) Causing property damage of VND 1,500,000,000 or more;

g) Causing adverse effects on the socio-economic situation;

h) Dangerous recidivism.

3. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.

4. Offenders may also be subject to probation from 01 to 05 years.

**Article 304.- Illegally manufacturing, storing, transporting, using, trading in or appropriating military weapons and military technical means**

1. Those who illegally manufacture, store, transport, use, trade in or appropriate military weapons and military technical means shall be sentenced to between 01 and 07 years of imprisonment.

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

a) Organized;

b) The quantity of illegal items: from 03 to 10 pistols, rifles, submachine guns; from 01 to 05 other infantry guns such as machine guns, machine guns, machine guns 12.7 mm to 25 mm, guns B40, B41; from 05 to 15 mines, grenades; from 03 to 10 mortar shells, artillery shells; from 300 to 1,000 infantry bullets of size 11.43 mm or less; from 200 to 600 rounds of anti-aircraft machine gun caliber 12.7 to 25 mm; from 10 kilograms to 30 kilograms of explosives of all kinds or from 1,000 to 3,000 buds or explosive tubes; from 3,000 meters to less than 10,000 meters of slow-burning and explosive wires.

c) Cross-border transportation and trading;

d) Killing 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

dd) Inflicting injury or causing harm to the health of two persons with an injury rate of between 31% and 60% for each person;

e) Inflicting injury or causing harm to the health of 03 or more people with the total injury rate of these persons from 61% to 121%;

g) Causing property damage of between VND 100,000,000 and under VND 500,000,000;

h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

dd) The quantity of illegal items: between 11 and 30 pistols, rifles, submachine guns; from 6 to 20 other infantry guns such as machine guns, machine guns, machine guns 12.7 mm to 25 mm, guns B40, B41; from 16 to 45 mines, grenades; from 11 to 30 mortar shells, artillery shells; from 1,001 to 3000 rounds of infantry ammunition of size 11.43 mm or less; from 601 to 2,000 rounds of anti-aircraft machine gun caliber 12.7 to 25 mm; from over 31 kilograms to 100 kilograms of all kinds of explosives; from 3,001 to 10,000 spark plugs or explosive tubes or from 10,000 meters to less than 30,000 meters of slow-burning wire or explosive wire.

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

a) The quantity of the illegal items: 31 pistols, rifles, submachine guns or more; from 21 other infantry guns such as machine guns, machine guns, machine guns 12.7 mm to 25 mm, guns B40, B41 or more; from 46 mines, grenades or more; from 31 mortar shells, artillery shells or more; from 3001 rounds or more (infantry ammunition of size 11.43 mm or less); from 2,001 rounds of anti-aircraft machine gun or more (12.7 mm to 25 mm ammo); from 101 kilograms or more of explosives of all kinds; from 10,001 buds or explosive tubes or more or from 30,000 meters of slow-burning wire, explosive wire or more.

b) Causing death of 03 people or more;

c) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

d) Inflicting injury or causing harm to the health of 03 or more people with a total injury rate of 201% or more of these persons;

dd) Causing property damage of VND 1,500,000,000 or more.

5. Offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, probation or a ban from residence for 1 to 5 years.

**Article 305. Crime of illegally manufacturing, storing, transporting, using, trading in or appropriating explosives**

1. Those who illegally manufacture, store, transport, use, trade in or appropriate explosives shall be sentenced to between 01 and 05 years of imprisonment.

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

a) Organized;

b) Explosives of all kinds from 10 kilograms to 30 kilograms or from 1,000 to 3,000 buds or explosive tubes; from 3,000 meters to less than 10,000 meters of slow-burning and explosive wires;

c) Transporting, trading across borders;

d) Killing 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

dd) Inflicting injury or causing harm to the health of two persons with an injury rate of between 31% and 60% for each person;

e) Inflicting injury or causing harm to the health of 03 or more people with the total injury rate of these persons from 61% to 121%;

g) Causing property damage of between VND 100,000,000 and under VND 500,000,000;

h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Explosives of all kinds from over 31 kilograms to 100 kilograms; from 3,001 to 10,000 spark plugs or explosive tubes or from 10,000 meters to under 30,000 meters of slow-burning and detonating wires;

b) Causing death of 02 people;

c) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

d) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

dd) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

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

a) Explosives of all kinds weighing 101 kilograms or more; from 10,001 buds or explosive tubes or more or from 30,000 meters of slow-burning wire, explosive wire or more;

- b) Causing death of 03 people or more;
  - c) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;
  - d) Inflicting injury or causing harm to the health of 03 or more people with a total injury rate of 201% or more of these persons;
  - dd) Causing property damage of VND 1,500,000,000 or more.
5. Offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, probation or a ban from residence for 1 to 5 years.

**Article 306. Crime of making, storing, transporting, using, trading in or appropriating shotguns, rudimentary weapons, sports weapons, combat gears and other weapons with effective functions similar**

1. Any person who illegally manufactures, stores, transports, uses, trades in or appropriates shotguns, rudimentary weapons, sports weapons, combat gears and other weapons with features, have the same effect as shotguns, rudimentary weapons, or sports weapons, have been administratively sanctioned for this act or have been convicted for this crime, have not yet been expunged, but continue to commit it, shall be sentenced to between 3 months and 2 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 05 years of imprisonment:

- a) Organized;
- b) There are 11 units of shotguns, rudimentary weapons, sports weapons, combat gears or weapons that are not on the list of weapons promulgated by the Government but have the same features and effects as military weapons. use or more;
- c) Cross-border transportation and trading;
- d) Causing death of 1 person or more or causing injury or causing harm to the health of 1 or more person with an injury rate of 61% or higher;
- dd) Inflicting injury or causing harm to the health of 02 or more people with an injury rate of between 31% and 60% for each person;
- e) Inflicting injury or causing harm to the health of 03 or more people with the total injury rate of these persons from 61% to 121%;
- g) Causing property damage of VND 100,000,000 or more;
- h) Dangerous recidivism.

3. Offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, probation or a ban from residence for 1 to 5 years.

**Article 307. Crime of violating regulations on management of weapons, explosives and combat gears**

1. Those who violate regulations on management of production, repair, equipment, use, preservation, storage, transportation, trading in military weapons, hunting rifles, sports weapons, materials explosives, combat gears falling into one of the following cases, the offenders shall be sentenced to between 01 and 05 years of imprisonment:

- a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;
- d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

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

- a) Causing death of 02 people;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;
- d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

- a) Causing death of 03 people or more;
- b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;
- d) Causing property damage of VND 1,500,000,000 or more.

4. Committing the crime of injuring or causing harm to the health of 1 person with an injury rate of between 31% and 60% or causing injury or causing harm to the health of 2 or more people without

If the total injury rate of these persons is from 31% to 60%, the offenders shall be subject to a fine of between VND 30,000,000 and 100,000,000, a non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years. year.

5. Committing the crime in cases where it is likely to actually lead to consequences causing damage to the life, health or property of others, if not prevented in time, the offenders shall be sentenced to non-custodial reform for up to 3 years. or imprisonment from 06 months to 03 years.

6. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs from 01 to 05 years.

**Article 308. Crime of irresponsibility in keeping weapons, explosives and combat gears, causing serious consequences**

1. Those who are assigned military weapons, hunting rifles, sports weapons, explosives or combat gears but irresponsibly let others use weapons, explosives or combat gears belonging to one of In the following cases, the offenders shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years:

a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

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

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

4. Persons assigned military weapons, hunting rifles, sports weapons, explosives and combat gears, but irresponsibly let others use them, causing injury or causing harm to the health of 01 person with the rate of 1 person. with a body injury rate of between 31% and 60%, or causing injury or harm to the health of 2 or more people and the total injury rate of these persons is between 31% and 60%, they shall be fined. from 30,000,000 VND to 100,000,000 VND, a non-custodial reform for up to 2 years or a prison term of between 3 months and 2 years.

5. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

#### **Article 309. Crime of illegally producing, storing, transporting, using, spreading, trading in or appropriating radioactive substances and nuclear materials**

1. Those who illegally produce, store, transport, use, distribute, trade in or appropriate radioactive substances and nuclear materials shall be sentenced to between 02 and 07 years of imprisonment.

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

a) Organized;

b) Transporting, trading across borders;

c) Killing 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

d) Inflicting injury or causing harm to the health of two persons with an injury rate of between 31% and 60% for each person;

dd) Inflicting injury or causing harm to the health of 03 or more people with the total bodily injury rate of these persons from 61% to 121%;

e) Causing property damage of between VND 100,000,000 and under VND 500,000,000;

g) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

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

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

5. Persons illegally producing, storing, transporting, using, spreading, trading in or appropriating radioactive substances or nuclear materials, causing injury or harm to the health of 01 person with an injury rate bodily injury of between 31% and 60% or causing injury or causing harm to the health of 02 or more persons with the total injury rate of these persons between 31% and 60%, shall be subject to a fine of between 30,000 and 30,000 VND. 000 VND to 100,000,000 VND, non-custodial reform for up to 03 years or imprisonment from 06 months to 03 years.

6. Offenders may also be subject to a fine of between VND 5,000,000 and 50,000,000, probation or a ban from residence for 1 to 5 years.

#### **Article 310. Crime of violating regulations on management of radioactive substances and nuclear materials**

1. Those who violate regulations on management of the production, equipment, use, preservation, storage, transportation, trading of radioactive substances or nuclear materials in one of the following circumstances, shall be sentenced to between 3 and 10 years of imprisonment:

a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

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

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

4. Violators of regulations on management of the production, equipment, use, preservation, storage, transport, trading of radioactive substances, nuclear materials causing injury or harm to the health of 01 person with an injury rate of between 31% and 60%, or causing injury or harm to the health of 02 or more people with the total injury rate of these people from 31% to 60%, shall be subject to a fine of from VND 30,000,000 to VND 100,000,000 or to a prison term of between 1 year and 1 year

05 years.

5. Committing the crime which is likely to actually cause damage to the life, health or property of others, if not prevented in time, the offenders shall be sentenced to non-custodial reform for up to 3 years or a prison term of from 6 months. up to 3 years.

6. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs from 01 to 05 years.

#### **Article 311. Crime of illegally producing, storing, transporting, using or trading inflammable and toxic substances**

1. Those who illegally produce, stockpile, transport, use, trade in inflammable and toxic substances shall be sentenced to between 01 and 05 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Inflicting injury or causing harm to the health of 1 person with an injury rate of between 31% and 60%;
- b) Inflicting injury or causing harm to the health of 02 or more people with a total injury rate of between 31% and 60% of these persons.

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

- a) Organized;
- b) Transporting, trading across borders;
- c) Toxic chemicals listed in Table 3 of the Convention prohibiting the development, production, stockpiling, use and destruction of chemical weapons;
- d) Killing 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;
- dd) Inflicting injury or causing harm to the health of two persons with an injury rate of between 31% and 60% for each person;
- e) Inflicting injury or causing harm to the health of 03 or more people with the total injury rate of these persons from 61% to 121%;
- g) Causing property damage of between VND 100,000,000 and under VND 500,000,000;
- h) Dangerous recidivism.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Toxic chemicals listed in Table 2 of the Convention prohibiting the development, production, stockpiling, use and destruction of chemical weapons;
- b) Causing death of 02 people;
- c) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- d) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;
- dd) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

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

a) Toxic chemicals listed in Table 1 of the Convention prohibiting the development, production, stockpiling, use and destruction of chemical weapons;

b) Causing death of 03 people or more;

c) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

d) Inflicting injury or causing harm to the health of 03 or more people with a total injury rate of 201% or more of these persons;

dd) Causing property damage of VND 1,500,000,000 or more.

6. Offenders may also be subject to a fine of between VND 5,000,000 and 50,000,000, probation or a ban from residence for 1 to 5 years.

**Article 312. Crime of violating regulations on management of inflammable and toxic substances**

1. Those who violate regulations on management of production, equipment, use, preservation, storage, transportation or trading of flammable and toxic substances in one of the following circumstances shall be sentenced to imprisonment. from 01 year to 05 years:

a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

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

a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

4. Violators of regulations on management of production, equipment, use, preservation, storage, transportation or trading of flammable and toxic substances that cause injury or harm to the health of 01 person with with an injury rate of between 31% and 60%, or causing injury or harm to the health of 2 or more people and the total injury rate of these persons is between 31% and 60%, they shall be fined. non-custodial reform for up to 2 years or imprisonment from 3 months to 2 years.

5. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

#### **Article 313. Crime of violating regulations on fire prevention and fighting**

1. Those who violate regulations on fire prevention and fighting falling into one of the following circumstances shall be subject to non-custodial reform for up to 03 years or a prison term of between 02 and 05 years:

a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

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

a) Causing death of 02 people;

b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 12 years of imprisonment:

a) Causing death of 03 people or more;

b) Inflicting injury or causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

4. Violators of regulations on fire prevention and fighting cause injury or harm to the health of 01 person with an injury rate of between 31% and 60% or cause injury or harm to health of 02 or more persons whose total bodily injury rate is between 31% and 60%, shall be subject to non-custodial reform for up to 2 years or a prison term of between 3 months and 2 years.

year.

5. Committing the crime in cases where there is a real possibility of causing damage to the life, health or property of another person, if it is not prevented in time, the offenders shall be subject to warning or non-custodial reform for up to 01 year. years or be sentenced to between 3 months and 1 year of imprisonment.

6. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

#### **Article 314. Crime of violating regulations on safe operation of electrical works**

1. Any person who commits one of the following acts causes injury or harms to the health of 01 person with an injury rate of between 31% and 60%; causing injury or causing harm to the health of 02 or more people with a total injury rate of between 31% and 60% or causing property damage from VND 100,000,000 to under 500,000,000 dong or have been disciplined or administratively sanctioned for this act but continue to commit it, shall be subject to a fine of between VND 20,000,000 and 100,000,000, a non-custodial reform for up to 3 years or a fine of between VND 20,000,000 and VND 100,000,000. prison from 06 months to 03 years:

a) Permit the construction of houses and works or arbitrarily build houses and works within the safety corridor of electrical works;

b) Causing explosions, fires, burning forests for shifting cultivation, knocking down trees, affecting the safety of electricity work operation;

- c) Digging holes, driving piles, building houses on corridors protecting underground electric cables;
- d) Anchoring ships and boats in the protection corridors of underground cables located in riverbeds or seabeds with notices or signs;
- dd) Installing electrical equipment or constructing unsafe power lines.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 100,000,000 and 300,000,000 or a prison term of between 02 and 07 years:

- a) Causing death;
- b) Inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or higher or causing injury or causing harm to the health of 2 or more people with the total bodily injury rate of these people from 61% to 121%;
- c) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

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

- a) Causing death of 02 or more people;
- b) Inflicting injury or causing harm to the health of 02 or more people with an injury rate of 61% or more for each person or causing injury or causing harm to the health of 02 or more people with a total damage rate of 61% or more. the body injury rate of these people is 122% or more;
- c) Causing property damage of VND 1,500,000,000 or more.

4. Committing the crime in cases where there is a real possibility of causing damage to the life, health or property of others if not prevented in time, the offenders shall be subject to a fine of between VND 20,000,000 and 100,000,000 VND, non-custodial reform for up to 2 years or imprisonment from 3 months to 2 years.

5. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

**Article 315. Crime of violating regulations on medical examination and treatment, production, preparation of drugs, drug distribution, drug sale or other medical services**

1. Those who violate regulations on medical examination and treatment, production, preparation, distribution, sale of drugs or other medical services, if not falling into the cases specified in Article 259 of this Code, fall under in one of the following cases, or have been disciplined, administratively sanctioned for this act or convicted for this crime, not yet entitled to criminal record remission but continue to commit it, the offenders shall be sentenced to between 01 and 20 years of imprisonment. five to five years:

a) Causing death of one person or causing harm to the health of one person with an injury rate of 61% or higher;

b) Causing harm to the health of 02 people with an injury rate of between 31% and 60% for each person;

c) Causing harm to the health of 03 or more people whose total injury rate is 61% to 121%;

d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

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

a) Causing death of 02 people;

b) Causing harm to the health of 02 people with an injury rate of 61% or more for each person;

c) Causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment.

a) Causing death of 03 people or more;

b) Causing harm to the health of 3 people with an injury rate of 61% or higher for each person;

c) Causing harm to the health of 03 or more people with a total injury rate of 201% or more of these persons;

d) Causing property damage of VND 1,500,000,000 or more.

4. A person who violates regulations on medical examination and treatment, production, preparation, distribution, sale of drugs or other medical services, if not falling into the cases specified in Article 259 of this Code, causing injury cause harm to the health of 1 person with an injury rate of between 31% and 60% or cause harm to the health of 2 or more people with a total bodily injury rate of between 31% and 60% or have been disciplined or administratively sanctioned for this act or have been convicted for this crime, not yet entitled to criminal record remission but continue to commit it, shall be subject to non-custodial reform for up to two years or a fine of up to two years. imprisonment from 3 months to 2 years.

5. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

#### **Article 316. Crime of illegal abortion**

1. Those who illegally perform abortions for others in one of the following circumstances shall be sentenced to non-custodial reform for up to 03 years or to a prison term of between 01 and 03 years:

- a) Causing death of one person or causing harm to the health of one person with an injury rate of 61% or higher;
- b) Causing harm to the health of 02 people with an injury rate of between 31% and 60% for each person;
- c) Causing harm to the health of 03 or more people with the total bodily injury rate of these persons ranging from 61% to 121%;
- d) Having been disciplined, administratively sanctioned for this act or convicted for this crime, not yet entitled to criminal record remission but continue to commit it.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) Causing death of 02 people;
- b) Causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Causing harm to the health of 3 or more people with the total bodily injury rate of these persons ranging from 122% to 200%.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Causing death of 03 people or more;
- b) Causing harm to the health of 3 people with an injury rate of 61% or higher for each person;
- c) Causing harm to the health of 03 or more people with a total injury rate of 201% or more of these persons.

4. The offenders may also be subject to a fine of between VND 5,000,000 and 50,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

#### **Article 317. Crime of violating regulations on food hygiene and safety**

1. Those who commit one of the following acts in violation of the regulations on food safety shall be subject to a fine of between VND 50,000,000 and 200,000,000 or a prison term of between 01 and 05 years:

- a) Using banned substances in the production, preliminary processing, processing and preservation of food or selling or supplying food knowing that the food contains banned substances;

b) Using chemicals, antibiotics, veterinary drugs, and pesticides banned from use in cultivation, animal husbandry, aquaculture, salt making, preliminary processing, processing and preservation of agriculture, forestry and aquaculture. products and salts that create excess residues in the product;

c) Using chemicals, antibiotics, veterinary drugs, plant protection drugs, environmental remediation substances outside the list of permitted use or of unknown origin or contrary to regulations in the product. producing, preliminarily processing, processing and preserving food in cultivation, husbandry, aquaculture or salt making, creating residues exceeding the permissible limit in products or having been administratively sanctioned for one of the following violations: acts at this point or point a of this clause but still commits violations;

d) Processing, supplying or selling food knowing that the food does not meet technical regulations and regulations on food safety; Using chemicals, additives, processing aids outside the list of permitted use or of unknown origin in the production, preliminary processing, processing and preservation of food: causing harm to the health of 01 person. a person whose bodily injury rate is between 31% and 60% or causes harm to the health of 2 or more people and whose total bodily injury rate is between 31% and 60%, or gains illicit profits from 50,000,000 VND to 100,000,000 VND.

2. Committing the crime in one of the following circumstances, the offenders shall be subject to a fine of between VND 200,000,000 and 500,000,000 or a prison term of 3 to 07 years:

a) Committing crimes in an organized manner;

b) Causing death of one person or causing harm to the health of one person with an injury rate of 61% or higher;

c) Causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;

d) Causing harm to the health of 03 or more people with the total bodily injury rate of these persons from 61% to 121%.

dd) Gaining illicit profits from VND 100,000,000 to under VND 500,000,000;

e) Committing the crime twice or more;

g) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Causing death of 02 people;

b) Causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;

c) Causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;

d) Gaining illicit profits from VND 500,000,000 to under VND 1,000,000,000.

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

a) Causing death of 03 people or more;

b) Causing harm to the health of 3 or more people with an injury rate of 61% or higher for each person;

c) Causing harm to the health of 03 or more people with a total injury rate of 201% or more of these persons;

d) Gaining illegal profits of 1,000,000,000 VND or more.

5. The offenders may also be subject to a fine of between VND 20,000,000 and 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

#### **Section 4. OTHER Crimes Infringing upon Public Order**

##### **Article 318. Crime of disturbing public order**

1. Those who disturb public order causing adverse effects on security, social order and safety or have been administratively sanctioned for this act or have been sentenced for this crime, have not been cleared. criminal convictions but continue to commit them, shall be subject to a fine of between VND 5,000,000 and 50,000,000, a non-custodial reform for up to 2 years or a prison term of between 3 months and 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Organized;

b) Using weapons, weapons or committing acts of vandalism;

c) Causing serious traffic obstruction or delaying public activities;

d) Inciting others to cause trouble;

d) Assaulting the person who intervenes to protect public order;

e) Dangerous recidivism.

##### **Article 319. Crime of infringing upon bodies, graves and remains**

1. Those who dig, destroy graves, appropriate objects to stay in graves or on graves or commit other acts of infringing upon bodies, graves or remains, shall be sentenced to non-custodial reform for up to 2 years or imprisonment from 3 months to 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Causing adverse effects on social security, order and safety;
- b) Appropriating or destroying objects of historical and cultural value;
- c) For despicable motives;
- d) Appropriating body parts and remains.

#### **Article 320. Crime of practicing superstition**

1. Those who use divination, sorcery or other forms of superstition and superstition have already been administratively sanctioned for this act or have been sentenced for this crime, have not yet had their criminal record cleared but continue to commit them. , shall be subject to a fine of between VND 10,000,000 and 100,000,000, non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years.

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

- a) Causing death;
- b) Gaining illegal profits of VND 200,000,000 or more;
- c) Causing adverse effects on social security, order and safety.

3. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000.

#### **Article 321. Crime of gambling**

1. Any person who illegally gambles in any form and loses in money or in kind valued at between VND 5,000,000 and under VND 50,000,000 or under VND 5,000,000 has been administratively sanctioned for this act or the act specified in Article 322 of this Code, or is convicted for this crime or the crime specified in Article 322 of this Code, has not yet been remitted but continues to commit it, shall be subject to non-custodial reform. imprisonment for up to 3 years or imprisonment from 6 months to 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) Be of a professional nature;
- b) Money or kind used for gambling valued at VND 50,000,000 or more;
- c) Using the internet, computer networks, telecommunications networks or electronic means to commit crimes;

d) Dangerous recidivism.

3. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000.

#### **Article 322. Crime of organizing gambling or gambling**

1. Those who illegally organize gambling or gambling in one of the following cases shall be subject to a fine of between VND 50,000,000 and 300,000,000 or a prison term of between 01 and 05 years:

a) Organizing and using a venue under its ownership and management to allow 10 or more people to gamble at the same time or for 02 or more silver mats with the amount of money or kind used for gambling worth 5,000. 000 VND or more;

b) The total amount of money or kind used for gambling in the same time is worth 20,000,000 VND or more;

c) Organize a place where property is pledged for gamblers; installing equipment for gambling; assigning guards and servants, arranging escape routes when being surrounded, using vehicles to aid in gambling;

d) Has been administratively sanctioned for this act or the act specified in Article 321 of this Code or has been sentenced for this crime or the crime specified in Article 321 of this Code, has not yet been expunged. but also violate.

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

a) Be of a professional nature;

b) Gaining illicit profits of VND 50,000,000 or more;

c) Dangerous recidivism.

3. The offenders may also be subject to a fine of from VND 20,000,000 to VND 100,000,000 or have part or all of their property confiscated.

#### **Article 323. Crime of harboring or consuming property committed by others**

1. Those who harbor or consume property without prior promise, knowing that it was obtained by other people's crimes, shall be subject to a fine of between VND 10,000,000 and 100,000,000, and a non-custodial reform of up to 03 months. years or imprisonment from 06 months to 03 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

a) Organized;

b) Being of a professional nature;

c) Illegal assets and objects valued at between VND 100,000,000 and under VND 300,000,000;

d) Gaining illicit profits from VND 20,000,000 to under VND 100,000,000;

d) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 10 years of imprisonment:

a) Illegal property and objects valued at between VND 300,000,000 and under VND 1,000,000,000;

b) Gaining illicit profits from VND 100,000,000 to under VND 300,000,000.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

a) Illegal property and objects valued at VND 1,000,000,000 or more;

b) Gaining illegal profits of VND 300,000,000 or more.

5. The offenders may also be subject to a fine of between VND 5,000,000 and 50,000,000 or have part or all of their property confiscated.

**Article 324. Crime of money laundering**

1. Those who commit one of the following acts shall be sentenced to between 01 and 05 years of imprisonment:

a) Participating directly or indirectly in financial, banking or other transactions in order to conceal the illegal origin of money or property due to their crimes, which they have or know or have grounds to know is due to their crimes. other people commit crimes that have;

b) Using money and property acquired by them from committing crimes, or knowing or having grounds to know that other people's crimes are committed by other people, to conduct business activities or other activities;

c) Concealing information about the origin, true nature, location, movement or ownership of money or property due to the crime that they have committed or know or have grounds to know is from another person. committing a crime that obtains or obstructs the verification of such information;

d) Committing one of the acts specified at Points a, b and c of this Clause with respect to money or property known to be obtained from the transfer, transfer or conversion of money or property performed by another person. criminal acts that exist.

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

a) Organized;

b) Abusing positions and powers;

- c) Committing the crime twice or more;
- d) Being of a professional nature;
- d) Using sophisticated and cunning tricks;
- e) Money and property of the crime, valued at between VND 200,000,000 and under VND 500,000,000;
- g) Gaining illicit profits from VND 50,000,000 to under VND 100,000,000;
- h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

- a) Money and property of the crime, valued at VND 500,000,000 or more;
- b) Gaining illegal profits of VND 100,000,000 or more;
- c) Causing adverse effects to the safety of the national financial and monetary system.

4. Those who prepare to commit this crime shall be sentenced to between 01 and 05 years of imprisonment.

5. The offenders may also be subject to a fine of from VND 20,000,000 to VND 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years, or having part or all of part confiscated. property set.

**Article 325. Crime of enticing, coercing or harboring a person under the age of 18 to commit a crime**

1. Those who are full 18 years old and commit one of the following acts against a person under 18 years old, shall be sentenced to between 01 and 05 years of imprisonment:

- a) Inciting, enticing, enticing, bribing, inciting or instigating persons under 18 years old to commit crimes or live depraved lives;
- b) Threatening, intimidating, using force or committing other acts to force a person under 18 to commit crimes;
- c) Accommodating a person under the age of 18 to engage in illegal activities.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) Organized;
- b) Inciting, seducing, enticing, bribing, inciting, instigating, threatening, threatening, coercing, harboring many people;

c) Against people under 13 years old;

d) Inciting, enticing, bribing, inciting, instigating, threatening, coercing, harboring a person under 18 years old to commit a very serious crime or a particularly serious crime;

d) Dangerous recidivism.

3. The offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000. If the offender falls into the case specified at Point dd, Clause 2 of this Article, the may be subject to probation from 1 year  
up to 5 years.

### **Article 326. Crime of spreading depraved cultural products**

1. Any person who makes, copies, circulates, transports, trades, or possesses for the purpose of disseminating books, newspapers, paintings, photographs, movies, music or other articles with obscene, depraved, or abusive content. For other violations of spreading depraved items in one of the following circumstances, the offenders shall be subject to a fine of between VND 10,000,000 and 100,000,000, a non-custodial reform for up to three years or a prison term of between six months and three years. :

a) Digitized data is from 01 gigabyte (GB) to less than 05 gigabyte (GB);

b) Printed books and newspapers in quantity from 50 units to 100 units;

c) Paper copies with the number from 100 to 200 photos;

d) Disseminate to 10 to 20 people;

dd) Has been administratively sanctioned for this act or has been sentenced for this crime, has not yet been expunged but continues to commit it.

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

a) Organized;

b) Digitized data is from 05 gigabytes (GB) to less than 10 gigabytes (GB);

c) Printed books and newspapers in quantity from 51 to 100 units;

d) Paper copies with the number from 201 to 500 photos;

dd) Disseminate to 21 to 100 people;

e) Against people under 18 years old;

g) Using the internet, computer networks, telecommunications networks or electronic means to commit crimes;

h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

a) Digitized data with a capacity of 10 gigabytes (GB) or more;

b) Printed books and newspapers with a quantity of 101 units or more;

c) Paper copies of 501 photos or more;

d) Popular for 101 people or more.

4. The offenders may also be subject to a fine of between VND 5,000,000 and 30,000,000, a ban from practicing certain professions or doing certain jobs for 1 to 5 years.

#### **Article 327. Crime of harboring prostitution**

1. Those who harbor prostitution shall be sentenced to between 01 and 05 years of imprisonment.

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

a) Organized;

b) Forced prostitution;

c) Committing the crime twice or more;

d) Containing 4 or more prostitutes;

dd) Against a person aged between full 16 and under 18 years old;

e) Causing mental and behavioral disturbances of sex workers from 11% to 45%;

g) Gaining illicit profits from VND 50,000,000 to under VND 200,000,000;

h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

a) Against a person aged between full 13 years and under 16 years old;

b) Gaining illicit profits from VND 200,000,000 to under VND 500,000,000;

c) Causing mental and behavioral disorders of 46% or more sex workers.

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

- a) Against 02 or more people from full 13 years old to under 16 years old;
- b) Gaining illicit profits of VND 500,000,000 or more;
- c) Forced prostitution leads to the person's death or suicide.

5. Offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000, probation from 01 to 05 years or confiscation of part or all of their property.

**Article 328. Crime of prostitution brokerage**

1. Those who act as intermediaries to seduce or lead others to engage in sex purchase or sale shall be sentenced to between 06 months and 03 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) For persons aged between full 16 years and under 18 years;
- b) Organized;
- c) Be of a professional nature;
- d) Committing the crime twice or more;
- dd) Against 02 or more people;
- e) Gaining illicit profits from VND 100,000,000 to under VND 500,000,000;
- g) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Against a person aged between full 13 years and under 16 years old;
- b) Gaining illicit profits of 500,000,000 VND or more.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000.

**Article 329. Crime of buying sex from a person under 18 years old**

1. Those who are full 18 years old or older who buy sex from people under 18 years old, except for the case specified at Point b, Clause 1, Article 142 of this Code, shall be sentenced to between 01 and 05 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) Buy sex 02 times or more;
- b) Buying sex from a person from full 13 years old to under 16 years old;
- c) Causing harm to the victim's health with an injury rate of between 31% and 60%.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Committing the crime twice or more against a person aged between full 13 years old and under 16 years old;
- b) Causing harm to the victim's health with an injury rate of 61% or higher.

4. The offenders shall also be subject to a fine of between VND 10,000,000 and 50,000,000.

## **Chapter XXII**

### **CRIMES OF INCREASING THE ORDER OF ADMINISTRATIVE MANAGEMENT**

#### **Article 330. Crime of resisting official duty performers**

1. Those who use force, threaten to use force or use other tricks to obstruct official duty performers from performing their official duties or force them to perform illegal acts, shall be subject to non-custodial reform. kept for up to 3 years or sentenced to between 6 months and 3 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Organized;
- b) Committing the crime twice or more;
- c) Instigating, enticing or inciting others to commit crimes;
- d) Causing property damage of VND 50,000,000 or more;
- d) Dangerous recidivism.

#### **Article 331. Crime of abusing democratic freedoms to infringe upon the interests of the State, the lawful rights and interests of organizations and individuals**

1. Those who abuse the rights to freedom of speech, freedom of the press, freedom of belief and religion, freedom of assembly, association and other democratic freedoms to infringe upon the interests of the State, rights lawful interests of organizations or individuals, shall be subject to warning, non-custodial reform for up to 3 years or imprisonment of between 6 months and 3 years.

2. Committing the crime, causing adverse effects to social security, order and safety, the offenders shall be sentenced to between 02 years of imprisonment and a prison term of between two years and three years.  
07 years.

#### **Article 332. Crime of evading military service**

1. Those who fail to comply with the provisions of the law on military service registration, do not obey orders for enlistment, orders to concentrate on training, have been administratively sanctioned for this act, or have committed an administrative violation. If convicted of this crime, not yet entitled to criminal record remission but continue to commit it, the offenders shall be subject to non-custodial reform for up to two years or a prison term of between three months and two years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 05 years of imprisonment:

- a) Inflicting self-injury or causing harm to their health;
- b) Committing the crime during wartime;
- c) Inciting others to commit crimes.

#### **Article 333. Crime of not obeying orders to call up reserve soldiers to enlist**

1. Any person who is a reserve soldier but fails to comply with the order to enlist in the army in case of a general mobilization order, a local mobilization order, war or a need to strengthen the army's standing force to fighting to protect the locality, defending the sovereignty of the territory, the offenders shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Inflicting self-injury or causing harm to their health;
- b) Inciting others to commit crimes.

#### **Article 334. Crime of violating regulations on the performance of military service**

1. Those who abuse their positions and powers to contravene the regulations on registration for military service, call up the army, or call for intensive training, shall be subject to non-custodial reform for up to 3 years or a prison term of between 6 months and 3 months. up to 3 years.

2. Committing the crime in wartime, the offenders shall be sentenced to between 02 and 07 years of imprisonment.

3. Offenders may also be banned from holding certain posts for 1 to 5 years.

#### **Article 335. Crime of obstructing the performance of military service**

1. Those who intentionally obstruct the registration for military service, call for enlistment, or call for intensive training shall be subject to warning, non-custodial reform for up to 2 years or a prison term of between 3 months and 2 years.  
year.

2. Committing the crime in case of abusing positions and powers or during wartime, the offenders shall be sentenced to between 2 and 5 years of imprisonment.

**Article 336. Crime of illegal civil status registration**

1. Those who have duties and powers, but illegally register and issue civil status papers, have been disciplined for such acts but continue to commit them, shall be subject to warning, fines of reform create non-custodial up to 3 years.

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

- a) Illegal registration and issuance of civil status papers for 02 or more people;
- b) Civil status papers that have been illegally granted or registered are used to commit illegal acts.

3. Offenders may also be banned from holding certain posts for 1 to 5 years.

**Article 337. Crime of intentionally disclosing state secrets; crime of appropriating, trading, destroying secret documents government**

1. Those who intentionally disclose or trade in state secrets, if not falling into the cases specified in Article 110 of this Code, shall be sentenced to between 02 and 07 years of imprisonment.

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

- a) State secret is classified as top secret;
- b) Abusing positions and powers;
- c) Causing damage to national defense, security, foreign affairs, economy or culture.

3. Committing the crime in the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

- a) Organized;
- b) State secret is classified as top secret;
- c) Committing the crime twice or more;
- d) Causing damage to the political regime, independence, sovereignty, unity and territorial integrity.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

**Article 338. Crime of unintentionally disclosing state secrets; crime of losing state secret objects and documents**

1. Those who unintentionally disclose state secrets or lose objects and documents of state secrets, shall be subject to non-custodial reform for up to three years or a prison term of between six months and three years.

2. Committing the crime in the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) State secrets are classified as top secret or top secret;

b) Causing damage to national defense, security, foreign affairs, economy, culture, political regime, independence, sovereignty, unity and territorial integrity.

3. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs from 01 to 05 years.

#### **Article 339. Crime of forging positions, ranks and working positions**

Those who forge their positions, ranks or working positions to commit illegal acts but not for the purpose of appropriating property, shall be sentenced to non-custodial reform for up to two years or a prison term of between three months and two years. year.

#### **Article 340. Crime of modifying and using certificates and documents of agencies or organizations**

1. Those who correct or falsify contents of passports, visas, household registration, civil status, certificates or documents of agencies or organizations and use such papers commit crimes or commit crimes. If they are administratively sanctioned for this act or have already been convicted of this crime, have not yet had their criminal records remitted but continue to commit them, they shall be subject to a warning, a fine of between VND 10,000,000 and 50,000,000, and a fine of between VND 10,000,000 and 50,000,000. non-custodial reform for up to 03 years or imprisonment from 06 months to 03 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 05 years of imprisonment:

a) Committing the crime twice or more;

b) Using modified or falsified papers and documents to commit very serious crimes or particularly serious crimes.

3. The offenders may also be subject to a fine of between VND 5,000,000 and 20,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

#### **Article 341. Crime of forging seals and documents of agencies or organizations; Crime of using fake seals and documents of agencies and organizations**

1. Those who forge seals, documents or other papers of agencies or organizations or use such seals, documents and papers to commit illegal acts shall be subject to a fine of from VND 30,000,000 up to VND 100,000,000, a non-custodial reform for up to 3 years or a prison term of between 6 months and 3 months year.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 05 years of imprisonment:

- a) Organized;
- b) Committing the crime twice or more;
- c) Make from 02 to 05 seals, documents or other papers;
- d) Using seals, documents or other papers to commit crimes;
- dd) Gaining illicit profits from VND 10,000,000 to under VND 50,000,000;
- e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) Making 06 or more seals, documents or other papers;
- b) Using seals, documents or other papers to commit very serious crimes or particularly serious crimes;
- c) Gaining illegal profits of VND 50,000,000 or more.

4. The offenders may also be subject to a fine of between VND 5,000,000 and 50,000,000.

#### **Article 342. Crime of appropriating, trading or destroying seals and documents of agencies or organizations**

1. Those who appropriate, trade or illegally destroy seals and documents of agencies or organizations that are not classified as state secret or work secrets shall be subject to a fine of between VND 5,000,000 and 50,000,000 VND, non-custodial reform for up to 2 years or imprisonment from 3 months to 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 05 years of imprisonment:

- a) Organized;
- b) Gaining illegal profits of VND 10,000,000 or more;
- c) Committing illegal acts;
- d) Dangerous recidivism.

3. The offenders may also be subject to a fine of between VND 5,000,000 and 20,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

#### **Article 343. Crime of violating regulations on housing management**

1. Those who appropriate residences, illegally build houses, have been administratively sanctioned for this act or have been sentenced for this crime, have not yet had their criminal records remitted but continue to commit them, shall be subject to reform. create a non-custodial sentence of up to 2 years or a prison term of between 3 months and 2 years.

Illegally built houses and works may be demolished, expropriated or confiscated.

2. The offenders may also be subject to a fine of between VND 5,000,000 and 50,000,000.

#### **Article 344. Crime of violating regulations on publishing activities**

1. Those who violate regulations on publishing activities in one of the following circumstances shall be subject to a warning, a fine of between VND 20,000,000 and 200,000,000, and a non-custodial reform of up to 02 years. years or imprisonment from 03 months to 02 years:

- a) Fail to comply with regulations on editing and approving manuscripts but still publish publications, have been administratively sanctioned for this act but continue to commit them;
- b) Print more than 2,000 copies for each publication without a confirmation of publication registration, no publication decision or license to publish non-commercial documents; no draft has been signed and approved in accordance with the law;
- c) Publish, print or distribute a publication that has been suspended, revoked, confiscated, banned from circulation, destroyed or illegally imported in quantity of 500 copies or more for each publication. ;
- d) Publish on electronic media a publication with content prohibited by law or without a confirmation of publication registration, without a publishing decision, without a signed manuscript for publication. the publication of that publication;
- dd) Committing the crime of having the quantity of publications below the level specified in one of the points b or c of this clause, and having been administratively sanctioned for one of the acts specified at points b and c of this clause. or has been convicted of this crime, has not yet been expunged, but still commits it;
- e) Failing to submit publications to deposit but still publishing publications, have been administratively sanctioned for this act but continue to commit them.

2. Committing the crime in one of the following circumstances, if not specified in Article 117 of this Code, the offenders shall be sentenced to between two and five years of imprisonment:

- a) Organized;
- b) Changing or falsifying contents of signed drafts or drafts of non-commercial documents bearing the seal of the publishing licensing agency for publication with content prohibited in accordance with the Law on Publishing. ;
- c) Publishing publications with prohibited contents according to the provisions of the Law on Publication.

3. The offenders may also be subject to a fine of between VND 20,000,000 and 100,000,000, a ban from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.

**Article 345. Crime of violating regulations on protection and use of historical-cultural relics, scenic spots and landscapes, causing serious consequences**

1. Those who violate the regulations on protection and use of historical-cultural relics, scenic spots, causing damage to historical-cultural relics, scenic spots and landscapes of value from 100,000,000 VND to under 500,000,000 VND; destroying, altering the original elements constituting historical-cultural relics, provincial-level scenic spots, or have been administratively sanctioned for this act or have been convicted for this crime, which has not yet been removed. criminal convictions but continue to commit them, shall be subject to a warning, a fine of between VND 10,000,000 and 100,000,000, a non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years.

2. Committing the crime in case of damaging historical-cultural relics, scenic spots or landscapes valued at VND 500,000,000 or more or destroying or changing the original elements constituting historical relics - national or special national-level cultural and scenic spots, the offenders shall be sentenced to between three and seven years of imprisonment.

**Article 346. Crime of violating regulations on border areas**

1. Those who violate regulations on residence, travel or other regulations on border areas, have been administratively sanctioned for this act or have been convicted for this crime, have not yet been expunged. If they continue to commit violations, they shall be subject to a fine of between VND 10,000,000 and 100,000,000 or a prison term of between 6 months and 3 years.

2. Recidivism or committing crimes that adversely affect security, social order and safety in border areas, shall be sentenced to between 02 and 07 years of imprisonment.

3. The offenders may also be subject to a fine of between VND 5,000,000 and 50,000,000, a ban from residence for one to five years.

**Article 347. Crime of violating regulations on exit and entry; Crime of staying in Vietnam illegally**

Those who illegally exit or enter Vietnam or stay in Vietnam illegally, have been administratively sanctioned for this act but continue to commit it, shall be subject to a fine of between VND 5,000,000 and 50,000,000 or a fine of between VND 5,000,000 and VND 50,000,000. imprisonment from 6 months to 3 years.

**Article 348. Crime of organizing or brokering for others to illegally exit, enter or stay in Vietnam**

1. Those who organize or broker for others to illegally exit, enter or stay in Vietnam for personal gain shall be subject to a penalty of between 01 and 05 years.

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

- a) Abusing positions and powers;
- b) Committing the crime twice or more;
- c) Against from 5 to 10 people;
- d) Being of a professional nature;
- dd) Gaining illicit profits from VND 100,000,000 to under VND 500,000,000;
- e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Against 11 or more people;
- b) Gaining illicit profits of VND 500,000,000 or more;
- c) Causing death.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000 or a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

#### **Article 349. Crime of organizing or brokering for others to escape abroad or stay abroad illegally**

1. Those who organize or broker others to escape abroad or stay abroad illegally, if not falling into the cases specified in Article 120 of this Code, shall be sentenced to between 01 and 05 years of imprisonment.

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

- a) Abusing positions and powers;
- b) Committing the crime twice or more;
- c) Against from 5 to 10 people;
- d) Being of a professional nature;
- dd) Gaining illicit profits from VND 100,000,000 to under VND 500,000,000;
- e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Against 11 or more people;
- b) Gaining illicit profits of VND 500,000,000 or more;
- c) Causing death.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000 or a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

#### **Article 350. Crime of forcing others to flee abroad or stay abroad illegally**

1. Those who force other people to flee abroad or stay abroad illegally, if not falling into the cases specified in Article 120 of this Code, shall be sentenced to between 02 and 07 years of imprisonment.

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

- a) Committing the crime twice or more;
- b) Against from 05 people to 10 people;
- c) Be of a professional nature;
- d) For despicable motives;
- d) Dangerous recidivism.

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

- a) Against 11 or more people;
- b) Causing death.

#### **Article 351. Crime of insulting the National Flag, National Emblem and National Anthem**

Those who intentionally offend the National Flag, Emblem or National Anthem shall be subject to warning, non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years.

### **Chapter XXIII**

#### **POSITION Crimins**

#### **Article 352. Crime concept of position**

1. Position-related crimes are acts of infringing upon the proper operation of agencies or organizations by persons with positions of authority while performing their official duties or tasks.

2. A person holding a position is a person who is appointed, elected, contracted or otherwise, with or without salary, assigned to perform a certain task and has certain powers in the field. when performing duties and tasks.

## **Section 1. CRIMES OF CORRUPTION**

### **Article 353. Crime of embezzlement of property**

1. Those who abuse their positions and powers to appropriate property they are responsible for managing are valued at between VND 2,000,000 and under VND 100,000,000 or under VND 2,000,000 but fall into one of the following cases , shall be sentenced to between 02 years and 07 years of imprisonment:

- a) Have been disciplined for this act but continue to commit it;
- b) Having been sentenced for one of the crimes specified in Section 1 of this Chapter, the criminal record has not yet been expunged but still commits it.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Organized;
- b) Using cunning and dangerous tricks;
- c) Committing the crime twice or more;
- d) Appropriating property valued between VND 100,000,000 and under VND 500,000,000;
- dd) Appropriating money and property for the purpose of hunger eradication and poverty alleviation; money, allowances, subsidies and incentives for people with meritorious services to the revolution; reserve funds or other types of money and assets to subsidize or donate to areas affected by natural disasters, epidemics or areas with special economic difficulties;
- e) Causing property damage of between VND 1,000,000,000 and under VND 3,000,000,000;
- g) Adversely affecting the lives of cadres, civil servants, public employees and employees in agencies and organizations.

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

- a) Appropriating property valued between VND 500,000,000 and under VND 1,000,000,000;
- b) Causing property damage of between VND 3,000,000,000 and under VND 5,000,000,000;
- c) Causing adverse effects on social security, order and safety;
- d) Leads to bankruptcy of another enterprise or organization.

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

- a) Appropriating property valued at VND 1,000,000,000 or more;
- b) Causing property damage of 5,000,000,000 VND or more.

5. The offenders are also banned from holding certain posts for 1 to 5 years, may be subject to a fine of between VND 30,000,000 and VND 100,000,000, and have part or all of their property confiscated.

6. Persons with positions and powers in non-state enterprises and organizations who embezzle property shall be handled according to the provisions of this Article.

#### **Article 354. Crime of accepting bribes**

1. A person who abuses his/her position and authority directly or through an intermediary to receive or will receive any of the following benefits for himself or herself or for another person or organization to do or not to do a thing for the benefit of: benefits or at the request of the bribe-giver, shall be sentenced to between 02 and 07 years of imprisonment:

- a) Money, property or other material benefits valued at between VND 2,000,000 and under VND 100,000,000 or under VND 2,000,000 but have been disciplined for this act but continue to commit it or have been convicted of such act. sentence for one of the crimes specified in Section 1 of this Chapter, which has not yet been expunged but still commits it;
- b) Non-material benefits.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Organized;
- b) Abuse of positions and powers;
- c) The bribe is money, property or other material benefits valued at between VND 100,000,000 and under VND 500,000,000;
- d) Causing property damage of between VND 1,000,000,000 and under VND 3,000,000,000;
- dd) Committing the crime twice or more;
- e) Knowing that the bribe is the property of the State;
- g) Asking for bribes, harassing or using cunning tricks.

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

a) The bribe is money, property or other material benefits valued at between VND 500,000,000 and under VND 1,000,000,000;

b) Causing property damage of between VND 3,000,000,000 and under VND 5,000,000,000.

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

a) The bribe is money, property or other material benefits worth 1,000,000,000 VND or more;

b) Causing property damage of 5,000,000,000 VND or more.

5. The offenders are also banned from holding certain posts for 1 to 5 years, may be subject to a fine of between VND 30,000,000 and VND 100,000,000, and have part or all of their property confiscated.

6. Persons with positions and powers in non-state enterprises and organizations who accept bribes shall be handled according to the provisions of this Article.

#### **Article 355. Crime of abusing positions and powers to appropriate property**

1. Those who abuse their positions and powers to appropriate other people's property valued from VND 2,000,000 to under VND 100,000,000 or under VND 2,000,000 but fall into one of the following circumstances, shall be subject to a fine. imprisonment from 01 year to 06 years:

a) Have been disciplined for this act but continue to commit it;

b) Having been sentenced for one of the crimes specified in Section 1 of this Chapter, the criminal record has not yet been expunged but still commits it.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 06 and 13 years of imprisonment:

a) Organized;

b) Using cunning and dangerous tricks;

c) Committing the crime twice or more;

d) Appropriating property valued between VND 100,000,000 and under VND 500,000,000;

dd) Causing property damage of between VND 1,000,000,000 and under VND 3,000,000,000;

e) Appropriating money and property for the purpose of hunger eradication and poverty alleviation; money, allowances, subsidies and incentives for people with meritorious services to the revolution; reserve funds or other types of money, assets, or donations to areas affected by natural disasters, epidemics or areas with special economic difficulties.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 13 and 20 years of imprisonment:

- a) Appropriating property valued between VND 500,000,000 and under VND 1,000,000,000;
  - b) Causing property damage of between VND 3,000,000,000 and under VND 5,000,000,000;
  - c) Leads to bankruptcy of an enterprise or other organization;
  - d) Causing adverse effects on social security, order and safety.
4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to 20 years of imprisonment or life imprisonment:
- a) Appropriating property valued at VND 1,000,000,000 or more;
  - b) Causing property damage of 5,000,000,000 VND or more.
5. The offenders are also banned from holding certain posts for 1 to 5 years, may be subject to a fine of between VND 30,000,000 and VND 100,000,000, and have part or all of their property confiscated.

**Article 356. Crime of abusing positions and powers while performing official duties**

1. Those who abuse their positions and powers to do their official duties for personal gain or other personal motives, causing property damage ranging from VND 10,000,000 to under VND 200,000,000 or causing damage to the interests of The State, the lawful rights and interests of organizations and individuals, shall be subject to non-custodial reform for up to three years or a prison term of between one and five years.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 and 10 years of imprisonment:
- a) Organized;
  - b) Committing the crime twice or more;
  - c) Causing property damage of between VND 200,000,000 and under VND 1,000,000,000.
3. Committing the crime of causing property damage of 1,000,000,000 VND or more, the offenders shall be sentenced to between 10 years and 15 years of imprisonment year.
4. The offenders are also banned from holding certain posts for 1 to 5 years and may be subject to a fine of between VND 10,000,000 and 100,000,000.

**Article 357. Crime of abuse of power while performing official duties**

1. Those who, for personal gain or other personal motives, exceed their powers and violate their official duties, causing property damage ranging from VND 10,000,000 to under VND 100,000,000 or causing damage to the interests of the Government. country, lawful rights and interests of organizations and individuals, shall be sentenced to between 01 and 07 years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5 and 10 years of imprisonment:

- a) Organized;
  - b) Committing the crime twice or more;
  - c) Causing property damage of between VND 100,000,000 and under VND 500,000,000.
3. Committing the crime of causing property damage of between VND 500,000,000 and under VND 1,500,000,000, the offenders shall be sentenced to between 10 years and 15 years of imprisonment.
4. Committing the crime of causing property damage of VND 1,500,000,000 or more, the offenders shall be sentenced to between 15 years and 20 years of imprisonment **year**.
5. The offenders are also banned from holding certain posts for 1 to 5 years and may be subject to a fine of between VND 10,000,000 and 100,000,000.

**Article 358. Crime of abusing positions and powers to influence others for personal gain**

1. Those who abuse their positions and powers directly or through an intermediary to claim, receive or will receive any of the following benefits in any form in order to use their influence to promote persons with positions and powers to act or failing to do a job that is their responsibility or directly related to their work or to do something they are not allowed to do, the offenders shall be sentenced to between 01 and 06 years of imprisonment:

a) Money, property or other material benefits valued at between VND 2,000,000 and under VND 100,000,000 or under VND 2,000,000 but have been disciplined for this act but continue to commit it;

b) Non-material benefits.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 06 and 13 years of imprisonment:

a) Organized;

b) Committing the crime twice or more;

c) Money, property or other material benefits valued at between VND 100,000,000 and under VND 500,000,000;

d) Causing property damage of between VND 1,000,000,000 and under VND 3,000,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 13 and 20 years of imprisonment:

a) Money, property or other material benefits valued at between VND 500,000,000 and under VND 1,000,000,000;

b) Causing property damage of between VND 3,000,000,000 and under VND 5,000,000,000.

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

- a) Money, property or other material benefits worth 1,000,000,000 VND or more;
- b) Causing property damage of 5,000,000,000 VND or more.

5. The offenders are also banned from holding certain posts for one to five years, and may be subject to a fine of between VND 30,000,000 and 100,000,000.

#### **Article 359. Crime of forgery at work**

1. Those who abuse their positions and powers to commit one of the following acts for personal gain or other personal motives shall be sentenced to between 01 and 05 years of imprisonment:

- a) Correcting or falsifying contents of papers and documents;
- b) Making and issuing fake papers;
- c) Forging signatures of persons with positions and powers.

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

- a) Organized;
- b) The offender is the person responsible for making or issuing papers and documents;
- c) Making and issuing fake papers with the quantity from 02 fake papers to 05 fake papers.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) Making or issuing fake papers with the quantity from 05 fake papers to 10 fake papers;
- b) To commit a less serious crime or a serious crime.

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

- a) Making or issuing fake papers with the quantity of 11 or more fake papers;
- b) To commit a very serious crime or a particularly serious crime.

5. The offenders are also banned from holding certain posts or doing certain jobs for 1 to 5 years, and may be subject to a fine of between VND 10,000,000 and 100,000,000.

## **Section 2. OTHER CRIMINES ABOUT POSITION**

### **Article 360. Crime of irresponsibility causing serious consequences**

1. Those who hold positions and powers because of lack of responsibility but fail to perform or improperly perform their assigned tasks fall into one of the following cases, except for the case specified in Articles 179, 308 and 376 of this Law. Under this Code, the offenders shall be subject to non-custodial reform for up to 3 years or a prison term of between 6 months and 5 years:

- a) Causing death of 01 person or causing injury or causing harm to the health of 01 person with an injury rate of 61% or higher;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of between 31% and 60% for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 61% and 121%;
- d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) Causing death of 02 people;
- b) Inflicting injury or causing harm to the health of 2 persons with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of between 122% and 200%;
- d) Causing property damage of between VND 500,000,000 and under VND 1,500,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 12 years of imprisonment:

- a) Causing death of 03 people or more;
- b) Inflicting injury or causing harm to the health of 3 or more people with an injury rate of 61% or higher for each person;
- c) Inflicting injury or causing harm to the health of 3 or more people with a total injury rate of 201% or more of these persons;
- d) Causing property damage of VND 1,500,000,000 or more.

4. Persons with positions and powers due to lack of responsibility fail to perform or improperly perform their assigned tasks, causing injury or harm to the health of 01 person with an injury rate of between 31% and 31%. 60% or causing injury or causing harm to the health of 2 or more people with the total injury rate of these persons between 31% and 60%, except for the cases specified in Articles 179, 308 and 376 of this Code, shall be sentenced to non-custodial reform for up to 2 years or to between 3 months and 2 years of imprisonment.

5. Offenders are also banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

**Article 361. Crime of intentionally disclosing work secrets; crime of appropriating, trading or destroying confidential work documents**

1. Those who intentionally disclose work secrets or appropriate, trade, sell or destroy work secret documents, if not falling into the cases specified in Articles 110, 337 and 342 of this Code, shall be subject to punishment. shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Organized;
- b) Committing the crime twice or more;
- c) Gaining illegal profits of VND 50,000,000 or more;
- d) Causing property damage of 100,000,000 VND or more;
- dd) Causing adverse effects on the operation of agencies or organizations;
- e) Let others use it to commit illegal acts.

3. The offenders are also banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

**Article 362. Crime of unintentionally disclosing work secrets; crime of losing confidential work documents**

1. Those who unintentionally disclose work secrets or lose work secret documents in one of the following cases, if not specified in Article 338 of this Code, shall be subject to a warning. , non-custodial reform for up to 03 years:

- a) Causing adverse effects on the operation of agencies or organizations;
- b) Causing property damage of between VND 100,000,000 and under VND 500,000,000;
- c) Let others use them to commit less serious crimes or serious crimes.

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

- a) Causing property damage of 500,000,000 VND or more;
- b) Letting others use them to commit very serious crimes or particularly serious crimes.

3. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs from 01 to 05 years.

#### **Article 363. Crime of defection**

1. Those who are cadres, civil servants or public employees who intentionally give up their working duties in one of the following circumstances shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 6 months and 3 months. year:

a) Inflicting injury or causing harm to the health of others with an injury rate of 31% or higher;

b) Causing property damage of between VND 300,000,000 and under VND 1,000,000,000;

c) Have been disciplined for this act but continue to commit it.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Causing death;

b) Dragging others to defect;

c) Causing property damage of 1,000,000,000 VND or more;

d) Committing the crime in the context of war, natural disaster, epidemic or other special difficult situations of society.

3. Offenders may also be banned from holding certain posts for 1 to 5 years.

#### **Article 364. Crime of giving bribes**

1. Any person who directly or through an intermediary has given or will give to a person holding a position or authority or to another person or organization any of the following benefits in order for a person with such position or authority to do or not to do a job. acts for the benefit or at the request of the person giving the bribe, shall be subject to a fine of between VND 20,000,000 and 200,000,000, a non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years:

a) Money, property and other material benefits valued at between VND 2,000,000 and under VND 100,000,000;

b) Non-material benefits.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Organized;

b) Using cunning tricks;

c) Using State property to give bribes;

d) Abusing positions and powers;

dd) Committing the crime twice or more;

e) The bribe is money, property or other material benefits valued at between VND 100,000,000 and under VND 500,000,000.

3. Committing the crime in the case of bribes involving money, property or other material benefits valued at between VND 500,000,000 and under VND 1,000,000,000, the offenders shall be sentenced to between 07 and 12 years of imprisonment.

4. Committing the crime in the case of bribes involving money, property or other material benefits valued at VND 1,000,000,000 or more, the offenders shall be sentenced to between 12 and 20 years of imprisonment.

5. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000.

6. Those who give or will give bribes to foreign public servants, public employees of public international organizations, and persons holding positions in non-state enterprises and organizations shall also be handled according to the provisions of this Article.

7. Those who are forced to give bribes but actively declare them before being discovered, shall be considered not guilty and will be returned all the goods used to give bribes.

The bribe-giver, though not coerced, but actively making a declaration before being discovered, may be exempt from criminal liability and be returned part or all of the money used to give the bribe.

#### **Article 365. Crime of bribery**

1. Those who broker bribes and receive bribes in one of the following circumstances shall be subject to a fine of between VND 20,000,000 and under VND 200,000,000, a non-custodial reform for up to 3 years or a prison term of from 06 months to 03 years:

a) Money, property or material benefits valued at between VND 2,000,000 and under VND 100,000,000;

b) Non-material benefits.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Organized;

b) Committing the crime of a professional nature;

c) Using cunning tricks;

d) Knowing that the bribe is the property of the State;

d) Abusing positions and powers;

e) Committing the crime twice or more;

g) A bribe valued at between VND 100,000,000 and under VND 500,000,000.

3. Committing the crime in the case of bribery valued at between VND 500,000,000 and under VND 1,000,000,000, the offenders shall be sentenced to between 5 and 10 years of imprisonment.

4. Committing the crime in the case of bribery worth 1,000,000,000 VND or more, the offenders shall be sentenced to between 08 years and 15 years of imprisonment.

5. The offenders may also be subject to a fine of between VND 20,000,000 and 200,000,000.

6. A bribe broker who actively declares before being discovered may be exempt from criminal liability.

7. Those who broker bribes in non-state enterprises and organizations shall also be handled according to the provisions of this Article.

#### **Article 366. Crime of taking advantage of influence over people with positions and powers for personal gain**

1. Any person who directly or through an intermediary receives any benefit in any form in one of the following cases or has been disciplined for this act but still violates it, to use his influence encouraging persons with positions and powers to do or not to do a thing under their responsibility or to do something they are not allowed to do, shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years:

a) Money, property or other material benefits valued at between VND 2,000,000 and under VND 100,000,000;

b) Non-material benefits.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Committing the crime twice or more;

b) Money, property or other material benefits worth between VND 100,000,000 and under VND 500,000,000;

c) Dangerous recidivism.

3. Committing the crime in cases where money, property or other material benefits are worth 500,000,000 VND or more, the offenders shall be sentenced to between 5 and 10 years of imprisonment.

4. The offenders may also be subject to a fine of between VND 10,000,000 and 50,000,000.

## **Chapter XXIV**

### **Crimes of Infringement on JUSTICE ACTIVITIES**

#### **Article 367. Definition of crime of infringing upon judicial activities**

Crimes of infringing upon judicial activities are acts of infringing upon the correctness of proceedings and judgment enforcement.

#### **Article 368. Crime of examining innocent people for penal liability**

1. Those who have the authority to examine people for penal liability whom they clearly know are not guilty, shall be sentenced to between 01 and 05 years of imprisonment.

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

a) To examine for penal liability for crimes of infringing upon national security or for other crimes which are particularly serious crimes;

b) Against 02 to 05 people;

c) Against people under 18 years old, women who know they are pregnant, elderly and weak people;

d) Causing mental and behavioral disorders of the victim from 11% to 45%;

dd) Leads to unjust conviction of innocent people of less serious crimes or serious crimes;

e) Causing adverse effects on social security, order and safety.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

a) Against 06 or more people;

b) Leads to the unjust conviction of an innocent person of a very serious crime or a particularly serious crime;

c) Causing mental and behavioral disorders of the victim 46% or more;

d) Being a person who is unfairly examined for penal liability to commit suicide.

4. Offenders are also banned from holding certain posts for 1 to 5 years.

#### **Article 369. Crime of failing to examine guilty persons for penal liability**

1. Those who have competence but fail to examine for penal liability those whom they clearly know are guilty, shall be sentenced to between 06 months and 03 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Failing to examine persons who commit very serious crimes for penal liability;

b) Against 02 to 05 people;

c) The person who is not prosecuted for penal liability flees or commits acts of obstructing the investigation, prosecution, adjudication or continues to commit less serious crimes or serious crimes;

d) Leads to the person not being examined for penal liability to retaliate against the whistleblower, informant of the crime, the victim, or the witness;

d) Causing adverse effects on social security, order and safety.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 12 years of imprisonment:

a) Against 05 people or more;

b) Failing to prosecute criminally responsible persons for crimes of infringing upon national security or particularly serious crimes;

c) The person who is not examined for penal liability continues to commit very serious crimes or particularly serious crimes;

d) Causing the victim to commit suicide.

4. Offenders are also banned from holding certain posts for 1 to 5 years.

#### **Article 370. Crime of making illegal judgments**

1. Any judge or juror who issues a sentence which he/she knows is illegal, shall be sentenced to between 01 and 05 years of imprisonment.

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

a) Committing the crime twice or more;

b) Against people under 18 years old, women who know they are pregnant, elderly and weak people;

c) Unjustly convict innocent people of serious crimes or very serious crimes;

d) Leaving out a serious crime or a very serious crime; a person who commits a serious crime or a very serious crime;

dd) Causing mental and behavioral disturbances of the accused, victims, plaintiffs, defendants, plaintiffs, and defendants from 11% to 45%;

e) Causing property damage from 500,000,000 VND to 1,000,000,000 VND;

g) Causing adverse effects on social security, order and safety.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

a) Unjustly convict innocent people of particularly serious crimes;

b) Leaving out particularly serious crimes or particularly serious offenders;

c) Causing mental and behavioral disorders of the accused, victims, plaintiffs, defendants, plaintiffs, and defendants 46% or more;

d) Leads to the suicide of the defendant, victim, plaintiff, defendant, plaintiff, or defendant;

d) Causing property damage of 1,000,000,000 VND or more.

4. Offenders are also banned from holding certain posts for 1 to 5 years.

#### **Article 371. Crime of making illegal decisions**

1. A person who is competent in legal proceedings and enforcement activities issues a decision that he/she knows is illegal, causing property damage of between VND 50,000,000 and under VND 200,000,000 or causing damage to his/her rights. Lawful interests of the State, organizations and individuals, if not falling into one of the cases specified in Articles 368, 369, 370, 377 and 378 of this Code, shall be subject to non-custodial reform. up to 03 years or imprisonment from 06 months to 03 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Organized;

b) Committing the crime twice or more;

c) Against people under 18 years old, women who know they are pregnant, elderly and weak people;

d) Causing mental and behavioral disturbances of the arrested person, the person in custody, the accused, the defendant, the convict, the sentenced person, the victim, the plaintiff, the defendant, the petitioner, the person being sued from 11% to 45%;

dd) Causing property damage of between VND 200,000,000 and under VND 1,000,000,000;

e) Causing adverse effects on social security, order and safety.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 12 years of imprisonment:

a) Causing mental and behavioral disturbances of the arrested person, the person in custody, the accused, the defendant, the convict, the person subject to the sentence, the victim, the plaintiff, the defendant, the petitioner, the person being sued 46% or more;

b) As a person being arrested, held in custody, the accused, the defendant, the convict, the person subject to the sentence, the victim, the plaintiff, the defendant, the petitioner, the person being sued to commit suicide;

c) Causing property damage of 1,000,000,000 VND or more.

4. Offenders are also banned from holding certain posts for 1 to 5 years.

#### **Article 372. Crime of forcing competent persons in judicial activities to violate the law**

1. Those who abuse their positions and powers to coerce competent persons in legal proceedings or judgment enforcement to do harms to the interests of the State, the lawful rights and interests of organizations, individuals or causing property damage of between VND 50,000,000 and under VND 200,000,000, the offenders shall be sentenced to between 06 months and 03 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 05 years of imprisonment:

a) Committing the crime twice or more;

b) Leads to an illegal judgment or decision;

c) Using force, threatening to use force or using other dangerous and cunning tricks;

d) Causing property damage of between VND 200,000,000 and under VND 1,000,000,000;

d) Causing adverse effects on social security, order and safety.

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

a) Leads to wrongdoing of innocent people or omitting criminals;

b) Causing property damage of 1,000,000,000 VND or more.

4. Offenders are also banned from holding certain posts for 1 to 5 years.

#### **Article 373. Crime of using corporal punishment**

1. Any person who uses corporal punishment or cruel treatment during legal proceedings, judgment enforcement or measures of sending to reformatories, compulsory education establishments, or compulsory detoxification establishments. violently, humiliating the dignity of others in any form, shall be sentenced to between 6 months and 3 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Committing the crime twice or more;
- b) Against 02 or more people;
- c) Using sophisticated and cunning tricks;
- d) Against people under 18 years old, women who know they are pregnant, the elderly and weak, people with severe disabilities or particularly severe disabilities;
- dd) Inflicting injury or causing damage to the health of others with an injury rate of between 11% and 60%.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 12 years of imprisonment:

- a) Inflicting injury or causing damage to the health of others with an injury rate of 61% or higher;
- b) Causing the victim to commit suicide.

4. Committing the crime of causing the death of a person subject to corporal punishment, the offenders shall be sentenced to between 12 and 20 years of imprisonment or life imprisonment.

5. Offenders are also banned from holding certain posts for 1 to 5 years.

#### **Article 374. Crime of forced confession**

1. Those who, in legal proceedings, use illegal tricks to force the persons subject to testimonies or interrogation to disclose information related to the case or case, shall be sentenced to between 06 months of imprisonment and a prison term of between six months and three months. 03 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Committing the crime twice or more;
- b) Against 02 or more people;
- c) Against people under 18 years old, women who are known to be pregnant, elderly and weak people, people with severe disabilities or particularly severe disabilities;
- d) Using corporal punishment or cruel treatment, humiliating the dignity of the person whose testimonies are taken or interrogated;
- d) Using sophisticated and cunning tricks;
- e) Falsifying results of prosecution, investigation, prosecution or adjudication;

g) Forcing the person whose testimonies are taken or questioned to give false statements.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 12 years of imprisonment:

a) Causing the person being forced to commit suicide;

b) Leads to the omission of less serious crimes or serious crimes.

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

a) Causing the death of the person being forced to bow;

b) Leads to wrongdoing of innocent people;

c) Leading to the omission of very serious crimes or particularly serious crimes.

5. Offenders are also banned from holding certain posts or practicing professions for between 01 and 05 years.

#### **Article 375. Crime of falsifying case files or cases**

1. Investigators, procurators, judges, jurors, court clerks, other persons with duties and powers in judicial activities, defense counsels and defenders of interests of any involved parties adding, subtracting, modifying, exchanging, destroying or damaging documents and evidences of the case or by other tricks in order to falsify the contents of the case or case, the offenders shall be sentenced to between 1 year and one year of imprisonment. 05 years.

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

a) Organized;

b) Leads to erroneous settlement of the case or case;

c) Causing damage of between VND 500,000,000 and under VND 1,000,000,000.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

a) Leads to unjust conviction of an innocent person or omission of a criminal;

b) As a person being arrested, held in custody, the accused, the defendant, the convict, the person subject to the sentence, the victim, the plaintiff, the defendant, the petitioner, the person being sued to commit suicide;

c) Causing damage of 1,000,000,000 VND or more.

4. Offenders are also banned from holding certain posts or doing certain jobs for between 01 and 05 years  
**year.**

**Article 376. Crime of irresponsibility allowing persons arrested, persons held in custody or temporary detention and persons serving prison sentences to escape**

1. Persons who are assigned the responsibility of directly managing, guarding or escorting arrested persons, persons held in custody or temporary detention, or persons currently serving prison sentences but fail to comply with or improperly comply with regulations on managing, guarding or escorting that person to escape in one of the following circumstances, the offenders shall be subject to non-custodial reform for up to 03 years or a prison term of between 06 months and 03 years:

- a) Making the case temporarily suspended;
- b) A fugitive takes revenge on procedure-conducting persons or procedure participants;
- c) The fugitive continues to commit less serious crimes or serious crimes.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to 2 to 07 years of imprisonment:

- a) Making the case suspended;
- b) The fugitive continues to commit very serious crimes;
- c) Letting from 02 to 05 people flee;
- d) Letting people committing very serious crimes escape;
- d) Causing adverse effects on social security, order and safety.

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

- a) The fugitive continues to commit particularly serious crimes;
- b) Letting 06 or more people escape;
- c) Letting the person who commits a particularly serious crime to flee.

4. Offenders are also banned from holding certain posts for 1 to 5 years.

**Article 377. Crime of abusing positions and powers to unlawfully imprison or detain people 1.**

Those who abuse their positions and powers to commit one of the following acts shall be sentenced to between 06 months and 03 years of imprisonment:

- a) Failing to issue a decision to release the person to be released in accordance with the law;
- b) Deciding to arrest, detain or detain people without grounds as prescribed by law;
- c) Failure to comply with the decision to release the person to be released according to the provisions of law;

d) To arrest, detain or detain people without orders or decisions as prescribed by law or, although there are orders or decisions that have not yet taken effect;

dd) Failing to issue an order or decision to extend custody or temporary detention or to change or cancel a custody or temporary detention measure upon the expiration of the custody or temporary detention term, resulting in the person being held in custody or temporary detention being detained or detained. out of date.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Illegal detention or custody of between 02 and 05 persons;

b) Causing harm to the health of a person in detention or illegal detention with an injury rate of between 31% and 60%;

c) Causing detainees or detainees or their families to fall into extremely difficult economic circumstances;

d) Against people under 18 years old, women who know they are pregnant, the elderly and weak, people with severe disabilities or particularly severe disabilities.

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

a) Illegal detention or custody of 06 or more people;

b) Making a person illegally detained or detained cause harm to his/her health with an injury rate of 61% or higher or death;

c) Committing suicide;

d) Separating the family of the detained or detained person.

4. Offenders are also banned from holding certain posts for 1 to 5 years.

**Article 378. Crime of unlawfully pardoning arrested persons, persons being held in custody or temporary detention, persons serving prison sentences**

1. Those who abuse their positions and powers or illegally release people who are arrested, held in custody or temporary detention, or are serving prison sentences, shall be subject to non-custodial reform for up to 3 years. or imprisonment from 06 months to 03 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Illegally pardoning arrested persons, persons being held in custody or temporary detention, persons serving prison sentences for very serious crimes or particularly serious crimes;

b) The person being pardoned illegally flees or commits acts of obstructing the investigation, prosecution, adjudication, or continues to commit less serious crimes or serious crimes;

c) Illegally pardoned persons take revenge on procedure-conducting persons or procedure participants;

d) Illegally pardoning between 02 and 05 people.

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

a) Illegally pardoning 06 or more people;

b) The person being pardoned illegally commits a very serious crime or a particularly serious crime.

4. Offenders are also banned from holding certain posts for 1 to 5 years.

#### **Article 379. Crime of not executing judgments**

1. Any competent person who intentionally fails to issue a judgment enforcement decision or fails to execute a court judgment or decision enforcement decision in one of the following circumstances shall be subject to non-custodial reform. up to 03 years or imprisonment from 06 months to 03 years:

a) Have been disciplined for this act but continue to commit it;

b) Causing the convicted person or sentenced person to flee;

c) Leading to the expiration of the statute of limitations for judgment enforcement;

d) Causing the sentenced person, judgment debtor, or judgment debtor to disperse their assets and fail to perform their judgment enforcement obligation with an amount of between VND 50,000,000 and under VND 200,000,000 .

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Committing the crime twice or more;

b) Leads the sentenced person or sentenced person to continue to commit less serious crimes or serious crimes;

c) Causing the convict, judgment debtor, or judgment debtor to disperse their assets and fail to perform their judgment enforcement obligation with an amount of between VND 200,000,000 and under VND 1,000,000,000 .

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

a) Leads the sentenced person or sentenced person to continue to commit a very serious crime or a particularly serious crime;

b) Leads to the convict, judgment debtor, or judgment debtor to disperse their assets and fail to perform their judgment enforcement obligation with an amount of VND 1,000,000,000 or more.

4. Offenders are also banned from holding certain posts for 1 to 5 years.

**Article 380. Crime of not serving sentence**

1. Those who have conditions but fail to comply with legally effective court judgments or decisions even though they have been applied coercive measures as prescribed by law or have been administratively sanctioned for this act but still commits it, the offenders shall be sentenced to between 3 months and 2 years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 05 years of imprisonment:

a) Against enforcers or persons on official duty;

b) Using sophisticated and cunning tricks;

c) Dispersing assets.

3. Offenders may be fined from VND 5,000,000 to VND 50,000,000.

**Article 381. Crime of obstructing judgment enforcement**

1. Those who abuse their positions and powers to intentionally obstruct judgment execution in one of the following circumstances shall be subject to non-custodial reform for up to 03 years or a prison term of between 06 months and 03 years:

a) Leads the convicted person or sentenced person to flee;

b) Leading to the expiration of the statute of limitations for judgment enforcement;

c) Causing the sentenced person, judgment debtor, or judgment debtor to disperse their assets and fail to perform their judgment enforcement obligation with an amount of between VND 50,000,000 and under VND 200,000,000 ;

d) Causing damage of between VND 50,000,000 and under VND 200,000,000.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 05 years of imprisonment:

a) Committing the crime twice or more;

b) Leads the sentenced person or sentenced person to continue committing the crime;

c) Causing the sentenced person, judgment debtor, or judgment debtor to disperse their assets and fail to perform their judgment enforcement obligation with an amount of VND 200,000,000 or more;

d) Causing damage of VND 200,000,000 or more.

3. Offenders are also banned from holding certain posts for 1 to 5 years.

#### **Article 382. Crime of providing false documents or making false statements**

1. Any witness, expert, property appraiser, interpreter, translator, or defense counsel who concludes, translates or gives false statements or provides documents that they know are false In fact, the offenders shall be subject to warning, non-custodial reform for up to 1 year or a prison term of between 3 months and 1 year.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 03 years of imprisonment:

a) Organized;

b) Leads to wrong settlement of the case or case.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

a) Committing the crime twice or more;

b) Leads to unjust conviction of innocent people or omission of criminals.

4. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

#### **Article 383. Crime of refusing to declare, refuse to make assessment conclusions, property valuation or refuse to provide documents**

1. If the witness does not fall into the cases specified in Clause 2, Article 19 of this Code, the expert, the property appraiser or the translator refuses to declare or evade the conclusion of the assessment or valuation. assets, appraise property prices or refuse to provide documents without plausible reasons, shall be subject to warning, non-custodial reform for up to one year or a prison term of between three months and one year.

2. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

#### **Article 384. Crime of bribing or forcing others to declare and provide documents**

1. Those who bribe or coerce witnesses, victims or involved parties in criminal, administrative, civil, economic or labor cases to make false statements or provide untruthful documents or do not declare, do not provide documents; bribing or forcing an expert or property appraiser to make false conclusions, or an interpreter or translator to translate misrepresentation, the offenders shall be subject to non-custodial reform for up to three years or a prison term of between three months and three years. .

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Using force, threatening to use force or using other dangerous tricks;
- b) Abusing positions and powers;
- c) Leads to erroneous settlement of the case or case.

**Article 385. Crime of violating the sealing, distraint of assets, blockade of accounts**

1. Those who are assigned to keep and manage distrained or sealed assets or sealed exhibits or blocked accounts and commits one of the following acts, shall be subject to non-custodial reform. up to 02 years or imprisonment from 03 months to 02 years:

- a) Break the seal, release the blockade of the account without a decision of a competent person;
- b) Consuming, transferring, exchanging, hiding or destroying the distrained property.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Leads to erroneous settlement of the case or case;
- b) Causing the accused, defendants, convicts, judgment debtors or judgment enforcement persons to disperse their assets and fail to perform their judgment enforcement obligations with an amount of VND 100,000,000 or more. go up.

3. Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs from 01 to 05 years.

**Article 386. Crime of escaping from place of detention, custody or hiding while being escorted or being tried**

1. Those who escape from being held in custody, temporary detention, escorted, on trial or serving prison sentences, shall be sentenced to between 06 months and 03 years of imprisonment.

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

- a) Organized;
- b) Using force against the guard or escort.

**Article 387. Crime of disarming people who are arrested, held in custody, temporarily detained, people being escorted, tried, or serving prison sentences**

1. Those who disarm a person who is arrested, held in custody or temporarily detained, who is being escorted, tried or serving a prison sentence, if not falling into the cases specified in Article 119 of this Code, shall be sentenced to imprisonment. from 2 years to 07 years.

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

- a) Organized;
- b) Abusing positions and powers;
- c) Using force against the guard or escort;
- d) Beating up people convicted of crimes against national security or people sentenced to death.

3. Offenders may also be banned from holding certain posts for 1 to 5 years.

#### **Article 388. Crime of violating regulations on detention**

1. Those who commit one of the following acts, violating the provisions of the law on detention, have been disciplined, administratively sanctioned for this act or have been sentenced for this crime, Not yet entitled to criminal record remission but still commit the violations if they do not fall into one of the cases specified in Articles 119, 170, 252, 253, 254 and 255 of this Code, the offenders shall be sentenced to between 06 months and 03 years of imprisonment:

- a) Disturbing or resisting orders of competent persons in detention management;
- b) Destroying or intentionally damaging property;
- c) Appropriating property;
- d) Bringing in, possessing, appropriating or organizing the use of narcotic substances, narcotic drugs, psychotropic drugs;
- d) Putting in, storing and using personal communication equipment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Organized;
- b) Abusing positions and powers;
- c) Using sophisticated and cunning tricks;
- d) Dangerous recidivism.

3. Offenders may also be banned from residence for 1 to 3 years, and from holding certain posts for 1 to 3 years.

#### **Article 389. Crime of concealing crimes**

1. Those who, without prior promise, conceal one of the crimes specified in the following articles, if not falling into the cases specified in Clause 2, Article 18 of this Code, shall be subject to non-custodial reform for up to 03 years or imprisonment from 06 months to 05 years:

a) Articles from Article 108 to Article 121 on crimes of infringing upon national security;

b) Article 123 (murder); Article 141, Clauses 2, 3 and 4 (rape); Article 142 (crime of raping a person under 16 years old); Article 144 (crime of rape from full 13 years old to under 16 years old); Article 146, Clauses 2 and 3 (obscenity against a person under 16 years old); Article 150, Clauses 2 and 3 (criminal of human trafficking);

c) Article 151 (trafficking in persons under 16 years old); Article 152 (crime of exchanging persons under 01 year old); Article 153 (criminal of appropriating people under 16 years old); Article 154 (crime of buying, selling, appropriating human tissues or organs);

d) Article 168 (criminal robbery); Article 169 (crime of kidnapping to appropriate property); Article 173, Clauses 2, 3 and 4 (crime of property theft); Article 174, Clauses 2, 3 and 4 (crimes of deceiving property); Article 175, Clauses 2, 3 and 4 (criminal abuse of trust to appropriate property); Article 178, Clauses 2, 3 and 4 (crime of destroying or intentionally damaging property);

dd) Article 188, Clauses 3 and 4 (smuggling); Article 189, Clause 3 (crime of illegally transporting goods and currency across borders); Article 190, Clauses 2 and 3 (Crime of manufacturing and trading in prohibited goods); Article 191, Clauses 2 and 3 (crime of storing and transporting prohibited goods); Article 192, Clauses 2 and 3 (Crime of manufacturing and trading in counterfeit goods); Article 193 (criminal of producing and trading in counterfeit food, foodstuffs and food additives); Article 194 (criminal of manufacturing and trading in counterfeit goods being curative and preventive drugs); Article 195, Clauses 2 and 3 (crisis of producing fake goods being animal feed, fertilizers, veterinary drugs, plant protection drugs, plant varieties and livestock); Article 196, clauses 2 and 3 (speculation crime); Article 205, Clauses 3 and 4 (Crime of illegally establishing funds); Article 206, Clauses 2 and 3 (crimes of violating regulations in the operation of credit institutions, foreign bank branches); Article 207 (crime of making, storing, transporting and circulating counterfeit money); Article 208 (Crime of making, storing, transporting and circulating fake negotiable instruments and other fake valuable papers); Article 219, Clauses 2 and 3 (crimes of violating regulations on management and use of state property, causing loss and waste); Article 220, Clauses 2 and 3 (crimes of violating State regulations on management and use of public investment capital, causing serious consequences); Article 221, Clauses 2 and 3 (crimes of violating State regulations on accounting, causing serious consequences); Article 222, Clauses 2 and 3 (crimes of violating regulations on bidding, causing serious consequences); Article 223, Clauses 2 and 3 (crimes of colluding, covering up for taxpayers, causing serious consequences); Article 224, Clauses 2 and 3 (crimes of violating regulations on investment in construction works, causing serious consequences); Article 243, Clauses 2 and 3 (crime of forest destruction);

e) Article 248 (criminal of illegal production of narcotics); Article 249 (criminal of illegal possession of narcotics); Article 250 (criminal of illegal transportation of narcotics); Article 251 (criminal of illegal trading in narcotics); Article 252 (criminal appropriation of narcotics); Article 253 (crime of possessing, transporting, trading in or appropriating pre-substances used in the illegal production of narcotics); Article 254, Clause 2 (Crime of manufacturing, storing, transporting or trading in means and tools used in the illegal production or use of narcotics); Article 255 (crime of organizing illegal use of narcotics); Article 256 (crime of harboring the illegal use of narcotics); Article 257 (crime of forcing others to use illegally

narcotics); Article 258 (criminal of enticing others to illegally use narcotics); Article 259, Clause 2 (crimes of violating regulations on management and use of narcotic substances, precursors, addictive drugs and psychotropic drugs);

g) Article 265, Clauses 2, 3 and 4 (crime of organizing illegal racing); Article 282 (criminal appropriation of aircraft and ships); Article 299 (Crime of making, storing, transporting, using, illegally trading in or appropriating military weapons and military technical means); Article 299 (crime of terrorism); Article 301 (the crime of kidnapping hostages); Article 302 (piracy); Article 303 (crime of destroying important national security works, facilities and means); Article 304 (crime of making, storing, transporting, using, illegally trading in or appropriating military weapons and military technical means); Article 305, Clauses 2, 3 and 4 (Crime of making, storing, transporting, using, illegally trading in or appropriating explosives); Article 309, Clauses 2, 3 and 4 (crime of illegally producing, storing, transporting, using, spreading, trading in or appropriating radioactive substances and nuclear materials); Article 311, Clauses 2, 3 and 4 (criminal of illegally producing, storing, transporting, using or trading in inflammable and toxic substances);

h) Article 329, Clauses 2 and 3 (crime of buying sex from under-18s);

i) Article 353, Clauses 2, 3 and 4 (crime of embezzlement of property); Article 354, Clauses 2, 3 and 4 (crime of accepting bribes); Article 355, Clauses 2, 3 and 4 (crime of abusing positions and powers to appropriate property); Article 356, Clauses 2 and 3 (crime of abusing positions and powers while performing official duties); Article 357, Clauses 2 and 3 (abuse of power while performing official duties); Article 358, Clauses 2, 3 and 4 (crime of taking advantage of positions and powers to influence others for personal gain); Article 359, Clauses 2, 3 and 4 (forgery at work); Article 364, Clauses 2, 3 and 4 (criminal of giving bribes); Article 365, Clauses 2, 3 and 4 (crime of brokering bribes);

k) Article 373, Clauses 3 and 4 (crime of using corporal punishment); Article 374, Clauses 3 and 4 (crime of forced confession); Article 386, Clause 2 (escape from the place of detention, custody or hiding while being escorted, escorted, or on trial);

l) Articles 421 to 425 on crimes against peace, against humanity and war crimes.

2. Committing the crime in case of abusing positions and powers to obstruct the crime detection or other acts of covering up the offenders, the offenders shall be sentenced to between 02 and 07 years of imprisonment.

#### **Article 390. Crime of not denouncing crimes**

1. A person who knows that one of the crimes specified in Article 389 of this Code is being prepared, is being or has been committed, fails to denounce it, if it is not the case specified in Clause 2, Article 19 of this Code. Under this Code, the offenders shall be subject to warning, non-custodial reform for up to 3 years or imprisonment of between 6 months and 3 years.

2. Those who fail to denounce, if they have taken actions to dissuade the offenders or limit the harms of the crimes, may be exempted from penal liability or from penalties.

#### **Article 391. Crime of disrupting court order**

1. Those who at the court hearing slander or seriously offend the honor and dignity of members of the Trial Panel, other people present at the court hearing or commit acts of destroying property, shall be subject to a fine of from 10,000. 000 VND to 100,000,000 VND, non-custodial reform for up to 1 year or imprisonment from 3 months to 1 year.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 03 years of imprisonment:

a) Causing a disturbance to the court session, leading to the termination of the court session;

b) Assaulting a member of the Trial Panel.

## **Chapter XXV**

### **Crimes of INfringing upon the MILITARY'S OBLIGATIONS, RESPONSIBILITIES AND RESPONSIBILITIES THE DUTIES OF THE MILITARY DEPARTMENT IN FIGHT, SERVICE FIGHT**

#### **Article 392. Persons subject to penal liability for crimes of infringing upon servicemen's duties and responsibilities**

1. Active-duty soldiers, defense workers and public employees.
2. Reserve soldiers during the concentrated training period.
3. Militia and self-defense during the time of cooperation with the army in combat and combat service.
4. Citizens are conscripted to serve in the army.

#### **Article 393. Crime of giving illegal orders**

1. Those who abuse their positions and powers to issue illegal orders, causing serious consequences, shall be sentenced to non-custodial reform for up to 3 years or to between 6 months and 5 years of imprisonment.

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

a) In combat;

b) In the war zone;

c) In performing rescue and rescue tasks;

d) In a state of emergency;

d) Causing very serious consequences.

3. Committing the crime, causing particularly serious consequences or in other particularly serious cases, the offenders shall be sentenced to between 07 and 15 years of imprisonment.

#### **Article 394. Crime of resisting orders**

1. Those who refuse to obey or intentionally fail to perform orders of competent persons shall be sentenced to between 06 months and 5 years of imprisonment.

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

- a) Being a commander or officer;
- b) Enticing others to commit crimes;
- c) Using force;
- d) Causing serious consequences.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:

- a) In combat;
- b) In the war zone;
- c) In performing rescue and rescue tasks;
- d) In a state of emergency;
- d) Causing very serious consequences.

4. Committing the crime, causing particularly serious consequences, the offenders shall be sentenced to between 12 and 20 years of imprisonment or life imprisonment.

#### **Article 395. Crime of not strictly complying with orders**

1. Those who negligently, delay or arbitrarily obey orders of competent persons, causing serious consequences, shall be subject to non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years.

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

- a) In combat;
- b) In the war zone;
- c) In performing rescue and rescue tasks;

d) In a state of emergency;

d) Causing very serious or particularly serious consequences.

**Article 396. Crime of obstructing teammates from performing tasks**

1. Any person who obstructs teammates from performing tasks, resulting in them being unable to perform or incompletely performing assigned tasks, shall be sentenced to non-custodial reform for up to three years or a prison term of between three months and three years. year.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

a) Being a commander or officer;

b) Enticing others to commit crimes;

c) Using force;

d) Causing serious or very serious consequences.

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

a) In combat;

b) In the war zone;

c) In performing rescue and rescue tasks;

d) In a state of emergency;

d) Causing particularly serious consequences.

**Article 397. Crime of humiliating teammates**

1. Those who, in their working relationships, seriously offend the dignity and honor of teammates, shall be subject to non-custodial reform for up to two years or a prison term of between three months and two years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 05 years of imprisonment:

a) Being a commander or officer;

b) Against the commander or superior; c) For the victim's official duty; d) In a war zone  
the;

dd) Committing the crime twice or more;

- e) Against 02 or more people;
- g) Causing mental and behavioral disorders of the victim 46% or more;
- h) Causing the victim to commit suicide.

**Article 398. Crime of assaulting teammates**

1. Any person in a working relationship who intentionally injures or causes harm to the health of a team mate, but does not fall into the cases specified in Article 135 of this Code, shall be subject to non-custodial reform for up to 02 months. years or imprisonment from 3 months to 2 years.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:
  - a) Being a commander or officer;
  - b) For commanders or superiors;
  - c) For the victim's official duty;
  - d) In the war zone;
  - d) Causing serious, very serious or particularly serious consequences.

**Article 399. Crime of surrendering to the enemy**

1. Those who surrender to the enemy shall be sentenced to between 3 and 10 years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment:
  - a) Being a commander or officer;
  - b) Handing over to the enemy weapons and military technical means;
  - c) Hand over important documents or declare secret military work;
  - d) Enticing others to commit crimes;
  - d) Causing serious or very serious consequences.
3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 12 and 20 years of imprisonment or life imprisonment:
  - a) Hand over objects and documents of state secrets or declare state secrets to the enemy;
  - b) Causing particularly serious consequences.

**Article 400. Crime of declaring or voluntarily working for the enemy when taken prisoner**

1. Those who, when taken prisoner by the enemy, declare secret on military work or voluntarily work for the enemy, shall be sentenced to between 01 and 07 years of imprisonment.

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

- a) Being a commander or officer;
- b) Cruel treatment of other prisoners of war;
- c) Enticing others to declare or work for the enemy;
- d) Causing serious or very serious consequences.

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

- a) Hand over objects and documents of state secrets or declare state secrets to the enemy;
- b) Causing particularly serious consequences.

**Article 401. Crime of abandoning combat positions or failing to perform duties in combat**

1. Those who voluntarily leave their combat positions or fail to perform their duties in combat shall be sentenced to between 02 and 07 years of imprisonment.

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

- a) Being a commander or officer;
- b) Discard weapons, military technical equipment or secret documents on military work;
- c) Dragging others to commit crimes;
- d) Causing serious or very serious consequences.

3. Committing the crime, causing particularly serious consequences, the offenders shall be sentenced to between 10 years and 20 years of imprisonment.

**Article 402. Crime of desertion**

1. Those who leave the army ranks to evade military service during wartime or have already been disciplined for this act but still commit it or cause serious consequences, shall be subject to non-custodial reform for up to 03 years. years or imprisonment from 06 months to 03 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Being a commander or officer;
- b) Enticing others to commit crimes;
- c) Carrying, disposing of weapons, military technical equipment or military secret documents;
- d) Causing very serious consequences.

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

- a) In combat;
- b) In the war zone;
- c) While performing rescue and rescue tasks;
- d) In a state of emergency;
- d) Causing particularly serious consequences.

#### **Article 403. Crime of shirking duties**

1. Those who injure themselves, cause harm to their health or use other deceitful tricks to evade their duties, shall be sentenced to non-custodial reform for up to two years or a prison term of between three months and two years. .

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Being a commander or officer;
- b) Enticing others to commit crimes;
- c) During wartime;
- d) While performing rescue and rescue tasks;
- dd) In a state of emergency;
- e) Causing serious consequences.

3. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between 5 and 10 years of imprisonment.

#### **Article 404. Crime of intentionally disclosing secrets of military work**

1. Those who intentionally reveal secrets of military work, if not falling into one of the cases specified in Articles 110, 337 and 361 of this Code, shall be sentenced to between 06 months and 5 years of imprisonment.

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

- a) Being a commander or officer;
- b) In the war zone;
- c) In combat;
- d) Causing serious, very serious or particularly serious consequences.

**Article 405. Crime of appropriating, trading in or destroying secret documents on military work**

1. Those who appropriate, trade in or destroy secret documents of military work, if not falling into one of the cases specified in Articles 110, 337 and 361 of this Code, shall be sentenced to between six and six months of imprisonment. months to 5 years.

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

- a) Being a commander or officer;
- b) In the war zone;
- c) In combat;
- d) Causing serious, very serious or particularly serious consequences.

**Article 406. Crime of unintentionally disclosing secrets of military work**

1. Those who unintentionally disclose secrets of military work, if they do not fall into one of the cases specified in Articles 338 and 362 of this Code, shall be subject to non-custodial reform for up to 2 years or imprisonment from 3 months to 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 05 years of imprisonment:

- a) Being a commander or officer;
- b) In the war zone;
- c) In combat;
- d) Causing serious, very serious or particularly serious consequences.

**Article 407. Crime of losing secret documents on military work**

1. Those who lose secret documents on military work, if they do not fall into one of the cases specified in Articles 338 and 362 of this Code, shall be subject to non-custodial reform for up to 2 years or imprisonment from 3 months to 2 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 01 and 05 years of imprisonment:

- a) Being a commander or officer;
- b) In the war zone;
- c) In combat;
- d) Causing serious, very serious or particularly serious consequences.

**Article 408. Crime of false reporting**

1. Those who intentionally make false reports in military activities, causing serious consequences, shall be subject to non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) In combat;
- b) In the war zone;
- c) In a state of emergency;
- d) Causing very serious or particularly serious consequences.

**Article 409. Crime of violating regulations on duty, on duty, on duty**

1. Those who fail to strictly observe the regimes of duty, combat duty, and command duty, causing serious consequences, shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 6 months and 5 years. year.

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

- a) In combat;
- b) In the war zone;
- c) While performing rescue and rescue tasks;
- d) In a state of emergency;
- d) Causing very serious or particularly serious consequences.

**Article 410. Crime of violating regulations on protection**

1. Those who fail to strictly abide by the regulations on patrolling, guarding, escorting, escorting, and general households falling into one of the following circumstances shall be subject to non-custodial reform for up to three years or a prison term of between six months and two years. 05 years:

- a) As a protected person or general household suffers bodily injury;
- b) Damaging technical means or military equipment;
- c) Causing property damage from 100,000,000 VND to 500,000,000 VND;
- d) Causing serious consequences.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) As a protected person, the general household dies;
- b) Losing technical means and military equipment;
- c) In combat;
- d) In the war zone;
- d) Dragging other people to commit crimes;
- e) Causing very serious or particularly serious consequences.

**Article 411. Crime of violating regulations on ensuring safety in combat or in training**

1. Those who fail to strictly observe regulations on ensuring safety in combat or training, causing serious consequences, shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 1 and 5 years.

2. Committing the crime, causing very serious or particularly serious consequences, the offenders shall be sentenced to between 3 and 10 years of imprisonment.

**Article 412. Crime of violating regulations on the use of military weapons and military technical equipment**

1. Those who violate regulations on the use of military weapons and military technical equipment, causing serious consequences, shall be sentenced to non-custodial reform for up to three years or a prison term of between six months and five years. year.

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

- a) In combat;
- b) In the war zone;
- c) Causing very serious or particularly serious consequences.

**Article 413. Crime of destroying or intentionally damaging military weapons and military technical equipment**

1. Those who destroy or intentionally damage military weapons or military technical equipment, if not falling into one of the cases specified in Articles 114 and 303 of this Code, shall be sentenced to imprisonment from 02 years to 07 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 12 years of imprisonment:

- a) In combat;
- b) In the war zone;
- c) Enticing others to commit crimes;
- d) Causing serious consequences.

3. Committing the crime, causing very serious or particularly serious consequences, the offenders shall be sentenced to between 12 and 20 years of imprisonment or life imprisonment.

**Article 414. Crime of losing or unintentionally damaging military weapons and military technical means**

1. Those who are assigned to manage, are equipped with military weapons and military technical means, but lose or unintentionally damage them, causing serious consequences, shall be sentenced to non-custodial reform for up to 3 years or imprisonment from 6 months to 5 years.

2. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between 3 and 7 years of imprisonment.

**Article 415. Crime of harassing people**

1. Those who commit acts of harassing people and have been disciplined for such acts but continue to commit them or cause serious consequences, shall be sentenced to non-custodial reform for up to three years or a prison term of between six months and three months. 03 years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:

- a) Being a commander or officer;
- b) Enticing others to commit crimes;

- c) In the war zone;
- d) In the area where there is an order to declare a state of emergency;
- d) Causing very serious or particularly serious consequences.

**Article 416. Crime of abusing military needs while performing tasks**

1. Those who, while performing their duties, exceed the necessary scope of military needs and cause property damage ranging from VND 100,000,000 to under VND 500,000,000 of the State, organizations or individuals, shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 6 months and 3 months year.
2. Committing the crime of causing property damage of 500,000,000 VND or more, the offenders shall be sentenced to between 03 and 07 years of imprisonment.

**Article 417. Crime of intentionally abandoning wounded soldiers or dead soldiers or failing to care for and treat wounded soldiers**

1. Any responsible person who intentionally abandons wounded and dead soldiers on the battlefield or fails to take care of, save and treat wounded soldiers, resulting in not finding wounded soldiers, martyrs or dead wounded soldiers shall be subject to non-rehabilitative reform. imprisonment for up to 3 years or imprisonment from 6 months to 5 years.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 and 10 years of imprisonment:
  - a) Being a commander or officer;
  - b) Against 02 wounded soldiers or 02 or more dead soldiers.

**Article 418. Crime of appropriating or destroying relics of martyrs**

1. Those who appropriate or destroy the relics of martyrs shall be sentenced to non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 and 07 years of imprisonment:
  - a) Being a commander or officer;
  - b) Appropriating or destroying relics of 02 or more martyrs.

**Article 419. Crime of appropriating or destroying trophies**

1. Those who, while fighting or clearing the battlefield, appropriate or destroy spoils of war, shall be sentenced to non-custodial reform for up to three years or to a prison term of between six months and five years.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 and 07 years of imprisonment:

- a) Being a commander or officer;
- b) The booty is worth between VND 100,000,000 and under VND 500,000,000;
- c) Causing bad influence on the reputation of the military;
- d) War spoils of military value;
- d) Causing serious or very serious consequences.

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

- a) The trophy is worth 500,000,000 VND or more;
- b) War trophies of special value in the military;
- c) Causing particularly serious consequences.

#### **Article 420. Crime of mistreating prisoners and soldiers**

Those who mistreat prisoners and soldiers shall be sentenced to non-custodial reform for up to 1 year or between 3 months and 2 years of imprisonment.

### **Chapter XXVI**

#### **Crimes of undermining peace, against humanity, and war crimes PAINTING**

#### **Article 421. Crime of undermining peace, causing wars of aggression**

1. Those who propagate, incite wars of aggression or prepare, conduct or participate in wars of aggression against the independence, sovereignty and territorial integrity of an independent country or territory, having other sovereign rights, shall be sentenced to between 12 and 20 years of imprisonment, life imprisonment or capital punishment.

2. Committing the crime under duress or executing orders from superiors, the offenders shall be sentenced to between 10 years and 20 years of imprisonment.

#### **Article 422. Crime against humanity**

1. Any person who in peacetime or in war commits acts of mass destruction of the population of an area, destruction of the source of life, or destruction of the cultural and spiritual life of a country or a territory independent, sovereign, upsetting the foundation of a society in order to sabotage that society or commit other acts of genocide or commit acts of extermination or destruction of the natural environment, shall be sentenced to between 10 and 10 years of imprisonment. five to 20 years, life imprisonment or the death penalty.

2. Committing the crime under duress or executing orders from superiors, the offenders shall be sentenced to between 10 years and 20 years of imprisonment.

#### **Article 423. War crimes**

1. Any person who, during a time of war, orders or directly carries out the killing of civilians, wounded people, prisoners of war, looting property, ravaging residential areas, using means or methods prohibited war or commit other acts that seriously violate international law or treaties to which the Socialist Republic of Vietnam has signed or acceded, shall be sentenced to between 10 years and 20 years of imprisonment. life imprisonment or the death penalty.

2. Committing the crime under coercion or executing orders from superiors, the offenders shall be punished imprisonment from 10 to 20 years.

#### **Article 424. Crime of recruiting, training or using mercenaries**

Those who recruit, train or use mercenaries against an independent and sovereign state or territory shall be sentenced to between 10 and 20 years of imprisonment or life imprisonment.

#### **Article 425. Crime of being a mercenary**

Those who work as mercenaries against an independent and sovereign country or territory shall be sentenced to between five and 15 years of imprisonment.

#### **The third part**

### **TERMS ENFORCEMENT**

#### **Article 426. Effect**

This Code comes into force on July 1, 2016.

Penal Code No. 15/1999/QH10 and Law No. 37/2009/QH12 amending and supplementing a number of articles of the Penal Code cease to be effective from the effective date of this Code.

*This Code was approved by the 13th National Assembly of the Socialist Republic of Vietnam at its 10th session on November 27, 2015.*

**PRESIDENT OF CONGRESS**

**Nguyen Sinh Hung**