

PENAL LAW 5737-1977

INTRODUCTORY PART

CHAPTER ONE: BASIC PROVISIONS

Punishment only under Law

1. Nothing constitutes an offense and there is no penalty for it, unless it is so prescribed by Law or under it.

Punishment under subsidiary legislation

2. (a) The power to make regulations for the implementation of a Law also includes the power to designate offenses and to set penalties for their commission; however, a penalty of imprisonment prescribed by a regulation shall not exceed six months, and if the penalty prescribed is a fine, then it shall not exceed the amount of fine that can be imposed for an offense, for which the penalty is a fine the amount of which was not set.
(b) Regulations in which offenses are designated and penalties set require approval by a Knesset committee.

No retroactive penalty

3. (a) An enactment that creates an offense shall not apply to an act committed before the day on which it was lawfully published, or the day on which it went into effect, whichever is later.
(b) If an enactment sets a more severe penalty for an offense, than was set for it on the day on which it was committed, then it shall not apply to any act committed before the day on which it was lawfully published, or before the day on which it went into effect, whichever is later; however, updating the amount of a fine is not deemed setting a more severe penalty.

CHAPTER TWO: APPLICABILITY OF PENAL LAWS ACCORDING TO THE TIME OF COMMISSION

Cancellation of offense after its commission

4. If an offense was committed and its prohibition was canceled by an enactment – then the criminal liability for its commission shall be canceled; proceedings initiated shall be dropped; if judgment was pronounced, its implementation shall be halted; and there shall be no future results that derive from the conviction.

Change of enactment after offense was committed

5. (a) If an offense was committed and final judgment of it has not yet been pronounced, and if a change occurred in respect of its definition, of liability for it or of the penalty set therefor, then the less severe enactment shall apply to the matter; **"liability**

therefor" – includes the applicability of restrictions on criminal liability for the act.

- (b) If a person was convicted by final judgment of an offense, and if thereafter an enactment set a penalty, which – in respect of its degree or category – is lighter than the penalty imposed on him, then his penalty shall be the maximum penalty set by the enactment, as if it had been imposed originally.

Offenses caused by time

6. The provisions of sections 4 and 5 shall not apply to an offense under an enactment, in which or in respect of which it has been prescribed that it shall be in effect for a certain period of time, or which by its very nature is subject to changes from time to time.

CHAPTER THREE: APPLICABILITY OF PENAL LAWS ACCORDING TO THE PLACE WHERE THE OFFENSE WAS COMMITTED

Article One: General Provisions

Offenses by location

7. **"Domestic offense"** –
 - (1) an offense, all or part of which was committed within Israel territory;
 - (2) an act in preparation for the commission of an offense, an attempt, an attempt to induce another to commit an offense, or a conspiracy to commit an offense committed abroad, on condition that all or part of the offense was intended to be committed within Israel territory;**"foreign offense"** – an offense that is not a domestic offense;
"Israel territory", for the purposes of this section – the area of Israel sovereignty, including the strip of its coastal waters, as well as every vessel and every aircraft registered in Israel.

Location of omission

8. If an offense was committed by means of an omission, then the location of the offense shall be the place where the obligatory act should have been carried out.

Conditions of applicability

9. (a) The applicability of Israel penal laws – also in respect of foreign offenses – is not restricted by any foreign enactment or any act of a foreign Court of Law, unless otherwise is provide by Law.
 - (b) No person shall be put on trial for a foreign offense, except by the Attorney General or with his written consent, if he concluded that doing so is in the public interest.

- (c) Israel penal laws shall not be applicable to an offense, if the person was tried for it abroad at the request of the State of Israel, and – if he was convicted there – if he also bore his penalty therefor.
- (d) In any case, to which Israel penal laws can be applied by virtue of several ways of applicability, they shall be applicable by the least restricted applicability.

Penalty imposed abroad

10. (a) If a person who was adjudged abroad by a final judgment in respect of an offense to which the Israel penal laws apply is in Israel, and if he did not bear the full penalty there, then the Attorney General may – instead of bringing him to trial – apply to a Court that the penalty imposed abroad – or that part of it which was not carried out – be carried out in Israel, as if the penalty had been imposed in Israel by a final judgment; in an order said in this section the Court may shorten the period of imprisonment which the convicted person must serve in Israel and set it at the maximum set in Israel's penal laws for the offense for which the penalty was imposed, on condition that it is possible to do so under the agreement between the State of Israel and the state in which the penalty was imposed.
- (b) If, in the requesting state, a fine of compensation for another person was adjudged against the convicted person said in subsection (a), in addition to imprisonment, and if the requesting state gave notice that the convicted person has not yet paid the fine or compensation or part thereof, then the Court in Israel shall order – at the application of the Attorney General or his representative – that he be obligated to pay the fine or compensation or the part thereof that was not yet paid by him in the requesting state, as if they had been imposed in Israel, and the statute applicable in Israel to the nonpayment of a fine or compensation and their collection shall apply to the matter; for purposes of this section, "**compensation to another person**" – compensation to a person who suffered harm from the extradition offense of which the convicted person was found guilty in the requesting state.
- (c) If the State of Israel collected a fine or compensation said in subsection (b), then it shall transfer it to the requesting state according to an arrangement to be made for this matter between the State of Israel and the requesting State, also on the matter of deducting the cost of collecting the fine or compensation.

Deduction of penalty or arrest

11. If a person bore abroad a penalty for an offense, or if he was under arrest there because of it, then the penalty or the period of arrest shall be deducted from the penalty which he must bear in Israel for that offense.

Article Two: Applicability to Domestic Offenses

Domestic offenses

12. Israel penal laws shall apply to all domestic offenses.

Article Three: Applicability to Foreign Offenses

Offenses against the State or against the Jewish people

13. (a) Israel penal laws shall apply to foreign offenses against –
- (1) national security, the State's foreign relations or its secrets;
 - (2) the form of government in the State;
 - (3) the orderly functioning of State authorities;
 - (4) State property, its economy and its transportation and communication links with other countries;
 - (5) the property, rights or orderly functioning of an organization or body enumerated in subsection (c).
- (b) Israel penal laws shall also apply to foreign offenses against –
- (1) the life, body, health, freedom or property of an Israel citizen, an Israel resident or a public servant, in his capacity as such;
 - (2) the life, body, health, freedom or property of a Jew, as a Jew, or the property of a Jewish institution, because it is such.
- (b1) Israel penal laws shall also apply to foreign offenses that are violations of the Denial of the Holocaust (Prohibition) Law 5746-1986;
- (c) **"Organization or body"**, for the purposes of subsection (a)(5) –
- (1) World Zionist Organization;
 - (2) Jewish Agency for Israel;
 - (3) Jewish National Fund;
 - (4) Keren Hayessod - United Jewish Appeal;
 - (5) an audited body, within its meaning in the State Comptroller Law [Consolidated Version] 5718-1958.

The Minister of Justice may, with approval by the Knesset Constitution, Law and Justice Committee, prescribe in Regulations additional organizations or bodies for purposes of this section.

Offenses against Israel citizen or Israel resident

14. (a) The penal laws of Israel shall apply to foreign offenses against the life, body, health or freedom of an Israel citizen or of an Israel resident, for which the maximum penalty is one year imprisonment or more.
- (b) If an offense was committed on a territory that is subject to the jurisdiction of another state, then Israel penal laws shall apply to it only if all the following conditions are met:
- (1) it is an offense also under the Laws of that state;

- (2) no restriction on criminal liability applies to the offense under the Laws of that state;
- (3) the person was not already found innocent of it in that state, or – if he was found guilty – he did not serve the penalty imposed on him for it.
- (c) No penalty shall be imposed for the offense that is more severe than that, which could have been imposed under the Laws of the state in which the offense was committed.

Offense committed by Israel citizen or Israel resident

15. (a) The penal laws of Israel shall apply to a foreign offense of the categories of felony or misdemeanor, which was committed by a person who – when the offense was committed or thereafter – was an Israel citizen or an Israel resident; if a person was extradited from Israel to another country because of that offense, and if he was tried for it there, then Israel penal laws shall no longer apply.
- (b) The restrictions said in section 14(b) and (c) shall also apply to the applicability of Israel penal laws under this section; however, the restriction said in section 14(b)(1) shall not apply if the offense is one of these, committed by a person who – when he committed it – was an Israel citizen:
- (1) polygamy under section 176;
 - (2) an offense under Article Ten of Chapter Eight, committed by a minor or in connection to a minor;
 - (3) conveying beyond the borders of the State under section 370;
 - (4) causing departure from the State for prostitution or enslavement under section 376B;
 - (5) commerce in human beings under section 377A.

Offenses against international law

16. (a) Israel penal laws shall apply to foreign offenses, which the State of Israel undertook – under multilateral international conventions that are open to accession – to punish, and that even if they were committed by a person who is not an Israel citizen or an Israel resident and no matter where they were committed.
- (b) The restrictions said in section 14(b)(2) and (3) and (c) shall also apply to the applicability of Israel penal laws under this section.

Vicarious applicability

17. (a) The State of Israel may assume obligation, by international conventions, to apply its penal laws to foreign offenses or to apply the provisions of section 10 – at the request of a foreign state and on a reciprocal basis – also to cases different from those enumerated in sections 13 to 16, on condition that all the following conditions are met:
- (1) the penal laws of the requesting state apply to the offense;
 - (2) the offense was committed by a person who is on Israel

- territory and who is an Israel resident, whether or not he is an Israel citizen;
- (3) in its request, the requesting state waived – subject to the full application of Israel Law against that person – the applicability of its law to the case at hand.
 - (b) In Israel no more severe penalty shall be imposed for the offense, than could have been imposed under the laws of the state that made the request.
 - (c) All other conditions shall be set in the convention.

PART ONE: GENERAL

CHAPTER FOUR: THE CRIMINAL OFFENSE AND LIABILITY FOR IT

Article One: Factual Basis of the Offense

Structure of factual basis

18. (a) "**Particular**", for purposes of an offense – the act as defined, as well as any circumstance or consequence caused by the act, if they are part of the definition of that offense.
- (b) "**Act**" includes an omission, if there is no different provision..
- (c) "**Omission**" – abstention from doing anything, which is obligatory under any enactment or contract.

Article Two: Psychological Basis of the Offense

Criminal intent is required

19. A person commits an offense only if he committed it with criminal intent, unless –
 - (1) in the definition of the offense, negligence is stated to be the necessary psychological basis for its commission; or
 - (2) the offense is of the category of offenses with enhanced liability.

Criminal intent

20. (a) Criminal intent – awareness of the character of the act, of the circumstances and of possible consequences of the act, such as are of the particulars of the offense, and in respect of the consequences also one of the following:
 - (1) intent – in order to cause those results;
 - (2) recklessness, which consists of one of the following:
 - (a) indifference – a casual attitude to the possibility that those consequences will result;
 - (b) imprudence – in accepting an unreasonable risk that those consequences may result, while hoping to be

- successful in avoiding them.
- (b) For purposes of the intent, the ability to foresee that a certain consequence is an almost certainly possible occurrence is equivalent to the intent to cause that occurrence.
 - (c) For purposes of this section –
 - (1) if a person suspected the nature of his conduct or the possibility that the said circumstances would be caused, then he shall be deemed to have been aware of them, if he failed to clarify the matter;
 - (2) it is immaterial if the act was committed against a person or asset different from that against which it was intended to commit the act.

Negligence

21. (a) Negligence is the lack of awareness of the nature of an act, of its circumstances and of the possibility that the act may cause certain consequences – those elements being among the particulars of the offense – when an ordinary person would, under the given circumstances, have been aware of that particular, on condition that –
- (1) in respect of the remaining particulars there was at least negligence, as aforesaid;
 - (2) that the possibility of causing the consequences was not part of the reasonable risk.
- (b) Negligence may be prescribed a sufficient psychological basis only for offenses that are not felonies.

Article Three: Enhanced Liability

Enhanced liability and its extent

22. (a) A person bears enhanced liability for an offense, if in an enactment it is prescribed that the offense does not require proof of criminal intent or of negligence; however, the provisions of this subsection shall not void liability for offenses legislated before this Law went into effect and it was lawfully determined that they do not require proof of criminal intent or of negligence; for purposes of this section, "**lawfully**" – includes by judicial precedent.
- (b) No person shall bear liability under this section if he acted without criminal intent and without negligence and did everything possible to prevent the offense; the person who so argues bears the burden of proof.
- (c) For purposes of liability under this section, a person shall not be sentenced to imprisonment, unless criminal intent or negligence was proven.

Article Four: Criminal Liability of Body Corporate

Extent of Criminal Liability of a Body Corporate

23. (a) A body corporate shall bear criminal liability –

- (1) under section 22, if the offense was committed by a person in the course of the performance of his function in the body corporate;
 - (2) for an offense that requires proof of criminal intent or negligence, if – under the circumstances of the case and in the light of the position, authority and responsibility of the person in the management of the affairs of the body corporate – the act by which he committed the offense, his criminal intent or his negligence are to be deemed the act, the criminal intent or the negligence of the body corporate.
- (b) If the offense was committed by way of omission, when the obligation to perform is directly imposed on the body corporate, then it is immaterial whether the offense can or cannot be related also to a certain officer of the body corporate.

Article Five: Offenses by Their Severity

Classification of offenses

24. The following are the categories of offense, by their severity:

- (1) "**felony**" – an offense, for which a penalty more severe than three years imprisonment; has been set;
- (2) "**misdemeanor**" – an offense, for which a penalty of imprisonment for more than three months, but not more than three years was set; and if the penalty only consists of a fine – if the fine exceeds the amount of fine that can be imposed for an offense, for which the penalty is a fine the amount of which has not been set;
- (3) "**transgression**" – an offense, for which a penalty of imprisonment for not more than three months was set; if the penalty only consists of a fine – if the fine does not exceed the amount of fine that can be imposed for an offense, for which the penalty is a fine the amount of which has not been set.

CHAPTER FIVE: DERIVATIVE OFFENSES

Article One: Attempt

What constitutes an attempt

25. A person attempts to commit an offense, if he – with intent to commit it – commits an act that does not only constitute preparation, on condition that the offense was not completed.

Commission of offense is impossible

26. For purposes of attempt, it is immaterial that commission of the offense was impossible, because of circumstances of which the person who made the attempt was not aware or in respect of which he was mistaken.

Special penalty for attempt

27. If a provision sets a mandatory penalty or a minimum penalty for an offense, then it shall not apply to an attempt to commit it.

Exemption because of remorse

28. If a person attempted to commit an offense, he shall not bear criminal liability therefor, if he proved that – of his own free will and out of remorse – he stopped in the commission of the act or substantively contributed to prevention of the results, on which the completion of the offense depends; however, the aforesaid does not derogate from his criminal liability for another completed offense connected to the act.

Article Two: Parties to the Offense

Perpetrator

29. (a) Perpetrator of the offense – includes a perpetrator together with others or through another.

(b) Participants in the commission of an offense, who perform acts for its commission, are joint perpetrators, and it is immaterial whether all acts were performed jointly, or some were performed by one person and some by another.

(c) The perpetrator of an offense through another is a person who contributed to the commission of the act by another who acted as his instrument, the other person being in one of the following situations, within their meaning in this Law:

- (1) minority or mental incompetence;
- (2) lack of control;
- (3) without criminal intent;
- (4) misunderstanding of the circumstances;
- (5) under duress or with justification.

(d) For the purposes of subsection (c), if the offense is conditional on a certain perpetrator, then the person in question shall be deemed

to have committed that offense even if the condition is only met by the other person.

Enticement

30. If a person causes another to commit an offense by means of persuasion, encouragement, demand, cajolery or by means of anything else that constitutes the application of pressure, then he entices to an offense.

Accessory

31. If a person does anything – before an offense is committed or during its commission – to make its commission possible, to support or protect it, or to prevent the perpetrator from being taken or the offense or its loot from being discovered, or if he contributes in any other way to the creation of conditions for the commission of the offense, then he is an accessory.

Penalty of accessory

32. The penalty for being an accessory to the commission of an offense is half the penalty set by enactment for commission of the main offense; however, if the penalty set is –

- (1) the death penalty or mandatory life imprisonment, then his penalty shall be twenty years imprisonment;
- (2) life imprisonment, then his penalty shall be ten years imprisonment;
- (3) a minimum penalty, then his penalty shall not be less than half the minimum penalty;
- (4) any mandatory penalty, then it shall be the maximum penalty and half thereof shall be the minimum penalty.

Attempt to entice

33. The penalty for attempting to entice a person to commit an offense is half the penalty set for its main commission; however, if the penalty for it is set at –

- (1) the death penalty or mandatory life imprisonment, then his penalty shall be twenty years imprisonment;
- (2) life imprisonment, then his penalty shall be ten years imprisonment;
- (3) a minimum penalty, then his penalty shall not be less than half the minimum penalty;
- (4) any mandatory penalty, then it shall be the maximum penalty and half thereof shall be the minimum penalty.

Exemption because of remorse

34. (a) If a person incited another or was an accessory, then he shall not bear criminal liability for enticement or for being an accessory, if he prevented the commission or completion of the offense, or if he informed the authorities of the offense in time in order to prevent its commission or its completion, or if – to that end – he

acted to the best of his ability in some other manner; however, the aforesaid does not derogate from criminal liability for another completed offense connected to the same act.

- (b) For purposes of this section, "**authorities**" – the Israel Police or any other body lawfully empowered to prevent the commission or completion of an offense.

Other or additional offense

- 34A. (a) If, while committing an offense, a perpetrator also committed a different or an additional offense, and if – under the circumstances – an ordinary person could have been aware of the possibility that it would be committed, then –
- (1) the other joint perpetrators shall also bear liability for it; however, if the other or additional offense was committed with intent, then the other joint perpetrators shall bear liability for it only as an offense of indifference;
 - (2) a person who enticed or was an accessory shall also bear liability for it as an offense of negligence, if – with the given factual basis – there is such an offense.
- (b) If the Court convicted an accused under subsection (a)(1) for an offense for which a mandatory penalty is set, then it may impose a lighter penalty on him.

Personal and factual data

- 34B. If a datum is a precondition for an offense, then it shall be relevant for every party to that offense, even if it does not hold true for him; however, if by virtue of legislation a personal datum makes a penalty more severe, less severe, changes it in some other manner or prevents it, then it shall be relevant only in respect of the party for whom it does hold true.

Article Three: Common Provisions

Restrictions on attempt, accessories and incitement

- 34C. An attempt, incitement, attempt to incite or abetting are not punishable in respect of an offense that is a contravention..

Restrictions on attempt, accessories and incitement

- 34D. Unless legislation explicitly or implicitly provides otherwise, every enactment that applies to the commission of a completed offense itself also applies to an attempt, incitement, an attempt to incite or abetting in respect of that same offense.

CHAPTER FIVE "A": RESTRICTIONS OF CRIMINAL LIABILITY

Article One: General Provisions

Burden of proof

34E. Unless legislation provides otherwise, any act shall be assumed to have been committed under conditions that do not include a restriction of criminal liability.

Article Two: Restrictions on Criminal Nature of Act

Minority

34F. No person shall bear criminal responsibility for an act committed by him before he reached age twelve.

Lack of control

34G. No person shall bear criminal responsibility for an act committed by him when he was not free to choose between its commission or abstention from it, because he did not have control of his bodily movements in respect of that act; for an act committed under physical coercion which the perpetrator could not overcome; in a reflexive or convulsive reaction; while he was asleep; or in a condition of automatism or under hypnosis.

Mental incompetence

34H. No person shall bear criminal responsibility for an act committed by him, if – at the time the act was committed, because of a disease that adversely affected his spirit or because of a mental impediment – he lacked any real ability –

- (1) to understand what he did or the wrongful nature of his act; or
- (2) to abstain from committing the act.

Intoxication

34I. (a) No person shall bear criminal responsibility for an act committed by him in a state of intoxication, which was not caused by his controlled conduct or intentionally.

(b) If a person committed an act while he was in a state of intoxication, and if he caused that condition by his controlled conduct and intentionally, then he shall be deemed to have committed the act with criminal intent, if the offense is one of behavior, or with indifference, if the offense is also conditional on its consequence.

(c) If a person caused the state of intoxication in order to commit the offense under its influence, then he shall be deemed to have committed it with criminal intent, if the offense is one of behavior, or with intent, if the offense is also conditional on its consequence.

- (d) In this section "**state of intoxication**" – a condition in which a person is under the influence of alcoholic material, of a dangerous drug or of some other intoxicating factor, in consequence of which – at the time the act was committed – he lacked any real ability to understand what he did or the wrongful nature of his act, or to abstain from committing the act.
- (e) Subsections (a), (b) and (c) also apply to a person who was not incapacitated, as said in subsection (d), but who at the time when he committed the act was – because of partial intoxication – not aware of any of the particulars of the offense.

Self defense

34J. No person shall bear criminal responsibility for an act that was immediately necessary in order to repel an unlawful attack, which posed real danger to his own or another person's life, freedom, bodily welfare or property; however, a person is not acting in self defense when his own wrongful conduct caused the attack, the possibility of such a development having been foreseen by himself.

Defense of residential premises, business premises and fenced agricultural farms

- 34J1.(a) No person shall bear criminal liability for an act that was immediately required in order to repel a person who broke into or entered – with the intent to perform an offense – his or another person's residential premises, business premises or fenced agricultural farm, or a person who attempts to break in or to enter as aforesaid.
- (b) The provision of subsection (a) shall not apply if –
 - (1) under the circumstances of the case the act was obviously not reasonable for the repulsion of the person who breaks in or enters;
 - (2) the person caused the break-in or the entry by his unacceptable conduct, foreseeing in advance the way matters would develop.
 - (c) For the purposes of this section, "**agricultural farm**" includes grazing areas and areas used for the storage of farm equipment and vehicles on the agricultural farm.

Necessity

34K. No person shall bear criminal responsibility for an act that was immediately necessary in order to save his own or another person's life, freedom, bodily welfare or property from a real danger of severe injury, due to the conditions prevalent when the act was committed, there being no alternative but to commit the act.

Duress

34L. No person shall bear criminal responsibility for an act, which he was ordered to commit under a threat, which posed danger of injury to his own or another person's life, freedom, bodily welfare or property, and which he consequently was forced to commit.

Justification

34M. No person shall bear criminal responsibility for an act, which he committed under any of the following circumstances:

- (1) he was lawfully obligated or authorized to commit it;
- (2) he committed it under the order of a competent authority, which he was obligated to obey under Law, unless the order was obviously unlawful;
- (3) in respect of an act which lawfully requires consent, when the act was immediately necessary in order to save a person's life or his bodily welfare, or to prevent severe injury to his health, if – under the circumstances – he was not able to obtain the consent;
- (4) he committed it on a person with lawful consent, in the course of a medical procedure or treatment, the objective of which was that person's or another person's benefit;
- (5) he committed it in the course of a sports activity or of a sports game, such as are not prohibited by law and do not conflict with public order, in accordance with rules customary for to them.

Entering a situation by wrongful conduct

34N. (a) The provisions of sections 34G, 34K and 34L shall not apply, if the perpetrator was aware – or if an ordinary person in his place could, under the circumstances, have been aware – before the circumstances arose under which he committed the act, that he was liable to commit it under those circumstances, and if he entered upon that situation by his controlled and wrongful conduct, on condition that the substance of the act committed under the circumstances said in section 34K or section 34L was not to save another person's interest.

- (b) In a case said in subsection (a), the person shall be deemed to have committed the act with criminal intent, if the offense is one of behavior, or with indifference, if the offense is also conditional on its consequence; if the person entered into the situation in order to commit the offense, which is conditional on its consequence, he shall be deemed a person who committed the offense with intent.

Obligation to face danger or threat

34O. The provisions of sections 34K and 34L shall not apply, if the person was under lawful obligation, by virtue of his position, to face dangers or threats.

Beyond reason

34P. The provisions of sections 34J, 34K and 34L shall not apply, if – under the circumstances – the act was not a reasonable one for the prevention of the injury.

Lack of importance

34Q. No person shall bear criminal responsibility for an act, if – when the nature of the act, its circumstances, its consequence and the public interest are taken into consideration – it is of minor importance.

Misinterpretation of situation

- 34R.(a) If a person commits an act, while imagining a situation that does not exist, then he shall bear criminal responsibility only to the extent that he would have had to bear it, had the situation really been as he imagined it.
- (b) Subsection (a) shall also apply to an offense of negligence on condition that the mistake was reasonable, and to an offense of enhanced liability subject to the provisions of section 22(b).

Mistake on legal situation

34S. For the purposes of criminal liability it is immaterial whether a person imagined that his act was not prohibited, because of a mistake on the existence of a criminal prohibition or on his understanding of the prohibition, unless the mistake is reasonably inevitable.

Defense of judicial authority

34T. A person who holds a judicial position shall not bear criminal responsibility for an act which he committed in the performance of his judicial functions, even if he did exceed the bounds of his authority.

CHAPTER FIVE "B": MISCELLANEOUS PROVISIONS**Interpretation**

34U. If an enactment can be reasonably interpreted in several ways in respect of its purpose, then the matter shall be decided according to the interpretation that is most favorable for whoever is about to bear criminal liability under that enactment.

Doubt

- 34V.(a) A person shall not bear criminal responsibility for an offense, unless it was proven beyond all reasonable doubt.
- (b) If reasonable doubt arose, whether there is a restriction on criminal liability, and if the doubt has not been removed, then the restriction shall apply.

Generality of Introductory Part and of General Part

34W If a Law does not include a contradictory provision, then the provisions of the Introductory Part and of the General Part shall also apply to offenses not under this Law.

Definitions

34X. In relation to an offense –
"dwelling house" – any building or structure or part thereof, kept by its owner or occupier as residence for himself, his family or employees, even if from time to time it is not inhabited; for this purpose a building or structure adjacent to or occupied or used for a certain purpose with a dwelling house is deemed to be part of it, on condition that there is a

connection between them, either attached or by means of an enclosed and covered passage that leads from one to the other;

"**owner**" and similar terms, when used in reference to assets – including bodies corporate, bodies of persons capable of owning assets, and the State;

"**public way**" – highway, marketplace, square, street, bridge and every way through which the public lawfully passes;

"**possession**" – a person's control of a thing in his custody or in the custody of another person or in any place, whether it belongs to him or not; a thing held by or in the possession of one or several of a group, with the knowledge and consent of the rest, is deemed to be in the custody and possession of each of them and of all together;

"**judicial proceeding**" – any proceeding before any Court, tribunal, judicial authority, commission of inquiry or person competent to swear witnesses;

"**harm**" – a bodily hurt, disease or disorder, whether permanent or temporary;

"**grievous harm**" – any harm which amounts to dangerous harm, or which seriously or permanently injures or is liable to injure the health or comfort of the person harmed, or which extends to permanent disfigurement or to a permanent or serious injury to an external or internal organ, membrane or sense;

"**dangerous harm**" – harm that endangers life;

"**computer material**", "**computer**" – as defined in the Computers Law 5755-1995;

"**Law**" – including Acts of the British Parliament, or Orders in Council, parts thereof or regulations thereunder, as they are in effect in the State;

"**knowledge**", in connection with any term that denotes uttering or using knowledge of the character of the thing uttered or used;

"**money**" – including currency notes, bank drafts, checks and any other warrants for the payment of money;

"**night**" – from 18:30 hours to 06:30 hours;

"**public location**" – a way, building, place or conveyance to which the public is at that time entitled or permitted to access, either unconditionally or on condition of payment, and every building or place used at that time for a public or religious gathering or as an open Court;

"**utter**" anything – including its use or dealing with and attempting to use or deal with, or attempting to cause a person to use, deal with or act upon it;

"**security**" – including a document that is evidence of a right, or of a right of claim to an asset;

"**asset**" – an animate or inanimate object, which can be the subject of ownership;

"**public servant**" –

- (1) a State employee, including a soldier within its meaning in the Military Justice Law 5715-1955;
- (2) an employee of a local authority or of a local education authority;
- (3) an employee of a religious council;

- (4) an employee of the National Insurance Institute;
- (5) an employee of the Bank of Israel;
- (6) an employee of the World Zionist Organization, the Jewish Agency for Israel, the Jewish National Fund and the Keren Hayessod - United Israel Appeal, including a member of the board or management of those institutions;
- (7) an employee of an Employment Service office;
- (8) an employee of an enterprise, institution, fund or other body in the management of which the Government participates, including a member of the board or management of those bodies;
- (9) an arbitrator;
- (10) the holder of an office or function under an enactment, whether by appointment, election or agreement, even if he is not one of the public servants enumerated in paragraphs (1) to (9);
- (11) a director on behalf of the State in a Government company, Government subsidiary company or mixed company, within their meaning in the Government Companies Law 5735-1975, and a person employed by or engaged in the service of an aforesaid company;

"publicly", for purposes of an act –

- (1) a public place, so that people can see it from any place whatsoever;
- (2) not a public place, on condition that persons in a public place can see it;

"wound" – a cut or puncture that divides or pierces an exterior membrane of the body, and for this purpose any membrane that can be touched without cutting or piercing any other membrane is exterior;

"publication" – written matter, printed matter, computer material or any other visual presentation and any audio means capable of presenting words or ideas, whether alone or with the help of any medium;

"publish" –

- (1) in respect of spoken matter – to utter words orally or by other means at a public gathering or in a public place or so that they may be heard by persons in a public place, or letting them be heard by radio or television broadcasts to the public, or distributing them by means of computers in a manner accessible to the public, or offering them to the public by means of computers;
- (2) in respect of matter other than spoken – its distribution among people or its presentation so that people in a public place can see it, selling it or offering it for sale in any place, broadcasting it by television broadcasts to the public, or distributing it by means of computers in a manner accessible to the public, or offering it to the public by means of computers;

"public" – including any part of it likely to be adversely affected by the conduct referred to in the context of this term;

"minor" – a person who has not reached age 18.

CHAPTER SIX: WAYS OF PUNISHMENT

Article One: General

The penalties are maximum penalties

35. (a) If a Court convicted a person of an offense, then it may impose on him any penalty that does not exceed the penalty prescribed by enactment for that offense.
- (b) If the penalty is a fine or compensation under section 77, then the Court may set it at a rate that shall not exceed its updated rate on the day on which the Court makes its decision, and if appeal was filed – a fine or compensation that does not exceed its updated rate on the day the appeal is decided; for this purpose, "**updated rate**" – the rate of fine for the offense stated in the Law, as it was on the day it was committed, as changed by order by virtue of section 64, and for compensation under section 77 – the rate of compensation stated in the Law on the day when the offense was committed, as changed by a said order.
- (c) If the rate of fine or compensation was changed not in the manner said in subsection (b), then the Court may impose a fine or compensation at a rate no greater than its rate on the day the offense was committed, plus linkage differentials according to index changes published until the day of the Court's decision; in this section, "**index**" – the consumer price index published by the Central Bureau of Statistics.

Mandatory penalty and mitigating circumstances

- 35A. (a) If a person was convicted of an offense for which there is a mandatory penalty, then a lighter penalty may be imposed on him if the offense was committed under special alleviating circumstances, which shall be specified in the judgment.
- (b) The provisions of subsection (a) shall not apply to the following:
- (1) the offense of murder under section 300, except for the instances specified in section 300A;
 - (2) an offense under the –
 - (a) Nazi and Nazi Collaborators (Punishment) Law 5710-1950;
 - (b) Crime of Genocide (Prevention and Punishment) Law 5710-1950;
 - (c) Air Navigation (Offenses and Jurisdiction) Law 5731-1971.

Imprisonment and fine

36. If a law prescribes imprisonment only, or imprisonment or a fine alternatively, then the Court may impose imprisonment or a fine or both; however, if the Law prescribes mandatory imprisonment the Court shall not impose a fine alone.

Inquiry

37. (a) If a person was convicted, then the Court may – before passing sentence on him – request a written report from a probation officer on all of the following:
- (1) the defendant's past;
 - (2) the defendant's family situation, with the fullest possible details about his parents, spouse, children, brothers and sisters;
 - (3) the defendant's economic position;
 - (4) the state of health of the defendant and of members of his family;
 - (5) special personal circumstances, if any, which led him to crime.
- (b) In an aforesaid report the probation officer may recommend to the Court the type of punishment which, in his opinion, offers prospects of reforming the accused.
- (c) If the Court, after receiving the report, imposes imprisonment, a copy of the report shall be sent to the Prisons Commissioner, to be used by him as guideline for the prisoner's treatment.
- (d) A contention that the report submitted to the Court was not drawn up in accordance with the provisions of this section is not grounds for appeal.

Report is mandatory

38. (a) The Court shall impose a penalty of imprisonment, other than conditional imprisonment, only after having received a report under section 37.
- (b) The Minister of Justice may, by declaration published from time to time in Reshumot, restrict the applicability of subsection (a) by categories of Courts, by offenses, by the age of the accused, or by any other classification.

Other offenses admitted by the defendant

39. (a) If a person convicted of a particular offense requests that the Court try him also for other offenses which he admits having committed, then the Court may – after giving the prosecutor an opportunity to present his arguments on the matter – convict and sentence or place him under probation for each of the other offenses.
- (b) The Court shall exercise its power under this section only in respect of offenses which are within its material jurisdiction and which it is competent to try in its present composition; however, a District Court may do so also in respect of misdemeanors and contraventions.
- (c) If a person was convicted under this section in spite of the prosecutor's opposition, then the prosecutor may appeal against this conviction.
- (d) If the Court exercised its power under this section and – in an appeal against its judgment – the conviction in respect of the

offense with which the defendant was charged is quashed, that shall not affect the conviction and sentence in respect of the other offenses.

- (e) In this section, "**other offenses**" – whether or not a charge has been brought for them, on condition that sufficient particulars of the offenses are given for their identification.

Offenses for which no penalty is prescribed

40. If an offense was created by a Law before September 17, 1954, and no penalty is prescribed for it, then the Court may –
- (1) if the offense is a misdemeanor – impose up to three years imprisonment or a fine of not more than NS 67,300, or both;
 - (2) if it is not stated that the offense is a misdemeanor – impose up to seven days imprisonment or a fine of not more than NS 2,500, or both.

Article Two: Imprisonment

Imprisonment for life

41. If an offense is punishable by life imprisonment, but that penalty is not designated as mandatory, then the term of imprisonment imposed by the Court shall not exceed twenty years.

Indeterminate imprisonment

42. If an offense is punishable by imprisonment for an indefinite term, then the term of imprisonment imposed by the Court shall not exceed one year.

Calculation of the term of imprisonment

43. If person has been sentenced to imprisonment, then his term of imprisonment shall be calculated from the date of the sentence, unless the Court directed otherwise; if the sentenced person is released on bail after the sentence, then the period of release shall not be reckoned part of the term of imprisonment.

Postponed imprisonment

44. If the Court imposed a penalty of imprisonment, then it may order that the penalty begin on a date prescribed by it.

Concurrent imprisonment

45. (a) If a person was sentenced at one trial to terms of imprisonment in respect of different offenses, and if the Court did not direct that he shall serve all or part of them consecutively, then he shall only serve the longest term.
- (b) If a person was sentenced to imprisonment and before he completed his term he was again sentenced to imprisonment, and if the Court which last sentenced him did not direct that he serve

all or part of the terms of imprisonment consecutively, then he shall only serve a single penalty of imprisonment, and that the one of the longest term.

- (c) If a person is sentenced to two or more terms of imprisonment, one of which is partly concurrent with the other, then – after he finished serving one – he shall serve only that remainder of the other, which is not concurrent.

Sequence of serving criminal imprisonment

46. If a person was sentenced to different terms of imprisonment, which he must serve consecutively, then he shall first serve the shorter term, except for a term which he had already begun to serve when he was sentenced to a further term and subject to the provisions of section 58; if the terms of imprisonment include imprisonment for non-payment of a fine, then he shall serve it first before any other criminal imprisonment; and if he serves criminal imprisonment when imprisonment for non-payment of a fine is imposed on him, then that imprisonment shall be interrupted in order to serve the imprisonment for non-payment of the fine, and it shall be resumed when the said imprisonment ends.

Sequence of serving civil imprisonment

47. (a) If civil imprisonment was imposed on a person, he shall serve it in addition to any other term of imprisonment which he must serve, no matter whether the other is criminal imprisonment or civil imprisonment.
- (b) If civil and criminal imprisonments were imposed on a person, then he shall serve the civil imprisonment first; if he served criminal imprisonment when the civil imprisonment was imposed on him, the criminal imprisonment shall be interrupted in order to serve the civil imprisonment and it shall be resumed when the civil imprisonment ends.
- (c) If more than one civil imprisonment was imposed on a person for the same cause, then he shall serve them consecutively in the order in which they were imposed; if the imprisonments were for different causes, then shall be serve then consecutively in the following order:
- (1) imprisonment to compel compliance with a Court order or to compel proper conduct in Court;
 - (2) imprisonment to compel payment of a maintenance debt;
 - (3) imprisonment to compel payment of any other civil debt;
 - (4) imprisonment to compel the giving of a get or the giving of halitza (*religious divorce and release from levirate obligation, respectively – Tr.*);
 - (5) imprisonment for any other cause.
- (d) In this section –
"criminal imprisonment" – imprisonment imposed in a criminal trial as punishment for an offense, including imprisonment for non-payment of a fine imposed as aforesaid;
"civil imprisonment" – imprisonment other than criminal

imprisonment, and for the purpose of subsection (b) – exclusive of imprisonment imposed by an order under the Execution Law 5727-1967;

"**Court**" – includes a tribunal and a commission of inquiry.

Imprisonment with labor

48. (a) A prisoner must work in accordance with the Prisons Ordinance [New Version] 5732-1971 and the regulations made thereunder; those regulations shall include provisions on pay and on terms of employment of a prisoner outside the prison precincts.
- (b) The Parole Board may grant exemption from the obligation to work or restrict it, if it finds one of the following to be true:
- (1) the prisoner's state of health so requires;
 - (2) the exemption or restriction will, in its opinion, help him to reform;
 - (3) some other reasonable ground.
- (c) A prisoner shall be employed in work outside State institutions only with his consent and on customary terms of employment.

49. to 51. Repealed

Article Two "A": Serving Imprisonment by Service Labor

Definitions

51A. In this Article –

"**Director**" – the person in charge of service labor, appointed under section 51K;

"**economic labor**" – labor outside the prison walls, including within one of the State's institutions, the category, place and conditions of which were determined by the Director General of the Employment Service in accordance with the needs of the economy; a said determination does not require publication in Reshumot;

"**public labor**" – labor outside the prison walls, including within one of the State's institutions or in another public body, which is not economic labor and is to the public benefit, its category, place and conditions having been determined by the Director General of the Employment Service; a said determination does not require publication in Reshumot;

"**service labor**" – economic labor or public labor;

"**service laborer**" – a person who serves a prison sentence by way of service labor.

Serving imprisonment by way of service labor

- 51B. (a) If a Court sentenced a person to actual imprisonment for a period of not more than six months, then it may decide that the convict serve all or part of his imprisonment by way of service labor; if it decided that part of the imprisonment be served by way of service labor, then it shall decide in which order the sentence is to be served.

- (b) The Court shall make a decision said in subsection (a) only after the convict agreed to serve his imprisonment by way of service labor and after the Director informed the Court at what service labor the convict can work; the Court may request a said opinion from the Director either before or after it sentenced the defendant to imprisonment.
- (c) The Court may set conditions for service labor.
- (d) For purposes of this section, a period of actual imprisonment shall be calculated as follows:
 - (1) concurrent periods of imprisonment – according to the longest period;
 - (2) consecutive periods of imprisonment – according to the total of all the periods.

Service labor

- 51C. (a) If a Court decided in respect of a person on service labor and did not decide that that labor begin after he serves imprisonment, then that person shall not be imprisoned and he shall begin the service labor on the day after sentence was pronounced or on a later date, as the Court shall prescribe; if the Court decided that service labor shall be after part of the imprisonment, then it shall prescribe when the service labor shall begin, unless the service labor was stopped under the provisions of section 51I or 51J and the remaining period of imprisonment, which the prisoner must serve in subsequence of the stoppage, exceeds three months.
- (b) Section 2 of the Conditional Release from Imprisonment Law 5761-2001 (in this subsection: Conditional Release Law) shall not apply to a person, in respect of whom the Court decided that he serve the penalty of imprisonment by way of service labor, but if the said decision applies to only part of the adjudged period of imprisonment, and if the remaining period of imprisonment under the decision exceeds three months, or if service labor was interrupted according to the provisions of section 51I or 51J and the prisoner's remaining period of imprisonment exceeds three months, then section 2 of the Conditional Release Law shall apply to the remainder of the said periods of imprisonment.
- (c) Service labor shall be under the supervision of a supervisor appointed by the Director (hereinafter: supervisor), and for this purpose the supervisor may call on the assistance of others.
- (d) The Director may transfer a service laborer to another place of work, for reasons connected with the service labor and in accordance with rules to be prescribed by the Minister of Police in regulations.

Conditions of economic labor

- 51D. (a) A service laborer engaged in economic labor shall be deemed the employee of the employer at the workplace where he is employed (hereinafter: employer), and the working conditions that apply in that workplace shall apply to him, with changes and adaptations

which the Minister of Labor and Social Welfare may prescribe in regulations with approval by the Knesset Constitution, Law and Justice Committee.

- (b) The employer shall pay the service laborer's wage to the Prison Service; the Prisons Commissioner may, with the Employment Service's agreement, instruct the employer to pay the wage to the Employment Service; the wage shall be transmitted in a manner to be prescribed in regulations.
- (c) The Prisons Service or the Employment Service, as the case may be, shall pay the wage to the service laborer, after making the deductions specified in subsection (d), all as shall be prescribed in regulations, on condition that the wage left to the service laborer every month be not less than 90% of the minimum wage, as defined in the Minimum Wage Law 5747-1987.
- (d) The deductions are as follows:
 - (1) expenses connected with organizing the service labor and supervising service laborers, on condition that the deduction not exceed 10% of the service laborer's wage;
 - (2) compensation or expenses, which the service laborer owes under Article Six;
 - (3) fines imposed on the service laborer under Article Four.

Conditions of public labor

51E. A service laborer on public labor shall not receive any wage and shall not be deemed the employee of the person for or through whom he performs the service, except for purposes of the penal laws, work safety laws and liability in tort towards that service laborer.

Length of service labor

51F. The number of days on service labor shall be equal to the number of days of imprisonment in the period of imprisonment imposed on the convict by the Court, or equal to the number of days of imprisonment during the period of imprisonment in respect of which the Court decided that it be by way of service labor, as the case may be, less the convict's days of rest and days of rest under Law.

Cessation of service labor

- 51G.(a) If work at a place of service labor ends, then the Director shall transfer the service laborer immediately to service labor at another work place.
- (b) The service laborer shall inform the Director without delay of any interruption in the work or of absence from it; the notification shall be in a manner to be prescribed by regulations.
- (c) A service laborer shall be absent from his work only with the Director's or supervisor's permission; permission shall be in accordance with rules to be made by the Minister of Police in regulations.
- (d) Days of interrupted service labor and days of a service laborer's absence under this section shall not be counted as days of service labor.

Obligations of service laborer

51H. A service laborer shall perform the service labor imposed on him, and he shall obey the supervisor's instructions in all matters connected with the service labor.

Administrative interruption of service labor

- 51I. (a) The Prisons Commissioner may decide that a service laborer's work be stopped and that he serve the rest of his sentence in prison, if he finds that one of the following holds true for the service laborer:
- (1) he was absent from work without permission from the Director or supervisor;
 - (2) he was careless in the performance of his work, or his conduct at work was unsatisfactory in another respect;
 - (3) he violated one of the conditions of service labor set by the Court under section 51B(c);
 - (4) he disobeyed an instruction of the Director or supervisor and failed to fulfill any obligation incumbent upon him under this Article;
 - (5) an investigation was opened against him, on the suspicion that he committed an offense.
- (b) If the Prisons Commissioner decided as said in subsection (a), the notification thereof shall be delivered to the service laborer without delay, and his work shall be stopped the day after the notification was delivered.
- (c) The service laborer may petition under section 62A of the Prisons Ordinance [New Version] 5732-1971 against a decision of the Prisons Commissioner under subsection (a) (hereinafter: petition) to the District Court, within whose jurisdiction the service laborer's place of residence is located, and that within seven days after the day on which the decision was delivered to him; the provisions of Article Eight "A" of Chapter Two of the said Ordinance shall apply to a said petition, as far as they do not contradict the provisions of this section.
- (d) When a service laborer has petitioned, then the interruption in his work shall continue until the day after the Court's decision was handed down; if he did not petition, then the service laborer shall serve the rest of his sentence in prison, beginning on the day after the time for submission of a petition ended.
- (e) The Court's decision on the petition shall be carried out from the day after the day on which it was handed down, unless the Court set another date.
- (f) Days of interrupted service labor under this section shall not be counted as days of service labor.

Judicial interruption of service labor

- 51J. (a) If a Court finds a service laborer guilty of another offense during the period of his service labor, then the following provisions shall apply:

- (1) if the Court imposed imprisonment for the other offense, then the service labor shall be interrupted from the day on which sentence was pronounced and the service laborer shall serve the rest of his sentence in prison from the said day or from another day set by the Court; the service laborer shall serve the periods of imprisonment consecutively, unless the Court which convicted him of the other offense ordered that all or part of the two periods be concurrent;
 - (2) if the Court decided to impose a penalty for the other offense other than a penalty of imprisonment, then it may prescribe that the service labor be interrupted and that the service laborer serve the rest of his sentence in prison, beginning on a day set by the Court.
- (b) Against a decision of the Court under subsection (a)(2) is appealable within seven days after the day on which the decision was served on the appellant; the Court shall hear the appeal before a single judge whose decision shall be final.

Director of service labor

- 51K.(a) The Minister of Police shall appoint a Prisons Service officer to be Director of Service Labor.
- (b) The Director shall act in coordination with the Employment Service to organize service labor, to find workplaces for service labor, to place convicts at work there, to appoint supervisors from among State employees and to supervise service labor.

Regulations

- 51L. (a) The Minister of Police may make regulations for the implementation of this Article.
- (b) Regulations made by the Minister of Police under this Article shall be in consultation with the Ministers of Justice and of Labor and Social Welfare, and with approval by the Knesset Constitution, Law and Justice Committee.

Article Three: Conditional Imprisonment

Conditional imprisonment

52. (a) When a Court imposes a penalty of imprisonment, it may – in the sentence – direct that all or part of that penalty be conditional.
- (b) (1) A person sentenced to conditional imprisonment shall serve his sentence only if – during the period stated in the sentence, which shall not be less than one year and not more than three years (hereafter: conditional period) – he committed one of the offenses designated in the sentence and was convicted of that offense (hereinafter: further offense) within or after the conditional period.
- (2) If a person was convicted of an election offense, then the

conditional period in respect of an additional offense that is an election offense may be longer than three years, on condition that it is not longer than five years; for purposes of this paragraph – "**election offense**" –

- (1) an offense under the Knesset and Prime Minister Election Law [Consolidated Version] 5729-1969;
- (2) an offense under the Local Authorities Law (Elections) 5725-1965;
- (3) an offense under the Elections (Ways of Propaganda) Law 5719-1959.

53. Repealed

Imprisonment in respect of additional offense

54. If the Court imposes a penalty of imprisonment for an additional offense, then it shall not direct that all of that penalty be conditional.

Activation of conditional imprisonment

55. (a) If a person sentenced to conditional imprisonment is subsequently convicted of an additional offense, then the Court shall order the conditional imprisonment to be activated.
- (b) In an order under subsection (a), the Court may direct that activation of the conditional imprisonment be subject to the outcome of the appeal against the conviction for the additional offense.
- (c) An order under this section shall be made by the Court that convicted the convict of the further offense, and it may be made by any judge of that Court.

Extension of period of suspension

56. (a) If a Court convicted a defendant of an additional offense and does not impose a penalty of imprisonment for that offense, then it may order – notwithstanding the provisions of section 55 and instead of ordering the conditional imprisonment to be activated, and for reasons which shall be recorded – that the period of suspension be extended or renewed for an additional period of not more than two years, if the Court is satisfied that under the circumstances of the case it is not necessary to activate the conditional imprisonment.
- (b) The Court may exercise its power under this section only in respect of the defendant's first conviction for an additional offense.
- (c) If the Court extended the period of suspension for an additional period before the period of suspension ended, then the additional period of suspension shall begin when the period of suspension ends; if the Court renewed the period of suspension after the period of suspension ended, then the additional period of suspension shall begin on the day judgment is given, all if the Court did not order otherwise.

Conditional imprisonment imposed by a Court martial

57. For the purposes of sections 54 to 56, conditional imprisonment imposed by a Military Court, within its meaning in the Military Justice Law 5715-1955, shall be treated like imprisonment imposed by a (civil – Ed.) Court, unless the Court which convicted of the additional offense deems the offense for which the Military Court imposed conditional imprisonment to have been a military offense, within its meaning in that Law.

Consecutive terms of imprisonment

58. If imprisonment was imposed on a person for an additional offense and conditional imprisonment was activated, then – notwithstanding the provisions of section 45 – he shall serve the two terms consecutively, unless the Court which convicted him of the additional offense ordered – for reasons which shall be recorded – that all or part of the two terms run concurrently.

Begin imprisonment under activated sentence

59. If conditional imprisonment is activated against a person, then he shall begin to serve it on the day on which the activating order is made, unless the Court ordered that he begin on another day.

Appeal

60. (a) An order under sections 55 to 59 is appealable.
 (b) If an appeal against a said order has not been filed under this section, then it may be included in an appeal against the conviction for the additional offense.

Article Four: Fines**Indeterminate fine**

61. (a) Notwithstanding anything provided in any Law, when a Court is empowered to impose a fine, it may –
- (1) if imprisonment for not more than six months, or only a fine, or a fine of no fixed amount is prescribed for the offense – impose a fine of up to NS 12,900;
 - (2) if imprisonment for more than six months, but not more than one year is prescribed for the offense – impose a fine of up to NS 26,100;
 - (3) if imprisonment for more than one year, but not more than three years is prescribed for the offense – impose a fine of up to NS 67,300;
 - (4) if imprisonment for more than three years is prescribed for the offense – impose a fine of up to NS 202,000;
- (b) This section shall not derogate from any provision that empowers a Court to impose fines in excess of the amounts stated in subsection (a), or from the provisions of section 63.

- (c) If a Law prescribes a fine or an additional fine for every day that the offense continues, then the Court may – instead of that fine – impose a fine of up to NS 1,300.
- (d) This section is not intended to change the amounts which the Court is competent to impose as fines for noncompliance with an order that concerns testimony or the production of documents, or for contempt of Court.

(NOTE: *The monetary values in section 61 are presented here as updated by the Penal Order (Change of Amounts of Fines) 5763-2002, published in KT of 5763, p. 123, October 31, 2002 – Tr.*)

62. Repealed

Fine according to amount of damage or benefit

63. (a) In respect of an offense through which the accused intended to cause another person monetary damage or to obtain a benefit for himself or for another person, the Court may impose on the defendant a fine four times the value of the damage caused or of the benefit obtained through the offense, or the fine prescribed by an enactment, whichever is the greater amount.
- (b) If a person was convicted of an offense and received some thing as remuneration for its commission or as a means for its commission, then the Court may impose on him a fine four times the value of that thing or the fine prescribed by an enactment, whichever is the greater amount.
- (c) In determining the amount of the fine under this section, the Court may also take into account the effect which paying the fine will have on the defendant's ability to compensate the injured party for the damage caused to him by the offense.
- (d) Setting the fine according to the value of the damage caused or of the benefit obtained shall be at their value on the day the offense was committed or on the day on which the Court's decision is handed down, whichever is greater.

Updating of fines

64. (a) The Minister of Justice may, by order, change the amounts of fines prescribed in any Law, in accordance with changes in the index since the index published in the month when those amounts were last determined.
- (b) Amounts of fines shall not be increased under this section before six months have passed since the last increase.
- (c) In this section –
"index" – the consumer price index published by the Central Bureau of Statistics;
"fines" – including ceilings for fines which the Law enables to set, including the compensation ceilings said in section 77.

65. Repealed

Time for payment of fine

66. (a) An imposed fine shall be paid immediately: however, the Court may order that the fine to be paid within a period and on conditions prescribed by it, and it may prescribe that a surcharge said in section 67 be paid in respect of the period of deferment on all or part of the deferred amount..
- (b) If the Court prescribed that a fine be paid in installments, then the provisions of section 71 shall apply to each installment.

Arrears surcharge for nonpayment of fine

67. (a) If all or part of a fine was not paid at the prescribed time, then an arrears surcharge (hereinafter: surcharge) shall be added to it.
- (b) The rate of the surcharge shall be 50% of the amount of the fine or of its unpaid part, as the case may be, and – at the end of every six month period after the prescribed time – an additional 5% of the amount of the fine or its aforesaid part.
- (c) The prescribed time for purposes of this section is as said in section 66 or – if the fine was not in the presence of the defendant or his of defense counsel – thirty days after the day on which notice of the sentence was sent to the defendant by post or served upon him in a manner in which documents may be lawfully served.

Collection of surcharge

68. (a) For purposes of collection, the surcharge shall be treated like the fine; however, section 71 shall not apply to it.
- (b) An amount paid or collected on account of a fine, to which a surcharge was added, shall first be credited against the surcharge.

Exemption from payment of surcharge

69. (a) A Court or Registrar may, on application, exempt a person from payment of all or part of a surcharge, if satisfied that there were reasonable grounds for nonpayment of all or part of the fine by the prescribed time.
- (b) The application for exemption shall be in writing and supported by an affidavit that certifies the facts set out therein; the Court or Registrar may decide on the application on the basis of the affidavit alone or in the presence of the applicant alone.
- (c) The Court's or the Registrar's decision is appealable, like any other decision of that Court in a civil matter, if leave to appeal is given by whoever made the decision.

Collection of fines

70. If a fine was not paid on time, then the provisions of the Taxes (Collection) Ordinance shall apply to its collection, as if it were a tax within its meaning in that Ordinance.

Imprisonment in lieu of a fine

71. (a) If the Court sentenced a person to a fine, then it may impose on him imprisonment for up to three years, if all or part of the fine is not paid on time, on condition that the term of imprisonment in lieu of the fine not exceed the term of imprisonment prescribed for the offense for which the fine was imposed; if only a fine is prescribed as penalty for a certain offense, or if the offense was one of enhanced liability as said in the closing passage of section 22(a), then the term of imprisonment in lieu of the fine shall not exceed one year.
- (b) Repealed
- (c) If a person was imprisoned under subsection (a), then he shall not be required to pay the fine and surcharge; if he served part of the period of imprisonment, then he shall not have to pay part of the fine proportional to the part of the period of imprisonment served, and the surcharge to which he is liable shall be calculated according to the part of the fine for which he did not serve imprisonment.
- (d) If imprisonment was imposed under subsection (a) and if part of the fine was paid before the end of the term of imprisonment, then the term shall be reduced in the proportion between the amount paid and the whole fine.
- (e) If imprisonment was imposed on a person for the nonpayment of a fine, then he shall serve it in addition to any other imprisonment, including imprisonment for nonpayment of another fine, whether the other imprisonment was imposed at the same trial or at another trial, unless the Court directs otherwise.

Article Four "A": Service for the Benefit of the Community**Community service**

- 71A.(a) If a Court convicted a person, but did not impose a penalty of actual imprisonment on him, then it may – in lieu of or in addition to any other penalty – require him by order to perform in his spare time and without remuneration an activity or service for the benefit of the community or of some other person (hereinafter: community service) during a period, for a number of hours and according to a program, all as the Court shall prescribe by order; such an order shall hereinafter be called a service order.
- (b) If the Court concludes that the defendant committed an offense, then it may make a service order even without a conviction, in addition to probation or without it, and when it has done so the service order shall be treated like a probation order for purposes of section 9 of the Probation Ordinance [New Version] 5729-1969.
- (c) The Court shall make a service order only after it is satisfied, on the strength of a probation officer's report, that arrangements

have been made in accordance with a detailed program, which will enable the sentenced person to perform the service.

- (d) In a service order the Court may prescribe provisions and conditions, which it deems necessary, in order to ensure performance of the service by the sentenced person and its supervision.
- (e) The Court shall explain to the sentenced person in simple language the significance of the order and the purpose and particulars of the service, and it shall warn him that – if he does not comply with the order – he will be liable to the consequences said in section 71D; the Court shall make a service order only if the sentenced person expressed his willingness to comply with its provisions.
- (f) Community service shall be supervised by a probation officer, and for that purpose he may be assisted by others.

Term and change of service order

- 71B. (a) A service order's term of validity shall not exceed one year, but the Court may extend it for special reasons, which shall be recorded, on condition that the number of working hours not exceed the number originally imposed on the sentenced person..
- (b) The Court that made a service order may – on application by a probation officer or by the sentenced person – review the order, change it, make new provisions in it and revoke any of its provisions, all as appears just under the circumstances of the case.

Obligations of person liable to service

71C If community service was imposed on a person under this Article, then he shall perform the service imposed on him by the order according to its provisions, and in connection with any matter connected to the service he shall obey instructions by the probation officer designated by the Court, or by the person appointed by him for that purpose.

Violation of service order

- 71D If it is proven to the satisfaction of the Court that made a service order, that the sentenced person did not comply with the service order, then it may –
- (1) if the service order was made without a conviction – cancel the service order, convict him and sentence him to a penalty for the offense, in respect of which the service order had been made (in this section: the original offense);
 - (2) if the service order was made after the conviction without any additional penalty – cancel the service order and impose a penalty on him for the original offense, instead of the service order,
 - (3) if the service order was made after the conviction in addition to another penalty – cancel the service order and impose an additional penalty on him for the original offense, instead of the service order, taking into account – inter alia – every penalty imposed on him for the original offense.

Regulations

71E The Minister of Labor and Social Welfare may – in consultation with the Minister of Justice and with approval by the Knesset Constitution, Law and Justice Committee – make regulations for the implementation of this Chapter and, inter alia, on the reimbursement of expenses connected to the performance of community service.

Status of person who performs service

71F. A person on whom community service was imposed shall not be deemed an employee of the person for or through whom he performs the service.

Article Five: Bond to Abstain from Offense**Bond by sentenced person to abstain from offense**

72. The Court which convicted a person may, in addition to the penalty imposed, order that the sentenced person provide bond that he will abstain from committing an offense during a period to be prescribed by the Court, which shall not exceed three years; the bond shall be for an amount of not more than the amount of fine which may be imposed for the offense of which the sentenced person was convicted, and it may be with or without guarantors, all as the Court may order.

Bond by others to abstain from offense

73. If the Court suspects that a defendant who was not convicted or a complainant who pleaded or testified at a trial may commit a breach of peace, then it may order that defendant or complainant to provide bond that he will abstain from committing an offense that involves violence within a period to be prescribed by the Court, which shall not exceed one year; the bond shall be in an amount prescribed by the Court, but not more than the amount of fine that may be imposed for the offense from which they undertake to abstain.

Imprisonment for failure to furnish bond

74. If the Court ordered a person under sections 72 or 73 to provide bond that he will abstain from committing an offense, then it may force him to comply with the order and to provide the bond, by imposing on him imprisonment for a period of not more than three months.

Appeal

75. An order under sections 72, 73 or 74 is appealable, as if it were a sentence of three months imprisonment.

Collecting the amounts of the bond

76. (a) If a person was convicted of an offense from which he bound himself to abstain under section 72, and if he did not pay the amount of the bond, then that amount shall – for purposes of its

- collection from the convicted person and for purposes of imprisonment in lieu of payment – be treated like a fine imposed by the Court which ordered that bond be provided; if there are guarantors for the bond, then any amount not paid by the convicted person shall be collected from the guarantors, as if it were a debt due to the State under a judgment by a civil Court.
- (b) If a person was convicted of an offense from which he bound himself to abstain under section 73, then the Court may – on application by the Attorney General or his representative – require him to pay the amount of bond or part thereof, and the provisions of sections 66 and 70 shall apply to that amount.

Article Six: Compensation and Costs

Compensation

77. (a) When a person is convicted, the Court may require him – in respect of each offense of which he was convicted – to pay to a person who sustained damage through the offense an amount of not more than NS84,400, as compensation for the damage or suffering caused to him.
- (b) Compensation under this section shall be set according to the value of the damage or suffering caused, on the day the offense was committed or on the day the decision on compensation is handed down, whichever is greater.
- (c) For purposes of collection, compensation under this section shall be treated like a fine; any amount paid or collected on account of a fine when compensation is also due, shall first be allocated to compensation.

Order to pay compensation has the effect of a judgment

78. An order to pay compensation under section 77 shall, for purposes of the defendant's appeal against it, have the effect of a judgment by the same Court in a civil action by the creditor against the debtor; an appeal against the judgment which led to the order for compensation may also include an appeal against that order.

Costs of proceedings

79. When a person has been convicted, then the Court may obligate him to pay the costs of the proceedings, including witnesses' expenses, in an amount prescribed by the Court; for purposes of appeal and for purposes of sections 66 to 71, the costs of proceedings which a person is obligated to pay under this section shall be treated like a fine.

Costs of defense paid by Treasury

80. (a) If proceedings were instituted otherwise than by a private complaint, and if the Court concludes that there was no basis for the charge, or if it concluded that there are other circumstances to

justify that, then it may order that the Treasury pay the defendant the costs of his defense and compensation for his detention or imprisonment because of the charge of which he has been acquitted or because of a charge that has been withdrawn under section 94(b) of the Criminal Law Procedure Law [Consolidated Version] 5742-1982, in an amount the Court deems appropriate; in proceedings instituted by a private complainant, the Court may impose payments as aforesaid on the complainant.

- (b) The Minister of Justice may, by regulations with approval by the Knesset Constitution, Law and Justice Committee, prescribe maximum amounts for the said costs and compensation.
- (c) The Court's decision under this section is appealable like a judgment in a criminal case.

Costs of defense to be paid by complainant

81. (a) If the Court acquits the defendant after it finds that the complaint which caused the trial was made frivolously, vexatiously or without grounds, the it may – after giving the complainant a reasonable opportunity to present his arguments on this matter – obligate him to pay costs of the defendant's defense and costs of the public prosecution, as the Court may prescribe.
- (b) For purposes of an appeal against an order under subsection (a), the complainant shall have the status of a convicted defendant, and for purposes of the collection of costs the order to pay them is treated like a judgment by the same Court in a civil action against the complainant and in favor of the acquitted person.

Article Seven: Treatment of Drug Users

Treatment of drug abusers

82. If a person has been convicted and the Court concluded that he uses dangerous drugs, within their meaning in the Dangerous Drugs Ordinance [New Version] 5733-1973, then the Court may impose on him probation by an order, under which he shall undergo treatment in the community, during a period and in accordance with a program prescribed by the Court; the Court may issue a said order also if it did not convict the person on trial.

Conditions for probation order with treatment

83. The Court shall make a probation order said in sections 82 or 86 only if –
- (1) the convicted person agreed to undergo treatment and understood the conditions of the treatment and its nature;
 - (2) the convicted person's condition justifies treatment and he is suitable for being treated;
 - (3) arrangements have been made to enable the convicted person to receive treatment according to a program detailed in the probation

officer's report in terms of the type, character and length of the treatment.

Regulations

84. (a) The Minister of Labor and Social Welfare may, in consultation with the Ministers of Justice, Police and Health, make regulations for the implementation of this Article.
- (b) The Minister of Health may, in consultation with the Ministers of Justice and of Labor and Social Welfare, make regulations on places for, and on ways of medical treatment.
- (c) Regulations under this section shall require approval of the Knesset Constitution, Law and Justice Committee.

Penalties

85. (a) Notwithstanding the provisions of section 56(b), a Court that convicted a person under treatment for drug users or such a person who concluded said treatment may use its powers under section 56 more than once, if it is satisfied that it would not be just to activate conditional imprisonment, because there is a chance to rehabilitate the person, because the activation of conditional imprisonment would cause him severe harm, and because the extension of the condition does not pose any no danger to public order.
- (b) Before the Court decides on an additional extension of the period of condition it shall request a report from the defendant's probation officer on progress with the treatment, and also – if he is treated at an institution – about the institution in which he is treated.
- (c) An additional extension of the period of condition under this section shall be accompanied by a probation order as said in this Article and on the conditions said in it; the provisions of section 56(c) shall apply to the additional extension.
- (d) For purposes of this section –
"treatment of drug users", **"social treatment"**, **"medical treatment"** or **"combined treatment"** given to drug users – as defined in the Supervision of Institutions for the Treatment of Drug Users Law 5753-1993;
"institution" – as defined in the said Law.

Treatment of family violence

86. (a) If a defendant was convicted and the Court concluded that he uses violence against a relative, then the Court may impose on him an order under probation, in the course of which the convicted person shall undergo treatment in the community according to a program to be prescribed by the Court, and the Court may make an aforesaid order if it determines that the defendant committed the offense, but did not convict him.

- (b) For purposes of this section –
"relative" – including a person who was his relative in the past and is one of the following:
- (1) a spouse, parent or parent's spouse, a spouse's parent or that parent's spouse, grandfather or grandmother, offspring or a spouse's offspring, brother or sister, a brother- or sister-in-law, aunt or uncle, nephew or niece;
 - (2) a minor or helpless person, for whom the offender is responsible, under the definition of "guardian of minor or helpless person" in section 368A;
- "spouse"** – including the person publicly known as his spouse.

Applicability of the provisions of the Probation Order

86A. The provisions of the Probation Order [New Version] 5729-1969 shall apply to a probation order issued under this Article, subject to its provisions and mutatis mutandis.

Article Eight: Miscellaneous

Postponement

87. (a) If a time for the implementation of a penalty is prescribed by one of the provisions of this Chapter or by a Court under it, then the Court may postpone the implementation to another time.
- (b) If the implementation of a penalty was postponed under subsection (a), the Court may again postpone it, for special reasons which shall be recorded.
- (c) If a Court postpones implementation of a penalty under this section, then it may make the postponement conditional on the provision of surety and on other conditions, as it deems fit; the provisions of sections 38 to 40 and 44 of the Criminal Procedure Law 5725-1965 shall apply mutatis mutandis to surety given under this provision.
- (d) The Court's decision under this section is appealable.

Saving of civil liability

88. An acquittal in criminal proceedings, nor the imposition of a penalty or an order to pay compensation under section 77 does not relieve from liability for damage under any other enactment.

Applicability

89. The provisions of this Chapter apply to offenses under any enactment.

Implementation and regulations

90. The Minister of Justice is charged with the implementation of this Chapter and he may make regulations on any matter that relates to its implementation.

CHAPTER SIX "A": PROVISIONS FOR THE CONSISTENCY OF PENAL LAWS

Legal interpretation on mental basis for an offense

90A. Wherever, in an enactment legislated before the Penal Law (Amendment No. 39) (Introductory Part and General Part) 5754-1994 (in this Chapter: Penal Law Amendment 39) went into effect, the mental basis for an offense is expressed by the term –

- (1) "**malice**" or "**malicious**" – the mental basis required for an offense to have occurred shall be awareness, as said in the opening passage of section 20(a), and for purposes of the outcome of the deed that is included among the particulars of the offense – also rashness;
- (2) "**with intent**" – where the term does not refer to an outcome of the deed that is included among the particulars of the offense, it shall be interpreted as a motive, because of which the act was committed or as an objective to achieve a goal prescribed in the offense, according to the context;
- (3) "**knowingly**" or a term of similar meaning – the term shall be interpreted as criminal intent, as said in section 20(a);
- (4) "**has grounds to assume**" or a term of similar meaning – the term shall be interpreted as a person who harbored suspicions, as said in section 20(c)(1);
- (5) "**negligence**" – the term shall be interpreted as negligence, as said in section 21.

Penalty for offense by negligence

90B. Wherever, in an enactment which was enacted before the Penal Law Amendment 39 went into effect, the mental basis for an offense is negligence and a penalty in excess of three years imprisonment is set for that offense, then the penalty for that offense shall be three years imprisonment.

PART TWO: OFFENSES

CHAPTER SEVEN: NATIONAL SECURITY, FOREIGN RELATIONS AND OFFICIAL SECRETS

Article One: General Provisions

Definitions and interpretation

91. In this Chapter –

"**enemy**" – anyone who is a belligerent, maintains a state of war against Israel or declares himself one of those, whether or not war was declared and whether or not armed hostilities are in progress, and also a terrorist organization;

"**terrorist organization**" – an organization, the objectives or activities of which aim at the destruction of the State, at damaging its security or the security of its inhabitants or of Jews in other countries;

"**information**" includes incorrect information and any description, plan, password, symbol, formula, object or any part thereof, which contains information or may be a source of information;

"**delivery**" includes delivery by means of marks or signals and causing delivery; reference to the commission of an act with a specific intention means an act or omission with that intention and without lawful authority.

Conspiracy and attempt

92. A conspiracy or an attempt to commit an offense under this Chapter shall be treated like a commission of that offense.

Constraint and necessity

93. A defense under sections 21 or 22 shall not be grounds for exemption from criminal liability for an offense under section 97, 98, 99, 107, 112 or 113(b), but it shall be grounds for mitigation.

Additional defense

94. An act shall not be deemed an offense under this Chapter if it appears to have been performed in good faith, or if it was performed in good faith with the intent to bring about – by means that are not ruled out under any enactment – a change in the structure of the State or in the activities of any of its authorities, or in the structure of a foreign state or in the activities of any of its authorities, or in the structure or activities of an agency or organization of states.

Cover up

95. (a) If a person knows that a certain person plans to commit an offense or has committed an offense under this Chapter, which is punishable by fifteen years imprisonment or a by more severe penalty, and if he does not take reasonable action to prevent its commission, completion or consequences, all as the case may be, then he is liable to seven years imprisonment.

- (b) The provisions of this section shall add to and not derogate from the provisions of section 262.
- (c) The provisions of this section shall not apply to a spouse, parent, descendant, brother or sister of a person who planned or committed an aforesaid offense.

Death penalty

96. Notwithstanding the provisions in this Chapter, a Court shall impose the death penalty only if the offense was committed while armed hostilities were carried on by or against Israel.

Article Two: Treason

Impairment of sovereignty or integrity of the State

97. (a) If a person commits an act liable to impair the sovereignty of the State with the intention to impair that sovereignty, then he is liable to the death penalty or to life imprisonment.
- (b) If a person commits an act liable to remove any area from the sovereignty of the State or to place it under the sovereignty of a foreign state with the intention to bring that about, then he is liable to the death penalty or to life imprisonment.

Causing war

98. If a person, with intent to bring about military action against Israel, commits an act liable to result in such action, then he is liable to fifteen years imprisonment; if his intention was to assist the enemy, then he is liable to the death penalty or to life imprisonment.

Assistance to enemy in war

99. (a) If a person, with intent to assist an enemy at war against Israel, commits an act that is liable to do so, then he is liable to the death penalty or to life imprisonment.
- (b) For purposes of this section, "**assistance**" includes the provision of information with the intention that it fall into the enemy's hands, or in the knowledge that it will reach the enemy, and it is immaterial that war was not in progress when the information was provided.

Evincing resolve to betray

100. If a person committed an act that evinces one of the intentions said in sections 97, 98 or 99, then he is liable to ten years imprisonment.

Service in enemy forces

101. If an Israel citizen or any other person who owes allegiance to the State of Israel – either because he is liable to defense service under the Defense Service Law [Consolidated Version] 5719-1959 or because he served in the State service – serves in the armed forces of an enemy, then he is liable to fifteen years imprisonment.

Assistance to prisoner of war

102. (a) If a person helped a prisoner of war to escape or to attempt an escape from his place of imprisonment or from Israel, then he is liable to ten years imprisonment; if he intended to impair the security of the State, then he is liable to fifteen years imprisonment.
- (b) If a person was negligent in his duty to prevent the escape of a prisoner of war, then he is liable to three years imprisonment.

Defeatist propaganda

103. If, in times of combat, a person spreads information designed to shake the morale of soldiers and inhabitants of Israel in their stand against the enemy with the intention to cause panic among the public, then he is liable to five years imprisonment; if he intended to impair the security of the State, then he is liable to ten years imprisonment.

Article Three: Causing Harm to the Armed Forces**Armed forces**

104. For purposes of this Article, the following are armed forces:
- (1) the Israel Defense Forces;
 - (2) the Israel Police;
 - (3) other armed forces that operate against the enemy in conjunction with the Israel Defense Forces.

Mutiny in the armed forces

105. (a) If three or more members of an armed force do any of the following, then that constitutes mutiny for purposes of this Article:
- (1) they jointly and in disobedience to an order seize arms or use arms in their possession or use means of coercion against a commander;
 - (2) they jointly refuse to carry out an order during a military operation, or an order that relates to such an operation.
- (b) For purposes of this section, "**commander**" – a person of higher rank, including a person who, according to army orders or army usage, is authorized to give him an order.

Mutiny

106. If a person instigates or participates in a mutiny, he is liable to ten years imprisonment.

Mutiny with intent to impair national security

107. If a person commits one of the acts said in section 106 with intent to impair national security, then he is liable to life imprisonment.

Damage to property

108. (a) If a person maliciously caused damage to property used by an

- armed force or maliciously endangered supplies for armed forces, then he is liable to seven years imprisonment.
- (b) If a person negligently caused damage to property used by an armed force or negligently endangered supplies for armed forces, then he is liable to three years imprisonment.
 - (c) If a person committed an offense under subsection (a), and if the act that constitutes the offense was designed to impair national security, then he is liable to ten years imprisonment.
 - (d) If a person committed an offense under subsection (a) while armed hostilities were in progress by or against Israel, then he is liable to fifteen years imprisonment.

Incitement to evasion of duty

109. (a) If a person incited or induced a person liable to service in an armed force not to serve in it or not to report for a military operation, then he is liable to five years imprisonment.
- (b) If a person incited or induced a person who serves in an armed force to desert from the service or from a military operation, or if he helped him to desert, then he is liable to seven years imprisonment.
 - (c) If a person sheltered or helped to conceal a person liable to service as said in subsection (a), having reason to believe that he is a deserter, then he is liable to three years imprisonment.
 - (d) If a person committed an offense under this section while armed hostilities were in progress by or against Israel, then he is liable to fifteen years imprisonment.
 - (e) In this section, "**desertion**" – absence from service in an armed force with the intention not to return.

Incitement to disobedience

110. If a person incited or induced a person who serves in an armed force to disobey a lawful order, then he is liable to one year imprisonment; if thereby he intended to injure national security, then he is liable to five years imprisonment; if the offense was committed when armed hostilities are in progress by or against Israel, then he is liable to seven years imprisonment.

Article Four: Espionage

Delivery of information to enemy

111. If a person knowingly delivered information to or for the enemy, then he is liable to ten years imprisonment; if the information is likely to benefit the enemy, then he is liable to fifteen years imprisonment; if he thereby intended to injure national security, then he is liable to life imprisonment; if by negligence he caused to be delivered to or for the enemy information likely to benefit him, then he is liable to three years imprisonment.

Espionage

112. (a) If a person delivered information and intended to injure national security, then he is liable to fifteen years imprisonment.
- (b) If a person obtained, collected, prepared, recorded or kept information and thereby intended to injure national security, then he is liable to ten years imprisonment.

Aggravated espionage

113. (a) Repealed
- (b) If a person delivered secret information, without being authorized to do so and thereby intended to injure national security, then he is liable to life imprisonment.
- (c) If a person obtained, collected, prepared, recorded or kept secret information without being authorized to do so, then he is liable to seven years imprisonment; if he thereby intended to injure national security, then he is liable to fifteen years imprisonment.
- (d) (1) In this section, "**secret information**" – information which national security requires that it be kept secret, or information that relates to a category of subjects which the Government – by order published in Reshumot with approval by the Knesset Foreign Affairs and Defense Committee – declared to be secret subjects;
- (2) information the contents, form, ways of keeping it, its source and the circumstances under which it was obtained indicate that national security requires it to be kept secret, unless it was proven differently.
- (3) The provisions of paragraphs (1) and (2) shall also apply to the matter of section 113A.
- (e) It shall be a good defense for a person charged with an offense under subsection (c) that he did nothing unlawful to obtain information that constitutes secret information, and that he obtained, collected, prepared, recorded or kept it in good faith and for a reasonable purpose.

Secret information

- 113A. If a person passes secret information without being qualified to do so, then he shall be liable to fifteen years imprisonment.

Contact with a foreign agent

114. (a) If a person knowingly maintained contact with a foreign agent and had no reasonable explanation therefor, then he is liable to fifteen years imprisonment.
- (b) If a person attempted to establish contact with a foreign agent, visited a foreign agent's place of residence or work, was in the company of a foreign agent or had in his possession the name or address of a foreign agent and had no reasonable explanation therefor, then he shall be treated like a person who maintained contact with a foreign agent.

- (c) In this section, "**foreign agent**" includes a person who on reasonable grounds may be suspected to have acted or to have been sent to act on behalf of or for a foreign state or a terrorist organization for the collection of secret information or for any other activity liable to injure the security of the State of Israel, as well as a person who may on reasonable grounds be suspected of being a member of a terrorist organization, of being connected to it or of being active on its behalf.
- (d) No person shall be convicted under this section, if it was proved to the Court that he did not and did not intend to do anything liable to injure national security.

Entering a military place

115. (a) If a person entered, attempted to enter, stayed in a restricted place or attempted to ascertain its layout or activities conducted there without being authorized to do so, or if he loitered in its vicinity without reasonable explanation, or if he attempted to interfere with or mislead a sentry or guard posted at the restricted place, then he is liable to three years imprisonment; if he thereby intended to injure national security, then he is liable to fifteen years imprisonment.
- (b) In this section, "**restricted place**" – a place occupied by the Israel Defense Forces or used for a security purpose, at the entrance to which guard is posted or which is restricted by a notice conspicuously displayed outside it.

Preparatory act

116. If a person does any of the following with the intention to prepare an act that constitutes an offense punishable under this Article by seven years imprisonment or by a more severe penalty, or to assist another person to prepare a said offense, then he is liable to five years imprisonment:
- (1) he forges a document or holds a forged document;
 - (2) he holds or uses an official document without being authorized to do so;
 - (3) he uses false pretenses or knowingly delivers false information;
 - (4) he uses a uniform of the Israel Defense Forces, of the Israel Police or any other official uniform without lawful authority,;
 - (5) he holds an official seal, stamp or paper, or a secret password without lawful authority.

Article Five: Official Secrets

Disclosure in breach of duty

117. (a) If a public servant delivered without lawful authority information that reached him by virtue of his office to a person not authorized to receive it, or if a person, having obtained information by virtue of his office as a public servant, delivers it without lawful authority

- after he ceased being a public servant – to a person not authorized to receive it, then he is liable to three years imprisonment.
- (b) If a public servant was negligent in protecting information which reached him by virtue of his office, or if he committed an act liable to compromise the safety of the said information, then he is liable to one year imprisonment.
 - (c) If information reached a person by virtue of his position as a public servant and he holds it without lawful authority and in violation of instructions given to him on holding it or after he ceased being a public servant, then he is liable to one year imprisonment.
 - (d) (1) It is a good defense for a defendant under subsection (a) that the information already had been made public by lawful authority or had been made available for public inspection by lawful authority.
 - (2) For a person charged under subsection (a) with delivering information to another after he ceased to be a public servant it is also a good defense that the information was delivered more than five years after he ceased to be a public servant and that its delivery did not injure anything that concerns the public or any right of an individual.
 - (3) The provisions of paragraph (2) shall not apply to information that concerns national security or the State's foreign relations, unless the qualified person certified – before it was delivered – that delivering the information would not harm national security or the State's foreign relations; for this purpose, "**qualified person**" – the Chief Military Censor or the holder of some other position, all as the Government shall prescribe by Order with approval by the Knesset Constitution, Law and Justice Committee, either in general or according to categories of matters.
 - (4) If the Chief Military Censor, as the qualified person under the provisions of paragraph (3), approved publication of information, then that shall also be deemed his approval of publication of the information under Part Eight of the Defense (Emergency) Regulations 1945, unless the Chief Military Censor prescribed otherwise.

Concealment of information by a public servant

117A. If a public servant gave the form of secret information to information that is not secret, in order to prevent its publication, then he shall be liable to one year imprisonment; for this purpose, "**secret information**" – as defined in section 113.

Disclosure in breach of contract

118. (a) If a person had a contract with the State or with an inspected body, within its meaning in the State Comptroller Law [Consolidated Version] 5718-1958, and if that contract contains

an undertaking to keep secret any information obtained by him in the performance of the contract, and if he delivered such information without lawful authority to a person not authorized to receive it, then he is liable to one year imprisonment.

- (b) In this section, "**person who has a contract**" includes any person employed for the performance of the contract as an employee or contractor; however, it is a good defense for a person charged under this section that he did not know of the undertaking to keep the aforesaid information secret and that he delivered the information in good faith.

Disclosure in breach of trust

119. If an official document was delivered to a person on the express condition that he keep it secret and if he delivered it to a person not authorized to receive it, then he shall be liable to one year imprisonment; if he was negligent in protecting the document or if he committed an act liable to compromise the safety of the document, then he shall be liable to six months imprisonment.

Acts of impersonation

120. If a person made, sold or delivered a seal, stamp or paper that purports to be official, or made or sold a uniform of the Israel Defense Forces or of the Israel Police or any other official uniform without lawful authority, then he is liable to one year imprisonment; if he did so with the intention to prepare an act that constitutes an offense under this Chapter and which is punishable by seven years imprisonment or by a more severe penalty, then he is liable to five years imprisonment.

Article Six: Damage to Foreign Relations

Damage to foreign relations

121. (a) If a person conspired to commit an act against a friendly state or its representatives or against an organization or agency of states or its representatives, and if that act was liable to damage an interest which Israel has in the maintenance of relations between it and the aforesaid state, organization or agency, then he is liable to seven years imprisonment.
- (b) Notwithstanding the provisions of any enactment, if a person commits an offense with the intention of damaging relations between Israel and any state, organization or agency said in subsection (a), or an interest which Israel has in their maintenance, then he is liable to ten years imprisonment; however, if the penalty for the said offense, even without proof of the intention said in this subsection, is seven years imprisonment or more, then he shall be liable to life imprisonment.
- (c) In this section, "**friendly state**" – a state which maintains diplomatic or trade relations with Israel or permits Israel citizens to visit its country.

Enlistment in foreign forces

122. (a) If an Israel citizen volunteered to serve in the armed forces of a foreign state, then he is liable to three years imprisonment, and if an Israel citizen served in an armed force of a foreign state, then he shall be deemed to have volunteered to serve, as long as he has not proved the contrary.
- (b) If a person in Israel enlisted an Israel resident in an armed force of a foreign state, and if the enlister is not an official representative of that state and the enlisted person is not its citizen, then he shall be liable to five years imprisonment.
- (c) No person shall bear criminal responsibility under this section for an act committed under an enactment or under an agreement between Israel and another state or an international agency or organization, or by permission given on behalf of the Government, either to that person or for that act or generally.

Article Seven: Law Procedure**Indictment**

123. A charge under this Chapter shall only be brought by the Attorney General or with his written consent.

Arrest on application by Attorney General

124. (a) A judge of the Supreme Court may, on application by the Attorney General, order the arrest of a person suspected of an offense under Articles Two or Four for a period and further periods which he shall prescribe or extend, which in each instance shall not exceed thirty days and in the aggregate four months.
- (b) Repealed
- (c) In respect of arrest under this section, the powers said in Article Two of Chapter Three of the Criminal Law Procedure Law [Consolidated Version] 5742-1982 shall vest in the President of the Supreme Court or in a judge of the Supreme Court, whom he designated for that purpose.

Ordinary arrest

125. (a) Notwithstanding the provisions of the Criminal Procedure (Powers of Enforcement – Arrests) Law 5756-1996, a senior police officer may order the arrest of a person suspected of an offense under Articles Two or Four for a period of fifteen days, before he is brought before a judge; the officer shall hear the suspected person before issuing the arrest warrant or within 48 hours thereafter.
- (b) A person arrested as said in subsection (a) may also be held in a place of arrest determined by the Minister of Defense, notice of which was given to the Minister of Justice; he shall be held under conditions prescribed by regulations under section 3 of the Emergency Powers (Arrests) Law 5739-1979.

Police search in urgent cases

126. If the Inspector General of Police or a senior police officer empowered by him for that purpose is satisfied that there are sufficient grounds for assuming that an offense under sections 111 or 112 was committed, or that persons are about to commit an offense under one of these sections, and if he believes that the matter admits of no delay and that national security requires immediate action, then he may issue to a police officer a written order signed by him to carry out a search in connection with the offense, and such an order shall, for all purposes, be treated like a search warrant issued by a judge of a Magistrates' Court under the Ordinance, on condition that an aforesaid order is approved by a judge within three days after its issue.

Military search in urgent cases

127. If the commander of a military unit of or above the rank of *rav-seren* (*major – Tr.*) is satisfied that there are sufficient grounds for assuming that an offense under sections 111, 112 or 115 was committed, and if he believes that the matter admits of no delay and that national security requires immediate action and it is not possible to act under section 126, then he may issue to a soldier a written order signed by him to carry out a search in connection with that offense on the body and belongings of a person, and that order shall, for all purposes, be treated like a search warrant issued by a judge of a Magistrates' Court under the Ordinance, but a search under this section shall not be carried out in a dwelling house; an aforesaid order shall be approved by a judge of a Magistrates' Court or by the president of a District Court martial within three days after its issue.

Secrecy of proceedings

128. If the Court that tries an offense under Articles Two or Four believes that national security requires secrecy to be maintained to an extent which cannot be achieved by means under any other enactment, then it may order –

- (1) that the defendant or his counsel not be present at a certain proceeding or shall not inspect certain evidence;
- (2) that, in a particular proceeding, the Court sit in a place outside the Court building;
- (3) that a statement made or evidence presented in a certain proceeding be kept secret in the manner and to the extent prescribed by the Court;

however, the Court shall not exercise its power under paragraph (1) unless it is satisfied that the defendant is assured of a full defense, including defense counsel appointed by the Court or chosen by the defendant instead of the counsel who will be absent or will not inspect the evidence as aforesaid.

Instruments of offense

129. (a) If a person was convicted of an offense under this Chapter, then the Court may order that any asset property which he used or

which helped him to commit the offense shall be confiscated for the Treasury, even if the offender's ownership of the asset has not been proven; if a person claims a right to property confiscated under subsection (a) and he was not an accomplice to the offense, then he may – within one year after the day on which the confiscation order was made or within an additional period prescribed therein for that purpose – apply to the Court that ordered the confiscation that it revoke the confiscation and order that the asset be delivered to its owner; if the asset is no longer available, then the Court may, if it is satisfied that there was an offense or negligence in its keeping, obligate the Treasury to pay damages in an amount to be prescribed by it; if the asset was sold, then the proceeds of the sale shall take its place.

- (c) Procedure for proceedings under subsection (b) shall be prescribed by regulations.

Article Eight: Miscellaneous

Saving of enactments

130. The provisions of this Chapter shall add to and not derogate from the provisions of any other enactment.

Offenses committed abroad

131. If a person committed an offense under this Chapter abroad, then he shall be tried for it in Israel; however, no person shall bear criminal responsibility for an offense under section 97, 98, 100, 104 or 121 committed abroad, if – at the time of the offense – he was not an Israel citizen, an Israel resident or a person who owes allegiance to the State of Israel, because he served in the State service or because of any other reason.

Implementation

132. The Minister of Justice is charged with the implementation of this Chapter.

CHAPTER EIGHT: OFFENSES AGAINST THE POLITICAL AND SOCIAL ORDER

Article One: Sedition

Seditious acts

133. If a person committed, attempted, prepared or conspired with another to commit an act of sedition act, then he is liable to five years imprisonment.

Seditious publications

134. (a) If a person published, printed or reproduced any publication of a seditious nature, then he is liable to five years imprisonment and the publication shall be confiscated.
- (b) If a person imported a publication of a seditious nature, then he is liable to five years imprisonment and the publication shall be confiscated, unless he had no reason to assume that the publication is of a seditious nature.
- (c) If a person – without lawful justification – holds a publication of a seditious nature, then he is liable to one year imprisonment and the publication shall be confiscated.

Restrictions on indictment and conviction

135. (a) A criminal indictment for an offense under sections 133 or 134 shall only be brought within one year after the offense was committed, and no person shall be prosecuted for a said offense without the Attorney General's written consent.
- (b) No person shall be convicted of an offense under section 133 or 134 on the uncorroborated testimony of a single witness.

Sedition defined

136. For purposes of this Article, "**sedition**" is one of the following:
- (1) the arousal of hatred, contempt or to disloyalty toward the State or its lawfully constituted administrative or judicial authorities;
 - (2) the incitement or provocation of Israel residents to attempt changing by unlawful methods anything established by an enactment;
 - (3) the creation of discontent or resentment among Israel residents;
 - (4) the promotion of conflict and enmity between different parts of the population.

Plea of truth is no defense

137. In an indictment under sections 133 or 134, it shall not be a defense that the statement alleged to be seditious is true.

Lawful criticism and propaganda

- 138 An act, speech or publication is not seditious if its tendency is only one of the following:
- (1) to show that the Government was misled or mistaken in an action taken by it;

- (2) to condemn errors and defects in the Laws of the State, one of its lawfully established institutions or in its administrative or judicial system, all in order to bring about the correction of those errors or defects;
- (3) to persuade the citizens or inhabitants of the State to attempt to bring about by lawful means the change of anything established by an enactment;
- (4) to condemn – in order to cause their removal – matters that cause or are liable to cause conflict or feelings of hostility between different parts of the population.

Defense in cases of publication by agent

139. In the case of an indictment publication by an agent of a matter alleged to be seditious, it shall be a good defense for the principal that it was published without his permission, consent or knowledge, not because of any lack of due care or caution on his part, and that he did everything in his power to help identify the persons responsible for producing and publishing it.

Oath to commit grave offense

140. If a person did one of the following, then he is liable to seven years imprisonment:

- (1) he administered an oath to his fellow or an undertaking that is like an oath (both called in this Article: oath) or was present at a said oath and expressed his consent to it, it being intended to obligate the person who took the oath to commit an offense punishable by death or life imprisonment or twenty years imprisonment, or to obligate him to participate in an act of uprising or revolt;
- (2) he took an oath said in paragraph (1), without being forced to do so.

Oath to commit some other offense

141. If a person did one of the following, then he is liable to five years imprisonment:

- (1) he administered an oath to his fellow or was present at and consented to it, it being intended to obligate the person who took the oath to one of the following:
 - (a) to commit an offense not punishable by death, life imprisonment or twenty years imprisonment;
 - (b) to disturb the public peace;
 - (c) to belong to an association formed in order to commit an act said in subparagraph (a) or (b);
 - (d) to obey the orders of a committee or body of persons that was constituted unlawfully, or of a leader or commander or other person who does not have lawful authority to give the orders;
 - (e) not to inform against a fellow member of the association or against some certain person and not to testify against them;
 - (f) not to reveal the existence of the unlawful association, an

- illegal act committed or about to be committed, an illegal oath tendered, taken or administered by him or by another person, or the significance of an aforesaid oath;
- (2) he takes an oath said in paragraph (1), without having being compelled to do so.

Plea of compulsion

142. If a person took an oath said in this Article, he can say in his defense that he was compelled to do so only if – within fourteen days after he took it or, if he is prevented by force or sickness, within fourteen days after that constraint came to an end – he declared by affidavit before a police officer all he knows about the matter, including the identity of the person by whom the oath was administered or in whose presence he swore the oath, and the place and time of the oath; a soldier on active service or a police officer may make the said affidavit before his commander.

Unlawful military exercises

143. (a) If a person did one of the following, then he is liable to seven years imprisonment:
- (1) he drilled or trained others – without permission from the Government – in the use of arms or the performance of military exercises, movements or operations;
 - (2) he was present at a meeting or assembly of persons held without permission from the Government, in order to drill or train other persons in the use of arms or the practice of military exercises, movements or operations.
- (b) If a trains or drills the use of arms or the practice of military exercises, movements or operations at a meeting or assembly convened without Government permission or is present there in order to be so trained or drilled, then he is liable to three years imprisonment.

Offenses with weapons

144. (a) If a person acquires a weapon or has it in his possession without lawful authority for its possession, then he is liable to seven years imprisonment; however, if the weapon is a part, accessory or ammunition as said in subsection (c)(1) or (2), then he is liable to three years imprisonment.
- (b) If a person carries or has a weapon without lawful permission for carrying or transporting it, then he is liable to ten years imprisonment; however, if the weapon is a part, accessory or ammunition as said in subsection (c)(1) or (2), then he is liable to three years imprisonment.
- (b1) Subsections (a) and (b) shall not apply to a person who committed the offense only by not paying the fee for renewal of his permit, or whose permit was not renewed even though there was no reason for not renewing it, all in accordance with the Firearms Law 5709-1949 or with the regulations under it.

- (b2) If a person produces, imports, exports, trades or performs any other transaction with weapons, which includes giving a weapon into the possession of another – whether or not for consideration – without having lawful permission to perform a said act, then he shall be liable to fifteen years imprisonment.
- (b3) If a person is lawfully authorized to sell or to deliver a weapon, and if he sells or delivers it to a person who is not lawfully entitled to have it, then he is liable to fifteen years imprisonment; if, because of a negligent inquiry, the seller or purveyor believed that he sells or delivers the weapon to a person lawfully authorized to have it, then he is liable to three years imprisonment.
- (c) In this section, "**weapon**" –
 - (1) an instrument made capable of shooting a bullet, projectile, shell, bomb or its like, which can kill a person, and it includes a part, accessory or ammunition of such an instrument;
 - (2) an instrument made capable of emitting a substance intended to injure a person, including a part, accessory or ammunition of such an instrument, and also including a container that contains or was made capable of containing an aforesaid substance, other than teargas as defined in the Firearms Law 5709-1949;
 - (3) ammunition, bombs, grenades or other explosive object, which is capable of killing or injuring a person, including a part of any of these.
- (c1) For purposes of this section –
 - (1) it is immaterial whether the weapon was or was not serviceable when the offense was committed;
 - (2) if a person claims to have lawful permission, then he bears the burden of proof.
- (d) If a weapon is found in any place, then the occupant of that place shall be deemed to be holding the weapon, as long as the opposite has not been proven.
- (e) A certificate signed by a police officer of the rank of inspector or higher, attesting that a certain object is a weapon, shall be evidence thereof, as long as the opposite has not been proven.; however, the defendant may summon the signatory of the certificate for interrogation and – when he has done so – the certificate shall be evidence only if the signatory complied with the summons; the Court must inform the defendant of his right to summon the certificate's signatory for interrogation.
- (f) This section shall not derogate from the provisions of any enactment.

Article One "A": Racism

Definitions

144A. In this Article: "**racism**" – persecution, humiliation, degradation, a display of enmity, hostility or violence, or causing violence against a public or parts of the population, all because of their color, racial affiliation or national ethnic origin.

Publication of racist incitement is prohibited

- 144B.(a) If a person publishes anything in order to incite to racism, then he is liable to five years imprisonment.
- (b) For the purposes of this section, it does not matter whether the publication did cause racism, and whether or not it is true.

Permissible publication

- 144C.(a) Publication of a true and fair report of an act said in section 144B shall not be deemed an offense under that section, on condition that it was not intended to cause racism.
- (b) Publication of quotes from religious scriptures or prayer books or the observance of a religious ritual shall not be deemed an offense under section 144B, on condition that it was not intended to cause racism.

Possession of racist publication

144D If a person holds a publication prohibited under section 144B for distribution, in order to cause racism, then he is liable to one year imprisonment, and the publication shall be confiscated.

144D1. Repealed

Incitement to violence or terror

- 144D2.(a) If a person publishes a call to commit an act of violence or terror, or praise, words of approval, encouragement, support or identification with an act of violence or terror (in this section: inciting publication) and if – because of the inciting publication's contents and the circumstances under which it was made public there is a real possibility that it will result in acts of violence or terror, then he is liable to five years imprisonment.
- (b) In this section, "**act of violence or terror**" – an offense that causes a person bodily injury or places a person in danger of death or of severe injury.
- (c) The publication of a true and fair report about the publication prohibited under subsections (a) and (b) does not constitute an offense under this section.

Possession of a publication that incites to violence or terror

144D3. If a person has in his possession a publication prohibited under section 244D2 in order to distribute it, then he shall be liable to one year imprisonment and the publication shall be confiscated.

Indictment

144E. An indictment under this Article shall only be brought with the Attorney General's written consent.

Article One "B": Hate Offenses**Offenses motivated by racism or enmity against a public – an aggravating circumstance**

- 144F.(a) If a person commits an offense out of a racist motive, as defined in Article One "A", or out of enmity toward a public because of their religion, religious group, community of origin, sexual inclination or because they are foreign workers, then he shall be liable to double the penalty set for that offense or to ten years imprisonment, whichever is the lesser penalty.
- (b) In this section, "**offense**" – an offense against the body, freedom or property, an offense of threat or blackmail, offenses of disorderly conduct or public obstruction and nuisances included in Articles Nine and Eleven of this Chapter, and an offense in the public service or against it included in Chapter Nine, Article Four, all except for an offense for which the penalty is ten years imprisonment or more.

Article Two: Associations and Assemblies**Prohibited association**

145. For purposes of this Article, "**unlawful association**" –

- (1) a body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates, incites or encourages any of the following prohibited acts:
 - (a) subversion of Israel's political order by revolution or acts of sabotage;
 - (b) overthrow by force or violence of the lawful Government of Israel or of another state, or of all organized government;
 - (c) destruction of assets of the State or of an asset used in commerce within the State or with other countries, or damage to aforesaid assets;
- (2) a body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the commission of an act, the explicit or implicit objective of which is sedition within its meaning in Article One;
- (2a) a body of persons, incorporated or unincorporated, which in an organized manner, in its by-laws, in its propaganda or in some other manner propagates, incites to or encourages racism, as defined in Article One "A, including propagating, inciting to or encouraging as aforesaid the principles of the Nazis or of the Nazi movement;

- (3) a body of persons which did not makes its by-laws public, as it is obligated to do under an enactment or which continues to meet after it was dissolved under an enactment;
- (4) a body of persons, incorporated or unincorporated, which is affiliated or appears to be affiliated with an organization that advocates or encourages one of the doctrines or practices said in this section;
- (5) a branch, center, committee, group or faction of an unlawful association and every institution or school managed or supervised by it.

Advocating a prohibited association

146. If a person – by speech, in writing or otherwise – advocates or encourages the commission of one of the acts prohibited under section 145, then he is liable to three years imprisonment.

Member of prohibited association

147. If a person has reached age sixteen and is a member of a prohibited association, occupies or acts in any position or office in it, acts as its representative or acts as a teacher in an institution or school, that is managed or supervised or appears to be managed or supervised by it, then he is liable to one year imprisonment.

Contributions to prohibited association

148. If a person pays a membership fee or a contribution for or on account of a prohibited association or if he solicits one of these, then he is liable to six months imprisonment.

Publications of prohibited association

149. If a person produces, prints, publishes or transmits by mail a publication of, for or to the benefit of a prohibited association, then he is liable to six months imprisonment.

Indictment

150. An indictment for offenses under sections 145 to 149 shall only be filed by the Attorney General or with his consent.

Prohibited assembly

151. If at least three or more persons assembled for purposes of an offense or assembled for a common purpose, even a lawful one, and conducted themselves in a manner that gives nearby persons reasonable grounds to suspect that the assembled persons will commit a breach of the peace or that by their assembly itself they will provoke others needlessly and without reasonable cause to commit a breach of the peace, then that constitutes a prohibited assembly, and a person who participated in a prohibited assembly is liable to one year imprisonment.

Riot

152. If in a prohibited assembly people began to carry out its purpose by committing a breach of peace that terrorizes the public, then that constitutes a riot and a person who participated in a riot is liable to two years imprisonment.

Order to disperse

153. If a district commissioner, district officer, judge of a Magistrates' Court or – in their absence – a police officer of the rank of subinspector or higher sees that at least three persons are rioting or suspects that they are about to riot, then he may – after making his presence known by blowing a bugle or whistle or by similar means or by firing a Verey light from a pistol – order those persons to disperse quietly.

Dispersal of rioters

154. If – a reasonable time after a notification and order under section 153, or after delivery of that notification or order was prevented by force – several aforesaid persons continue to riot, then any person authorized to make a said notification and order, a police officer or any person who assists them may do anything necessary to disperse the persons who continue to riot or to apprehend them, and – if anybody resisted apprehension – then he may reasonably use the force necessary to overcome the resistance and he shall not be liable in any criminal or civil proceeding if he caused harm to or the death of a person or damage to property.

Continued rioting after order to disperse

155. If a notification and dispersal order was announced to rioters or to persons assembled in order to riot, and if reasonable time passed since the notification and order, then every person who participates or continues to participate in that assembly or riot is liable to five years imprisonment.

Preventing order to disperse

156. If a person forcibly prevents or obstructs the making of a notification or order to disperse, then he is liable to five years imprisonment, and every person who knows that the making of a notification or order was forcibly prevented and participates in the riot or assembly is liable to three years imprisonment.

Riot results in damage

157. If rioters unlawfully caused damage to a building, ship, railway, machinery, structure, telegraph line, electric power line, pipeline or water supply pipe, then each of them is liable to seven years imprisonment, and if they wrecked or destroyed or began to wreck or to destroy one of the said objects, then he is liable to ten years imprisonment.

Rioters damage a vessel

158. If rioters unlawfully and by use of force prevented or obstructed the loading, unloading, sailing or navigation of any vessel, or if they unlawfully and with use of force boarded any vessel with the intention to commit one of the aforesaid acts, then, they are liable to three years imprisonment.

Article Three: Disturbances of the Public Peace**Publication of false information that causes fear and alarm**

159. (a) If a person publishes or reproduces a statement, rumor or report which is likely to cause fear and alarm among the public, or to disturb the public peace, knowing or having reason to believe that they are false, then he is liable to three years imprisonment.
- (b) In the case of an indictment under subsection (a), it shall be a good defense for the defendant that he did not know or did not have reason to believe that the statement, rumor or report was false, on condition that he proved that he took reasonable steps to ascertain their accuracy before publication.

Using material that appears to be dangerous

159A. If a person sends, leaves or gives to another any material or object that appears to be dangerous to the life or the body of a person, under circumstances that are liable to cause a public panic or a violation of public order, then he shall be liable to six months imprisonment or to the fine said in section 61(a)(4).

Disturbance of labor relations

160. If the Government concludes that there are serious disturbances in labor relations, which threaten or injure the economy of Israel or its trade with foreign states, then it may – by proclamation – declare a state of emergency for purposes of this section and as long as the proclamation has not been revoked, a person who participated in a lockout or strike in relation to the commercial transport of goods or conveyance of passengers in Israel or between Israel and foreign states or in the provision of a public service in Israel, and a person who incites to, aids in or encourages a said lockout or strike or its continuation is liable to one year imprisonment.

Offenses against public services

161. If a person committed one of the following acts by violence to the person or property of another, by threat or intimidation, or by boycott or threat of boycott of a person or assets without reasonable cause or justification of the boycott – then he is liable to three years imprisonment –

- (1) he interfered with a public service or disrupts it;
- (2) he compelled or induced a public servant or a person employed in

- connection with a public service to resign or to leave his work, or he prevented a person from offering or accepting said employment;
- (3) he disrupted or interfered with the transport of goods or the conveyance of passengers by way of business or trade in Israel or between Israel and a foreign state;
 - (4) he compelled or induced a person employed in transport or conveyance said in paragraph (3) to resign or to leave his work, or he prevented a person from offering or accepting said employment.

Indictment

162. An indictment for offenses under sections 160 or 161 shall only be filed by the Attorney General or with his consent.

Article Four: Labor Disputes

Wrongful interference with exercise of a right

163. If a person unlawfully committed one of the following acts in order to compel another to do what he is not bound to do under any enactment or to abstain from doing what he has a right to do, then he is liable to one year imprisonment:
- (1) he used violence or threats against him, his wife or children or damaged his assets;
 - (2) he persistently followed that person from place to place;
 - (3) he hid a tool, garment or any other asset owned or used by the other person or denies him its use or hinders him in it;
 - (4) he watched his house or place of residence, work or business or where he happens to be, or the approach to them, or he prevented access to it;
 - (5) he followed the other person in a disorderly manner in a street or road.

Permitted picketing

164. (a) Notwithstanding the provisions of section 163, a person may – on his own behalf or on behalf of a body corporate, an individual employer or a body of persons, stand in furtherance of a labor dispute at or near a place where people work or carry on business, if his sole purpose is to obtain or communicate information peacefully or to persuade persons peacefully to work or to abstain from working.
- (b) In this section –
"labor dispute" – a dispute between employers and employees or between employees and employees about hiring or not hiring or about an employment agreement, terms of employee's employment, except a dispute one of the causes of which is an objection by employees to the employment of other employees because of their race, religion or language;

"employee" – any person employed in trade or industry by the employer with whom there is a labor dispute, or by any other employer;

"body corporate" – any association registered under the Ottoman Law of Societies, the Cooperative Societies Ordinance or the Companies Ordinance, one of the objectives of which is the regulation of relations between employees and employers, between employees and employees or between employers and employers.

Article Five: Offenses against a Foreign State

Violence against foreign state

165. If a person acts within the State to organize, prepare, aid or facilitate any attempt made in a foreign state to destroy the political order of that state by acts of violence, then he is liable to ten years imprisonment.

Incitement to hostility against friendly state

166. If a person acts by speech in a public place or at a public gathering or by publishing to incite hostile acts against the Government of a friendly state, then he is liable to three years imprisonment.

Damage to flag or emblem of friendly state

167. If a person publicly pulls down or destroys the flag or emblem of a friendly state, or if he commits some other act to damage them, all with the intention to express hostility or contempt for that state, then he is liable to three years imprisonment.

Insult to foreign dignitaries

168. If a person – without a justification or excuse that would be acceptable in an action for defamation of a private person – publishes anything liable to humiliate, malign, or expose to hatred or contempt a king, president, ruler, ambassador or one of the other high dignitaries of a foreign state, then he is liable to a fine; if the publication is liable or intended to disturb the peace and friendship between Israel and the other state, then he is liable to three years imprisonment.

Article Six: Piracy

Piracy

169. If a person commits an act of piracy or an act connected with or similar to piracy, then he is liable to twenty years imprisonment.

Article Seven: Offenses against Religious Sentiment and Tradition

Insult to religion

170. If a person destroys, damages or desecrates a place of worship or any object which is held sacred by a group of persons, with the intention of to reviling their religion, or in the knowledge that they are liable to deem that act an insult to their religion, then he is liable to three years imprisonment.

Disturbing worship

171. If a person maliciously disturbs a meeting of persons lawfully assembled for religious worship, or if he maliciously assaults a person who officiates at a said meeting or one of the participants, and if he is unable to prove a lawful justification or excuse, then he is liable to three years imprisonment.

Unauthorized entry in place of worship or burial

172. If a person without permission enters a place of worship or burial or any place set apart for funeral rites or as a repository for remains of the dead, or if he deals disrespectfully with a human corpse or causes a disturbance to persons assembled for a funeral, all with the intention of hurting a person's feelings or of reviling his religion or in the knowledge that a person's feelings are liable to be hurt or that his religion is liable to be insulted thereby, then he is liable to three years imprisonment.

Injury to religious sentiment

173. If a person does any of the following, then he is liable to one year imprisonment:

- (1) he publishes a publication that is liable crudely to offend the religious faith or sentiment of others;
- (2) he voices in a public place and in the hearing of another person any word or sound that is liable crudely to offend the religious faith or sentiment of others.

Damage to public buildings and monuments

174. If a person demolishes, destroys or pulls down a building or monument designated for use by the public or as an ornament, or if he causes damage to them, then he is liable to three years imprisonment.

Giving benefits to induce change of religion

174A. If a person gives or promises another person money, valuable consideration or another material benefit in order to entice him to change his religion or to cause him to entice another to change his religion, then he is liable to five years imprisonment or a fine of NS150,000.

Receiving benefit for change of religion

174B. If a person accepts or agrees to accept money, valuable consideration or another material benefit for the promise to change his religion or to

cause another person to change his religion, then he is liable to three years imprisonment or a fine of NS49,800.

Article Eight: Polygamy

Definitions

175. In this Article, "**marriage**" (nisu'in) includes kidushin (*kidushin is a part of the Jewish marriage rite which by itself creates a religiously valid marriage tie – Tr.*)

Bigamy

176. If a married man marries another woman, and if a married woman marries another man, then they are liable to five years imprisonment.

Presumption of marriage

177. If a person was married, then for purposes of section 176 he is presumed to be married, as long as he did not prove that his earlier marriage was annulled or dissolved, either by the death of the spouse or by final judgment of a (*civil*) Court (*bet mishpat*) or of competent religious Tribunal (*bet din*) or under Jewish religious law in a manner approved by a competent religious Tribunal, and he shall be deemed unmarried only as of the date of that death or from when the said judgment or approval was given.

Validity of marriage

178. For purposes of section 176, it is immaterial –

- (1) whether the validity of the earlier marriage was in accordance with the Law of the state in which, or the religious law under which it was contracted;
- (2) whether the new marriage is valid or null;
- (3) whether the new marriage was contracted abroad, on condition that – when the marriage was contracted – the person concerned was an Israel citizen or an Israel resident.

Permission to marry under Jewish religious law

179. If the Law applicable to a new marriage is Jewish religious law, then a person shall not be convicted of an offense under section 176 if the new marriage was contracted after permission to marry was given by the final judgment of a Rabbinical Tribunal, and if the judgment was confirmed by the President of the Rabbinical Grand Tribunal.

Marriage by permission under other Law

180. If the Law applicable to a new marriage is not Jewish religious law, then a person shall not be convicted of an offense under section 176 if the new marriage was contracted after permission to marry was given by the final judgment of a competent Tribunal on either of the following grounds:

- (1) the spouse by the earlier marriage is not able, because of his mental illness, to agree to its dissolution or annulment or to participate in a proceeding or act for its dissolution or annulment;
- (2) the spouse by the earlier marriage is missing under circumstances that raise a reasonable presumption of death and all trace has been lost for at least seven years.

Dissolution of marriage against the wife's will

181. If a man dissolved the marriage bond against the wife's will in the absence of the final judgment of the (civil) Court or of the competent religious Tribunal to make that dissolution binding on the wife, then he is liable to five years imprisonment.

Performance of prohibited marriage or divorce

182. (a) If a person officiated at a marriage, knowing that it is forbidden under an enactment or that one of the spouses commits an offense by contracting it, then he is liable to six months imprisonment.
- (b) If a person officiated at a divorce, knowing that it is forbidden under an enactment or that the husband commits an offense by divorcing, then he is liable to six months imprisonment.

Testimony of spouse

183. Notwithstanding the provisions of the Evidence Ordinance [New Version] 5731-1971, one spouse is competent to give evidence against the other spouse in a trial for an offense under this Article; however, a spouse or a person married to the defendant by an invalid marriage shall not be compelled to give evidence.

Article Nine: Disorderly Conduct and Public Mischief

Definitions

184. For purposes of this section –

"**knife**" – an instrument with a blade that can be used for stabbing or cutting;

"**pocket knife**" – a folding knife with a blade not longer than ten centimeters, which cannot be converted, by means of a spring or otherwise, into a knife with a fixed blade;

"**intoxicating beverage**" – within its meaning in section 2 of the Licensing of Business Law 5728-1968.

Commerce, manufacture and import of knives

185. If a person traded in, manufactured or imported a knife not intended to be used in any profession, trade, or business, for domestic use or for another lawful purpose, then he is liable to seven years imprisonment.

Prohibition of sale of brass knuckles or knife to a minor

185A.(a) The owner of a business or a person who works in a business

shall not sell any brass knuckles or knives, other than knives for household uses, to a minor; if a person violates this provision, then he shall be liable to seven years imprisonment.

- (b) For the purposes of subsection (a), the owner of a business or a person who works in a business may demand identification from a person who asks that brass knuckles or a knife – other than a knife for household uses – be sold to him in order to ascertain his age.
- (c) Any person who sells brass knuckles or knives shall display a notice in a prominent place in his business, in a form to be prescribed by the Minister of Internal Security, specifying the provisions of this section; this provision shall not apply to a business that only sells knives for household uses.
- (d) If a person did not comply with the provisions of subsections (a) or (c), then he shall be deemed not to have complied with a fundamental condition of the license issued to him under the Licensing of Businesses Law 5728-1968, and the provisions of the said Law shall apply to him.

Unlawful possession of knife or brass knuckles

186. (a) If a person has brass knuckles or a knife in his possession outside his own house and premises and if he does not prove that he has them for a lawful purpose, then he is liable to five years imprisonment.
- (b) For purposes of this section, it is assumed that the possession of a pocket knife is for a lawful purpose; "**possession**" under this section shall not apply to the possession of a pocket knife in or near educational institutions or other places, all as specified in the Schedule.
 - (c) The Minister of Internal Security may – by order for reasons of maintaining public security and with approval by the Knesset Constitution, Law and Justice Committee – change the Schedule for the purposes of subsection (b).

187. and 188. Repealed

Forcible entry

189. If a person entered real estate in a violent and in order to take possession of it, whether the violence consists of actual force applied to another person, of threats, of breaking in or of assembling an unusual number of people, then he is liable to three years imprisonment even if he is entitled to enter that real estate, except when the real estate belongs to him and is occupied by his employee or agent.

Holding immovable property by force

190. If a person, without any right at all, holds possession of the real estate of a person entitled to its possession under an enactment, and if he thereby is liable to cause a breach of peace or a reasonable apprehension of a breach of peace, then he is liable to three years imprisonment.

Affray

191. If a person unlawfully participates in an affray in a public place, then he is liable to one year imprisonment.

Threats

192. If a person in any manner threatens another with unlawful injury to his or to another person's body, freedom, property, reputation or livelihood with the intention of intimidating or annoying him, then he is liable to three years imprisonment.

Drunkenness

193. (a) If a person is riotous or disorderly in a public place while he is drunk, then he is liable to three months imprisonment.
- (b) If a person is in possession of a loaded firearm, knife or other deadly weapon while he is drunk, then he may be arrested without an arrest warrant and he is liable to six months imprisonment.
- (c) If the owner or an employee of a business that sells intoxicating beverages supplies an intoxicating beverage to a drunk person, or if he encourages him to drink an intoxicating beverage, then he is liable to three months imprisonment.

Prohibition of sale of intoxicating beverage to a minor

- 193A. (a) If a person encourages or entices a person who has not reached age eighteen to drink an intoxicating beverage, then he is liable to three months imprisonment.
- (a1) If a person sells an intoxicating beverage to a person who has not yet reached age 18, then he shall be liable to six months imprisonment;
- (b) The owner or employee of a business that sells intoxicating beverages for consumption on the premises shall not sell and shall not serve an intoxicating beverage to a person who has not reached age eighteen, and he shall not encourage a said person drink an intoxicating beverage; whoever violates this provision is liable to six months imprisonment.
- (c) The owner or employee of a business in which intoxicating beverages are sold may demand of any person who asks that an intoxicating beverage be supplied to him that he present a document from which his age may be ascertained.
- (d) The owner of a business in which intoxicating beverages are sold (b) shall display in his business prominently – in a manner to be prescribed by the Minister of Police in regulations – a notification that specifies the provisions of this section and of section 193(c).
- (e) If a person did not comply with the provisions of subsection (d), then he shall be deemed not to have complied with one of the conditions of the license that was issued under the Licensing of Business Law 5728-1968, and the provisions of the said Law shall apply to him.

Uproar and insult in public place

194. (a) If a person without reasonable cause creates a noise or uproar in a public place in a manner liable to disturb the inhabitants or to cause a breach of peace, then he is liable to three months imprisonment.
- (b) If a person insults a person in a public place in a manner liable to provoke a person present to commit a breach of peace, then he is liable to three months imprisonment.

Profiteering with tickets to performances is prohibited

- 194A. (a) If a person engages in the sale of tickets to performances at a price in excess of the price stated on them, then he shall be liable to the fine said in section 61(a)(4).
- (b) The provisions of subsection (a) shall not apply to a person who, under the Licensing of Businesses Law 5728-1968, has the right to sell tickets to a public entertainment, within its meaning in that Law.
- (c) If a person sells a ticket to a performance at a price in excess of the price stated on it while he performs an offense shall – in addition to the penalty prescribed for the offense – be liable to the fine stated in section 61(a)(4).
- (d) In this section –
"performance" – a performance in the sphere of sports, instrumental music, vocal music, dance, drama, motion pictures or in any other sphere of entertainment or the arts;
"offense" – an offense of the category of misdemeanor under any Law.

Defacing of notices

195. If a person maliciously and without proper authority takes down, defaces or destroys any notice, advertisement or document that was affixed or was intended to be affixed to a building or a public place under an enactment or by the direction of a public servant, then he is liable to three months imprisonment.

Defacing real estate

196. If a person unlawfully writes, paints, draws or carves on the real estate of another person, or if he unlawfully affixes any writing or signboard to it, then he is liable to one year imprisonment.

Presumption of responsibility

- 196A. If the contents of an unlawfully affixed printed notice indicate that a certain person commissioned its preparation or affixing or ordered the deed to be done, then that person shall be deemed to have committed an offense under section 196, unless he proved one of these:
- (1) the offense was committed without his knowledge;
 - (2) he took all reasonable steps to prevent commission of the offense.

Prescription

196B. The period of prescription for an offense under section 196A shall be one year.

Interference with election

197. If a person attempts to prevent, obstruct or disturb public elections, whether by force, violence, threats or by any act that is an offense under this Law, then he is liable to three years imprisonment.

198. Repealed.

Note: This section was repealed by Amendment No. 100 (SH 5768, p. 812), which also provides that the provisions of section 4 of this Law not apply to the repeal of this section. – Tr.

Article Ten: Prostitution and Obscenity**Procurement**

199. (a) The following are liable to five years imprisonment:
- (1) a person who wholly or in part, permanently or for any period of time lives on the earnings of a person engaged in prostitution;
 - (2) a person who knowingly receives something that was given for a person's act of prostitution, or a part of what was so given.
- (b) If a person committed an offense under this section in connection with his spouse, child or stepchild, or if he committed the offense by exploiting a relationship of authority, dependence, education or supervision, then he shall be liable to seven years imprisonment.
- (c) For purposes of this section, it is immaterial –
- (1) whether what the offender received was money, valuable consideration, a service or some other benefit;
 - (2) whether he received it from a person who engages in prostitution or from some other person;
 - (3) whether he receives what was given for an act of prostitution or a substitute for what was so given.

Presumption of procurement

200. If a man lives with a prostitute or regularly accompanies her, or if he exerts control or influence over a her in a manner that aids in or compels her prostitution, then he shall be presumed to live on her earnings, unless the opposite is proved.

Inducement to act of prostitution

201. If a person induces another to perform an act of prostitution with another person, then he shall be liable to five years imprisonment.

Inducement to engage in prostitution

202. If a person induces a person to engage in prostitution, then he is liable to seven years imprisonment.

Aggravating circumstances

203. (a) If an offense under sections 201 or 203 was committed by exploiting a relationship of authority, dependence, education or supervision, or by exploiting the economic or mental distress of the person who was induced to perform an act of prostitution or to engage in prostitution, then the person guilty of the act shall be liable to ten years imprisonment.
- (b) If an offense under sections 201 or 203 was committed under one of the following circumstances, then the person guilty of the offense shall be liable to sixteen years imprisonment:
- (1) by use of force or by use of other means of pressure, or by threat of one of these, and it is immaterial whether it was done against the person who was induced to commit an act of prostitution or to engage in prostitution or against some other person;
 - (2) by exploiting a situation that prevents opposition by the person induced to commit an act of prostitution or to engage in prostitution, or by the exploiting the fact that he is mentally ill or mentally incompetent;
 - (3) by agreement obtained by deception of the person induced to commit an act of prostitution or to engage in prostitution.

203A. Repealed

Exploitation of minors for prostitution

- 203B. (a) If an offense was committed under sections 199, 201, 202 or 203 against a minor who has reached age 14, then the person who committed the offense –
- (1) if for that offense a penalty of five years was set – shall be liable to seven years imprisonment;
 - (2) if for the offense a penalty of seven years was set – shall be liable to ten years imprisonment;
 - (3) if for the offense a penalty of ten years was set – shall be liable to fifteen years imprisonment;
 - (4) if for the offense a penalty of sixteen years was set – shall be liable to twenty years imprisonment;
- (b) If an offense was committed under sections 199, 201, 202 or 203 against a minor who has not yet reached age 14, or if he reached age 14 and the person who committed the offense is responsible for the minor, then the person who committed the offense shall be liable to double the penalty set, but not more than twenty years.
- (c) In this section, "**responsible for the minor**" – as defined in section 368A.

Liability of a minor's customer

- 203C. If a person accepts sexual services from a minor, then he is liable to three years imprisonment.

Burden of proof

203D. If a person argues that he did not know the age of the person with whom or in respect of whom an offense under this Article was committed, then he shall bear the burden of proof; this provision shall not apply to an offense under section 214(b3).

Maintaining a place for purposes of prostitution

204. If a person maintains or operates a place – including a vehicle or a vessel – for the practice of prostitution, then he is liable to five years imprisonment.

Renting a place for prostitution

205. If a person rents out or renews the rental of a place – including a vehicle or a vessel – knowing that it is or will be used by a person for acts of prostitution, then he is liable to six months imprisonment the same applies if – after he learned that the place is used as aforesaid – does not terminate the rental even though he has the right to terminate it and to sue for eviction for that reason.

Must not publicize or inform of a minor's prostitution

205A. If person delivers information or publishes any publication about the provision of a service that is an act of prostitution, the person who provides the service being a minor, then he shall be liable to five years imprisonment; for purposes of an offense under this section it does not matter whether the prostitution service is provided in Israel or abroad, whether the information refers to a specific minor, or whether the publication states that the person who provides the service is a minor.

Must not refer to minority in advertisement of prostitution services

205B. If a person publishes anything, stating that a person who provides a prostitution service is a minor, when the person who provides the service is not a minor, then he shall be liable to six months imprisonment.

Must not issue publication on prostitution service by adult

- 205C.(a) If a person publishes anything on the provision of prostitution services, when the person who provides the service is not a minor, then he shall be liable to six months imprisonment.
- (b) The provisions of subsection (a) shall not apply to a publication about the provision of prostitution services, if all the following hold true for it:
- (1) if its sole subject is the provision of prostitution services;
 - (2) It is published separately from any other publication;
 - (3) it is given to any person only at his request;
 - (4) on it is clearly marked that its purpose is to advertise prostitution services.
- (c) The Minister of Justice may, with approval by the Knesset Constitution, Law and Justice Committee, prescribe provisions for the implementation of this section.

206. and 207. Repealed

Permitting minor to reside in brothel

208. If a person permitted a minor between age two and age seventeen, of whom he has custody, to reside in a brothel or to visit it frequently, then he is liable to three years imprisonment.

209. to 213. Repealed

Obscene publication and display

214. (a) If a person did one of the following, then he is liable to three years imprisonment:

- (1) he published an obscene publication or prepared it for publication;
 - (2) he presented, organized or produced an obscene display –
 - (a) in a public place;
 - (b) in a place which is not public – unless it is used for residential purposes or is used by a body of persons, membership in which is restricted to persons aged eighteen and up and is for a continuous period.
- (b) If a person published an obscene publication and it includes the likeness of a minor, including a representation or a drawing of a minor, then he shall be liable to five years imprisonment.
- (b1) If a person utilized the body of a minor in order to advertise an obscenity, or used a minor in the presentation of an obscenity, then he shall be liable to seven years imprisonment.
- (b2) If an offense under subsections (b) or (b1) was committed by a person responsible for a minor, as defined in section 368A, or with the consent of an aforesaid responsible person, then the responsible person shall be liable to ten years imprisonment.
- (b3) If a person has in his possession an obscene publication that includes the likeness of a minor, then he shall be liable to one year imprisonment; for purposes of this section, "**has in his possession**" – exclusive of whoever has in his possession incidentally and in good faith.
- (c) If the Court deals with an offense under this section, committed by a person in the course of his business, then it may also use its powers under sections 16 and 17 of the Licensing of Business Law 5728-1968, but it shall not use its authority under section 17, unless it is satisfied that there is prima facie evidence of the offense, and that the use of its authority is necessary for the public good.
- (d) An indictment shall only be filed –
 - (1) under subsection (a) – within two years after the day on which the offense was committed, and only by the District Attorney or with his written consent.
 - (2) under subsections (b) and (b3) – by the District Attorney or with his written consent.
- (d) An indictment under this section shall only be filed within two

years after the day on which the offense was committed, and only by the District Attorney or with his written consent.

Offensive publication on billboards

214A.(a) If a person published an offensive publication on billboards, then he is liable to six months imprisonment or to a fine three times the fine said in section 61(a)(1).

(b) For purposes of this section –

"offensive publication" – one of the following:

- (1) a nude picture or the picture of intimate parts of the body, of a man or woman;
- (2) a picture that depicts sexual intercourse or sexual violence, or depicts sexual humiliation or abasement, or presents a human being as an object available for sexual use;
- (3) a picture of a partially exposed body of a man or woman, which constitutes an offense to moral feelings of the public or of part of it, is destructive of public morals or is injurious to minors or their education;

"billboards" – advertising signs placed along roads, advertising signs in public transportation buses or on their outside surfaces or in stations of said buses, and also advertising signs on notice boards under the supervision of a local authority.

Defenses

214B.A person shall not be deemed to have committed an offense under sections 205A to 205C and 214, if provision of the information, the publication or the possession were for a legal purpose, including true and fair reporting on the subject with which this Article deals, on condition that the provision of information, the publication or the possession are not prohibited under any other enactment and were not carried out in order to encourage acts prohibited under this Article.

Article Eleven: Nuisances

Public nuisance

215. (a) If a person committed an act that is not authorized by an enactment or abstains from an act which he is obligated to perform under an enactment, and if he thereby causes the public any injury, danger or annoyance, or if he obstructs it or causes it inconvenience in the exercise of a public right, then he committed a public nuisance and is liable to one year imprisonment.
- (b) It is immaterial to the matter of a public nuisance whether the act or omission is convenient for a larger number of people than it inconveniences; however, if it facilitates the lawful exercise of their rights by a part of the public, then it may be deemed not to be a nuisance for any of the public.
- (c) If a person is in any place in order to engage in prostitution, under

circumstances that constitute a nuisance to the residents of the neighborhood or an interference with road traffic – then he is liable to one year imprisonment.

Misconduct in a public place

216. (a) If a person did one of the following, then he is liable to six months imprisonment:
- (1) he acted in a disorderly or indecent manner in a public place;
 - (2) he caused a minor under age sixteen to beg or gather alms in a public place, or he induced or encouraged a minor to do as aforesaid;
 - (3) he went about as a beggar or gatherer of alms, or endeavored to procure contributions of any kind, all under false or fraudulent pretenses;
 - (4) he conducted himself in a public place in a manner liable to cause a breach of peace;
 - (5) he wanders about in, on or near premises, on a road, highway or their environs or in any public place, all at a time and under circumstances that lead to the conclusion that he is there for an prohibited or disorderly purpose.
- (b) If a person begged or gathered alms in a public place by the exposure of wounds or deformities or by importunity, then he is liable to one month imprisonment.

Contempt of uniform

217. If a person was not a soldier or police officer and he wore an army or police uniform or a garment similar to them or a garment that bears a soldier's or a police officer's distinctive mark, in a manner or under circumstances that are likely to bring contempt on that uniform, or if he employed another person in the performance of one of those acts, then he is liable to three months imprisonment.

Act likely to spread disease

218. If a person negligently performed any act that is liable to spread a disease dangerous to life, then he is liable to three years imprisonment; if he performed that act maliciously, then he is liable to seven years imprisonment.

Sale of adulterated food

219. (a) If a person sold or held for sale as food or drink any commodity which was made or has become noxious or unfit for consumption, knowing or having reason to believe that that is the case, then he is liable to one year imprisonment.
- (b) If a person adulterates any food or drink and thus makes it noxious, intending to sell it or knowing that it is likely to be sold as food or drink, then he is liable to one year imprisonment.

Possession of unclean food

220. If a retail vendor of articles of food or drink, or the manager of a hotel,

lodging house, restaurant or other establishment for the sale of food or drink for consumption on the premises, did not keep clean the commodities which he supplies, or if he violates a regulation on public health, then he is liable to six months imprisonment; the Court that convicts the offender may order the destruction of articles of food or drink that are unfit for consumption.

Pollution of water

221. If a person dirtied or polluted the water in any spring, tank, reservoir or elsewhere and thereby rendered it less fit for the purpose for which it is ordinarily used, then he is liable to three years imprisonment.

Pollution of air

222. If a person willfully polluted the air and thereby rendered it injurious to the health of persons who dwell or carry on businesses nearby or who pass along a public way, then he is liable to three years imprisonment.

Offensive trades

223. If a person made loud noise for his own purposes or spread offensive or unwholesome smells for his own purposes in a place and under circumstances that disturbed persons in the exercise of their public rights, then he is liable to one year imprisonment.

Article Twelve: Prohibited Games, Lotteries and Betting

Definitions

224. In this Article –

"**prohibited game**" – a game at which a person may win money, valuable consideration or a benefit according to the outcome of a game, that outcome depending more on chance than on understanding or ability;

"**place of prohibited games**" – premises on which prohibited games are regularly conducted, whether open to the public or open only to certain persons, and it is immaterial whether they are also occupied for some other purpose;

"**lottery**" – any arrangement under which it is possible – by drawing lots or by some other means – to win money, valuable consideration or a benefit, the win depending more on chance than on understanding or ability;

"**betting**" – any arrangement under which it is possible to win money, valuable consideration or a benefit, the win depending on some guess, including lotteries connected to the outcomes of games and sports competitions.

Prohibition of lotteries and betting

225. If a person organized or conducted a prohibited game or a lottery or betting, then he is liable to three years imprisonment or to double the fine said in section 61(a)(2).

Prohibition of games

226. If a person played a prohibited game, then he is liable to one year imprisonment or to the fine said in section 61(a)(2).

Participation in the conduct of lotteries or betting

227. If a person offered, sold or distributed tickets or anything else that attests to a right to participate in any lottery or betting, or if he printed or published an announcement about a lottery or betting, then he is liable to one year imprisonment or to double the fine said in section 61(a)(3).

Prohibition of keeping or managing a place

228. If a person kept or managed a place for prohibited games or a place for the conduct of lotteries or betting, or a place in respect of which an order under section 229 was not complied with, then he is liable to three years imprisonment or to double the fine said in section 61(a)(4); if a person let premises or permitted their use, knowing that they are to be used as a place for prohibited games or for the conduct of lotteries or betting, then he is liable to six months imprisonment or double the fine said in section 61(a)(3).

Closure of places

229. (a) A district police commander of the Israel Police may order the closing of –
- (1) a place of prohibited games or a place for the conduct of lotteries or betting;
 - (2) a place used for the conduct of games by means of cards, gambling machines or the like, even if those games do not come within the definition of prohibited games and even if a license was issued to that place under the Licensing of Business Law 5728-1968, if he concludes that its continued existence may adversely affect public welfare or the wellbeing of the area's inhabitants, or that it may lead to criminal behavior, including the conduct of a prohibited game.
- (b) Repealed.
(c) Repealed

Special circumstances

230. The provisions of sections 225 to 228 shall not apply to a game, lottery or betting that meets the following three conditions:
- (1) its conduct is intended for a certain circle of persons;
 - (2) it does not exceed the scope of amusement or entertainment;
 - (3) it is not held in a place of prohibited games or a place for the conduct of lotteries or betting.

Permit

231. (a) The provisions of this Article, other than the provisions of section 231a, shall not apply –
- (1) to categories of lotteries, or to a particular lottery, for the

- conduct of which a permit was granted in advance by the Minister of Finance or by a person empowered by the Minister for that purpose;
- (2) to betting, or to a particular betting event conducted by the Payis Organization, for which a permit was granted in advance by the Minister of Finance or by a person empowered by the Minister for that purpose, but betting events so conducted shall not relate to the results of sports games and contests.
- (a1) The provisions of section 231A shall not apply to categories of lotteries, to a specific lottery, to betting or to a specific bet that the Minister of Finance – or a person so authorized by the Minister of Finance – permitted to be held for minors; however, a permit said in this subsection shall not be granted for lotteries or for betting, in which participation is conditional on a payment of money.
- (b) Notice of a permit granted under this section shall be published in Reshumot.

Lottery and betting tickets must not be sold to minors

- 231A. (a) If a person offers, sells or distributes to a minor tickets or anything else that carries the right to participate in a lottery or in betting for which a permit was given under section 231(a), the he shall be liable to six months imprisonment.
- (b) A person who offers, sells or distributes tickets may require of a person who wants to buy or to receive tickets, that he present a document from which his age may be ascertained.

Evidence

232. At a trial for an offense of a game prohibited under this Article –
- (1) the Court may convict the defendant on the testimony of an accomplice to the offense, even if there is no supporting evidence;
- (2) the judgment in a criminal case, which determined that a prohibited game was conducted in a certain place, is admissible as evidence thereof at any other trial under this Article, no matter who the defendant was.

Presumptions

233. For the purposes of this Article, and without derogating from any other method of proof –
- (1) if a person was in a place of prohibited games, and if a police officer had reason to assume that prohibited games were played there at that time, then he is deemed to have played a prohibited game there, as long as he did not prove that he was in that place only for some other purpose;
- (2) a game of cards or of dice, or a game played with a gambling machine is deemed a game by which a person may win money, valuable consideration or a benefit, as long as the opposite has not been proven;

- (3) premises are deemed a place where prohibited games are regularly conducted –
 - (a) if a prohibited game was conducted there at least twice within the six months before the offense was committed by the defendant, as long as the opposite has not been proved; in respect of a person accused of occupying them it is immaterial whether he occupied them during all or part of that period;
 - (b) if they were used as a club for card games and a prohibited game was conducted there at least once during the six months before the defendant committed the offense.

Confiscation of game implements

234. If a person was convicted of an offense under this Article, then the Court may order that implements or instruments or other things used to conduct the game, lottery or betting shall be confiscated to the Treasury, and it does not matter whether or not the defendant is their owner.

Confiscation of instruments of offense

235. (a) If a police officer has reasonable grounds to assume that implements, instruments, tickets or anything was used to organize or to conduct a prohibited game, lottery or betting, then he may seize them, and he may seize monies or anything else which he has reasonable grounds to assume was received in consequence of organizing or conducting that prohibited game, lottery or betting.
- (b) The Minister of Justice may make regulations for the purposes of subsection (a).
 - (c) If the Court is satisfied that things – other than money – seized as said in subsection (a) were used for organizing or conducting a prohibited game, lottery or betting, or were received in consequence of organizing or conducting them, then it may – on application by a police officer or of a prosecutor within the meaning of the Criminal Procedure Law 5725-1965 – order them confiscated to the Treasury, even if nobody was convicted of an offense for a prohibited game, lottery or betting.

CHAPTER NINE: OFFENSES RELATING TO PUBLIC ORDER AND JUSTICE

Article One: Obstruction of Justice

Definitions

236. In this Article, "**testimony**" – oral or written statements made for purposes of evidence, exclusive of unsworn statements by an defendant in a criminal proceeding, but including opinion given in evidence and translations by a translator in a judicial proceeding.

Perjury

237. (a) If a person knowingly gives false testimony in a judicial proceeding on any matter material to a question dealt with in that proceeding, that constitutes perjury and is liable to seven years imprisonment; if he did so in return for a benefit – then he is liable to nine years imprisonment.
- (b) In respect of perjury, it is immaterial –
- (1) whether or not the testimony is given on oath or under some other sanction permitted by law;
 - (2) what form or ceremony was used to swear in the person who gave the testimony or to bind him to speak the truth, on condition that it was with the consent of the witness;
 - (3) whether the Court, Tribunal, judicial authority or commission of inquiry is properly constituted or sat in the proper place, on condition that it acted – each in its proper capacity – in the proceeding in which the testimony is given;
 - (4) whether the witness is a competent witness and whether the testimony is admissible in a judicial proceeding.

Fabricating evidence

238. If a person fabricated evidence, otherwise than by means of perjury or subornation of perjury, or if he knowingly makes use of aforesaid fabricated evidence, all with the intention to mislead a judicial authority or a commission of inquiry in a judicial proceeding, then he is liable to five years imprisonment.

False oath

239. If a person knowingly makes a false declaration before a person authorized to receive it, whether on oath or affirmation or not on oath or affirmation, then he is liable to three years imprisonment.

Conflicting evidence

240. (a) If a person makes statements or gives evidence on the same matter before different authorities, and if his statements or evidence conflicting on a point of fact that is material for the matter and he did so with the intention to mislead, then he is liable to five years imprisonment.
- (b) For purposes of this section, "**authority**" – a Court that tries a

criminal matter, a disciplinary tribunal, and a policeman or other authority who lawfully investigated a matter prior to an indictment in a Court or disciplinary tribunal, a commission of inquiry under the Commissions of Inquiry Law 5729-1968, or a person appointed under section 13 of that Law.

- (c) The record of the trial, and the statement or testimony duly recorded in the said investigation shall be prima facie evidence of the witness' statements therein.

Refusal to testify

241. (a) If a person is obligated to testify or to give other evidence in a judicial proceeding and refuses to do so, then he is liable to two years imprisonment.
- (b) The imposition of imprisonment under section 5 of the Contempt of Court Ordinance on a person who refused as aforesaid, shall not prevent his being tried under subsection (a), but a person sentenced to imprisonment under subsection (a) shall have the period of imprisonment served by him under the said section 5 deducted from his penalty.

Destroying evidence

242. If a person knows that a book, document or other object is required, or that it is likely to be required as evidence in a judicial proceeding, and if he maliciously destroys it or renders it illegible, undecipherable or incapable of identification, all with the intention to prevent it from being used in evidence, then he is liable to five years imprisonment.

False information

243. If a person gives information of an offense to a policeman or to a person authorized to institute a criminal prosecution in the knowledge that the information false, then he is liable to three years imprisonment and, if the offense is a felony, to five years imprisonment; it is immaterial whether a criminal prosecution was instituted in consequence of the information or not.

Obstruction of justice

244. If a person does anything with the intention to prevent or foil a judicial proceeding or to cause a miscarriage of justice, whether by frustrating the summons of a witness, by concealing evidence or in some other manner, then he is liable to three years imprisonment; for this purpose, "**judicial proceeding**" includes a criminal investigation and the implementation of a direction by a Court.

Subornation in connection with investigation

245. (a) If a person induces or attempts to induce another not to make a statement in a lawful investigation, to make a false statement or to withdraw a statement which he made, then he is liable to five years imprisonment.
- (b) If a person induces or attempts to induce as said in subsection (a)

by means of fraud, deceit, force, threats, intimidation, the conferment of a benefit or by any other improper means, then he is liable to seven years imprisonment.

Subornation of testimony

246. (a) If a person induces or attempts to induce another not to testify in a legal proceeding or to give false testimony or to withdraw testimony given or statements made in a judicial proceeding, then he is liable to seven years imprisonment.
- (b) If a person induces or attempts to induce as said in subsection (a) by means of fraud, deceit, force, threats, intimidation, the conferment of a benefit or any other improper means, then he is liable to nine years imprisonment.

Restrictions on application

247. Sections 245 (a) and 246 (a) shall not apply to any act that is intended to inform a person of his legal right to refrain from testifying or from making a statement, or to any act lawfully performed in the course of a trial or investigation.

Defense

248. When a person is accused of the prevention of a statement or testimony, or of the withdrawal of a statement under sections 245(a) or 246(a), it shall be a defense for the defendant to prove that he did so for of discovery the truth or the prevention of a falsehood.

Harassment of witness

249. If a person harasses another in connection with a statement he made or is about to make in a lawful investigation or in connection with testimony that person gave or is about to give in a judicial proceeding, then he is liable to three years imprisonment.

Aggravating circumstances

- 249A. If an offense under section 245, 46 or 249 was committed while the offender carried a firearm or other weapon, or while two or more persons were present who combined for perpetration of the act by one or several of them, then each of them is liable – for an offense under section 245(a) – seven years imprisonment;
- (2) for an offense under section 245(b) – to ten years imprisonment;
- (3) for an offense under section 246(a) – to ten years imprisonment;
- (4) for an offense under section 246(b) – to fourteen years imprisonment;
- (5) for an offense under section 249 – to five years imprisonment.

Improper influence

250. If a person endeavors to influence the result of a judicial proceeding in an improper manner, by inducements or by a request addressed to a judge or Court officer, then he is liable to one year imprisonment.

Publishing false report of judicial proceedings

251. If a person publishes otherwise than in good faith by any medium of publication an incorrect report of proceedings in a Court or in a commission of inquiry under the Commissions of Inquiry Law 5729-1968, then he is liable to six months imprisonment.

Soliciting subscriptions for the payment of a fine

252. If a person by any medium of publication initiates a subscription for the payment of a fine, of costs or of compensation adjudged by a Court in a criminal case, or if he publicizes such a subscription, then he is liable to six months imprisonment.

Payment of fine imposed on another

252A.(a) A body corporate shall not pay – directly or indirectly – a fine imposed on another person, and an employer shall not pay a fine imposed on his employee; if a person violated any provision in this subsection, then he is liable to one year imprisonment.

- (b) If an offense under subsection (a) was committed by a body corporate, then every person who – when it was paid – was an active director, a partner other than a limited partner, or a ranking administrative employee responsible for payment of the fine shall also be accused thereof, unless he proved the following two points::
- (1) that the offense was committed without his knowledge;
 - (2) that he took all reasonable steps to prevent commission of the offense.

- (c) For purposes of this section, "**body corporate**" includes a non-incorporated body of persons, but excludes a body corporate whose members are obligated to place all their working capacity at its disposal and to transfer all their property to it.

Cover up

253. (a) If a person obtains or attempts to obtain a benefit for himself or for another for the non-disclosure or concealment of an act that is a misdemeanor or felony, or of any information about a said act, then he is liable to three years imprisonment.

- (b) If person obtains or attempts to obtain a benefit for himself or another so that he will not give evidence in a lawful investigation or at a trial, then he is liable to five years imprisonment.

Publicity about stolen property

254. If a person does one of the following, then he is liable to six months imprisonment:

- (1) he publicly offered a reward for the return of a stolen or lost asset, and in that offer he uses words to the effect that whoever brings the asset will not be asked any questions, or that he will not be arrested or bothered;
- (2) he publicly offered to return to any person who bought a stolen or lost asset or lent money on it to repay him the amount he paid or

- lent, or to give him a sum of money or a reward for the return of the asset;
- (3) he printed or published an offer said in paragraphs (1) or (2).

Disparagement of Court

255. If a person said or wrote anything about a judge of a Court or religious tribunal in connection with his office with the intention to injure his status, or if he publishes invective against a judge of a Court or religious tribunal in order to bring the administration of justice into suspicion or contempt, then he is liable to three years imprisonment; however, a candid and courteous discussion of the merits of a judge's decision in a matter of public concern shall not be an offense under this section.

Carrying arms in Court

256. (a) If a person carries arms or without reasonable explanation carries other harmful instruments or materials in the building of a Court or Tribunal, or in any other place where judicial proceedings are conducted, then he is liable to two years imprisonment.
- (b) This section shall not apply –
- (1) to a policeman or to a person who received from the competent authority under the Firearms Law 5709-1949, or from or on behalf of the Director of Courts a permit to carry the weapon, instrument or material in that building or place;
 - (2) in a Court Martial or Military Court, within their meaning of the Military Justice Law 5715-1955, or in any other place where judicial proceedings are conducted under the said law – to a person who received appropriate permission under army orders, within their meaning in the Military Justice Law 5715-1955.

Escape

257. If a person escapes from the lawful custody in which he is held for a criminal offense, then he is liable –
- (1) if he was charged or convicted of a felony – to seven years imprisonment;
 - (2) in any other case – to three years imprisonment.

Aiding in escape

258. If a person did one of the following, then he is liable to seven years imprisonment:
- (1) he helped a prisoner or arrestee to escape or to attempt to escape from lawful custody;
 - (2) he conveyed anything or causes anything to be conveyed into a prison in order to facilitate the escape of a prisoner or arrestee.

Rescue

259. If a person extricated or attempted to extricate another person from lawful custody, then he is liable –

- (1) if the escapee was charged with or convicted of an offense, for which the penalty is death or life imprisonment – to twenty years imprisonment;
- (2) in any other case – to seven years imprisonment.

Accessory after the fact

260. (a) If a person knows that another committed an offense and receives him or assists him with the intention that he escape punishment, then he is an accessory after the fact, unless he is the offender's spouse, parent, son or daughter; however, if a wife in her husband's presence and under his authority receives or assists a person who committed an offense in which her husband participated or abetted, in order to let him escape punishment, then she is not deemed an accessory; for this purpose, "**offense**" – exclusive of contraventions.
- (b) An accessory after the fact may be brought to trial and convicted, even if the perpetrator of the offense was not convicted first or if it is impossible to institute proceedings against him or to enforce on him punishment for the offense.

Penalty of accessory after the fact

261. An accessory after the fact is liable –
- (1) if the offense was a felony – to three years imprisonment;
262. (2) if the offense was a misdemeanor – to half the period of person to help in the prevention of a crime, the arrest of a person or the prevent of an extrication or escape of a person, and he refused or failed to extend assistance within his capability, then he is liable to three years imprisonment.

Defeating attachment

263. If a person received, removed, retained, concealed or otherwise acts with an asset, knowing that that asset was attached or taken under the order of a Court, with the intention to hinder or defeat the attachment or order, then he is liable to three years imprisonment.

Breaking of seal

264. If a person maliciously breaks, removes or renders ineffective a seal affixed by order of an official authority, a Court or tribunal, then he is liable to two years imprisonment, and if he was charged with the custody of the seal – then he is liable to three years imprisonment.

Negligence in keeping of seal

- 266 If a person was entrusted with the custody of a seal affixed by order of an official authority, Court or Tribunal, and if he negligently allowed the seal to be broken, removed or rendered ineffective, he is liable to six months imprisonment.

Removal of document from custody

267. (a) If a person without permission extracts any document from the

- custody of a State institution or of a local authority, then he is liable to three years imprisonment.
- (b) If a public servant, who is charged with handling or keeping a document, delivers it unlawfully to another person and the document is removed from the custody as said in subsection (a), then he is liable to five years imprisonment.
 - (c) In this section, "**document**" – in writing or by any other means, by which the matter was recorded.

Article Two: Concealment of Offense

Definitions

268. In this Article –

"**criminal offense**" – one of the following:

- (1) an offense under Chapter Seven or under Article Five in Chapter Nine;
- (2) an offense against life, a person, or morality, the penalty for which is three years imprisonment or more;
- (3) an offense under any of the sections of Article Four in Chapter Nine and in Chapters Eleven (except section 401) and Twelve, or under section 489, which affects assets or rights of the State or of an inspected body, within its meaning in the State Comptroller Law [Consolidated Version] 5718-1958;

"**judicial proceeding**" – a proceeding aimed at one of the following results:

- (1) the expulsion of a person from a body of which he is a member;
- (2) the denial of one of a person's rights in an aforesaid body;
- (3) the public reprobation of a person's acts;
- (4) some other sanction that involves reprobation and is not of a merely religious significance.

Must give notice

269. No person shall perform any function in a judicial proceeding, once – in the course of that proceeding – the suspicion of a criminal offense has arisen, unless the Attorney General or his representative was notified.

Discontinuation of judicial proceeding

270. If the notification said in section 269 was made or if a person was charged with an offense under this Article, and if the Attorney General or his representative decided to institute proceedings in a Court of Law, then the Attorney General may order the said judicial proceeding to be discontinued until proceedings in the Court of Law are concluded.

Penalty

271. If a person violated one of the provisions of this Article, then he is liable to one year imprisonment.

Defense

272. In a charge under this Article, it shall be a good defense for the defendant, if he proves one of the following –

- (1) that notice of that act already was delivered to the Attorney General, to his representative or to the police;
- (2) that a police investigation already was conducted or a person already was charged in respect of that act.

Article Three: Assault on Police**Assault on policeman in the performance of his duty**

273. If a person assaults a policeman in the lawful performance of his duty or another person who assists a policeman, then he is liable to up to three years and not less than one month imprisonment.

Assault on policeman under aggravating circumstances

274. If a person assaults a policeman in the lawful performance of his duty and if one of the following applies, then he is liable to not more than five years and not less than three months imprisonment:

- (1) he intended to foil, prevent or hinder the policeman in the performance of his duty ;
- (1) he was armed with a firearm, a club, a stick, a stone or any other instrument;
- (3) the assault was carried out jointly by more than three persons.

Interference with policeman in the performance of his duty

275. If a person performed any act with the intention to interfere with or foil a police man in the lawful performance of his duty or to interfere with or foil a person who assists a policeman, then he is liable to up to three years and not less than two weeks imprisonment.

Interpretation

276. In this Article, "**assault**" – within its meaning in section 378.

Article Four: Offenses in or Against the Public Service**Pressure by public servant**

277. If a public servant did one of the following, then he is liable to three years imprisonment:

- (1) he used or ordered the use of force or violence against a person, in order to extort from him or from another person in whom he has an interest, a confession of an offense or information about an offense;
- (2) he threatened a person, or ordered an person to be threatened with injury to the person or property of himself or of another in

whom that person has an interest, in order to extort from him a confession of an offense or information about an offense.

Public servant who has private interest

278. If a public servant by virtue of his office has judicial or administrative powers over assets of a certain kind or over activity in the manufacture, trade or business of a certain category, and if he exercised those powers – either by himself or through another – while he had a direct or indirect private interest in them, then he is liable to three years imprisonment.

False demand by public servant

279. If a public servant must or may serve a report or notice about an amount which he or another demands, or about any other matter that requires certification in order to receive money or goods, and if he served them in the knowledge that they are false in a material particular, then he is liable to three years imprisonment.

Abuse of office

280. If a public servant did one of the following, then he is liable to three years imprisonment:

- (1) in abuse of his authority he performed or ordered to be performed an arbitrary act that injured the rights of another person;
- (2) he entered the residence of a person against his will when he was not permitted to do so under any enactment or otherwise than under the arrangements prescribed therefor in the enactment.

False certificate

281. If a person is authorized or required by Law to give a certificate that is likely to affect the rights of a person and if he gave it while he knew that it is false in a material particular, then he is liable to five years imprisonment.

False assumption of authority

282. If a person did one of the following, then he is liable to three years imprisonment:

- (1) he pretended to act as holder of a judicial office and he does not hold such office;
- (2) he pretended to act as a person authorized by an enactment to administer an oath, to take an affidavit or to perform any other act of an official nature, such as only a person so authorized under an enactment may perform, and he held no such authority;
- (3) he represented himself as a person authorized by an enactment to sign a document which testifies to the contents of a register or of a record kept by lawful authority, or which testifies to a fact or event, and he signed that document as being so authorized, knowing that he is not so authorized.

Impersonating a public servant

283. If a person did one of the following, then he is liable to three years imprisonment:

- (1) he impersonated a public servant when that public servant was required to perform an act or to be present in a certain place;
- (2) he falsely represented himself to be a public servant and pretended, by virtue of that position, to perform any act or to be present in a certain place for the performance of an act.

Fraud and breach of trust

284. If a public servant in the performance of his functions committed fraud or a breach of trust that injures the public, even if the act would not have constituted an offense if committed against an individual, then he is liable to three years imprisonment.

Failure to perform official obligation

285. If a public servant maliciously failed to perform an obligation imposed on him under an enactment, then he is liable to three years imprisonment, unless performance of that obligation involved greater danger than a person of ordinary strength and energy can withstand.

Violation of statutory duty

286. If a person maliciously violated an enactment – by the performance of an act forbidden under that enactment or by omitting an act the performance of which is required under that enactment and that act concerns the public, then he is liable to two years imprisonment, if it appears from that enactment that no other penalty was intended for its violation.

Violation of lawful direction

287. (a) If a person violates a direction duly issued by a Court, by an official or by a person who acts in an official capacity and is authorized for that purpose, then he is liable to two years imprisonment.
- (b) If a person violates one of the provisions of an order issued by a Court in order to protect another person's life, body or welfare against the violator, then he shall be liable to four years imprisonment

Insulting a public servant

288. If a person by gesture, word or deed insulted a public servant, judge, officer of a religious tribunal, or member of a commission of inquiry under the Commissions of Inquiry Law 5729-1968, who was engaged in the discharge of his duties or in connection with them, then he is liable to six months imprisonment.

Obstructing a public servant

288A. If a person did one of the following, then he is liable to one year imprisonment:

- (1) he knowingly interfered with a public servant or a person empowered to perform the function of a public servant in the lawful performance of his duty;
- (2) he failed to perform an obligation imposed on him under an enactment to deliver information or a document.

Instigation to withhold compulsory payment

289. If a person incited a person or a group of persons not to pay or to defer a compulsory payment of which the Government gave notice in Reshumot, whether the incitement was explicit or by implication, whether by spoken word or in writing, by signs, visible representations or other means, then he is liable to six months imprisonment; the same holds for a person who committed an act with the intention to bring, or knowing that it is likely to bring the said means of incitement – directly or indirectly – to the knowledge of a person or group of persons.

Article Five: Bribery Offenses

Bribe taking

290. (a) If a public servant took a bribe for an act connected with his position, then he is liable to seven years imprisonment.
- (b) In this section, "**public servant**" including an employee of a body corporate that provides a service to the public.

Bribery

291. If a person gave a bribe, he shall be treated like the person who took it, but the penalty to which he is liable shall be half the penalty specified in section 290.

Bribing a Foreign Public Official

- 291A. (a) A person who gives a bribe to a foreign public official for an act in relation with his functions, in order to obtain, to assure or to promote business activity or other advantage in relation to business activity, shall be treated in the same manner as a person who commits an offence under Article 291.
- (b) No indictment shall be issued in respect to an offence under this article unless given written consent from the Attorney General.
- (c) For the purpose of this article:
"foreign country" includes, but not limited to, any governmental unit in the foreign country, including national, district or local unit.
"foreign public official" includes any of these:
- (1) An employee of a foreign country and any person holding a public office or exercising a public function on behalf of a foreign country; including in the legislative, executive or judiciary branch of the foreign country, whether by appointment, by election or by agreement;

- (2) A person holding a public office or exercising a public function on behalf of a public body constituted by an enactment of a foreign country, or of a body over which the foreign country exercises, directly or indirectly, control;
- (3) An employee of a public international organization, and any person holding a public office or exercising a public function for a public international organization;

"**public international organization**" means an organization formed by two or more countries, or by organizations formed by two or more countries;

Bribery in connection with contest

292. (a) If a person gave a bribe with the intention to influence the conduct, progress or outcome of a sports contest or of some other contest, in the conduct or outcome of which the public has an interest, then he is liable to three years imprisonment.
- (b) The person who took the bribe shall be treated like the person who gave the bribe.

Methods of bribery

293. In connection with a bribe it is immaterial –

- (1) whether it was in cash or in kind, a service or any other benefit;
- (2) whether it was given for an act or an omission, or for a delay, acceleration or impediment, for preference or for discrimination;
- (3) whether it was for a specific act or to obtain preferential treatment in general;
- (4) whether it was for an act of the person who took it or for his influence on the act of another person;
- (5) whether it was given by the person himself or through another person; whether it was given directly to the person who took it or to another for him; whether in advance or after the event; and whether it is enjoyed by the person who took it or by another;
- (6) whether the function of the person who took was one of authority or service, permanent or temporary, general or specific, and whether its performance was with or without remuneration, voluntarily or in the discharge of an obligation;
- (7) whether it was taken for a deviation from the performance of his obligation or for an act which the public servant must perform by virtue of his position.

Further provisions

294. (a) If a person solicited or stipulated a bribe, he shall be treated like person who took a bribe, even if he met with no response.
- (b) If a person offered or promised a bribe, he shall be treated like person who gave a bribe, even if he met with refusal.
- (c) If a person is a candidate for any position, even though he was not yet assigned to it, and if any function was assigned to a person, but he has not yet begun to perform it, he shall be treated like a person who performs that function.

- (d) In an action for bribery, the Courts shall not entertain any argument –
 - (1) that there was a defect or invalidating circumstance in the assignment of the function to, or the appointment or election of the person who took the bribe;
 - (2) that the person who took the bribe did not perform or did not even intend to perform the act, or that he was not competent or authorized to perform it.

Bribery intermediaries or prohibited consideration for a person with significant influence

295. (a) If a person received money, valuable consideration, a service or other benefit in order to give a bribe, he shall be treated like a person who took a bribe, and it shall be immaterial whether or not any consideration is given to him or to another for his action as intermediary, or whether or not he intended to give a bribe.
- (b) If a person received money, valuable consideration, a service or any other benefit in order to induce – by himself or through another – a public servant said in section 290(b) or a public servant said in section 291A(c) to give undue preference or to practice discrimination, then he shall be treated like a person who took a bribe.
- (b1) (1) If a person with significant influence on the election of a candidate for the position of Prime Minister, Minister, Deputy Minister or head of a local authority (in this subsection: candidate) accepted money, a cash equivalent, a service or other benefit in order to influence – himself or through another – a candidate to perform an act connected to his position, then he shall be liable to three years imprisonment; if he received as aforesaid in order to influence a candidate to give undue preference or to discriminate, then he shall be treated as if he had accepted a bribe;
- (2) In this subsection –
- "primaries", "contribution"** – as defined in section 28A of the Elections Law;
- "person with significant influence"** – a person who has significant influence on the choice of a candidate in a party or faction, also in primaries and also because he is one of the following:
- (1) member of the governing body, of the audit institution or the Court of the party, or if he holds a position the party, which corresponds or is similar to one of these;
 - (2) he has the right to vote in an election of the candidate, where the number of persons entitled to vote does not exceed five thousand;
 - (3) he acted for the registration of a number – that is significant under the circumstances – of persons entitled to vote in the election of the candidate; if

a persons acted for the registration of fifty or more persons entitled to vote in the election of the candidate, then it is assumed that the provisions of this paragraph apply to him, unless he proves differently;

- (4) he contributed, raised contributions or spent money to promote the election of a candidate in a party or in a faction, to an amount equivalent to NS 5,000, or he contributed, raised contributions or spent money as aforesaid for at least two candidate in the same election campaign, to an amount equivalent to NS 15,000;

"**Elections Law**" – the Elections Law 5752-1992;

"**party**" – as defined in the Elections Law;

"**faction**" – as defined in the Parties (Financing) Law 5733-1973.

- (c) If a person gave money, valuable consideration, a service or some other benefit to a person said in subsections (a) or (b), then he shall be treated like a person who gave, and if a person accepted as said in subsection (b1), then he shall be liable to half the penalty prescribed in that subsection.
- (d) For purposes of this section, "**receiving**" includes receiving for or through another person.

Evidence

296. In a trial for an offense under this Article the Court may convict on the basis of a single testimony, even if it is the testimony of an accomplice to the offense.

Confiscation and reparation

297. (a) When a person has been convicted of an offense under this Article, the Court may, in addition to the imposed penalty –
- (1) order confiscation of what was given as a bribe or what may has taken its place;
 - (2) obligate the person who gave the bribe to pay to the Treasury the value of the benefit he derived from the bribe.
- (b) The provisions of this section shall not preclude a civil claim.

CHAPTER TEN: BODILY HARM

Article One: Causing Death

Manslaughter

298. If a person caused the death of another by a prohibited act or omission, then he is guilty of manslaughter and is liable to twenty years imprisonment.

299. Repealed

Murder

300. (a) If a person did one of the following, then he shall be accused of murder and is liable to life imprisonment, and only to that penalty:
- (1) he maliciously caused the death of his father, mother, grandfather or grandmother by a prohibited act or omission;
 - (2) he caused the death of any person with premeditation;
 - (3) while committing an offense, while preparing to commit it or in order to facilitate its commission, he maliciously caused the death of a person;
 - (4) he caused the death of a person when another offense had been committed, in order to assure the flight of himself or of a person who participated in the commission of that offense, or in order to escape punishment.
- (b) If a person was convicted of murder under section 2(f) of the Nazis and Nazi Collaborators (Punishment) Law 5710-1950, then he is liable to the death penalty.

Reduced penalty

- 300A. Notwithstanding the provisions of section 300, a penalty lighter than that prescribed in it may be imposed, if the offense was committed in one of the following cases:
- (a) in a situation, in which – because of a severe mental disturbance or because of a defect in his intellectual capability, the defendant's ability to do one of the following was severely restricted, even though not to the point of the complete incapacity said in section 34H:
 - (1) to understand what he was doing or that his act is wrong; or
 - (2) to refrain from committing the act;
 - (b) in a situation, in which, under the circumstances of the case, the defendant's act diverged by little from the scope of reasonability, as required under section 34P, for the application of the exceptions of self defense, necessity or duress under sections 34J, 34K and 34L;
 - (c) when the defendant was in a state of severe mental distress, because of severe or continued tormenting of himself or of a member of his family by the person whose death the defendant caused.

Premeditation

301. (a) For purposes of section 300, a person who killed a person shall be deemed to have killed him with premeditation, if he resolved to kill him and killed him in cold blood without any provocation immediately before the act, under circumstances in which he was able to think and to understand the result of his actions, and after he prepared himself to kill him or prepared the instrument with which he killed him.

- (b) In respect of the decision and preparation to kill, it is immaterial whether he resolved to kill that person or any one – specified or unspecified – member of his family or race.
- (c) In order to prove premeditation, it is not necessary to show that the defendant was in a certain state of mind for any period of time before the offense was committed or that the instrument with which the offense was committed was prepared at a certain time before the act.

Inducing or abetting suicide

302. If a person causes a person to kill himself by inducement or advice or if he assists a person in killing himself, then he is liable to twenty years imprisonment.

Infanticide

303. (a) If a woman by an act or omission maliciously caused the death of her child that had not reached the age of twelve months, and if the balance of her mind was disturbed at the time of the act or omission because she was not fully recovered from the effect of giving birth or because of the effect of nursing after the birth, then – even though the offense, according to its circumstances, constitutes murder or manslaughter – she is liable to five years imprisonment.
- (b) Nothing in this section shall derogate from a Court's power to convict a person, who is charged with murdering a child aged less than twelve months, of the offense of manslaughter, or of concealment of birth, or to find that she does not bear criminal responsibility under section 19 because of insanity or because of a defect in her mental faculties,

Causing death by negligence

304. If a person caused another person's death by negligence, then he is liable to three years imprisonment.

Attempted murder

305. If a person did one of the following, then he is liable to twenty years imprisonment:
- (1) he unlawfully attempted to cause the death of a person;
 - (2) he unlawfully committed an act or unlawfully abstains from an act which he is obligated to perform with the intention to cause the death of another, that act or omission by its nature being liable to endanger human life.

306. Repealed

Written threat to murder

307. If a person directly or indirectly causes another to receive a written message that threatens murder, knowing its contents, then he is liable to seven years imprisonment.

When is a child deemed a person

308. From the time when a child has completely emerged in a living state from the body of its mother it is deemed a person for purposes of this Article, whether or not it breathed, whether or not it has blood circulation, and whether or not its umbilical cord was severed.

Definition of causing death

309. In each of the following cases a person shall be deemed to have caused the death of another person, even though his act or omission was not the immediate cause or the sole cause of the other person's death:

- (1) he inflicted a bodily injury which necessitated medical or surgical treatment and the treatment caused the injured person's death; it is immaterial whether the treatment was mistaken, on condition that it was given in good faith and with ordinary knowledge and skill; if it was not so given, the person who inflicted the injury shall not be deemed to have caused the injured person's death;
- (2) he inflicted bodily injury which would not have caused the injured person's death, if he had received proper medical or surgical treatment or if he had observed adequate cautions in his way of life;
- (3) by violence or threats of violence he caused a person to commit an act which caused his own death, if under the circumstances that act seemed to that person a natural way of escaping from the violence or the threats;
- (4) by his deed or by omission he hastened the death of a person who suffered from a disease or injury, which would have caused death even without that deed or omission;
- (5) the act or omission would not have caused death, had it not been accompanied by an act or omission of the person who was killed or of some other person.

310. Repealed

Concealment of birth

311. If a person attempts to conceal the birth of a child by secretly disposing of its dead body, irrespective of whether the child died before, at or after its birth, then he is liable to one year imprisonment.

Article Two: Interruption of Pregnancy**Definitions**

312. In this Article –

"recognized medical institution" – an institution or clinic, which the Minister of Health recognized as a medical institution for purposes of this Article, notice of the recognition having been published in Reshumot;

"gynecologist" – a qualified physician who holds the title of specialist in obstetrics and gynecology, conferred on him under the Physicians Ordinance [New Version] 5737-1976 (hereafter in this Article: the Ordinance); or a qualified physician who, in order to obtain that title, undergoes specialized training at a recognized medical institution under the supervision of a physician who holds the said title.

Prohibition of interruption of pregnancy

313. If a person knowingly interrupts a woman's pregnancy, whether by medical treatment or in any other manner, is liable to five years imprisonment or a fine of NS 150,000.

Approved interruption of pregnancy

314. A gynecologist shall not bear criminal responsibility for interrupting a woman's pregnancy if all the following hold true:

- (1) the interruption of pregnancy is performed at a recognized medical institution;
- (2) approval in accordance with section 316 was given in advance.

Committee

315. Approval for purposes of section 314 shall be by a committee of three; in a recognized medical institution which is a hospital registered under section 25 of the Public Health Ordinance 1940 its members shall be designated by the director of that institution, and in any other recognized medical institution by the Minister of Health or a by person authorized by him therefor; the committee shall be composed of –

- (1) a qualified physician who under the Ordinance holds the title of specialist in obstetrics and gynecology;
- (2) an additional qualified physician who practices one of the following specializations: obstetrics and gynecology, internal medicine, psychiatry, family medicine, public health;
- (3) a person registered as a social worker under the Welfare Services Law 5718-1958.

At least one of the committee's members shall be a woman.

Approval

316. (a) The committee may approve the interruption of a woman's pregnancy after obtaining her informed consent, if it considers it justified because of one of the following:

- (1) the woman is below marriage age or above age forty;
- (2) the pregnancy is the result of relations prohibited by criminal law, or of incestuous relations, or of extramarital relations;
- (3) the child is likely to have a physical or mental defect;
- (4) continuing the pregnancy is likely to endanger the woman's life or to cause her physical or mental harm;
- (5) repealed

(b) For purposes of this section, the **"informed consent"** to the interruption of her pregnancy – her written consent after the physical and mental risks involved in an interruption of pregnancy

- were explained to her; for this purpose, the consent of a minor does not require approval by her representative.
- (c) The committee shall not refuse its approval before having given the woman an opportunity to appear before it and to state her reasons.
 - (d) Approval shall be in writing and shall set out the reason that justifies interruption of the pregnancy.

Interruption of pregnancy in special cases

317. A qualified physician shall not bear criminal responsibility for interrupting a woman's pregnancy if one of the following holds true, on condition that reasoned written notification thereof was made to the Director General of the Ministry of Health within five days after the act:
- (1) it was necessary to interrupt the pregnancy immediately in order to save the woman's life or to prevent grave irreparable injury to her;
 - (2) the pregnancy was interrupted in the course of other medical treatment of the woman's body and , the pregnancy was not previously known to the physician and its interruption was necessary for that medical treatment.

Conscientious objection and objection for medical reasons

318. Approval under this Article does not obligate a gynecologist to interrupt a woman's pregnancy, if that conflicts with his conscience or his medical judgment.

Inapplicability

319. Section 22 does not apply to an offense under this Article.

Restriction on responsibility

320. If an offense under this Article was committed on a woman, then she shall not bear criminal responsibility in connection with that offense.

Implementation and regulations

321. The Minister of Health is charged with the implementation of this Article and he may, in consultation with the Minister of Justice and the Knesset Public Services Committee, make regulations for its implementation, including on the following matters:
- (1) conditions for the approval of a medical institution as a recognized institution, the procedure for granting such approval and its period of validity, renewal and cancellation;
 - (2) the procedure for granting approval under section 316.

Article Three: Responsibility for a Person's Welfare

Responsibility for helpless persons

322. If a person bears responsibility for another person, who because of

age, sickness, mental defect, arrest or any other reason is unable to withdraw from that responsibility and who is unable to provide the necessities of life for himself – whether the responsibility derives from a contract or from an enactment or arises out of a lawful or unlawfully act of the responsible person – then he is obligated to provide that person with the necessities of life, to care for his health and to prevent his abuse or bodily harm, and he shall be held to have caused any consequences to the life or health of the other person which result from his failure to meet the said obligation.

Responsibility for minor who is a member of the household

323. A parent or the person responsible for a minor member of his household is under obligation to provide the necessities of life for him, to care for his health, and to prevent his abuse, bodily harm or other injury to his welfare and health; and he shall be held to have caused any consequences to the life or health of the other person which result from his failure to meet the said obligation.

324. Repealed

Obligation of the person in charge of a dangerous act

325. If a person undertakes to administer medical or surgical treatment or to perform any other lawful act which is or may be dangerous to human life or health when that is not immediately necessary, then he must have reasonable skill therefore and he must act with reasonable caution; and he shall be held to have caused any consequences to the life or health of the other person which result from his failure to meet the said obligation.

Obligation of the person in charge of dangerous object

326. If a person is in charge of or controls anything – living or inanimate, movable or stationary – which by its nature or under certain conditions can endanger the life, safety or health of any person if it is not used or handled with care or caution, then he must use a reasonable degree of caution and care in order to avoid the danger, and he shall be held to have caused any consequences to the life or health of the other person which result from his failure to meet the said obligation.

Article Four: Endangering Life and Health

Depriving of capacity to resist in order commit offense

327. If a person deprives or attempts to deprive a person of his capability to resist by means that constitute a danger to human life or health or which can affect his sobriety, with the with intention to commit a felony or misdemeanor or to facilitate their commission or to facilitate the escape of an offender after they were committed or attempted to commit, then he is liable to twenty years imprisonment.

328. Repealed

Harm with aggravating intent

329. (a) If a person did one of the following with the intention to disable, disfigure or cause grievous harm to a person, or in order to resist or prevent his own or another person's lawful arrest or detention, then he is liable to twenty years imprisonment:
- (1) he unlawfully wounded or caused a person grievous harm;
 - (2) he unlawfully attempted to hit a person with a projectile, knife or other dangerous or offensive weapon;
 - (3) he unlawfully caused the explosion of an explosive substance;
 - (4) he sent or delivered an explosive substance or any other dangerous or harmful object to a person, or he caused a person to receive a said substance or object;
 - (5) he put a destructive or explosive substance or a corrosive fluid in any place whatsoever;
 - (6) he threw a substance or fluid said in paragraph (5) at a person or otherwise used them on to his body.
- (b) If a person commits an offense under subsection (a) against his relative, then his penalty shall not be less than one fifth of the maximum penalty set for that offense, unless the Court decided – for reasons that shall be recorded – to reduce his penalty; in this subsection, "**relative**" – as defined in section 382(b).
- (c) A penalty of imprisonment under subsection (b) shall not – in the absence of special reasons – be suspended in its entirety.

Attempting to injure by explosive substances

330. If a person unlawfully put an explosive substance in any place with the intention to do harm to another, then he is liable to fourteen years imprisonment.

Preventing escape from vessel in distress

331. If a person unlawfully prevents or obstructs the efforts of a person to save his life or that of another, while he is aboard a vessel in distress or on a wrecked vessel or while he escapes from an aforesaid vessel, then he is liable to ten years imprisonment.

Maliciously endangering people on a traffic route

332. If a person did one of the following with the intention to injure a passenger on a traffic route or a means of transport, or to endanger his safety, then he is liable to twenty years imprisonment:

- (1) he placed an object on the traffic route or on the means of transport;
- (2) he dealt with a traffic route, a means of transport or anything on or near them in a manner liable to affect adversely the free and safe use of the traffic route or of the means of transport, the safety of an aforesaid passenger or liable to endanger the said uses and safety;

- (3) he shot or threw anything at a person on a traffic route or at a means of transport or at any object on them, or he caused anything to come into contact with them;
- (4) he displayed a light or sign on a traffic route or on a means of transport or in their vicinity, or he dealt in any way with a light or a sign that is there;
- (5) he endangered the safety of an aforesaid passenger by omitting to perform an act which he is obligated to perform.

Grievous harm

333. If a person unlawfully did grievous harm to another person, then he is liable to seven years imprisonment.

Wounding

334. If a person unlawfully wounded another person, then he is liable to three years imprisonment.

Harm and wounding under aggravating circumstances

335. (a) If an offense under section 333 or 334 was committed –
- (1) while the offender carried a firearm or other weapon, then he is liable to double the penalty prescribed for the offense;
 - (2) in the presence of two or more persons who cooperated in the commission of the act by one or several of them, then each of them is liable to double the penalty prescribed for the offense.
- (a1) If a person committed an offense under section 333 against his relative, then he is liable to ten years imprisonment.
- (b) If a person committed an offense under section 334 against his relative, then he is liable to double the penalty set for the offense; for purposes of this section, "**relative**" – including a person who was his relative in the past and is one of the following:
- (1) his spouse, including the person publicly known as his spouse;
 - (2) a minor or helpless person, for whom the offender is responsible, as said in the definition of "guardian of minor or helpless person" in section 368A.

Use of dangerous poison

336. If a person unlawfully caused any poison or other harmful thing to be administered to or to be taken by a person, with the intention to injure or another or to annoy them, then he is liable to three years imprisonment; if he thereby endangered the person's life or did him grievous harm, then he is liable to fourteen years imprisonment.

Violation of obligation of parent or of responsible person

337. If a person violated his obligation to provide a certain person with the necessities of life, to care for his health and to prevent his abuse, bodily harm or other injury to his wellbeing and health, and if he thereby endangered or was liable to endanger his life, or if he injured or was

liable to injure his health permanently, then he is liable to three years imprisonment.

Rash and negligent acts

338. (a) If a person did one of the following rashly or negligently to a degree that endangered the life or was liable to cause harm to a person, then he is liable to three years imprisonment:
- (1) he drove a vehicle or rode on a public way;
 - (2) he operated or participated in the operation of a vessel or aircraft;
 - (3) he performed any act with fire or with combustible, explosive or radioactive material, or failed to take precautions against probable danger from fire or from aforesaid material in his possession;
 - (4) he did anything in connection with machinery, of which he alone or together with others is in charge, or he failed to take proper precautions against probable dangers connected with them;
 - (5) he performed any act in connection with an explosive or firearm in his possession, or he failed to take proper precautions against any probable dangers connected with them;
 - (6) he failed to take precautions against probable dangers connected with an animal in his possession;
 - (7) he gave medical or surgical treatment to a person whom he has undertaken to treat;
 - (8) he sold, supplied, gave or administered a medicine or a poisonous or dangerous material;
 - (9) he used, had in his possession or abandoned a poisonous or dangerous material or abandoned a container in which a said material was kept and which is liable to poison or to endanger.
- (b) If a person committed an offense under subsection (a)(5) at a festivity or ceremony, then he shall be liable to four years imprisonment.

Neglect in the keeping of firearms and of dangerous materials

339. (a) If a person keeps, leaves behind or abandons firearms, explosives or other material capable of causing injury to a person or to endanger his life, without taking reasonable precautions to prevent another person from causing with them injury to himself or to another, whether by handling them or without handling them, then he is liable to one year imprisonment.
- (b) This section shall not apply to possession, leaving or abandoning by a person subject to military justice under the Military Justice Law 5716-1955, in a place that is a military camp or in which military operations are carried out, or in the course of training within the military framework, but it shall apply to an instructor said in section 5B(b) of the Firearms Laws 5709-1949 and in section

22(2)(c) of the Explosives Law 5714-1954.

Danger to children

340. If a person left or abandoned anything in a place accessible to children, and if there are reasonable grounds to assume that children will play with that thing or will otherwise handle it and that in doing so they are liable to injure their health or endanger their lives, and if he did not take reasonable precautions to prevent such consequences, then he is liable to one year imprisonment.

Shooting in residential area

340A. If a person discharges a firearm in a residential area without a reasonable explanation, then he is liable to one year imprisonment.

Injury through negligence

341. If a person unlawfully committed any act or failed to commit an act which he was obligated to commit, that act or omission not being one of those specified in sections 338 to 340, and if thereby injury is caused to a person, then he is liable to one year imprisonment.

Misleading transport

342. If a person exhibited a light, sign or buoy with the intention of misleading a person who operates a means of transport or in the knowledge that it is likely to mislead him, then he is liable to seven years imprisonment.

Conveying person in unsafe means of transport

343. If a person knowingly or negligently conveyed or caused a person to be conveyed in a means of transport in which there is a concern for the passenger's safety because of its condition or because of the load of the means on transport, then he is liable to three years imprisonment, and if the means of transport was an aircraft – to five years imprisonment.

Endangering thoroughfares and navigation routes

344. If a person committed an act or failed to take reasonable care with any property in his possession or under his charge, and if he thereby caused danger, an obstruction or injury to a person in a public thoroughfare or on a public navigation route, then he is liable to three years imprisonment.

Article Five: Sex Offenses

Rape

345. (a) If a person had intercourse with a woman –
(1) without her freely given consent;
(2) with the woman's consent, which was obtained by deceit in

- respect of the identity of the person or the nature of the act;
- (3) when the woman is a minor below age 14, even with her consent;
 - (4) by exploiting the woman's state of unconsciousness or other condition that prevents her from giving her free consent;
 - (5) by exploiting the fact that she is mentally ill or deficient, if – because of her illness or mental deficiency – her consent to intercourse did not constitute free consent.
- then he committed rape and is liable to sixteen years imprisonment.
- (b) Notwithstanding the provisions of subsection (a), a rapist shall be liable to twenty years imprisonment, if the rape was committed under one of the following circumstances:
 - (1) upon a minor under age 16, and under the circumstances said in subsection (a)(1), (2), (4) or (5);
 - (2) while threatening with a firearm or other weapon;
 - (3) while causing bodily or mental injury, or pregnancy;
 - (4) together with the abuse of the woman before, during or after the act;
 - (5) in the presence of one or several others, who joined together to commit rape by one or several of them.
 - (c) In this Article – "**has intercourse**" – introduces any part of the body or any object into the woman's sex organ.

Forbidden intercourse by consent

346. (a) (1) If a person had intercourse with a minor who has reached age 14, but has not yet reached age 16 and who is not married to him, or if a person has intercourse with a minor who has reached age 16, but has not yet reached age 18, by exploiting a relationship of dependence, authority, education or supervision, or by a false promise of marriage, then he is liable to five years imprisonment.
- (2) For the purposes of this subsection, if a person who provides mental health treatment to a minor who has reached age 16, but has not yet reached age 18, had intercourse with her during the period in which he gave her mental health treatment, then he shall be deemed to have performed the said act by exploiting a relationship of dependence; the said presumption shall not apply if such relations began in a pair relationship before the mental health treatments began.
- (b) If a person had intercourse with a woman who has reached age 16, aged more than 18 by exploiting his authority in employment or service, or by false promises of marriage while pretending to be single in spite of being married, then he is liable to three years imprisonment.

Sodomy

347. (a) (1) If a person committed sodomy on a person who has reached age 14, but has not yet reached age 16, or if he committed

sodomy on a person who has reached age 16, but has not yet reached age 18 by exploiting relations of dependence, authority, education or supervision, then he is liable to five years imprisonment.

- (2) For the purposes of this subsection, if a person who provides mental health treatment to a minor who has reached age 16, but has not yet reached age 18, committed sodomy on that person during the period in which he gave him mental health treatment, then he shall be deemed to have performed the said act by exploiting a relationship of dependence; the said presumption shall not apply if such relations began in a pair relationship before the mental health treatments began.
- (a1) If a person committed sodomy upon a person who has reached age 18 or more, by exploiting his authority in employment or service, then he is liable to three years imprisonment.
- (b) If a person committed sodomy upon a person under one of the circumstances specified in section 345, *mutatis mutandis*, then he is liable to the penalties of a rapist.
- (c) For purposes of this Article, "**sodomy**" – introduction of a bodily organ or an object into a person's anus, or introduction of a sex organ into a person's mouth.

Sexual relations between a provider of mental health treatments and a patient

347A. (a) In this Article –

"**mental health treatment**" – diagnosis, evaluation, consultation, treatment, rehabilitation or the conduct of conversations, carried out continuously in face to face meetings, in order to help the person who suffers from distress, disturbance, illness or another problem, the origin of which is emotional or mental;

"**provider of mental health treatments**" – a person professionally engaged in the provision of mental health treatments, either as a vocation or by virtue of his position, being a psychologist, psychiatrist or social worker, or a person who pretends to be one of these.

- (b) If a provider of mental health treatments has intercourse with a woman or commits sodomy on a man who has reached age 18 during the period in which he provided mental health treatment or until the end of three years after the said treatment was concluded, by consent obtained by exploiting a real dependence on him that stems from the mental health treatments he provided them, then he shall be liable to four years imprisonment; for purposes of this subsection said acts committed during the period when the mental health treatments were provided shall be deemed to have been committed by the exploitation of an aforesaid real dependence; this assumption shall not apply if the acts began before the mental health treatments began.

Indecent act

348. (a) If a person committed an indecent act on a person under one of the circumstances enumerated in section 345(a)(2) to (5), mutatis mutandis, then he is liable to seven years imprisonment.
- (b) If a person committed an indecent act on a person under one of the circumstances specified in section 345(b)(1) to (5), mutatis mutandis, then he is liable to ten years imprisonment.
- (c) If a person committed an indecent act on a person without his consent, but not under the circumstances said in subsections (a), (b), or (c1), then he is liable to three years imprisonment.
- (c1) If an offense under subsection (c) was committed by use of force or by the application of other means of pressure, or by the threat of one of them – whether toward the person or toward anybody else – then the person who committed the offense is liable to seven years imprisonment.
- (d) (1) If a person committed an indecent act on person who is a minor who has reached age 14, by exploiting a relationship of dependence, authority, education, supervision, employment or service, then he is liable to four years imprisonment;
- (2) for the purposes of this subsection, if a person who provides mental health treatment and performed an indecent act on a minor who has reached age 14, but has not yet reached age 18, during the period in which he gave that person mental health treatment, then he shall be deemed to have performed the said act by exploiting a relationship of dependence; this presumption shall not apply if that person has reached age 16 and the acts began in a pair relationship before the mental health treatments began.
- (d1) If a provider of mental health treatments committed an indecent act on a person who has reached age 18 under the circumstances said in section 347A(b), then he shall be liable to three years imprisonment.
- (e) In this Article, "**indecent act**" – an act for sexual arousal, satisfaction or abasement.

Indecent act in public

349. (a) If a person committed an indecent act on a person in public before another person without his consent, or if a person committed a said act anywhere by exploiting a relationship of dependence, authority, education, supervision, employment or service, then he is liable to one year imprisonment.
- (b) If a person committed an indecent act in any place whatsoever before a person who has not yet reached age 16, then he is liable to three years imprisonment.

Responsibility

350. For purposes of an offense under this Article, it is immaterial whether a person performed an act or caused an act to be performed on him or on another person.

Sex offenses within the family and by persons responsible for helpless persons

351. (a) If a person committed an offense of rape under section 345(a), or of sodomy under section 347(b), on a person who is a minor and his relative or on a helpless person for whom he is responsible, then he is liable to twenty years imprisonment.
- (b) If a person had intercourse with a woman who has reached age 14, but has not yet reached age 21, or committed sodomy upon a person who reached age 14, but has not yet reached age 21 and is his relative, then he is liable to sixteen years imprisonment.
- (c) If a person committed an indecent act upon a minor who is his relative or on a helpless person for whom he is responsible, then he is liable –
- (1) for an offense under section 348(a) or (c1) – to ten years imprisonment;
 - (2) for an offense under section 348(b) – to fifteen years imprisonment;
 - (3) in any case not specified in paragraphs (1) and (2) – to five years imprisonment.
- (d) If a person in any place committed an indecent act upon a minor who is a member of his family, then he is liable to four years imprisonment;
- (d1) If a person responsible for a helpless person committed an offense under section 349(a) against the helpless person, then he is liable to two years imprisonment;
- (e) For purposes of this section –
- "foster parent"** – one of the following:
- (1) the father or mother of a foster family approved by the Ministry of Welfare;
 - (2) the person responsible for a minor under paragraph (3) of the definition of the definition of "guardian of minor or of a helpless person " in section 368A;
- "stepbrother"** or **"stepsister"** – son or daughter of a parent's spouse;
- "person responsible for a helpless person"** – like the definition of "guardian of a minor or of a helpless person" in section 368A;
- "relative"** –
- (1) parent; spouse of parent, even if not married to him; grandfather or grandmother;
 - (2) a person who has reached age 15 and who is one of these: brother or sister, stepbrother or stepsister, uncle or aunt, brother-in-law or sister-in-law; however, for purposes of the offense of prohibited intercourse under subsection (b), or of an indecent act under subsection (c)(3), committed upon a person aged 16 or more, uncle and aunt, brother-in-law or sister-in-law shall not be included in the definition of "relative";
 - (3) a foster parent; the spouse of a foster parent, even if not

- married to him; the father or mother of a foster parent;
- (4) a person who has reached age fifteen and is one of the following: the son or daughter of a foster parent and the spouse of each of these; the brother or sister of a foster parent and the spouse of each of these; however, in respect of the offense of prohibited intercourse under subsection (b) and indecent act under section (c)(3), committed on a person who has reached age sixteen, the spouse of a foster parent's son or daughter, the foster parent's brother and sister and the spouse of any of these shall not be included in the definition of "relative";
- "helpless person"** – as defined in section 368A.

Publication prohibited

352. (a) If a person published a person's name or anything that can identify a person was injured by an offense or who complained that he was injured by an offense under this Article, then he is liable to one year imprisonment.
- (b) A person shall not bear criminal responsibility under subsection (a), if the person whose name or identity were made public gave his consent to the publication before a Court or if a Court permitted publication for special reasons that shall be recorded.

Restriction on criminal responsibility

353. In an indictment for an offense under sections 346(a) or 347(a), it shall be a defense for the defendant that the difference in age between himself and the minor is not more than three years, if the minor consented to the act, and if the act was performed within ordinary friendly relations and without exploitation of the defendant's position.

Restriction on prescription in sex offenses against minors

354. (a) In the case of offenses enumerated in this subsection, which were committed against a minor, the prescription period shall begin when he reaches age twenty-eight; however, if ten years passed since the day on which the offense was committed, then an indictment shall only be filed with the Attorney General's permission –
- (1) an offense under section 351;
 - (2) an offense committed by the person responsible for the minor, within the terms of the definition of "guardian of minor or helpless person" in section 368A, who is not a relative within the terms of the definition of "relative" in section 351(e), the offense being one of the following:
 - (a) rape, under section 345;
 - (b) prohibited intercourse by consent, under section 346(a);
 - (c) sodomy, under section 347(a) or (b);
 - (d) an indecent act, under section 348(a), (b), (c1) or (d). "guardian of minor or helpless person"

- (a1) If an indictment was brought under subsection (a) in consequence of a complaint submitted to the Police after the victim of the offense had reached age 28, then the defendant shall not be found guilty on the testimony only of the victim of the offense, unless the evidentiary material includes something that supports it; if the indictment also includes an offense not said in subsection (a), then the provision of this subsection shall apply only in respect of the offense said in subsection (a).
- (b) The provisions of subsection (a) shall also apply to an act performed before August 10, 1990, on condition that all the following hold true:
 - (1) the act constituted an offense under this Article, as it was formulated when the act was performed;
 - (2) had the act been performed after the said day, it would constitute an offense under section 351;
 - (3) the prescription period for the offense under section 9 of the Criminal Law Procedure Law [Consolidated Version] 5742-1982 has not yet elapsed.
- (c) (1) If an offense enumerated in this subsection was committed against a minor by a person who has reached age fifteen and was not the person responsible for the minor, as said in the definition of "guardian of minor or helpless person" in subsection (a)(2), or a relative as defined in the same subsection, then the period of prescription shall begin on the day the minor reaches age eighteen; however, if more than ten years have passed since the offense was committed, then an indictment shall be brought only with the approval of the Attorney General;
 - (1) and these are the offenses:
 - (a) rape, under section 354;
 - (b) sodomy, under section 347(b);
 - (c) an indecent act, under section 348(a), (b) or (c1).
- (d) If an indictment was brought under subsection (c) in consequence of a complaint submitted to the police later ten years after the offense was committed or after the minor had reached age 18, whichever was later, then a person shall not be found guilty on the injured person=s testimony alone, unless there is something in the evidentiary material to support it; if the indictment also included an offense other than those said in subsection (c), then the provisions of this subsection shall apply only to the offense said in that subsection.
- (e) The provisions of subsection (c) shall also apply to an offense for which the prescription period – under section 9 of the Criminal Law Procedure Law [Consolidated Version] 5742-1982 – had not elapsed on the day the Penal Law (Amendment No. 84) 5764-2005 went into effect, according to the Law that applied to it on the date before the said date.

Minimum penalty

355. If a person was convicted of an offense under sections 345, 348(a), (b) or (c1), or 351(a), (b) or (c1) or (2), then his penalty shall not be less than one fourth of the maximum penalty prescribed for that offense, unless the Court decided – for special reasons that shall be recorded – to adjudge a lesser penalty.

356. to 360. Repealed

Article Six: Offenses against Minors and Invalids

Leaving a child unattended or in order to abandon it

361. If a person leaves a child which has not reached age six without appropriate supervision and thereby endangers the child's life or causes or is liable to cause real injury to his welfare or health, then he is liable to three years imprisonment; if he did so be way of negligence, then he is liable to one year imprisonment; if he did so in order to abandon the child, then he is liable to five years imprisonment.

Abandonment of child

361. If a person unlawfully abandons or leaves a child which has not reached age two, and if he thereby endangers its life or causes or is liable to threaten its health with permanent injury, then he is liable to five years imprisonment.

Neglect of children and other persons under care

362. If a parent of a child under age 14 or of a person unable to provide for his own needs (in this and the next section: "**person under care**"), or if a person obligated by enactment or by agreement to provide for the needs of the person under care in his charge did not supply him with food, clothing, bedding and other essentials to the extent necessary for the maintenance of his well-being and health, then he is liable to three years imprisonment, unless he proves that he took steps, which under the circumstances were reasonable, to secure the means of supplying those essentials, but was unable to supply them.

Abandonment of persons under care

363. If the parent of a person under care or a person obligated by law or agreement to provide for the needs of a person under care, refused to accept the person under care in his charge from a person not obligated to provide for that person's needs, or if he left him in the hands of a person who has not agreed to provide his necessities, then he is liable to six months imprisonment; if he abandoned the person under care, then he is liable to three years imprisonment.

Relinquishing minor for consideration

364. If a person offers or gives consideration for permission to have charge of a minor who has not reached age 14, or if he asks for or receives a

consideration for permission to have charge of the minor as aforesaid, then he is liable to three years imprisonment, and it is immaterial whether the consideration was cash or in kind.

Surrender of minor while repudiating rights and obligations

365. (a) If a parent or guardian of a minor who has not reached age 14 surrenders the minor or permits him to be surrendered to a person who is not his parent or guardian, and if that surrender involves the repudiation of his obligations or rights towards that minor, then he is liable to two years imprisonment.
- (b) It shall be a good defense against a charge under this section if one of the following is proved:
- (1) the minor was surrendered for purposes of adoption under the Adoption of Children Law 5720-1960;
 - (2) the minor was surrendered for a determinate period and with the consent of a welfare officer, within the meaning of that term in the Welfare Services Law 5718-1958;
 - (3) the minor's surrender was to his grandparent, uncle, aunt, brother or sister and it was to the minor's benefit.

366. Repealed

Theft of a minor

367. If a person fraudulently or forcibly or by enticement took away or detained a minor who has not reached age 14, or if he received or concealed him, knowing that he was so taken or detained, all in order to deprive the parent, guardian or person who has lawful care or charge of him of the minor's custody and to take that for himself or for another, then he is liable to seven years imprisonment, and that if he does not prove that he has a bona fide claim to that custody.

Change of a minor's religion

368. (a) If a person performs a religious conversion ceremony of a minor or performs some other act that leads to the change of a minor's religion, in violation of the provisions of section 13A of the Capacity and Guardianship Law 5722-1962, then he is liable to six months imprisonment.
- (b) If a person induces a minor, by addressing him directly, to change his religion, then he is liable to six months imprisonment.

Article Six "A": Injury to Minors and Helpless Persons

Definitions

368A. In this Article –

"**foster parent**" – one of the following:

- (1) the father or mother of a foster family approved by the Ministry of Welfare;
- (2) a person responsible for a minor under paragraph (3) of the

definition of "guardian of minor or of a helpless person"

"guardian of minor or of a helpless person" – each of the following:

- (1) a parent or the person responsible for the livelihood, health, education or welfare of the minor or of the helpless person, whether by virtue of Law, of a judicial decision or of an explicit or implicit contract, or a person who bears the said responsibility for the minor or helpless person because of a lawful or prohibited act on his part;
- (2) the relative of the minor or helpless person, who reached age 18 and is not a helpless person and who is one of the following: the spouse of his parent, his grandparent, his offspring, his brother or sister, his brother-in-law or sister-in-law, his uncle or aunt, the spouse of the foster parent and also the parent of the foster parent, the offspring of the foster parent and the spouse of each of these;
- (3) the person with whom the minor or helpless person who has reached age 18 is or lives permanently, on condition that relations of dependence or authority exist between them.

"helpless person" – a person who – because of his age, illness or physical or mental infirmity, mental deficiency or any other cause – cannot provide the needs of his livelihood, health or welfare;

"act" includes omission;

"welfare officer" – as appointed under law.

Violence against minor or helpless person

- 368B. (a) If a person does violence to a minor or to a helpless person and causes him palpable injury, then he is liable to five years imprisonment; if the attacker is responsible for the minor or for the helpless person, then he is liable to seven years imprisonment.
- (b) If an offense under subsection (a) was committed and if severe injury was caused to the minor or to a helpless person, then the attacker is liable to seven years imprisonment; and if the attacker is responsible for the minor or for the helpless person, then he is liable to nine years imprisonment.
- (c) For purposes of this section, **"injury"** – whether physical or mental.

Abuse of minor or helpless person

368C. If a person commits an act of physical, mental or sexual abuse on a minor or on a helpless person, then he is liable to seven years imprisonment; if the abuser is the person responsible for the minor or for the helpless person, then he is liable to nine years imprisonment.

Obligation to report

368D. (a) If a person has reasonable grounds for believing that an offense was recently committed against a minor or against a helpless person by the person responsible for him, then he must report that as soon as possible to a welfare officer or to the police; if a person violates this obligation, then he is liable to three months

- imprisonment.
- (b) If a physician, nurse, educator, social worker, social welfare employee, policeman, psychologist, criminologist or a person engaged in a paramedical profession, as well as a director or staff member of a home or institution in which minors or persons under care live, has – in consequence of his professional activity or responsibility – reasonable grounds to believe that an offense was committed against a minor or against a helpless person by the person responsible for him, then he is under obligation to report that as soon as possible to a welfare officer or to the police; if a person violates this obligation, then he is liable to six months imprisonment.
 - (c) If the person responsible for a minor or for a helpless person has reasonable grounds to believe that another person responsible for him committed an offense against the minor or the helpless person, he is under obligation to report that as soon as possible to a welfare officer or to the police; if a person violates this obligation, then he is liable to six months imprisonment.
 - (c1) If a person has reasonable grounds for believing that an offense under sections 345 to 347, 348 and 351 was recently committed against a minor or against a helpless person by a relative who has not yet reached age 18, then he must report that as soon as possible to a welfare officer or to the police; if a person violates this obligation, then he is liable to three months imprisonment; in this section, "relative" – within its meaning in paragraph (2) of the definition of "guardian of minor or helpless person" in section 368A.
 - (c2) If a professional mentioned in subsection (b). because of his pursuit of his profession or responsibility, has reasonable grounds for believing that an offense under sections 345 to 347, 348 and 351 was recently committed against a minor or against a helpless person by a relative who has not yet reached age 18, then he must report that as soon as possible to a welfare officer or to the police; if a person violates this obligation, then he is liable to six months imprisonment;
 - (c3) If the person responsible for a minor or for a helpless person has reasonable grounds to believe that an offense under sections 345 to 347, 348 and 351 was recently committed against a minor or against a helpless person by a relative who has not yet reached age 18, then he must report that as soon as possible to a welfare officer or to the police; if a person violates this obligation, then he is liable to six months imprisonment;
 - (d) If an offense under sections 345 to 348, an offense of severe harm under section 368B(b), or an offense of abuse under section 368C was committed against a minor or against a helpless person who lives in a home, institution or other educational or treatment framework, then the director or staff member of the said place is under obligation to report that as soon as possible to a welfare officer or to the police; if a person violates this obligation, then is

- liable to six months imprisonment.
- (e) The obligation to report under this section shall not apply to a minor.
 - (f) If a welfare officer received a report under this section, then he shall transmit it to the police together with his recommendation to take action or to refrain from taking action, unless he obtained permission from one of the committees set up by the Minister of Justice for this purpose not to transmit the report to the police; a said committee shall be composed of a representative of the District Attorney – who shall be chairman – of a police officer of the rank of Superintendent or higher, and of the district welfare officer.
 - (g) If the police received information under this section, then it shall transmit it to the welfare officer and shall not take action before it consults with the welfare officer, unless immediate action which cannot be postponed is necessary; said immediate action does not negate the obligation to transmit information to the welfare officer and to consult him subsequently.
 - (h) In this section, except for subsection (d), "**offense**" – one of these:
 - (1) an offense of prostitution and obscenity under sections 199, 201, 202, 203, 203B, 203C, 205A and 214(b1);
 - (2) an offense of endangering life and health under section 337;
 - (3) a sex offense under sections 345, 346, 347, 347A, 348 and 351;
 - (4) an offense of abandonment and neglect under sections 361 and 362;
 - (5) an offense of assault or abuse under sections 368B and 368C.

Regulations

368E. The Minister of Justice may, after consultation with the Minister of Labor and Social Welfare and with approval by the Knesset Constitution, Law and Justice Committee, make regulations for the implementation of this Article.

Article Six "B": Attacking Elderly Persons

Attacking elderly persons

- 368F.(a) If a person attacks an elderly person and causes him a substantive injury, then he shall be liable to five years imprisonment.
- (b) If a person attacks an elderly person and causes him a severe injury, then he shall be liable to seven years imprisonment
 - (c) In this section, "elderly person" – a person who has reached age 65.
 - (d) When a person has been convicted of an offense under this

section, imprisonment shall be imposed on him and – in the absence of special reasons that shall be recorded – it shall not all be conditional.

Article Seven: Offenses against Liberty

Abduction

369. If a person compels another by force or threats, or if he entices him by deceitful means to leave the place where he is, then that constitutes abduction and he is liable to ten years imprisonment.

Taking beyond the borders of the State

370. If a person conveys another beyond the borders of the State in which that person stays, without his own consent or without the consent of a person legally authorized to consent on his behalf, the he is liable to ten years imprisonment.

Abduction with intent to confine

371. If a person abducts another with intention that he be confined unlawfully, then he is liable to twenty years imprisonment.

Abduction for purposes of murder or blackmail

372. If a person abducts another in order to murder him or to put him in danger of being murdered or in order to commit blackmail or to threaten, then he is liable to ten years imprisonment.

Abduction from custody

373. (a) If a person takes or entices a minor who has not reached age 16 or a person of unsound mind from the custody of his lawful guardian without the guardian's consent, then he is liable to seven years imprisonment.
- (b) If a person does as said in subsection (a) in order to commit murder or to place a person in danger of being murdered, then he is liable to life imprisonment and to that penalty only.

Abduction in order to cause grievous harm

374. If a person abducts a person in order to expose him to grievous harm, and if a person abducts a person knowing that the abducted person will be in an aforesaid situation, then he is liable to twenty years imprisonment.

Abduction for purposes of commerce in human beings

374A. If a person abducts a person for one of the purposes enumerated in section 377A(a) or in order thereby to expose him to one of the dangers enumerated in that section, then he shall be liable to twenty years imprisonment.

Concealment of abducted person

375. If a person wrongfully conceals or confines a person, knowing that he was abducted, then he shall be liable as if he had abducted that person with the same intent, knowledge or purpose which he had when he concealed or confined him.

Keeping under conditions of slavery

- 375A. (a) If a person keeps a person under conditions of slavery for work or services, including sexual services, then he shall be liable to sixteen years imprisonment.
- (b) If an offense under subsection (a) was committed in respect of a minor, then the person who committed the offense shall be liable to twenty years imprisonment.
- (c) In this article, "**slavery**" – a condition under which authority is exercised against a person, such as is generally exercised toward a person's property; for this purpose, actual control of a person's life or denial of his freedom shall be deemed the exercise of said authority.

Forced labor

376. If a person unlawfully compels another to work against his will, using force or other means of pressure or by threatening any of those, or by consent that was fraudulently obtained, all whether for consideration or without consideration, then he shall be liable to seven years imprisonment.

Retaining passport

376A. If a person unlawfully retains a passport, laissez passer or identity document of another person, then he shall be liable to three years imprisonment; if he does so for one of the purposes enumerated in section 377A(a) or if he thereby exposes him to one of the dangers enumerated in that section, then he shall be liable to five years imprisonment.

Causing a person to leave a State for prostitution or slavery

- 376B. (a) If a person causes a person to leave the State in which he lives in order to employ him in prostitution or to hold him under conditions of slavery, then he shall be liable to ten years imprisonment.
- (b) If an offense under subsection (a) was committed on a minor, then the person who committed the offense shall be liable to fifteen years imprisonment.

False imprisonment

377. If a person unlawfully arrests or confines another, then he is liable to three years imprisonment, if he arrested him while pretending to hold official status or that he had a warrant, then he is liable to five years imprisonment.

Commerce in human beings

- 377A.(a) If a person conducts commerce in human beings for one of the following purposes or if he conducts commerce in a human being and thereby exposes him to the danger of one of them, then he shall be liable to sixteen years imprisonment:
- (1) removal of any organ of his body;
 - (2) bearing a child and removing it;
 - (3) subjecting him to slavery;
 - (4) causing him to perform forced labor;
 - (5) causing him to engage in prostitution;
 - (6) causing him to participate in an obscene publication or in an obscene performance;
 - (7) subjecting him to a sex offense.
- (b) If an offense under subsection (a) was committed on a minor, then the person who committed the offense shall be liable to twenty years imprisonment.
- (c) If a person brokers commerce in human beings, as said in subsection (a), whether or not for consideration, then he shall be liable to the same penalty as the person who trades in that human being.
- (d) In this section, "**commerce in human beings**" – selling or buying a person or performing some other transaction with a person, whether or not for consideration.

Minimum penalty for the offense of keeping under conditions of slavery and for the offense of commerce in human beings

- 377B. (a) If a person was convicted of an offense under sections 375A or 377A, then his penalty shall not be less than one fourth of the maximum penalty prescribed for that offense, unless the Court decided – for special reasons that shall be recorded – to reduce his penalty.
- (b) A penalty of imprisonment under subsection (a) shall not – in the absence of special reasons – be suspended in its entirety.

Reasons must be stated when compensation is not awarded

- 377C. If a person was convicted of an offense under sections 375A or 377A, and if the Court did not adjudge compensation for the injured person under section 77, then – in the sentence – the Court shall specify its reasons for not adjudging the said compensation.

Confiscation

- 377D. (a) In this section and in section 377E –
- "**Struggle against Crime Organizations Law**" the Struggle against Crime Organizations Law 5763-2003;
- "**victim of offense**" – the person directly injured by the offense and also the relative of a person whose death was caused by the offense;
- "**offense**" – the offense of keeping under conditions of slavery under section 375A and the offense of commerce in human beings under section 377A;

- "property"** and **"property connected to the offense"** – as defined in the Struggle against Crime Organizations Law.
- (b) The provisions of sections 5 to 33 of the Struggle against Crime Organizations Law, except for sections 8, 14(2) and 31 of the said Law, shall apply to the confiscation of property connected to the offense, as the case may be an *mutatis mutandis*.
 - (c) Subject to the provisions of subsection (b), property that can be confiscated under the provisions of this Article, and also under the provisions of the Struggle against Crime Organizations Law or the Prohibition of Money Laundering Law 5760-2000, shall be confiscated under the provisions of this Law, unless there are special reasons that justify confiscation of the property otherwise than under the provisions of this Article.
 - (d) The Minister of Justice shall, in regulations with approval by the Knesset Constitution, Law and Justice Committee, prescribe provisions on Law procedure on petitions for confiscation orders in criminal or civil proceedings, procedures for hearing objections to the confiscation, petitions for relief in order to maintain the property, temporary relief, reconsideration, appeal, and also provisions for implementing the confiscation, managing the assets and giving notice to persons who claim rights to the property.

Earmarked fund

- 377E. (a) The Court's confiscation decision under section 377D shall be the Administrator General's authority for seizing the confiscated property; confiscated property or its consideration shall be transmitted to the Administrator General and he shall deposit it in an earmarked fund, which he shall manage subject to regulations that will be made under subsection (d) (in this section: the Fund).
- (b) Fines imposed by the Court shall be deposited in the Fund.
 - (c) When the victim of an offense presents a judgment for his compensation to a factor designated for this purpose by the Minister of Justice, and if he demonstrates that he has no reasonable possibility of realizing the all or part of the judgment under any statute, then the all or part of the amount of compensation set in the judgment and not yet realized shall be paid to the victim of the offense out of the Fund; for this purpose, **"judgment"** – a judgment against which there is no further appeal.
 - (d) The Minister of Justice shall prescribe, in regulations with approval by the Knesset Constitution, Law and Justice Committee, how the Fund is to be managed, what use is to be made of the Fund's assets and how they are to be allocated for these purposes:
 - (1) rehabilitation, treatment and protection of victims of offenses; each year no less than one half the Fund's assets in one year shall be allocated to this purpose;
 - (2) payment of compensation set by a judgment to victims of offenses, according to the provisions of subsection (c);
 - (3) prevention of offenses;

- (4) performance of the tasks of the Law enforcement authorities, in order to enforce the provisions of this Law about offenses.

Article Eight: Assault

Definition of assault

378. If a person strikes, touches, pushes or otherwise applies force to another person, whether directly or indirectly, either without his consent or with his consent, which was obtained fraudulently, then that constitutes assault; for this purpose, "**application of force**" includes the application of heat, light, electricity, gas, smells or any other thing or substance, if it is applied to a degree that causes injury or discomfort.

Common assault

379. If a person unlawfully assaults another, then he is liable to two years imprisonment and that if no different punishment is provided in this Law for that offense or due to its circumstances.

Assault that causes actual bodily harm

380. If a person commits assault that causes actual bodily harm, then he is liable to three years imprisonment.

Various kinds of assault

381. (a) If a person does one of the following, then he is liable to three years imprisonment:
- (1) he assaults another person in order to commit a felony;
 - (2) he assaults another person in order to steal anything;
 - (3) he assaults another person in order to resist the lawful arrest or apprehension of himself or of another, for any offense, or he prevents an aforesaid arrest or apprehension.
 - (4) Repealed
 - (5) Repealed
- (b) If a person assaults a public servant, a person who performs a duty or function lawfully imposed on him, or a person who renders a service to the public on behalf of a body that provides a service to the public, and if the assault is connected to the performance of the assaulted person's duty or function, then he is liable to five years imprisonment.

Assault under aggravating circumstances

382. (a) If any offense under sections 379, 380 or 381(a)(1) or (3) was committed in the presence of two or more persons who combined for the commission of the act by one or several of them, then each of them is liable to double the penalty set for the offense.
- (b) If a person commits an offense under section 379 against his relative, then he is liable to double the penalty set for the offense;

for purposes of this section,

"**relative**" includes a person who was his relative in the past and is one of the following:

- (1) his spouse, including the person publicly known as his spouse;
 - (2) a minor or helpless person, for whom the offender is responsible, as said in the definition of "guardian of minor or helpless person" in section 368A.
- (c) If a person commits an offense under section 380 against his spouse, within the meaning of the term in subsection (b), then he is liable to double the penalty set for the offense.

CHAPTER ELEVEN: OFFENSES AGAINST PROPERTY

Article One: Theft

Definition of theft

383. (a) A person commits theft if he –
- (1) takes and carries away a thing capable of being stolen, without the owner's consent, fraudulently and without the claim of a right in good faith, intending when he takes it to deprive its owner of it permanently;
 - (2) while he has lawful possession – either as a deposit or as partial ownership – of a thing capable of being stolen, and if he fraudulently converts it to his own use or to the use of another person who is not the owner of that thing.
- (b) In respect of theft under subsection (a), it is immaterial that the person who takes or converts is a director or officer of the body corporate to which the thing belongs, on condition that the other circumstances add up to theft.
- (c) For purposes of theft –
- (1) "**taking**" includes obtaining possession –
 - (a) by a trick;
 - (b) by intimidation;
 - (c) by the owner's mistake, the person who takes the object knowing that its possession was thus obtained;
 - (d) by finding, if – at that time of the find the finder believes that the owner can be discovered by reasonable means;
 - (2) "**carrying away**" includes the removal of a thing from the place which it occupies, and in the case of an attached object, its removal after it was completely detached;
 - (3) "**ownership**" includes part ownership, possession, the right of possession and control;
 - (4) "**thing capable of being stolen**" – a thing which has a value and is the property of a person, and in the case of an object

attached to real estate, after it was completely detached therefrom.

Penalty for theft

384. A person who commits theft is liable to three years imprisonment, and that if no other penalty is set for the theft because of its circumstances or because of the nature of the stolen object.

Taking that does not constitute theft

385. (a) If a factor or agent charges goods or a document of title to them, which were entrusted to him for sale or some other purpose, and if the charge is surety for an amount of money not greater than the amount due to him from his principal when the charge was created, including the amount of a bill of exchange accepted or promissory note or made by him on his principal's account, then that does not constitute theft.
- (b) If an employee takes food from his employer's possession, contrary to his orders, in order to give it to an animal that belongs to his employer or is in his possession, that does not constitute theft.

Funds held under instructions

386. If a person – alone or with another – receives money, a security or a power of attorney for the sale, mortgage, pledge or other disposition of any asset – whether or not it is capable of being stolen – with instructions that that money, asset or consideration received therefor or income therefrom be – in whole or in part – applied to a certain purpose or paid to a person as specified in the instructions, then the money or its consideration is deemed property of the person for whom the money, security or power of attorney was received, until the instructions have been complied with.

Money received for another

387. If a person – alone or with another – receives money on behalf of another, then the money is deemed the property of the person on whose behalf it was received, unless it was given in order to constitute an item in a debit and credit account and that in its respect relations of debtor and creditor shall exist only between the parties.

Funds received by agent

388. If a person – alone or with another – receives an asset from another person with authority to sell it or to deal with it otherwise and to pay all or part of the proceeds from the asset to the person from whom the asset was received or to some other person, or to deliver to them whatever replaced the asset or to account for them, then the proceeds of the asset or its replacement shall be deemed the asset of the person from whom the asset was received, until the asset has been dealt with in accordance with the conditions on which it was received, unless the authorization includes instructions that the proceeds constitute an item in a debit and credit account between the person authorized as aforesaid and the person to whom he must pay or account for it, and

that in respect of that consideration there shall be between them only a debtor / creditor relationship.

389. Repealed

Theft by public servant

390. If a public servant steals a thing which is an asset of the State or which came into his possession by virtue of his employment, and if its value exceeds NS1,000, then he is liable to ten years imprisonment.

Theft by employee

391. If an employee steals anything that an asset of his employer or which came into his possession for his employer, and if its value exceeds NS1,000, the he is liable to seven years imprisonment.

Theft by director

392. If a director or officer of a body corporate steals anything that is an asset of the body corporate, he is liable to seven years imprisonment.

Theft by agent

393. If a person does one of the following, then he is liable to seven years imprisonment:

- (1) he steals an asset that he received with a power of attorney to deal with it;
- (2) he steals an asset deposited with him – alone or with another – that he keep it in safe custody, or that he use it or all or part of the consideration for it for a certain purpose, or that he deliver all or part of it to a certain person;
- (3) he steals an asset which he received – alone or with another – for or to the credit of another person;
- (4) he steals from the proceeds of a security, or of the disposition of an asset under a power of attorney, having received instructions to use it for a certain purpose or to pay it to a certain person.

Theft of cattle and livestock

393A. If a person steals cattle or livestock, then he is liable to four years imprisonment.

Article Two: Offenses Associated with Theft

Concealment of register

394. If a person, with intent to defraud, conceals or takes from its place of deposit a register that is authorized or required by law to be kept in order to authenticate or to record ownership of an asset, or in order to record births, baptisms, marriages, deaths or burials, or a copy of any part of a said register which under Law must be sent to a public office, then he is liable to five years imprisonment.

Concealment of will

395. If a person, with intent to defraud, conceals a testamentary instrument, whether the testator is living or dead, then he is liable to five years imprisonment.

Concealment of deed

396. If a person, with intent to defraud, conceals a document or part of a document which is evidence of ownership or of a right to ownership of real estate, then he is liable to three years imprisonment.

Killing an animal with intent to steal

397. If a person kills an animal that is capable of being stolen with the intent to steal its skin or carcass or part of them, then he is liable to the penalty to which he would have been liable if he had stolen the animal.

Detachment with intent to steal

398. If a person completely detaches anything attached to real estate with the intent to steal it, then he is liable to the penalty to which he would have been liable if he had stolen the thing after it was detached.

Mineral fraud

399. If a person takes or conceals ores, metals or minerals in or near a mine or deals with them otherwise there with intent to defraud any person, then he is liable to three years imprisonment.

Abstracting electricity, water or gas

400. (a) If a person maliciously or fraudulently abstracts or consumes electricity, water or gas to which he is not entitled, or if he uses them or causes them to be diverted or wasted, then he is liable to three years imprisonment.
- (b) If a person fraudulently abstracts or diverts flowing water that belongs to another for his own use or for use by some other person, then he is liable to three years imprisonment.

Theft of vessel or aircraft

401. If a person uses a vessel or an aircraft without getting permission from its owner or from the person who lawfully holds it, then he is liable to three years imprisonment; in this section –
"vessel" – any vessel capable of moving on water, other than a vessel propelled only by oars;
"aircraft" – a motorized instrument or device intended or used for flight through the air.

Article Three: Robbery**Robbery**

402. (a) If a person steals a thing and, while he does so or immediately

before or immediately thereafter, performs or threatens to perform an act of violence against a person or an asset in order to obtain the stolen thing or to retain it or to prevent or overcome resistance to its being stolen, then that constitutes robbery and the robber is liable to fourteen years imprisonment.

- (b) If the robber is armed with a weapon or with a dangerous or offensive object, or is one of a group or if – during, immediately before or immediately after the robbery – he wounds, strikes or otherwise uses personal violence against a person, then he is liable to twenty years imprisonment.

Attempted robbery

403. If a person assaults another in order to commit robbery, then he is liable to seven years imprisonment; if the offense is committed under circumstances said in section 402(b), then he is liable to twenty years imprisonment.

Demanding an asset by threats

404. If a person uses threats or force in demanding a valuable thing from another with the intent to steal it, then he is liable to five years imprisonment; if the offense is committed while the offender carries a firearm or other weapon, then he is liable to ten years imprisonment.

Article Four: Breaking and Housebreaking

Breaking, entering and housebreaking

405. (a) If a person breaks any external or internal part of a building, or if he opens – with a key, by pulling, pushing, lifting or in any other manner – a door, window, shutter or anything intended to close or cover an opening in a building or an opening that permits passage from one part of a building to another, then he commits breaking.
- (b) If a person introduces any part of his body or of an instrument used by him into a building, then he commits entering.
- (c) If a person breaks and enters or breaks and exits, then he commits housebreaking.
- (d) If a person enters a building by a threat, by artifice or in collusion with a person in the building, or if he enters a chimney or other aperture of a building permanently left open for a particular purpose but ordinarily is not intended to be used for entry, then he is deemed to have broken and entered.

Entering and breaking into or out of a dwelling or place of worship

406. (a) If a person enters a place used as a human dwelling or for worship, with intent to commit theft or a felony, then he is liable to five years imprisonment.
- (b) If a person breaks into a place said in subsection (a) with intent to commit theft or a felony, or if he breaks out of any such place

after he there committed theft or a felony or after he entered it in order to commit theft or a felony, then he is liable to seven years imprisonment.

Breaking into or out of a building that is not a dwelling or place of worship

407. (a) If a person breaks into a building that is not used as a dwelling or place of worship, or into a building adjacent to a dwelling and occupied with it, but not part of it, with intent to commit theft or a felony in it, then he is liable to five years imprisonment.
- (b) If a person breaks into a building said in subsection (a) and there commits theft or a felony, or if he breaks out of such a building after he there committed theft or a felony, then he is liable to seven years imprisonment.

Breaking and entering under aggravating circumstances

408. If an offense under section 406 or 407 is committed while the offender carries a firearm or other weapon, then he is liable to double the penalty set for the offense.

Possession of housebreaking implements

409. If a person has in his possession an implement for housebreaking without any reasonable explanation, then he is liable to three years imprisonment.

Circumstances that arouse suspicion of housebreaking

410. If a person is found under one of the following circumstances, then he is liable to five years imprisonment:
- (1) he is armed with a weapon or with a dangerous or offensive or instrument, with intent to break or enter a building and there to commit theft or a felony;
 - (2) he has in his possession a housebreaking instrument, with intent to use it for the commission of theft or a felony;
 - (3) his face is masked or blackened or he is otherwise disguised, with intent to commit theft or a felony;
 - (4) he is in a building with intent there to commit theft or a felony, and he has taken steps to conceal his presence.

Article Five: Stolen Property

Receiving property obtained by felony

411. If a person, in person or through an agent, maliciously receives – in person or through an agent – money, securities or any other asset, knowing it to have been stolen, procured by blackmail, or obtained or dealt with by a felony, or if he – in person or through an agent, alone or with another – assumes control of or deals with a said asset, then they are liable to seven years imprisonment; however, they may be tried by the Court competent to try the person who committed the felony and

shall be liable to the same penalty as that person.

Receiving assets obtained by misdemeanor

412. If a person – in person or through an agent – receives a thing, money, securities or another asset, knowing it to have been taken, obtained, converted or dealt with by a misdemeanor, and if he – in person or through an agent, alone or with another – assumes control of or deals with a said asset, then he is liable to the same penalty as the person who committed the misdemeanor.

Possession of suspect property

413. If a person has possession of a thing, of money, a security or another asset, in respect of which there is a reasonable suspicion that it was stolen, and if he is not able to establish to the Court's satisfaction that he acquired possession of it lawfully, then he is liable to six months imprisonment,

Article Five "A": Vehicular Offenses

Definitions

413A. In this Article –

"**owner of vehicle**" includes a person who has lawful possession;

"**breaks**" or "**breaks in**" – within their meaning in section 405, with "building" replaced by "vehicle";

"**vehicle**" – a vehicle moved by any kind of mechanical power or towed by a vehicle, as well as a machine or implement moved or towed as aforesaid, and including motorcycles with or without sidecars or trailers, three wheeled motorcycles, and also bicycles or tricycles, if they have auxiliary motors;

"**forgery**" and "**document**" – as defined in section 414 of the Law.

Vehicle theft

413B. (a) If a person steals a vehicle, then he is liable to seven years imprisonment.

(b) If a person takes a vehicle without its owner's permission, and if he moves it to another place or another person under circumstances that indicate the intention not to return it to its owner, then – even if he performed each of those acts through another – he is liable to the penalty of a vehicle thief.

Use of vehicle without permission

413C. If a person drives, uses or moves a vehicle from one place to another without its owner's permission, and if he abandons it at or near the place from which it was taken, then he is liable to three years imprisonment; if he does so and abandons the vehicle in any other place, then he is liable to five years imprisonment.

Theft from vehicle or disassembly of vehicle

- 413D.(a) If a person steals anything from inside a vehicle, he is liable to three years imprisonment.
- (b) If a person disassembles a part of a vehicle without its owner's permission – whether or not that part is permanently attached to the vehicle – then he is liable to five years imprisonment.
- (c) If a person does as said in subsection (b), knowing that the vehicle is stolen, then he is liable to seven years imprisonment.

Malicious damage

413E. If a person maliciously destroys or damages a vehicle or part of it, then he is liable to five years imprisonment.

Breaking into vehicle

413F. If a person breaks a vehicle or breaks into it, then he is liable to three years imprisonment; if he does with the intent to commit a theft or a felony, then he is liable to seven years imprisonment.

Possession of burglary tools

413G. If a person has in his possession an implement for breaking into vehicles and has no reasonable explanation therefor, then he is liable to three years imprisonment.

Theft or forgery of document

413H. If a person steals or forges a document or uses it deceitfully and –

(1) the document is connected to the ownership, possession or use of a vehicle; or –

(2) the act is perpetrated in order to commit or facilitate an offense under this Article,

then he is liable to five years imprisonment.

Changing identity of a vehicle or of a vehicle part

413I. If a person forges or obliterates identifying marks of a vehicle or of a vehicle part, or if he does anything that makes their identification more difficult, then he is liable to seven years imprisonment.

Receiving stolen vehicle or parts

413J. If a person receives – by himself or through another – a vehicle or vehicle part, knowing the vehicle or the part was obtained by an offense under this Article, or if a person assumes – by himself, through another or together with another – control over a said vehicle or part, then he is liable to seven years imprisonment.

Commerce in stolen vehicles or parts

413K. If a person knowingly deals with the sale, purchase, disassembly or assembly of a stolen vehicle or of stolen vehicle parts, then he is liable to ten years imprisonment.

Disqualification from holding license

413L. If a person was convicted under this Article, then the Court may – in addition to any other penalty and in addition to its power under section 43 of the Traffic Ordinance – disqualify him from holding a driver's license or a vehicle license for a period to be determined by it.

Saving of Laws

413M. The provisions of this Article shall add to and not derogate from the provisions of this Law and of any other enactment.

Article Six: Deceit, Blackmail and Extortion

Definitions

414. In this Article –

"**thing**" – real estate, movables, rights and any benefit;

"**deceit**" – an assertion about any matter in the past, present or future, made in writing, orally or by conduct, which the person who makes it knows to be untrue or does not believe to be true; and "**to deceive**" – to induce a person by deceit to perform or to refrain from performing any act;

"**document**" – a written instrument and any other medium, whether written or in any other form, which can be used as evidence;

"**forgery**" –

- (1) making a document which purports to be what it is not, and which is liable to mislead;
- (2) altering a document – including the addition or deletion of a particular – with intent to deceive, or made without lawful authority and purporting to have been made with lawful authority;
- (3) signing a document in the name of a certain person without lawful authority, or with a fictitious name in a manner to be thought to have been signed by a particular person;

"**check**" – within its meaning in the Bills of Exchange Ordinance, including a bill of exchange drawn on a cooperative credit society and payable on demand;

"**banker**" – the person on whom the check is drawn.

Obtaining anything by deceit

415. If a person obtains a thing by deceit, then he is liable to three years imprisonment; if the offense is committed under aggravating circumstances, then he is liable to five years imprisonment.

Trickery

416. If a person obtains anything by trickery or by deliberately taking advantage of another person's error without deceit, then he is liable to two years imprisonment.

Witchcraft

417. (a) If a person pretends to perform witchcraft with intent to obtain

anything, then he is liable to two years imprisonment; if he obtained anything for or on the strength of the witchcraft, then he is liable to three years imprisonment; for purposes of this section, "**witchcraft**" includes magic and fortune telling.

- (b) The provisions of subsection (a) shall not apply to magic or fortune telling, which does not exceed the scope of amusement or entertainment, that amusement or entertainment being provided free of charge or for a consideration that is only of the price of admission to the place where it is held.

Forgery

418. If a person forges a document, then he is liable to one year imprisonment; if a person forges a document with intent to obtain anything by it, then he is liable to three years imprisonment; if the offense is committed under aggravating circumstances, then he is liable to five years imprisonment.

Forgery that affects transactions

419. If a person forges – with intent to deceive – a document that contains information about a person or body corporate, then he is liable to three years imprisonment; for this purpose, it is immaterial whether the person or body corporate exists or was about to be set up, but was not set up.

Use of forged document

420. If a person submits or issues a forged document or uses it in some other manner in the knowledge that it is forged, then he shall be treated like the person who forged it.

Forgery by public servant

421. If a public servant forges a document which he is charged to make or to keep, or to which he has access by virtue of his office, then he is liable to three years imprisonment, with or without a fine; if he does so with the intent to obtain anything, then he is liable to five years imprisonment, with or without a fine; if he obtained anything by means of an aforesaid forged document, then he is liable to seven years imprisonment, with or without a fine.

Inducement by deceit

422. If a person induces another, by means of deceit, to make or sign a document or to obtain another person's signature or a seal on a document, then he shall be treated like a forger and the document shall be treated like a forged document; if a person, by means of deceit, induces another to destroy a document and that is liable to cause him material loss, then he shall be treated like a person who obtained a thing by deceit; these provisions shall not derogate from the provisions of any other enactment on the matter of inducement.

False entry in documents of body corporate

423. If a founder, manager, member or officer of a body corporate enters or causes to be entered a false particular in a document of the body corporate with the intent to deceive, or if he refrains from entering in it any particular which he should have entered with the intent to deceive, then he is liable to five years imprisonment; for purposes of this section and of sections 424 and 425, "**body corporate**" includes a body corporate about to be established.

Offenses by directors or employees of a body corporate

424. If a director, a business manager or any other employee of a body corporate –

- (1) knowingly does anything in the body corporate's business or assets, which impairs the body corporate's ability to meet its obligations, then he is liable to five years imprisonment or a fine of NS9,600;
- (2) knowingly does anything, in the body corporate's business in a manner that impairs the proper conduct of its business, then he is liable to one year imprisonment or a fine of NS9,600.

Failure to disclose information and misleading publication by a ranking officer of body corporate

424A.(a) If a ranking officer of a body corporate, in which the public has an interest, did one of the following:

- (1) did not deliver to his superior correct information on a transaction or event, particulars of which he learned by virtue of his position with the body corporate, in order to mislead him and in the knowledge that that is liable to have a substantial adverse effect on the body corporate's ability to meet its obligations;
- (2) did not deliver to his superior vital information in accordance with a lawful demand, or delivered misleading information on the business, assets and obligations of the body corporate in order to mislead him, knowing that the information, or the failure to deliver it, or the said delivery of misleading information, liable to have a substantial adverse effect on the body corporate's ability to meet its obligations or to have a substantially adverse effect on the body corporate's business status;

then he is liable to three years imprisonment or to a fine.

- (b) The provisions of subsection (a) do not abrogate the right of a ranking official to refrain, in accordance with any enactment, from delivering information.
- (c) If a director or ranking official of a body corporate, in which the public has an interest, issues – with intent to defraud – an announcement that includes incorrect information or a substantially incorrect particular about the body corporate's ability to meet its obligations, or a said announcement which significantly misleads about the body corporate's business condition, then he is liable to three years imprisonment or a fine, unless he proved

that the announcement was not made at his initiative and in order to protect the interests of the body corporate or of its customers, and that it was not likely to mislead a reasonable investor.

- (d) If a person was convicted for an offense under this section, and if the Court finds that in consequence commission of the offense damage was done to the body corporate, then it may – in addition to any other penalty – obligate the convicted person to compensate the body corporate for the damage caused to it by the offense, on condition that the compensation not exceed four times the amount said in section 77.
- (e) The obligation to pay compensation as said in subsection (d) is – for all intents and purposes – like a judgment given in a civil action; an appeal against the conviction, which led to the said obligation, may also include an appeal against that obligation.
- (f) In this section –
 - "**ranking officer**" – general manager, general business manager, deputy general manager, vice general manager, chief accountant, internal auditor, secretary of the body corporate and any person who holds a said position, no matter what his title;
 - "**superior**" – the person to whom the ranking official is directly subordinated, and for a general manager – the company's board of directors or a person named by it as the superior for purposes of this section; if the body corporate does not have a board of directors, then the superior shall be the body or person which holds a position similar to that of a company's board of directors, or the person designated by them;
 - "**publishes**" – includes delivery of information to a public body;
 - "**body corporate in which the public has an interest**" – one of these:
 - (1) a body corporate, securities of which were offered to the public by prospectus and are held by the public;
 - (2) a body corporate, securities of which are traded or listed for trading on an exchange;
 - (3) a body corporate which – according to its financial reports for December 31 that preceded the day on which the offense was committed – supplied sales and services in excess of NS100 million during the year to which the said reports apply, or which has an equity of more than NS20 million, or which employs more than 200 persons; the Minister of Justice may, with approval by the Knesset Constitution, Law and Justice Committee, change all or some of the amounts stated in this paragraph by order;
 - (4) a Government company, as defined in the Government Companies Law 5735-1975.

Deceit and breach of trust in body corporate

425. If a director, business manager or other employee of a body corporate, or a receiver, liquidator, temporary liquidator, asset manager or special

manager of a body corporate committed in connection with his position deceit or a breach of trust that injured the body corporate, then he is liable to three years imprisonment.

Deceitful concealment

426. If a person conceals or destroys or relinquishes a document or asset with intent to deceive, then he is liable to three years imprisonment.

Blackmail with use of force

427. (a) If a person unlawfully uses force to induce a person to do something or to refrain from doing anything which he is entitled to do, then he is liable to seven years imprisonment; if the use of force resulted in the performance or omission of the act – then he is liable to nine years imprisonment.

(b) For purposes of this section, if a person administers drugs or intoxicating liquors, then he shall be treated like a person who uses force.

Blackmail by threats

428. If a person threatens anybody in writing, verbally or by his conduct with unlawful injury to his or some other person's body, freedom, property, livelihood, reputation or privacy or if a person threatens to make public or to refrain from making public anything that relates to him or to another person, or if he terrorizes a person in any other manner, all in order to induce that person to do something or to refrain from doing anything which he is entitled to do, then he is liable to seven years imprisonment; if the act was performed or omitted because of or during the said threat or terrorization, then he shall be liable to nine years imprisonment.

429. Repealed

Taking assets in order to blackmail

430. If a person unlawfully takes another person's asset in order to induce him to give something or to make or sign a document, then he is liable to one year imprisonment.

Extortion

431. If a person takes advantage of the distress, physical or mental weakness, inexperience or carelessness of another person for one of the following, then he is liable to three years imprisonment:

- (1) he demands or obtains a thing not legally due to him;
- (2) he demands or obtains a consideration for a commodity or service that is unreasonably higher than the customary consideration;
- (3) he gives for a commodity or service a consideration that is unreasonably lower than the customary consideration.

Issuing a check without cover

432. (a) If a person issues a check drawn by him, knowing that the banker

is not bound to pay the check between the date specified on it and 30 days thereafter, or if he has no reasonable grounds for assuming that the banker is so bound, and if the check is presented for payment within that period and is not honored, then he is liable to one year imprisonment or to the fine said in section 61, or four times the amount stated on the check, whichever is larger.

- (b) If no date is stated on the check, then for purposes of this section it shall be deemed that the date of the day of issue is stated on it.
- (c) If a check is presented for payment within the period said in subsection (a) and is not honored, and if the issuer does not pay it within ten days after the day on which the holder so demands of him, then it is presumed that the issuer issued the check in the knowledge, or the without reasonable grounds for assuming said in subsection (a), and he bears the onus of proving the opposite.

433. and 434. Repealed

Saving of criminal liability under other laws

435 Criminal liability under section 432 does not derogate from criminal liability under any other enactment.

Restriction on right to write checks

436. If an offense under this Article also involves checks, the Court may – in addition to any other penalty – restrict the defendant's right to draw checks, and it may use the other powers under section 19 of the Checks without Cover Law 5741-1981.

Special cases

437. For purposes of this Article –

- (1) if a person orders commodities or services at a restaurant, hotel or the like, then he shall be deemed to have asserted that he has sufficient money to pay for those commodities or services;
- (2) if a person pays by check, then he shall be deemed to have asserted that – from the date stated on the check until the last reasonable date for its presentation for payment – sufficient money to cover it stands to the order of the person who gave the check at the bank on which it is drawn.

Obtaining and giving

438. For purposes of this Article, obtaining a thing – whether ownership of the thing passed to the person who obtained it or not, whether the thing was obtained for the person who performed the act or for another, whether by the person who performed the act or by another; and giving a thing whether to the person who performed the act or to another.

Article Seven: Fraud

Defrauding creditors

439. (a) If a person – with intent to defraud one of his creditors – makes a gift or delivers, transfers or charges any of his assets, or causes any of those things to be done, then he is liable to three years imprisonment.
- (b) If a person sells or removes part of his assets after the date on which a judgment or order to pay money, with which he did not comply, was made against him – or within two months before the said date – all with intent to defraud his creditors, then he is liable to three years imprisonment.

Conspiracy to defraud

440. If a person conspires with another to affect the market price of a thing which is publicly sold by deceit or by fraudulent means, or to defraud the public or any person, or to extort an asset from a person, then he is liable to three years imprisonment.

Impersonating another person

441. If a person falsely represents himself as another person, whether living or dead, in order to defraud, then he is liable to three years imprisonment; if he represents himself as a person entitled by will or under Law to a certain asset and he does so in order to obtain that asset or its possession, then he is liable to five years imprisonment.

False acknowledgment of liability

442. If a person acknowledges a liability or an instrument in the name of another person before a Court or a person lawfully authorized to accept such acknowledgment, and if he is unable to prove any authorization or lawful justification, then is liable to three years imprisonment.

Impersonation of holder of document

443. If a document is given by a competent authority to another person, certifying that that person possesses a qualification recognized by Law for a certain purpose, or that he holds a certain office, or that he is entitled to engage in a certain profession, trade or business, or that he is entitled to any right, privilege, rank or status, and if a person issues a document and falsely represents himself as the person named in it, then he is liable to punishment, as if he had forged the certificate.

Transfer of document for purposes of impersonation

444. If a person was given a document by lawful authority, certifying that anything said in section 443 applies to him, and if he sells, gives or lends the document to another person with the intent that the other person be able to represent himself to be the person named in the document, then he is liable to three years imprisonment.

Impersonation as holder of another person's testimonial of character

445. If a person uses the testimonial of character of another person in order to obtain employment, then he is liable to one year imprisonment.

Passing on testimonial of character

446. If a person was given a testimonial of character and if he sells, gives or lends it to another with intent that the other person be able to use it in order to obtain employment, then he is liable to three years imprisonment.

Article Eight: Trespass**Trespass with intent to commit an offense**

447. (a) If a person does one of the following in order to intimidate, insult or annoy a person in possession of an asset or in order to commit an offense, then he is liable to two years imprisonment:
- (1) he enters into or upon the asset;
 - (2) having entered the asset lawfully, he remains there unlawfully.
- (b) If an offense under this section is committed while the offender is carries a firearm or another weapon, then he is liable to four years imprisonment.

Article Nine: Damage**Arson**

448. (a) If a person maliciously sets fire to anything that is not his, then he is liable to fifteen years imprisonment; if he does so in order to damage an asset of the State, an asset used by the public, a nature site, the flora, or in order to endanger people who live nearby, or in order to injure people, then he is liable to twenty years imprisonment.
- (b) Repealed

Causing fire by negligence

449. If a person by negligence causes anything that is not his to be burned, or if he by negligence causes a danger of fire to anything that is not his, then he is liable to three years imprisonment.

Causing the loss of a vessel or aircraft

450. If a person does one of the following, the he is liable to fifteen years imprisonment:
- (1) he maliciously and unlawfully causes the loss of a vessel or destroys it, whether it was completed or not;
 - (2) he maliciously and unlawfully commits an act which results in the immediate loss or destruction of a vessel or aircraft in distress;
 - (3) he interferes with any light, beacon, buoy, mark or signal used for

navigation, or exhibits a false light or signal, with intent to bring a vessel or aircraft into danger.

Injury to animal

451. If a person maliciously and unlawfully kills, injures, wounds or administers poison to an animal which can be stolen, then he is liable to three years imprisonment.

Malicious damage

452. If a person maliciously and unlawfully destroys or damages an asset, then he is liable to three years imprisonment, and that when no other penalty is prescribed.

Damage in special cases

453. If a person commits an offense under section 452 in respect of a well or bore for water, to a dam, bank, wall or floodgate of a pool or mill pond, or to cultivated trees, to a bridge, water carrier or water reservoir, then he is liable to five years imprisonment.

Damage by explosive

454. If a person commits an offense under section 452 by means explosive material, then he is liable to fifteen years imprisonment if a person was in the place where the offense was committed or if the destruction or damage actually endangered human life.

Damage to will or register

455. If a person commits an offense under section 452 against a testamentary instrument, whether the testator is alive or dead, or against a record which under an enactment may or must be kept in order to authenticate or record title to an asset, or to record births, baptisms, marriages, deaths or burials, or to a copy of part of a said a register, which under an enactment must be sent to a public office, then he is liable to five years imprisonment.

Attempt to destroy property by explosive

456. If a person unlawfully puts explosive in any place whatever, with intent to destroy or damage an asset, then he is liable to fifteen years imprisonment.

Communicating infectious disease to animals

457. If a person maliciously and unlawfully causes an animal that can be stolen to be infected with an infectious disease, then he is liable to five years imprisonment.

Damage to boundary mark, with intent to defraud

458. If a person maliciously, unlawfully and with intent to defraud removes or defaces an object or mark lawfully positioned in order to indicate the boundary of any real estate, then he is liable to three years imprisonment.

Damage to certain marks

459. (a) If a person does one of the following, then he is liable to three months imprisonment:
- (1) he maliciously removes, defaces or disturbs a survey mark or boundary mark put up by or under the direction of a Government Ministry or for purposes of a Government survey;
 - (2) being under obligation to maintain a boundary mark put up as aforesaid, he fails or refuses to repair it;
 - (3) he maliciously removes or disturbs a mark put up by a person who intends to apply for a lease, license or other right under mining or mineral law.
- (b) In case of an offense under this section, the Court may also order the offender to pay the cost of repairing or replacing the survey mark or boundary mark, and the cost of any survey rendered necessary because of his act or omission.

Threat to burn or destroy

460. If a person sends a letter or note, knowing that it contains a threat to burn or destroy a house, barn or other building, or agricultural produce, or a vessel, motor vehicle or aircraft, or to kill or injure an animal, then he is liable to three years imprisonment; if a person delivers or issues an aforesaid letter or note or directly or indirectly causes it to be received, then he is liable to the same penalty as the person who sent it.

CHAPTER TWELVE: FORGERY OF MONEY AND STAMPS

Article One: Banknotes

Definition

461. For purposes of this Article, "**banknote**" – any note or bill of exchange issued by a bank in Israel, including the Bank of Israel, or by a person or body corporate who carries on a banking business anywhere in the world, and a banknote, a blank bill of exchange and any currency note which is legal tender in Israel or in the country in which it was issued.

Forgery of banknote

462. If a person does one of the following, then he is liable to seven years imprisonment:

- (1) he forges or alters a banknote with intent to defraud, or circulates a note that appears to be a banknote, knowing that it is forged or altered;
- (2) he brings or receives from abroad or acquires or receives in Israel or has in his possession or custody a note that appears to be a banknote, knowing it to be forged or altered, and he cannot prove lawful authority or justification.

Imitation of banknotes

463. (a) If a person makes or causes to be made a document, which appears to be a banknote part of a banknote, or which resembles them in any respect, or which so nearly resembles them that it can deceive, and if he uses an aforesaid document for any purpose whatsoever or circulates it, then he is liable to three months imprisonment, and the Court shall order confiscation of the document and its copies and of any instrument or other thing in the offender's possession, which was used or is capable of being used by him to print or reproduce the said document.
- (b) If a person's name appears on a document, the making of which is an offense under this section, and if he knows the name and address of the person who printed or made the document, but refuses to disclose them to a police officer, then he is liable to three months imprisonment.
- (c) If the name of a person appears on a document in respect of which a person is charged with an offense under this section, or on another document used or circulated for purposes of the document under discussion, then that shall constitute prima facie evidence that he caused the document to be made.

Possession of material for forging banknotes

464. If a person does one of the following without being able to prove that he has lawful authority or justification therefor, then he is liable to five years imprisonment:

- (1) he makes, sells or displays for sale paper similar to the special paper used for making banknotes and is liable to be accepted as

- such, or uses it or knowingly keeps or holds aforesaid paper;
- (2) he makes a frame, mold or instrument used for making paper said in paragraph (1), or for producing on or in paper words, numbers, devices that are distinctive of it and appear on it, or uses the said utensils or knowingly keeps and holds them;
 - (3) he causes – by deceit or trickery – words, a device or distinctive mark said in paragraph (2), or such as are intended to resemble them and are liable to pass for them, to appear visibly in the substance of any paper;
 - (4) he engraves or otherwise makes on a plate or on any material a note that purports to be a banknote or part of it, or a name, word, number, figure, device, character or ornament which resembles or apparently is intended to resemble an aforesaid signature;
 - (5) he uses a plate, material, instrument or device said in this section for the production or printing of banknotes, or he knowingly keeps and holds them;
 - (6) he knowingly circulates a paper on which an aforesaid matter was made or printed, or he knowingly keeps and holds them.

Unlawful circulation of banknote

465. If a person circulates a banknote without lawful authority, then he is liable to five years imprisonment.

Mutilating currency

466. If a person maliciously defaces, tears, cuts or otherwise mutilates a currency note which is legal tender in Israel, then he is liable to three months imprisonment.

Imitation of banknote

467. If a person makes or circulates anything that is not a currency note, but which is essentially similar to a currency note that is legal tender in Israel, then he is liable to a fine of NS 9,600.

Confiscation of forged banknote

468. The Court shall order that every forged or imitated banknote and anything said in section 467 found in the possession of a person convicted of making or of circulating it, shall be confiscated without compensation to its holder, and when it has been confiscated it shall be destroyed or otherwise dealt with, as the Minister of Justice shall direct.

Search for and confiscation of counterfeiting equipment

469. (a) If a Magistrates Court concludes – on the strength of an affidavit – that there are reasonable grounds to assume that a person has or had any of the following objects in his custody or possession without lawful authority or justification, then it may issue a search warrant:

- (1) a forged or imitated banknote;
- (2) an implement for making paper used for banknotes or an imitation of it;

- (3) material that has on it any words, forms, devices or characters that are liable or intended of creating the impression of a banknote.
- (b) If anything searched for is found, it shall be seized and confiscated by order of the Court which tries the offender, or if there is no trial – by order of a judge of a Magistrates Court, and when it has been confiscated it shall be destroyed or otherwise dealt with, as the Minister of Justice shall direct.

Article Two: Coins

Definitions

470. In this Article:

"**coin**" – a metal coin of any kind and denomination, which is in lawful circulation in Israel or in another state;

"**metal**" includes any mixture or alloy of metals;

"**counterfeit coin**" – a coin that is not genuine, but resembles a genuine coin, or which is liable to resemble or to be accepted in its place, including a genuine coin which has been altered to resemble a coin of a higher denomination or which is liable to resemble it or to be accepted in its place, and also genuine a coin which was clipped or filed or the size or weight of which was otherwise diminished and which has been altered to conceal that clipping, filing or diminution; all irrespective of whether the coin is or is not in a fit condition for circulation and whether the process of altering it has or has not been completed;

"**precious coin**" – gold or silver coin;

"**base coin**" – a coin that is not a precious coin;

"**gilding**" and "**silvering**", applied to coins, include any other means of producing the appearance of gold or silver;

"**installs**" – makes, repairs, begins to make or to repair, or makes preparations for making or repairing;

"**implement**" includes a machine.

Counterfeiting precious coins

471. If a person makes or begins to make counterfeit precious coins, then he is liable to seven years imprisonment.

Preparation of metal for counterfeiting precious coins

472. If a person gilds or silvers a piece of metal appropriate in size or form for coining, with the intention that it be coined into a counterfeit precious coin, or if he gives a piece of metal a size and form appropriate to facilitate coining it as an aforesaid coin, with the intention that it be coined, then he is liable to seven years imprisonment.

Preparation of implements for counterfeiting of precious coins

473. If a person does one of the following and if he is not able to prove lawful authority or justification, then he is liable to seven years imprisonment:

- (1) he makes, has in his possession or transfers a stamp or mould suitable for making the complete or partial form of one face of a precious coin or of both, knowing that it is suitable as aforesaid;
- (2) he makes, has in his possession or transfers an implement suitable for or intended to be used for marking the edges of coins with marks or figures that appear similar to those on the edges of a precious coin, knowing that it is suitable or intended as aforesaid;
- (3) he makes, has in his possession or transfers a press for coining, or an implement adapted to cutting round blanks of gold, silver or other metal, knowing that the press or implement was used or is intended to be used for making counterfeit precious coins.

Clipping precious coins

474. If a person does anything with a precious coin that is liable to reduce its weight, with the intention that thereafter the coin will be accepted as a precious coin, or if he unlawfully holds or transmits filings or clippings of gold or silver, or gold or silver in the form of bars, dust, solution or other form, which was obtained by treating precious metal coins as aforesaid, knowing that it was so obtained, then he is liable to seven years imprisonment.

Trade in counterfeit precious coins

475. If a person buys, sells, accepts, pays with or transfers counterfeit precious coins at a value below the value it represents or below the value that it apparently is intended to represent, or if he proposes to do so and is not able to prove lawful authority or justification, then he is liable to seven years imprisonment.

Importing counterfeit precious coins

476. If a person imports to Israel or receives from abroad counterfeit precious coins, knowing them to be counterfeit and if he is not able to prove lawful authority or justification, then he is liable to seven years imprisonment.

Counterfeit base coins

477. If a person does one of the following, then he is liable to seven years imprisonment:

- (1) he makes or begins to make counterfeit base coins;
- (2) he knowingly installs, holds or transfers a tool adapted and intended for making counterfeit base coins, and he is not able to prove lawful authority or justification;
- (3) he buys, sells, accepts, pays or transfers counterfeit base coins at a value below the value they represent or below the value that they apparently are intended to represent, or if he proposes to perform one of these acts.

Removal of tools and materials from State mint

478. If a person knowingly removes from a mint of the State a stamp, mold,

tool or press used in coining or a serviceable part of any of these, or coins, bars or metal, and if he is not able to prove lawful authority or justification, then he is liable to seven years imprisonment.

Putting counterfeit coins into circulation

479. If a person does one of the following, he is liable to three years imprisonment:

- (1) he knowingly puts counterfeit coins into circulation;
- (2) he knowingly has in his possession not less than three counterfeit coins in order to put some of them into circulation.

Defacing coins

480. If a person defaces a coin by stamping a name or word on it or if he maliciously melts a coin down, then he is liable to one year imprisonment.

Circulating substitute coins

481. If a person puts one of the following into circulation as a precious coin with the intention to defraud, then he is liable to three years imprisonment:

- (1) a coin which is not a coin within its meaning in this Article;
- (2) metal which is of less value than the coin, as which it is put into circulation, whether it is or is not a coin.

Exporting counterfeit coins

482. If a person knowingly exports counterfeit coins or places it in a vessel or vehicle so that it will be exported, and if he is not able to prove lawful authority or justification, then he is liable to three years imprisonment.

Search for and confiscation of counterfeit coins

483. (a) If a judge of a Magistrates Court concludes on the strength of an affidavit that there are reasonable grounds to believe that a person has or had one of the things enumerated below in his custody or possession and is not able to prove lawful authority or justification, then he may issue a search warrant:

- (1) counterfeit coins;
- (2) an implement suitable or intended for counterfeiting coins;
- (3) gold or silver bars or filings, clippings, dust, solution, or gold or silver in any other form, produced or obtained by diminishing or lightening precious coins.

(b) If the thing sought is found, then it shall be seized and confiscated by order of the Court that tries the offender, or – if there is no trial – by order of a judge of a Magistrates Court.

Power to seize counterfeit currency notes and coins

484. If a State employee, a Bank of Israel employee or a bank employee receives a currency note or coin and has reasonable grounds to believe that it is counterfeit, then he shall seize it and deliver it to the police forthwith, and the police – after doing with it or conducting any

investigation it deems appropriate – shall transmit it to the Bank of Israel; if the Governor of the Bank of Israel decides that the currency note or coin is counterfeit, then he may cut, deface or destroy it, with or without compensation.

Article Three: Stamps

Definitions

485. In this Article, "**installs**" – makes, repairs, begins to make or to repair, or makes preparations for making or repairing.

Installation of tool for making stamps

486. If a person does one of the following and if he is not able to prove lawful authority or justification, then he is liable to seven years imprisonment:

- (1) he knowingly holds, transfers, installs, manufactures or prepares for use a press other implement, and by their use an impression can be made similar to the impression obtained from such implements in the printing or impressing of glued or impressed revenue stamps or postage stamps, used for the requirements of the State of Israel or of a foreign state, or from which may be obtained words, figures, letters, marks or lines similar to those that appear on special paper for the aforesaid purposes, which is supplied by the authority designated therefor;
- (2) he knowingly holds or transfers paper or other material, on which is the impression of a press tool said in paragraph (1), or paper on which are words, figures, letters, marks or lines as said there.

Making or preparing to make forged postage stamps

487. (a) If a person does one of the following and if he is not able to prove lawful authority or justification, then he is liable to one year imprisonment:

- (1) he makes or begins or prepares to make on paper or other material an imitation or image of a stamp used as a postage stamp in the State of Israel or in a foreign state, or he holds or transfers an aforesaid imitation or image or uses it for a postal purpose;
 - (2) he installs, holds or transfers a tool or material for making an imitation or image said in paragraph (1).
- (b) Any of the things said in subsection (a) and found in the possession of an offender, shall be confiscated.
- (c) For purposes of this section, a stamp that denotes a rate of postage in any country shall be taken to be a stamp used for postal purposes in that country, as long as the opposite has not been proven.

Implement for making seals

488. If a person does one of the following and if he is not able to prove

lawful authority or justification, then he is liable to one year imprisonment:

- (1) he knowingly holds or transfers or installs an implement, by which an impression similar to the impression made by an implement by which are produced stamped or glued seal used for purposes of a public service or of a person duly authorized to use the seal, or from which may be obtained words, figures, letters, marks or lines similar to those that appear on special paper for the aforesaid purposes, which is supplied by the authority designated therefor;
- (2) he knowingly holds or transfers paper or other material on which is the impression of an implement said in paragraph (1), or paper which has on it words, figures, letters, marks or lines said in paragraph (1).

CHAPTER THIRTEEN: MINOR OFFENSES

Refusal to accept currency at face value

489. If a person refuses to accept coins or notes that are legal tender in Israel at their face value, then he is liable to three months imprisonment.

Street offenses

490. If a person does one of the following without lawful grounds, then he is liable to one month imprisonment and, for offenses under paragraphs (1), (4), (5) or (9), also to payment of the costs involved in removing the obstruction or repairing the damage:

- (1) he blocks free passage on a public way by placing or leaving anything there or by placing or permitting a object to be placed so that it projects over it and interferes with the safety or freedom of passage on it, or by digging excavations on it, or by encroaching on it in any other manner;
- (2) after he lawfully excavated or erected buildings or placed anything on a public way, he does not display a lamp or light on a heap of earth, stones or other material or on any ditch, pipe or excavation, or he otherwise does not act to protect or warn passersby;
- (3) he extinguishes a lamp or lantern used for lighting a public way or removes or extinguishes a light placed to indicate an excavation or anything else on a public way;
- (4) he places or leaves on a public way dirt, garbage, waste or any other offensive thing;
- (5) he puts out garbage or other objects on a public way in a manner liable to cause injury or inconvenience to passersby;
- (6) leaves or ties up an animal in a manner that causes obstruction on a public way, or he allows any animal used for draught, burden or riding to stray on a public way, or he leaves a vehicle on a public way in a manner that causes obstruction longer than

- necessary to load or unload or to pick up or discharge passengers;
- (7) he does not repair or does not demolish a building or structure which is in a dangerous or ruinous state, after the local authority ordered him in writing to do so;
 - (8) he does not clean or repair a furnace or chimney of a house, workshop or factory;
 - (9) he sets off fireworks on a public way, where they are liable to cause damage or inconvenience;
 - (1) he makes noise or disturbance that upsets the public's tranquility.

Refusal to give assistance

491. If a person refuses to give assistance within his power, when a public servant demands that he do so in the case of an offense in progress, or of shipwreck, a fire, inundation, earthquake or other public calamity, then he is liable to one month imprisonment.

Offenses by hotel owners

492. If the owner of a hotel or lodging house does not exhibit a lantern or light on his premises at night, in accordance with regulations in effect at the time, does not keep a register of guests or lodgers, or does not show the register to a policeman for inspection on his demand, then he is liable to one month imprisonment.

Cultivation of land adjacent to public way

493. If a person sows, plants or cultivates land that lies within 75cm from the outer edge of a public way, and if he does not have permission, then he is liable to one month imprisonment; for purposes of this section, a public way is deemed to extend to the outer edge of any ditch, gutter or embankment next to it.

Entry into agricultural area

494. (a) If a person does one of the following and if he is not able to prove lawful authority or justification, then he is liable to three months imprisonment:
- (1) he enters a garden, land sown or prepared for sowing or land on which stands crop or grass sown for pasture, or he stays in a garden or land as aforesaid;
 - (2) he causes an animal to enter a garden or land said in paragraph (1) or land which was cultivated during twelve months before the entry or to stay there, or he lets an animal of which he is the owner or is in charge to enter and stay as aforesaid.
- (b) If an animal enters land prepared for crops or on which there are crops and if it causes damage to that land, to the crops or to anything on ready for the requirements of the crops, or if it enters an area kept for pasture and grazes on it, then the owner or keeper of the animal shall be liable to one month imprisonment, unless he proves to the satisfaction of the Court that he adopted reasonable means to prevent the said entry.

495. Repealed

Disclosure of professional secret

496. If a person discloses secret information which he was given because of his profession or occupation – other than an official secret within its meaning in Article Five of Chapter Seven, and he was not required to disclose it by virtue of an enactment, then he is liable to six months imprisonment.

**CHAPTER FOURTEEN: OFFENSES OF PREPARATION
AND CONSPIRACY**

Preparation of offense with dangerous substance

497. If a person makes or knowingly has in his possession an explosive substance or a machine, implement or anything else that is dangerous or harmful, with intention to commit with them a felony or misdemeanor or in order to enable another to use them for the commission of a felony or misdemeanor, then he is liable to three years imprisonment.

Provision of means for commission of felony

498. (a) If a person gives another tools, materials, money, information or any other means, knowing that they may directly or indirectly be used for the commission or to facilitate its commission, then he is liable to three years imprisonment.

(b) For purposes of this section, it does not matter whether the thing was given permanently or temporarily, for consideration or without consideration, and whether a felony was committed or not.

(c) The provisions of this section shall not derogate from other provisions of this Chapter and from the provisions of Chapters Four and Five and of sections 260 to 262, but shall add to them.

Conspiracy for a felony or misdemeanor

499. (a) If a person conspires with another to commit a felony or misdemeanor, or to commit an act in a place abroad which would be a felony or misdemeanor if it had been committed in Israel – and which also is an offense under the Laws of that place, then he is liable –

(1) if the offense is a felony, to seven years imprisonment or to the punishment prescribed for that offense, whichever is the lighter punishment;

(2) if the offense is a misdemeanor, to two years imprisonment or to the punishment prescribed for that offense, whichever is the lighter punishment.

(b) A conspirator shall bear criminal liability also for the offense for which the conspiracy was made or which was committed in order to advance its objective, only if he was party to its commission under Article Two, Chapter Five.

Conspiracy to commit other acts

500. If a person conspires with another for one of the following purposes, he is liable to two years imprisonment:

- (1) to prevent or defeat implementation or enforcement of a law;
- (2) to cause injury to a person's body or reputation;
- (3) to lower the value of a person's asset;
- (4) to prevent or obstruct the free and lawful transfer of an asset by its owner at its fair value;
- (5) to injure a person in his vocation or profession;
- (6) to prevent or obstruct a person's free and lawful exercise of his vocation, profession or occupation, on condition that the act would have constituted an offense, had it been committed by an individual;
- (7) to attain a prohibited objective;
- (8) to effect a lawful purpose by prohibited means.

CHAPTER FIFTEEN: MISCELLANEOUS PROVISIONS

501. Repealed

Order in respect of possession of real estate

502. (a) If a person is convicted under section 189 or 447 and if the finds Court that the act of the offense deprived a person of real estate assets, then it may make an order to evict the offender from that real estate or an order to restore possession of the real estate be restored to the person who was deprived or to some other person whom the Court deems entitled to it, or both orders; an aforesaid order shall be enforced in the manner of a judgment given in a civil proceeding is enforced.

- (b) For purposes of subsection (a) –
- (1) a finding that a person does not bear criminal responsibility because of insanity or of a defect in his mental faculties under section 19 shall also be deemed to be a conviction;
 - (2) appeal against an order may only be lodged together with an appeal against the conviction, if any and attached thereto, and it shall be heard by the Court which hears the appeal against the conviction; there is no appeal against a refusal to make an order;
 - (3) submitting an appeal against an order shall not stay execution of the order, unless the Court appealed against or the appellate Court directs otherwise; an application for a stay of execution of the order shall in the first instance be made to the Court against who the appeal is made;
 - (4) an order shall not prejudice any right to or interest in the real estate concerned, which can be realized by a civil action.

Custody of child whose guardian is convicted or charged

503. (a) If a person has custody of a child that has not reach age sixteen

and is convicted of or committed to trial for an offense against that child under Articles Eight or Ten of Chapter Eight, or under Articles Two, Five or Six of Chapter Ten, or under section 2 of the Marriage Age Law 5710-1950, then the Court that convicted him or before which he is committed for trial may – if it deems it right to do so – order that the child be committed to the custody of a relative or of another suitable person or institution, who is named in the order and who consents, to the Court's satisfaction, to assume that custody until the child attains age sixteen or for a shorter period, all having regard to the religion of the child's parents.

- (b) If the child has a parent or legal guardian, then the order under subsection (a) shall be made only if that parent or guardian was convicted of or committed for trial for an offense under the provisions mentioned in subsection (a), or if it was proven to the Court's satisfaction that he was party to the offense in deed or in thought, or if he cannot be found.
- (c) If a person was acquitted of the charge because of which the order was made, or if the charge was dismissed because the prosecution did not continue the action, then the order is immediately void for all purposes, except for whatever was already done lawfully.
- (d) For purposes of the Youth (Care and Supervision) Law 5720-1960, an order under this section shall be treated like a decision under the said law; if it appears to the Court that making an order under this section will bear delay, then it shall refer the matter to the Court competent under that Law.

Effect

504. This version shall go into effect on April 2, 1978.

Special provisions

505. Notwithstanding the provision of section 504, Article Two of Chapter Ten shall go into effect on February 9, 1978, or at an earlier date set by the Minister of Health by notice in Reshumot, and until it does go into effect the provisions of sections 175 and 177 of the Criminal Law Ordinance 1936 shall remain in effect.

SCHEDULE (Section 186)

The World Zionist Organization
The Jewish Agency for Israel
Keren Kayemet Le-Israel
Keren Hayessod - United Israel Appeal
An inspected body, within the meaning of the State Comptroller Law
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