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**RSFSR CRIMINAL CODE, 1956 EDITION
AND SUPPLEMENTARY MATERIAL**

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S U M M A R Y O F C O N T E N T S

RSFSR Criminal Code, 1956 Edition,
and Supplementary Material

This publication presents a translation of The RSFSR Criminal Code, 1956 edition, and certain related material. Part 1 includes the code itself and two appendixes (Legislative Acts and Judicial Rulings and Annotations on Sections of the Code) all of which were published as Ugolovnyy Kodeks RSFSR, by Gosudarstvennoye Izdatel'stvo Yuridicheskoy Literatury, Moscow, 1956 (approved for publication 23 April 1956). Part 2 of this publication presents supplementary material that includes a commentary on Soviet criminal law by Dr Vladimir Gsovski, legislation pertinent to provisions of the code published in issues of Vedomosti Verkhovnogo Soveta SSSR from the date of publication of the code through March 1957, and a topical index of the contents of the code.

Pages 1 through 219

RSFSR CRIMINAL CODE, 1956 EDITION,
AND SUPPLEMENTARY MATERIAL

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N O T E S

1. Principal Abbreviations Employed

The principal abbreviations of organization titles employed in the code and its appendixes are as follows:

Sovnarkom (Sovet Narodnykh Komissarov, Council of People's Commissars) USSR, RSFSR

TsIK (Tsentral'nyy Ispolnitel'nyy Komitet, Central Executive Committee) USSR

VTsIK (Vserossiyskiy Tsentral'nyy Ispolnitel'nyy Komitet, All-Russian Central Executive Committee) RSFSR

2. Legal Commentary

For clarification of a number of theoretical legal concepts, particular attention is directed to Dr Vladimir Gsovski's commentary on key provisions of the RSFSR Criminal Code. This commentary, which appears in "Part 2. Supplementary Materials," traces the history of the RSFSR and related criminal codes and discusses other aspects of Soviet substantive law.

3. Use of Index

The structure of the RSFSR Criminal Code and its appendixes necessitated employment in the index of a somewhat complex multiple reference system. The significance of each type of notation is explained at the head of the first page of the index.

Part 1. RSFSR CRIMINAL CODE, 1956 EDITION*
(Basic Text of 1926)

*A single asterisk appearing before the number of a section indicates that commentary on that section is appended.

G E N E R A L P A R T

I. Objectives of RSFSR Criminal Legislation

1. The aim of the criminal legislation of the RSFSR shall be to protect the socialist state of workers and peasants and the legal order therein established against acts which constitute a social danger (crimes) by applying to persons who commit such acts the measures of social defense specified in this code.

II. Limits of Application of the Criminal Code

2. The effect of this code shall extend to all citizens of the RSFSR who commit acts which constitute a social danger within the territory of the RSFSR, or outside the territory of the USSR (in case they are apprehended within the territory of the RSFSR).

3. Citizens of the other union republics shall be held responsible under the laws of the RSFSR for crimes committed by them within the territory of the RSFSR, or outside the territory of the RSFSR in case they are taken into custody and committed for trial or investigation within the territory of the RSFSR.

Any citizen of a union republic who commits a crime within the territory of the union shall be held responsible under the laws of the locality where he committed the crime.

4. Aliens who commit crimes within the territory of the USSR shall be held responsible under the laws of the locality in which the crime was committed.

5. The question of the criminal responsibility of aliens who enjoy the right of extraterritoriality shall be resolved in each case through diplomatic channels.

III. General Principles of RSFSR Criminal Policy

6. Considered to constitute a social danger shall be any act or omission that is directed against the Soviet system or that violates the legal order established by the Worker-Peasant Regime during the period of transition to a Communist system.

Note: An act shall not be considered a crime if, although formally exhibiting the elements of crime set forth in a section of the Special Part of this code, it nevertheless does not constitute a social danger by virtue of its obvious insignificance and the absence of harmful consequences.

*7. Judicial corrective, medical, or medico-educational measures of social defense shall be applied to persons who have committed acts constituting a social danger or who constitute a danger by virtue of their connection with criminal elements or in view of their past activities.

8. If a specific act, when committed, constituted a crime in accordance with Section 6 of this code, but by the time it comes up for investigation or trial has lost its socially dangerous character by reason of a change in the criminal law or merely by virtue of a change in the social or political situation, or if the person who committed the act cannot, in a court's opinion, still be considered to constitute a social danger, then such an act shall not entail the application of a measure of social defense to the person who committed it.

9. Measures of social defense shall be applied for the following purposes:

- a. To prevent the commission of fresh crimes by persons who have previously committed crimes;
- b. To influence other unstable members of society;
- c. To adjust persons who have committed criminal acts to conditions of community life in the working people's state.

Measures of social defense shall not be applied for the purpose of causing physical suffering or of degrading human dignity, and shall not have as their object retribution or punishment (vozmezdiye i kara).

10. Measures of social defense of a judicial corrective nature shall be applied to persons who have committed acts constituting a social danger only when such persons:

a. Acted intentionally, that is, foresaw the socially dangerous nature of the consequences of their acts, desired these consequences, or deliberately allowed them to occur;

b. Acted negligently, that is, did not foresee the consequences of their acts, even though they ought to have foreseen them, or light-mindedly hoped to avert these consequences.

11. Measures of social defense of a judicial corrective nature shall not be applied to persons who have committed crimes in a state of chronic mental illness or of temporary mental derangement, or in any other pathological state, provided that such persons were unable to realize the significance of their actions or to control them; nor shall such measures be applied to persons who, although they acted in a state of mental balance, are suffering from mental illness at the time sentence is to be passed.

Measures of social defense of a medical nature only may be applied to these persons.

Note. This section shall not apply to persons who commit crimes in a state of intoxication.

*12. Minors who have reached the age of 12 years and who prove to have committed larceny, violence, bodily injury, mayhem, homicide, or attempted homicide, shall be subject to prosecution in a criminal court and to the application of all kinds of punishment. (RSFSR Laws 1936, Law No 1, dated 25 November 1935)

13. Measures of social defense shall in no case be applied to persons who commit acts covered by criminal law if a court determines that the acts committed by them constituted necessary defense (neobkhodimaya oborona) against infringements of Soviet authority or of the person or rights of an individual defending himself or another person, provided that the limits of necessary defense were not exceeded.

Measures of social defense shall not be applied when these acts were committed in order to ward off danger that could not have been averted by other means in the particular circumstances, provided that the harm caused thereby is less serious than the harm that was averted. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

*14. Persons shall not be subject to criminal prosecution:

a. For a crime for which a court may sentence to confinement for more than 5 years, if a period of 10 years has elapsed since the crime was committed;

b. For a crime for which a court may sentence to confinement for not more than 5 years, if a period of 5 years has elapsed since the crime was committed;

c. For a crime for which a court may sentence to confinement for a period of not more than one year, or for which the law provides a measure of social defense less severe than confinement, if 3 years have elapsed since the crime was committed.

The statute of limitations shall apply (davnost' primenyayetsya) if, during the period of time in question, no proceedings (proizvodstvo) are taken on the given case. The operation of the statute of limitations shall be interrupted if, during the course of the designated period of limitation (srok davnosti), the person who committed the crime in question either commits another similar or equally serious crime or evades investigation or trial; in such cases, the period of limitation shall be calculated from the day on which the second crime is committed or from the day on which suspended proceedings are resumed. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

Note 1. In cases of prosecution under criminal law for counter-revolutionary crimes, application of the statute of limitations shall in each instance be left to the discretion of the court; however, if the court does not admit application of the statute of limitations and passes a sentence to death by shooting for the crime in question, this sentence must be commuted to one of declaration to be an enemy of the working people, with deprivation of union-republic and USSR citizenship and banishment for life from the USSR, or to one of confinement for a period of not less than 2 years. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

Note 2. With regard to persons prosecuted under criminal law for having acted against and actively combated the worker class and the revolutionary movement while holding responsible or secret positions under the Tsarist Regime or under counterrevolutionary governments during the Civil War, the questions of applying the statute of limitations and of commuting sentences to death by shooting shall be left to the discretion of the court. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

Note 3. The periods of limitation established by this section shall not extend to acts which are subject in accordance with this code to punishment by administrative action; punishment for such acts may not be imposed after the expiration of one month from the date of their commission. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

15. A sentence shall not be carried out at all if it has not been executed within a period of 10 years from the date on which it was passed.

16. If a given act which constitutes a social danger is not directly specified by this code, the basis and limits of liability to punishment therefor shall be determined by analogy with the sections of the code that deal with crimes of the most nearly similar nature.

17. Measures of social defense of a judicial corrective nature shall be equally applied to persons who commit a crime, the principals, and to their accessories (souchastniki), the instigators and the accomplices.

Instigators (podstrekateli) are persons who induce others to commit crimes.

Accomplices (posobniki) are persons who assist in committing a crime by giving advice or instructions, providing means, removing obstacles to commission, or concealing a criminal or the traces of a crime.

*18. Measures of social defense of a judicial corrective nature shall be applied to each of the accessories with due regard to the extent of his participation in the given crime and to the question of how great a danger he and the crime committed constitute.

Failure to inform the authorities of a crime that has been committed or is in preparation shall be punished by applying measures of social defense of a judicial corrective nature only in cases specially indicated in this code.

*19. Any attempt to commit a crime, and any act preparatory to the commission of a crime, as manifested by the procurement or adaptation of instruments and means, or by the establishment of conditions for commission of the crime, shall be prosecuted as though a crime had been committed. In selecting a judicial corrective measure of social defense in such cases, a court must be guided by the degree of danger which the person who attempted or prepared to commit the crime constitutes, by the degree of preparation to commit the crime, by how nearly it approached being committed, and by consideration of the reasons owing to which the crime was not carried to conclusion.

In cases where a crime has not been carried to conclusion because the person who had intended to commit it voluntarily renounced doing so, a court shall fix an appropriate measure of social defense in respect of the acts actually committed by the person who attempted or made preparations to commit the crime.

IV. On Measures of Social Defense** Applied Under the Criminal Code to Persons Who Have Committed a Crime

**In decrees of the TsIK and Sovnarkom USSR, beginning with the decree of 8 June 1934, "On Supplementing the Statute on State Crimes (counterrevolutionary crimes and crimes against public administration deemed especially dangerous to the USSR) With Sections on Treason" (USSR Laws 1934, No 255), instead of the term "measure of social defense of a judicial corrective nature," (mera sotsial'noy zashchity sudebno-ispravitel'nogo kharaktera) the term "punishment" (nakazaniye) is employed.

*20. Measures of social defense of a judicial corrective nature shall consist of:

a. Declaring a convicted person to be an enemy of the working people, depriving him of union-republic and USSR citizenship, and subjecting him to mandatory banishment from the USSR;

b. Confinement in corrective labor camps (ispravitel'no-trudovyye lageri) in remote areas of the USSR [Comment: A Soviet official journal (Partiynaya Zhizn, No 4, 1957) stated that it had been decided to reorganize corrective labor camps into corrective labor colonies];

c. Confinement in general places of confinement (obshchiye mesta zaklyucheniya) [Comment: All places of confinement other than corrective labor camps. See Section 28.]

d. Corrective labor work without confinement (ispravitel'no-trudovyye raboty bez lisheniya svobody);**

**In accordance with the fact that the RSFSR Corrective Labor Code, approved by VTsIK and Sovnarkom RSFSR on 1 August 1933 (RSFSR Laws 1933, Law No 208), replaced the term "forced labor" (prinuditel'nyye raboty) with the term "corrective labor work" (ispravitel'no-trudovyye raboty), and that in the bulk of subsequent legislative enactments, particularly in amendments to the Criminal Code, this substitution has also been made (RSFSR Laws 1934, Laws No 51, 157, 259, and others), it has been employed throughout the text of this code.

- e. Deprivation (loss) of political and certain civil rights;
- f. Banishment from (udaleniye iz predelov) the USSR for a specified period of time;
- g. Banishment from the RSFSR or from a given place, with or without compulsory residence (obyzatel'noye poseleniye) in another place, or with or without prohibition of residence in certain places;
- h. Dismissal from an official position, with or without a prohibition against occupying a specified position;
- i. Prohibition to engage in a given activity or trade;
- j. Public censure (obshchestvennoye poritsaniye);
- k. Confiscation of property, as a whole or in part;
- l. Pecuniary fine;
- m. Imposition of the obligation to repair damage (obyazannost' zagladit' prichinenny vred);
- n. Admonition (predosterezheniye). (RSFSR Laws 1930, Law No 344, dated 20 May 1930)

Note. The Supreme Court of the USSR, the Supreme Court of the RSFSR, kray and oblast courts, railway and water transport courts,** and military tribunals shall have the right to sentence persons convicted of the more dangerous crimes to confinement in a prison. (RSFSR Laws 1936, No 131, dated 20 September 1936)

**Now known as "line transport courts" (lineynyye transportnyye sudy). [Comment: Line courts were abolished in 1957. See translation of Law in "Part 2. Supplementary Material, II. Legislation."]

21. In order to combat the more serious types of crime, such as threaten the foundations of the Soviet Regime and the Soviet system, in cases specially provided for by the sections of this code, death by shooting** shall be applied as an exceptional measure of defense of the working people's state until abolished by TsIK USSR.***

****See** ukase of the Presidium, Supreme Soviet USSR dated 26 May 1947, "On Abolishing the Death Penalty" (p 99), ukase of the Presidium, Supreme Soviet USSR of 12 January 1950, "On Applying the Death Penalty to Traitors, Spies, Subversives, and Saboteurs" (p 100), and ukase of the Presidium, Supreme Soviet USSR of 30 April 1954, "On Increasing the Penalty for Murder" (p 100).

*****In** accordance with Section 32 of the USSR Constitution, the legislative power of the USSR is exercised exclusively by the Supreme Soviet USSR.

22. Persons who have not attained the age of 18 years by the time a crime is committed, and women in pregnancy, shall not be sentenced to death by shooting.

23. The basic measures of social defense of a judicial corrective nature applicable to persons who have committed crimes are as follows: declaration to be an enemy of the working people, with all the consequences that sentence entails; confinement; and corrective labor work without confinement.

The other measures of social defense specified in Section 20, above, with the exception of admonition and confiscation of property, may be applied either as principal measures of social defense or in combination with principal measures as additional measures of social defense. Confiscation of property may be applied by a court as an additional measure of social defense only in cases expressly provided for by sections of this code. (RSFSR Laws 1930, Law No 344, dated 20 May 1930)

24. Measures of social defense of a medical nature shall consist of:

- a. Compulsory medical treatment;
- b. Placement in a curative establishment (lechebnoye zavedeniye), combined with isolation.

25. Measures of social defense of a medico-educational nature shall consist of:

- a. Placement of minors under the care of parents, adopted parents, guardians (opekuny, popechiteli), or relatives, if such persons are able to support them, or under the care of other persons or institutions;

- b. Placement in special medico-educational institutions. (RSFSR Laws 1928, Law No 38, dated 20 December 1927)

26. Measures of social defense of a medico-educational or medical nature may be applied by a court if it deems the application of a measure of social defense of a judicial corrective nature inappropriate in the given case, or they may be applied to supplement the latter if measures of social defense of a medico-educational or medical nature have not been applied by the proper agencies prior to the taking of judicial action.

*27. Declaration to be an enemy of the working people and banishment from the USSR, in combination with deprivation of union-republic and USSR citizenship, may be imposed only for life. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

*28. Persons may be sentenced to confinement for periods of from one to 10** years, and in cases involving espionage, wrecking, or sabotage (Sections 58-1a, 58-6, 58-7, and 58-9 of this code) to confinement for longer periods, but not exceeding 25 years.

**See ukases of the Presidium, Supreme Soviet USSR, dated 4 June 1947 (p101), 9 June 1947 (p 108), 4 January 1949 (p116), and 10 January 1955 (p103).

Confinement for terms of less than 3 years shall be served in general places of confinement. Confinement for terms of 3 years or more shall be served in corrective labor camps.

In exceptional cases, if a court considers that a person sentenced to confinement for a term of 3 years or more is obviously unfit for physical labor or that the degree of social danger which he constitutes does not necessitate his being sent to a corrective labor camp, it may, by inserting a special provision to that effect in the sentence, substitute incarceration in a general place of confinement for confinement in a corrective labor camp. (RSFSR Laws 1930, Law No 344, dated 20 May 1930; 1938, Law No 141, dated 20 May 1938)

Note 1. Rescinded. (RSFSR Laws 1934, Law No 174, dated 5 July 1934)

Note 2. Execution of a sentence to confinement without loss of rights passed in time of war on a serviceman may, by decision of the court that passed the sentence, be deferred until the end of the war, on condition that the sentenced person be sent to active military duty.

If the servicemen referred to in the first part of this note prove themselves while on active duty to be staunch defenders of the USSR, pursuant to the petition of the appropriate military commander they may be relieved of the previously designated measure of social defense, or it

may be commuted to a lighter measure of social defense by decision of the court that passed the sentence. (RSFSR Laws 1928, Law No 816, dated 1 October 1928; 1930, Law No 749, dated 30 November 1930; 1934, Law No 174, dated 5 July 1934)

*29. Time spent in pretrial confinement (predvaritel'noye zaklyucheniye), and time spent in confinement from the moment sentence is passed until it becomes final and executive, shall be reckoned as part of the term of confinement designated by a court.

In case a court imposes a measure of social defense of a judicial corrective nature other than confinement, it shall have the right, taking into consideration the time spent in pretrial confinement, correspondingly to mitigate the measure of social defense it elects, or to decree full remission of the measure of social defense specified in the judgement.

The terms of persons sentenced to corrective labor work shall be reduced at the rate of 3 days of corrective labor work for one day of [pretrial] confinement.

*30. Corrective labor work without confinement may be imposed for periods of from one day to one year.

Time spent in serving a sentence to corrective labor work -- including that performed at a convicted person's place of employment -- shall not count toward general occupational seniority (ne zaschityvayetsya v obshchiy trudovoy stazh), toward time required to be spent in a status of apprenticeship (v stazh dlya opredeleniya kvalifikatsii), or toward length of service necessary to qualify under USSR and RSFSR legislation for pensions and other benefits and privileges (seniority increases in pay, extra leave, etc.).

Payment of seniority increases in pay shall be suspended while a sentence to corrective labor work is being served. (RSFSR Laws 1935, Law No 192, dated 20 August 1935)

Note. Corrective labor work without confinement shall be applied neither to junior, intermediate, senior, nor higher regular commanding personnel [noncommissioned and commissioned officers] of the Worker-Peasant Red Army on extended extra-term service, nor to rank-and-file and junior commanding personnel [privates and noncommissioned officers] of the Worker-Peasant Red Army on regular-term service. Rather than being sentenced to corrective labor work, such military personnel shall be subject to being held under arrest for periods not exceeding 2 months, to be served in the manner prescribed for the serving of disciplinary arrest by military personnel. (RSFSR Laws 1930, Law No 749, dated 30 November 1930)

31. Deprivation of political and certain civil rights shall consist in deprivation of:

- a. The right to vote and to be elected;
- b. The right to occupy elective office in public organizations;
- c. The right to hold one or another government office;
- d. The right to bear titles of honor;
- e. Parental rights;
- f. The right to receive pensions paid on account of social insurance and social security; or to receive unemployment relief paid on account of social insurance.**

**As a result of the liquidation of unemployment, the corresponding part of Clause f is no longer effective.

Deprivation of rights may be imposed either as regards the aforementioned rights as a whole or as regards particular categories of those rights.

Deprivation of parental rights may be imposed by a court only in cases where it is established that the convicted person has abused such rights.

Deprivation of the right to receive a pension shall be imposed by a court only in the following cases:

- a. Sentence for commission of a state crime (Chapter 1 of the Special Part of this Criminal Code);
- b. Sentence, for commission of a mercenary crime, to confinement, or to banishment with compulsory residence in a given place (as a principal measure of social defense);
- c. Confiscation of all property, imposed as an additional measure of social defense;
- d. Conviction in time of peace of committing any of the military crimes covered by Sections 193-3, 193-4, 193-7, 193-9, 193-12, 193-13, 193-17, and 193-20 to 193-28, or in time of war of committing any of the crimes covered by Chapter IX of this code (On Military Crimes). (USSR Laws 1930, Law No 388, dated 30 June 1930; Law No 763, dated 20 November 1930)

32. No penalty shall be imposed involving deprivation of rights for a period of more than 5 years.

When applied as a measure of social defense in addition to confinement, deprivation of rights shall extend for the entire period of confinement and, in addition, for such period as shall be prescribed in the sentence.

*33. The deprivation of rights provided for by Clauses a, b, and c of Section 31 shall be accompanied by deprivation of all orders of the USSR and RSFSR. In such cases, when a sentence becomes final and executive, the court shall submit a proposal to that effect to the Presidium of TsIK USSR or to VTsIK,** as appropriate.

**The question of awarding orders lies within the competence of the Presidium, Supreme Soviet USSR.

Deprivation of other marks of distinction and of titles of honor shall be effected by sentence of a court. (RSFSR Laws 1930, Law No 504, dated 20 August 1930)

34. Deprivation of rights may be imposed either as a principal or as an additional measure of social defense.

A court shall consider the question of deprivation of rights in all cases where a sentence to confinement for more than a year has been imposed.

Deprivation of rights shall not be combined with a suspended sentence or with a public reprimand. (RSFSR Laws 1929, Law No 854, dated 6 December 1929)

35. Banishment from the RSFSR or from a given place, with or without compulsory residence or prohibition of residence in a given place or places, involving or not involving corrective labor work, may be applied by a court to convicted persons whose continued presence in a given place the court deems to constitute a social danger.

Banishment from the RSFSR or from a particular place, with compulsory residence in another place, shall be imposed for a period of from 3 to 10 years; this measure may be imposed as an additional measure of social defense only for a period not exceeding 5 years. Banishment from the RSFSR or from a given place, in combination with compulsory residence in a given place and corrective labor work, shall be imposed only as a principal measure of social defense. Banishment from the RSFSR or from a given place, combined with prohibition against residence in certain other places, or without such a restriction, may be imposed for a period of from one to 5 years.

If one of these measures is imposed by a court in addition to confinement, application of the additional measure shall begin when the term of confinement has been served.

Persons who are sentenced to banishment from a given place with compulsory settlement in a given place and who are serving sentences to confinement in corrective labor camps, shall, upon expiration of the term of confinement, reside in the area in which the camp is located (rayon lagerya) until the period during which they are deprived of the right freely to choose their place of residence has expired. They must be assigned land or given paid work.

Neither banishment from the RSFSR nor any form of banishment from particular places shall be applied to persons under the age of 16 years. (RSFSR Laws 1930, Law No 344, dated 20 May 1930)

36. Persons may be banished from the confines of the USSR and the RSFSR for a specified (limited) period of time (na srok) only under specific provisions of all-union legislation.

Banishment from a given place combined with compulsory residence in another place may be imposed by a court only in cases of conviction of crimes covered by Sections 58-2 to 58-14; 59-2, Paragraph 1, Clause a; 59-3; 59-3a; 59-3b; 59-7; 59-8, Paragraph 1; 59-9; 59-10; 59-12; 61, Paragraph 3; 73-1; 74, Paragraph 2; 104; 107; 116, Paragraph 2; 117, Paragraph 2; 118; 129; 129-a; 136; 140, Paragraph 2; 142, Paragraph 2; 153, Paragraph 2; 155; 162, Clauses b, c, d, and e; 164, Paragraph 2; 165, Paragraph 3; 166; 167; 169, Paragraph 2; 173; and 175, Paragraphs 2 and 3.

The places in which compulsory residence may be prescribed shall be established: with regard to persons sentenced to exile without corrective labor work, by the Main Administration of Militia and Criminal Investigation under the Sovnarkom RSFSR with the concurrence of the People's Commissariat of Justice RSFSR; and with regard to persons sentenced to exile at corrective labor work, by the People's Commissariat of Justice RSFSR. (RSFSR Laws 1931, Law No 102, dated 15 February 1931; Law No 247, dated 30 May 1931)

37. Dismissal from an official position shall be imposed if a court considers it inadmissible to permit a convicted person to remain in the position he occupied at the time of conviction or at the time the crime was committed, and this penalty may be accompanied by a prohibition against occupying that or any other specified position for a period not exceeding 5 years.

38. Prohibition against engaging in a given activity or trade for a period not exceeding 5 years shall be imposed by a court in cases where the court considers it inadmissible to permit the convicted person to engage any longer in the exercise of his profession or trade, by reason of abuses committed by him therein.

In particular, a court has the right to forbid a convicted person to assume any obligations regarding government contracts or supplies, to make agreements with state or public enterprises and institutions, or to manage, either for his own account or on behalf of others, any trading or agency undertaking.

39. Public censure shall consist in a public expression of condemnation addressed to a convicted person in the name of a court.

*40. Confiscation of property shall consist in compulsory and uncompensated alienation in favor of the state of all or of a precisely specified part of the property of a convicted person, as determined by a court; the property subject to confiscation shall be the property of the convicted person or his personal share in property held in common.

Not subject to confiscation shall be such articles of domestic use as are indispensable to a convicted person and his family, and the equipment for small-scale handicraft, artisan, or agricultural production that serves him as a livelihood.

The value of food and money left in the possession of a convicted person and his family shall not total less than the average 3-month wages of a worker in the given locality for each member of the family.

The tools required for a convicted person's occupation may be confiscated only in cases where a court decides to deprive the convicted person of his right to engage in that occupation.

Note 1. The only property on Kulak farms not subject to confiscation shall be that specified in Section 3 of the list of kinds of property on which exactions of tax arrears and nontax payments may not be levied that was approved by the Sovnarkom RSFSR on 3 March 1953 -- RSFSR Laws 1933, No 53.** (RSFSR Laws 1933, Law No 77, dated 1 April 1933)

**Section 3 of the Sovnarkom RSFSR decree dated 3 March 1933 has been rescinded.

Note 2. When property is confiscated in connection with the failure of individual farmers to fulfill compulsory state deliveries in kind or to make monetary payments, the only property of private farmers not subject to confiscation shall be as follows: one dwelling house, fuel necessary for heating the living quarters thereof, everyday wearing apparel for winter and summer, footwear, personal and household linens, and other articles of domestic use that are indispensable to the convicted person and his dependents. (RSFSR Laws 1934, Law No 267, dated 1 December 1934)

*41. In confiscating property, the state shall not be liable for any debts or obligations of a convicted person if these arise after investigative or judicial organs have taken measures to sequester the property, and without their consent.

With regard to claims that are subject to payment out of confiscated property, the state shall be liable only to the extent of the assets. The order of priority in the settlement of claims shall be governed by the rules laid down in Sections 99 and 101 of the RSFSR Civil Code, and in Sections 266, 266-1, and 266-2 of the RSFSR Civil Procedural Code. (RSFSR Laws 1930, Law No 240, dated 10 April 1930)

42. A fine is a pecuniary exaction imposed by a court within limits prescribed by various sections of this code, but when a fine is imposed as an additional measure of punishment, the amount shall be left to the discretion of the court.

In any case, the amount of a fine shall be fixed with due regard to the financial standing of the convicted person.

In imposing a fine, a court may specify that if it is not paid, corrective labor work without confinement shall be substituted for it at the rate of one month of corrective labor work per 100 rubles of fine. Confinement shall not be substituted for a fine, nor shall a fine be substituted for confinement.

Articles not subject to confiscation shall not be seized pursuant to the imposition of a fine.

43. An admonition shall be imposed by a court only in cases where, despite a finding of not guilty, the court considers that the acquitted person's conduct nevertheless gives reason to apprehend that he may commit a crime in the future.

*44. The obligation to repair damage shall be imposed on a convicted person when the court considers it expedient that the person himself shall remove the consequences of the violation of law he has committed or of the harm caused to the injured party.

This measure of social defense shall not, however, exceed in severity the measure of social defense imposed by the judgement as the basic penalty.

V. On Procedures for Applying Measures of Social Defense of a Judicial Corrective Nature

*45. In imposing measures of social defense of a judicial corrective nature on a convicted person, a court shall be guided by:

- a. The instructions contained in the General Part of this code;
- b. The limits of the penalty specified in the section of the Special Part of this code that deals with the particular kind of crime;
- c. Its socialist concept of law (sotsialisticheskoye pravosoznaniye), proceeding from its estimate of the social danger constituted by the crime committed, the circumstances of the case, and the personality of the offender.

46. The crimes dealt with in this code are classified as follows:

- a. Those directed against the foundations of the Soviet system established in the USSR by the power of the workers and peasants, and therefore considered to be the most dangerous;
- b. All other crimes.

For crimes of the first category, the code establishes the least severe measures of social defense of a judicial corrective nature that a court may impose.

For all other crimes, the code establishes only the most severe measure of social defense that a court may impose.

*47. The basic question to be resolved in each particular case is that of the degree of social danger constituted by the crime under consideration.

In this connection, in the selection of one or another of the measures of social defense provided for by the code, the following shall be deemed to constitute aggravating circumstances (ot'yagchayushchiye obstoyatel'stva):

a. That a crime was committed with the object of restoring bourgeois rule;

b. That the commission of a crime might have harmed the interests of the state or of the working people, even though the crime was not specifically directed against the interests of either;

c. That a crime was committed by a group or band of persons;

c-1. That a crime was committed by a person who had previously committed a crime, except in cases where such person is considered not to have a criminal record (Section 55), or when the applicable period of limitation has elapsed since the first crime was committed or since sentence was passed (Sections 14 and 15). In this case, however, the court shall have the right, depending on the nature of the first crime, not to consider it an aggravating circumstance;

d. That a crime was committed from mercenary or other base motives;

e. That a crime was committed with especial cruelty, violence, or cunning, or against persons who are subordinate to the criminal, or who are under his charge, or who are peculiarly helpless by virtue of age or other circumstances. (RSFSR Laws 1927, Law No 330, dated 6 June 1927; 1930, Law No 240, dated 10 April 1930)

48. In electing a measure of social defense, the circumstances shall be considered extenuating if a crime was committed:

a. In order to defend against infringement the Soviet regime, the revolutionary legal order, or the person and rights of the individual defending himself or someone else, even though the limits of action necessary for self-defense were exceeded;

b. As a first offense;

c. From motives neither mercenary nor otherwise base;

d. Under the influence of threats, coercion, or occupational or financial dependency;

e. Under the influence of a serious mental disturbance;

f. When in a state of hunger or destitution, or under the influence of a combination of serious family or personal circumstances;

g. Through ignorance, inadequate comprehension (nesoznatel'-nost'), or an accidental combination of circumstances;

h. By a minor or by a pregnant woman. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

*49. If the act committed by an accused person comprises elements of more than one crime, or if the accused has committed a number of crimes for which sentence has not been imposed, after electing an appropriate measure of social defense for each crime individually, the court shall impose the final sentence under the section of this code dealing with the most serious of the crimes committed and prescribing the most severe measure of social defense.

50. Rescinded. (RSFSR Laws 1936, Law No 1, dated 25 November 1935)

51. If, owing to the exceptional circumstances of a case, a court concludes that it is necessary to elect a measure of social defense less severe than the minimum prescribed in the relevant section of this code or that it is necessary to adopt another and less severe measure of social defense not prescribed by that section, such a departure may be allowed, but only on condition that the precise grounds for the departure are set forth in the sentence.

The same rule shall apply in cases in which a court, at the time of the trial, considers that the accused does not constitute a social danger and does not impose on him any measure of social defense whatsoever. (RSFSR Laws 1930, Law No 240, dated 10 April 1930)

52. The right completely or partially to remit application of a measure of social defense to a convicted person in cases other than those provided for by this code shall belong exclusively to the Presidium of VTsIK** with regard to the sentences of all judicial organs of the RSFSR. (RSFSR Laws 1930, Law No 240, of 10 April 1930)

**The right to pardon (pravo pomilovaniya) now belongs to the Presidium, Supreme Soviet USSR (Clause j, Section 49 of the USSR Constitution) and (regarding persons convicted by RSFSR judicial organs) to the Presidium, Supreme Soviet RSFSR (Clause i, Section 33 of the RSFSR Constitution).

VI. Suspension of Sentences and Release on Parole**

**Changes were introduced by the ukase of the Presidium, Supreme Soviet RSFSR of 2 September 1954, "On Adding to the Criminal Code of the RSFSR Section 54-1 on Release on Parole From Places of Confinement."

*53. If a court concludes that the degree of [social] danger constituted by a convicted person does not absolutely require that he be isolated or perform corrective labor work, it shall have the right to impose a suspended sentence.

In such cases, a court shall order that sentences not be executed unless the convicted person commits another equally or more serious** crime during a period of time specified by the court. This period shall not be of less than one year, nor of more than 10 years.

**See appended commentary on Section 55.

Note. A pecuniary or property penalty imposed as an additional measure of social defense in conjunction with confinement or corrective labor work shall be executed in the normal manner, notwithstanding that the basic measure of social defense has been suspended.

54. When a person who has received a suspended sentence commits a fresh crime within the period of probation, a court shall have the right either to add all or part of the suspended measure of social defense to that imposed in the new case, or to apply to the convicted person only the measure of social defense imposed for the second crime. In the former case, however, the total term of confinement shall not exceed 10 years nor the term of corrective labor work one year. (RSFSR Laws 1930, Law No 240, dated 10 April 1930)

*54-1. Persons sentenced to serve terms of punishment in places of confinement who demonstrate by an honest attitude toward work and exemplary behavior that they have reformed, may, after serving not less than two thirds of the term of punishment, be paroled.

Parole shall take the form either of release from further service of a measure of punishment or of commuting it to a lighter measure of punishment, which question shall be decided by a court at the place where the convicted person is confined on the basis of the recommendation of the administration of the place of confinement.

If, during the unserved part of his term, a parolee commits a fresh crime that is punishable by confinement, a court shall have the right to add the unserved part of his term to the measure of punishment it designates for the new crime.

In such cases, the total term of confinement shall be established in accordance with legislation in force. (Ukase of the Presidium, Supreme Soviet RSFSR dated 2 September 1954)

55. The following shall be considered not to have a criminal record:

a. Persons acquitted by a court;

b. Persons given suspended sentences who do not commit another equally or more serious** crime during the period of probation prescribed by a court;

**See appended commentary on Section 55.

c. Persons sentenced to confinement for a term not exceeding 6 months, or to any other lighter measure of social defense, who, during a period of 3 years from the date on which the measure of social defense applied to them is served out, do not commit another equally or more serious crime; and persons sentenced to confinement for a term exceeding 6 months, but not exceeding 3 years, who do not commit another and not less serious** crime during a period of 6 years. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

**See appended commentary on Section 55.

56. Rescinded.

57. Rescinded.

S P E C I A L P A R T

CHAPTER I. STATE CRIMES**

**Chapter I became effective at the time that the Statute on State Crimes, adopted on 25 February 1927 by the third session of the third convocation of TsIK USSR, came into force. (USSR Laws 1927, Law No 123)

1. Counterrevolutionary Crimes

58-1. Considered counterrevolutionary shall be any act intended to overthrow, undermine, or weaken the power of the workers' and peasants' soviets, or of the workers' and peasants' governments of the USSR and the union and autonomous republics elected by the soviets in accordance with the USSR and union-republic constitutions, or to undermine or weaken the external security of the USSR or the basic economic, political, and national conquests of the proletarian revolution.

By virtue of the international solidarity of the interests of all the working people, such acts shall also be considered counterrevolutionary if directed against any other working people's state, even if that state does not form part of the USSR. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

58-1a. Treason, that is, acts committed by citizens of the USSR to the detriment of the military power of the USSR, its independence as a state, or the integrity of its territory, such as espionage, betrayal of a military or state secret, defection to the enemy, or fleeing abroad by surface or air, shall be punished by:

The supreme measure of criminal punishment: death by shooting, with confiscation of all property, or, if there are extenuating circumstances, confinement for a period of 10 years,** with confiscation of all property. (RSFSR Laws 1934, Law No 173, dated 20 July 1934)

**See Section 28.

58-1b. These same crimes, if committed by any person in military service, shall be punished by the supreme measure of criminal punishment: death by shooting, with confiscation of all property. (RSFSR Laws 1934, Law No 173, dated 20 July 1934)

58-1c. If any person in military service flees abroad, by surface or by air, those adult members of his family who in any way assisted in the preparation or commission of the treasonous act, or who had knowledge of it but failed to report it to the authorities, shall be punished by:

Confinement for a period of from 5 to 10 years, with confiscation of all property.

All other adult members of a traitor's family who resided with him or were dependent on him at the time the crime was committed shall be deprived of electoral rights and exiled to a remote region in Siberia for a period of 5 years. (RSFSR Laws 1934, Law No 173, dated 20 July 1934)

58-1d. Any person in military service who fails to inform the authorities of the preparation or commission of a treasonous act shall be punished by:

Confinement for a period of 10 years.

The failure of any other citizen (of a person not in military service) to inform the authorities on the same score, shall be punished under Section 58-12. (RSFSR Laws 1934, Law No 173, dated 20 July 1934.)

58-2. Any armed uprising, any invasion of Soviet territory by armed bands for counterrevolutionary purposes, any seizure of power for such purposes at the center or in local areas, and, in particular, with the object of forcibly detaching from the USSR or from any individual union republic thereof any part of its territory or of breaking any treaty concluded by the USSR with any foreign state, shall be punished by:

The supreme measure of social defense: death by shooting, or declaration to be an enemy of the working people, with confiscation of property, deprivation of union-republic and USSR citizenship, and banishment for life from the territory of the USSR; if, however, there are extenuating circumstances, penalty may be reduced to confinement for a term of not less than 3 years, with confiscation of all or a part of property. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

58-3. Communication with any foreign power or with any of its individual representatives for counterrevolutionary purposes, or aiding in any manner a foreign power that is in a state of war with the USSR or carrying on a struggle against it by means of intervention or blockade, shall be punished by:

The measures of social defense specified in Section 58-2 of this code. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

58-4. The rendering of assistance of any kind to that part of the international bourgeoisie which, while refusing to recognize the equality of rights of the Communist system which is replacing the capitalist system, seeks to overthrow it, or the rendering of assistance of any kind to social groups and organizations under the influence of or directly organized by this bourgeoisie in carrying on hostile activities directed against the USSR, shall be punished by:

Confinement for a period of not less than 3 years and confiscation of all or a part of property, provided that, when there are especially aggravating circumstances, penalty may be increased up to the supreme measure of social defense: death by shooting, or declaration to be an enemy of the working people, with deprivation of union-republic and USSR citizenship, banishment for life from the territory of the USSR, and confiscation of property. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

58-5. Inducing a foreign state or any social group in it, by communicating with their representatives or utilizing spurious documents, or by any other means, to declare war on or engage in armed intervention in the affairs of the USSR, or to engage in any other hostile act, especially: blockade, seizure of USSR or union-republic state property, severance of diplomatic relations, rescision of any treaty concluded with the USSR, and the like, shall be punished by:

The measures of social defense specified in Section 58-2 of this code. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

58-6. Espionage, that is, the transmission, or the theft or collection for the purpose of transmission, to foreign states, counterrevolutionary organizations, or private persons, of information that is by virtue of its content a specially protected state secret, shall be punished by:

Confinement for a period of not less than 3 years and confiscation of all or a part of property, or -- in cases in which the espionage has caused or might have caused especially grave consequences to the interests of the

USSR -- either the supreme measure of social defense: death by shooting, or declaration to be an enemy of the working people, with deprivation of union-republic and USSR citizenship, banishment for life from the territory of the USSR, and confiscation of property.

Transmission, theft, or collection for the purpose of transmission to the organizations and persons specified above -- whether for remuneration or gratuitously -- of economic information that by virtue of its content does not constitute a specially protected state secret, but which is not subject to disclosure by virtue of direct legislative prohibition or of regulations issued by the director of a governmental department, institution, or enterprise, shall be punished by:

Confinement for a period not exceeding 3 years. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

Note 1. Considered to be specially safeguarded state secrets are the kinds of information enumerated in a special list approved by the Sovnarkom USSR with the concurrence of union-republic sovnarkoms and published for general information. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)**

**See decree of the Council of Ministers USSR dated 8 June 1947 (p 109).

Note 2. Section 193-24 of this code shall apply to acts of espionage committed by persons specified in Section 193-1 of this code. (RSFSR Laws 1928, Law No 108, dated 9 January 1928)

*58-7. Undermining, with counterrevolutionary intent, state industry, transport, trade, monetary circulation, the credit system, or the cooperative movement by using state institutions and enterprises or by working against their normal activities; or using state institutions and enterprises or working against their activities in the interests of former owners or interested capitalist organizations shall be punished by:

The measures of social defense specified in Section 58-2 of this code. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

58-8. The commission of terroristic acts against representatives of the Soviet regime or persons active in revolutionary workers' and peasants' organizations, or participation in the accomplishment of such acts, even on the part of persons who do not belong to counterrevolutionary organizations, shall be punished by:

The measures of social defense specified in Section 58-2 of this code. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

*58-9. Destroying or damaging, with counterrevolutionary intent, by means of explosives, fire, or any other method, any railway or other way or means of transportation, means of public communication, water supply system, public warehouse, or other installation, or state or public property, shall be punished by:

The measures of social defense specified in Section 58-2 of this code. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

58-10. Carrying on propaganda or agitation containing an appeal to overthrow, undermine, or weaken the Soviet regime or to commit particular counterrevolutionary crimes (Sections 58-2 to 58-9 of this code), or the dissemination, preparation, or possession of literature of the same content, shall be punished by:

Confinement for a period of not less than 6 months.

The same acts, if committed during a time of mass unrest, or by utilizing mass religious or national prejudices, or in time of war, or in localities declared under martial law, shall be punished by:

The measures of social defense specified in Section 58-2 of this code. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

58-11. Any kind of organizational activity that is directed toward the preparation or commission of any of the crimes covered by this chapter, or participation in any organization formed to prepare or commit one of the crimes covered by this chapter, shall be punished by:

The measures of social defense specified by the applicable sections of this chapter. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

58-12. Failure of persons having credible knowledge of the preparation or commission of a counterrevolutionary crime to report to the authorities shall be punished by:

Confinement for a period of not less than 6 months.
(RSFSR Laws 1927, Law No 330, dated 6 June 1927)

58-13. Any action or active struggle against the worker class or the revolutionary movement carried on by a person in a responsible or secret post (undercover agent) under the tsarist regime or under counterrevolutionary governments during the Civil War shall be punished by:

The measures of social defense specified in Section 58-2 of this code. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

*58-14. Counterrevolutionary sabotage (Kontrrevolyutsionnyy sabotazh), that is, deliberate non-performance of a definite duty, or its performance with deliberate carelessness for the specific purpose of weakening governmental authority and the operation of the state machinery, shall be punished by:

Confinement for a period of not less than one year and confiscation of all or a part of property, provided that, when there are especially aggravating circumstances, penalty may be increased up to the supreme measure of social defense: death by shooting, with confiscation of property. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

2. Crimes Against Public Administration That Are Especially Dangerous to the USSR

59-1. An act shall be considered a crime against public administration if, although not directly intended to overthrow the Soviet regime and the workers' and peasants' government, it nevertheless leads to a disturbance of normal operations of agencies of administration or of the national economy (organy upravleniya ili narodnogo khozyaystva) and is accompanied by resistance to governing organs (organy vlasti) or obstruction of their operations, disobedience to the laws, or any other act that weakens the power or authority of the state.

Considered crimes against public administration especially dangerous to the USSR shall be crimes committed against public administration without counterrevolutionary intent that nevertheless weaken the foundations of the state administration and economic might of the USSR and the union republics. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

59-2. Mass disorders accompanied by pogroms, destruction of railways or other means of transportation and communication, murder, arson, or any other such act shall be punished:

a. With respect to the organizers and leaders of mass disorders and to all participants who commit any of the aforementioned crimes or offer armed resistance to the authorities, by:

Confinement for a period of not less than 2 years and confiscation of all or a part of property, provided that, when there are especially aggravating circumstances, the penalty may be increased up to the supreme measure of social defense: death by shooting, with confiscation of property;

b. With respect to other participants, by:

Confinement for a period not exceeding 3 years.

Mass disorders not aggravated by commission of any of the aforementioned crimes, but accompanied by overt disobedience to the lawful demands of the authorities, or by opposition to the execution by the same of their duties, or by the exercise of force to make them execute manifestly unlawful demands, shall be punished by:

Confinement for a period not exceeding one year. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

*59-3. Banditry, that is, the organization of any armed band and participation in it and in attacks organized by it on state or private institutions or individual citizens, or in holding up trains or destroying railways or other means of transportation and communication, shall be punished by:

Confinement for a period of not less than 3 years and confiscation of all or a part of property, provided that, when there are especially aggravating circumstances, penalty may be increased, up to the supreme measure of social defense: death by shooting, with confiscation of property. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

59-3a. Secret or open theft of firearms, parts of firearms, or ammunition:**

**See ukase of the Presidium, Supreme Soviet USSR of 4 June 1947, "On Liability to Criminal Prosecution for Theft of State and Public Property" (p 101).

(a) From any warehouse or depot of the Worker-Peasant Red Army, of the militarized guard (voenizirovannaya okhrana) or the militarized fire guard of enterprises and installations of special state significance, of the Worker-Peasant Militia, of the Office for Special Underwater Work (EPRON), of corrective labor institutions, of the home guard (tylovoye opolcheniye), or of labor units composed of persons exempted from military service because of religious convictions,** or (b) from places in which there are permanently or temporarily stationed units of the Worker-Peasant Red Army, the militarized guard and militarized fire guard, the Office for Special Underwater Work, or the home guard and labor units, or from corrective labor institutions -- in cases in which firearms, parts of firearms, or ammunition are under guard or special supervision -- shall be punished by:

Confinement for a period of not less than one year, or, in case the thieves employ violence endangering the lives or health of persons discharging guard or supervisory duties, confinement for a period of not less than 3 years, provided that, when there are especially aggravating circumstances, penalty may be increased up to the supreme measure of social defense: death by shooting, with confiscation of property. (RSFSR Laws 1934, Law No 102, dated 20 April 1934)

**The Law on Universal Military Service, passed by the extraordinary fourth session of the Supreme Soviet USSR on 1 September 1939, does not provide for home guard or labor units composed of persons exempted from military service.

*59-3b. Destroying or damaging any railway or other means of communication, any installation on the same, or any warning signal, item of rolling stock, or vessel, for the purpose of wrecking a train or vessel, shall be punished by:

Confinement for a period of not less than 3 years and confiscation of all or a part of property, provided that, when there are especially aggravating circumstances, the penalty may be increased up to the supreme measure of social defense: death by shooting, with confiscation of property. (RSFSR Laws 1929, Law No 513, dated 25 June 1929)

*59-3c. Any violation by transport workers of labor discipline (violation of regulations concerning traffic, poor-quality repair work on railway cars and tracks, and the like), if such violations result or might have resulted in damage to or destruction of railway cars, tracks, or installations, or in accidents involving human beings, the dispatch of trains or vessels at the wrong time, in the accumulation of empty railway cars at unloading points, or in allowing railway cars and vessels to stand idle, or any other act resulting in a breach (nonfulfillment) of the government's transportation plans or in jeopardizing the regularity or safety of traffic, shall be punished by:

Confinement for a period not exceeding 10 years.

In cases in which these criminal acts are of an obviously malicious nature, the supreme measure of social defense, with confiscation of property, shall be applied. (RSFSR Laws 1931, Law No 103, dated 15 February 1931)

59-3d. Any violation by civil aviation or civil aeronautics workers of their official duties (violation by the chief of an airport of the rules on dispatching aircraft, departure from an airport without the authorization of the chief thereof, violations of flight regulations, and the like), if such violations result or might have resulted in damage to or destruction of aircraft or ground installations, or in accidents involving persons, shall be punished by:

Confinement for a period not exceeding 10 years, but, if there are especially aggravating circumstances, by the supreme measure of punishment. (RSFSR Laws 1936, Law No 2, dated 1 December 1935)

59-3e. Any violation of the regulations governing international flight (unauthorized flights into or out of the USSR, failure to adhere to authorized flight routes, landing places, air corridors, altitudes of flight, etc.), provided that the criteria of treason or of other counter-revolutionary crimes are absent, shall be punished by:

Confinement for a period of not less than one year, or a fine not exceeding 10,000 rubles, with or without confiscation of the aircraft. (RSFSR Laws 1936, Law No 2, dated 1 December 1935)

59-4. Evasion of the regular call-up to active military service shall be punished by:

Corrective labor work for a period not exceeding one year.

Evasion of the regular call-up to active military service, if committed under aggravating circumstances, in particular by means of self-inflicted bodily injury, malingering, forgery of documents, bribery of officials, and the like, or under pretext of religious convictions,** shall be punished by:

Confinement for a period not exceeding 5 years. (RSFSR Laws 1931, Law No 46, dated 10 January 1931)

**The Law on Universal Military Service of 1 September 1939 does not provide for exemption from military service on grounds of religious convictions or for the organization of a home guard.

59-5. Evasion, in time of war, of call-up for service in home guard or labor units on the part of persons assigned to the home guard or of persons exempted from military service on grounds of religious convictions** shall be punished by:

Confinement for a period of not less than one year. (RSFSR Laws 1934, Law No 102, dated 20 April 1934)

**The Law on Universal Military Service of 1 September 1939 does not provide for exemption from military service on grounds of religious convictions or for the organization of a home guard.

59-6. Evasion of or refusal to pay taxes or to fulfill state obligations (particularly the duty to surrender for military purposes horses, automotive and horse-drawn vehicles, and vessels), if committed in time of war, shall be punished by:

Confinement for a period of not less than 6 months, provided that, when there are especially aggravating circumstances, penalty may be increased, up to the supreme measure of social defense: death by shooting, with confiscation of property. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

59-7. The carrying on of propaganda or agitation designed to arouse national or religious enmity or discord, or the dissemination, preparation, or possession of literature of such a character, shall be punished by:

Confinement for a period not exceeding 2 years.

The same acts, if committed in time of war or on the occasion of mass disturbances, shall be punished by:

Confinement for a period of not less than 2 years and confiscation of all or a part of property, provided that, when there are especially aggravating circumstances, penalty may be increased up to the supreme measure of social defense: death by shooting, with confiscation of property. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

59-8. Counterfeiting (poddelka) or passing off counterfeit specie, state treasury notes, bank notes of the State Bank of the USSR, state securities, or foreign currency, if engaged in as a trade, shall be punished by:

The supreme measure of social defense: death by shooting, with confiscation of property, provided that, when there are extenuating circumstances, sentence may be reduced to confinement for a period of not less than 2 years and confiscation of all or a part of property.

Forgery of checks, receipts for deposits of money or securities, or certifications of letters of credit, if engaged in as a trade, shall be punished by:

Confinement for a period of not less than 2 years and confiscation of all or a part of property.

Counterfeiting or passing off counterfeit postal money orders, railway or water travel tickets, or other passenger and freight transport documents, if engaged in as a trade, shall be punished by:

Confinement for a period not exceeding 3 years. (RSFSR Laws 1930, Law No 94, dated 10 February 1930)

*59-9. Compound smuggling (kvalifitsirovannaya kontrabanda) shall be punished:

In addition to confiscation of contraband and imposition of a fine by customs authorities, by confinement for a period of not less than one year and confiscation of all or a part of property, provided that, when there are especially aggravating circumstances, penalty may be increased up to the supreme measure of social defense: death by shooting, with confiscation of property. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

59-10. Assisting persons to cross the national frontiers illegally, if engaged in as a trade or committed by any official, shall be punished by:

Confinement for a period not exceeding one year. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

59-11. Any violation of the Statute on the Foreign Trade Monopoly shall be punished by:

Confinement for a period not exceeding 10 years and confiscation of all or a part of property. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

*59-12. Any violation of the regulations governing foreign exchange transactions shall be punished by:

Confinement for a period not exceeding 3 years and confiscation of all or a part of property. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

59-13. Failure on the part of any person having definite knowledge of the preparation or commission of any of the crimes covered by Sections 59-2, 59-3, and 59-8 of this code to report to the authorities, shall be punished by:

Confinement for a period not exceeding one year. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

CHAPTER II. OTHER CRIMES AGAINST PUBLIC ADMINISTRATION

60. Failure to pay taxes or levies for compulsory insurance within the prescribed period of time, despite ability to pay, if measures of exaction in the form of attachment of property or sale of attached property at auction have been applied to the offender even once during the preceding or current fiscal year, shall be punished:

For the first offense, by a fine equal to the arrears; for the second offense, by corrective labor work for a period not exceeding 6 months, or by a fine equal to twice the arrears.

The same acts, if committed by a group of persons pursuant to advance agreement among themselves, or if committed even in the absence of advance agreement by persons connected with farms classified by special legislation (on the basis of the Statute on the Single Agricultural Tax) as kulak farms, or by persons subject to income tax in accordance with Schedule 3, shall be punished by:

Confinement or corrective labor work for a period not exceeding one year, or by a fine not exceeding ten times the amount of the payments due. (RSFSR Laws 1930, Law No 192, dated 30 March 1930)

60-1. Failure to pay the special military tax on time on the part of persons able to do so shall be punished by:

Corrective labor work for a period not exceeding 3 months, or by a fine not exceeding three times the unpaid tax.

The same act, if committed by a person already convicted of failure to pay the same tax during the current or preceding fiscal year, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or by a fine not exceeding five times the unpaid tax.

The same act, if committed for the first time by a group of persons by advance agreement among themselves, shall be punished by:

Confinement for a period not exceeding 2 years.** (RSFSR Laws 1929, Law No 576, dated 29 July 1929)

**The Law on Universal Military Service does not provide for a home guard; therefore, the special military tax is not collected.

61. Refusal to perform obligatory services, state tasks, or work of state importance shall be punished by:

A fine imposed by the appropriate organ of government** not exceeding five times the value of the required tasks, services, or work; for a second offense, confinement or corrective labor work for a period not exceeding one year; for the same offense, when committed by kulak elements even for the first time, or by other persons under aggravating circumstances (collusion among a group of persons, or active resistance to governing organs in carrying out obligatory service, tasks, or work), confinement for a period not exceeding 2 years and confiscation of all or a part of property, with or without exile to a given place. (RSFSR Laws 1931, Law No 102, dated 15 February 1931)

**Fines are imposed by the courts under special procedures in accordance with the TsIK and Sovnarkom USSR decree dated 11 April 1937 (USSR Laws 1937, Law No 120).

62. Concealment or false declaration of the number of objects subject to registration or taxation, when organized by mutual agreement, shall be punished:

With regard to the organizers and leaders, by confinement for a period not exceeding 2 years or by corrective labor work for a period not exceeding one year, with or without confiscation of a part of property; and with respect to the other participants, by a fine not exceeding five times the amount of payments due.

A second such concealment, even though not by agreement with other taxpayers, shall be punished by:

The measures of social defense prescribed in regard to organizers and leaders of organized concealment.

The first offense of concealment shall be punished by:

A fine not exceeding five times the amount of payments due. (RSFSR Laws 1929, Law No 480, dated 17 June 1929)

Note. Paragraph 3 of this section shall not apply to cases of concealment of sources of income subject to the single agricultural tax when penalties are imposed by administrative action under procedures and within limits prescribed by the statute on that tax. (RSFSR Laws 1929, Law No 480, dated 17 June 1929)

63. Concealment of all or a part of property inherited or transferred under a deed of gift, or artificially undervaluing such property for the purpose of circumventing laws governing inheritance and gifts or the law on taxation of inherited property and of property acquired under deeds of gift,** shall be punished by:

Confiscation of all or a part of the property transferred by inheritance or gift to a person who concealed it.

**The tax on property transferred by inheritance or gift was rescinded by the ukase of the Presidium, Supreme Soviet USSR of 9 January 1943 (Vedomosti Verkhovnogo Soveta SSSR 1943, No 3).

*64. Any violation by rank-and-file [privates] or junior commanding personnel [noncommissioned officers] of regulations governing the registration of persons of their rank subject to military service, if a first offense, shall be punished by:

A fine not exceeding 50 rubles, imposed by administrative action by chiefs of militia departments or by chairmen of village (settlement) soviets.

Any violation commanding personnel [commissioned officers] of regulations established for the registration of persons of their rank subject to military service, if a first offense, shall be punished by:

A fine not exceeding 100 rubles, imposed by administrative action by rayon (city) military commissars.

The failure of any house manager, commandant, or owner to comply with the provisions governing registration of persons subject to military service established by Sections 63 and 64 of the law "On Universal Military Service," shall be punished by:

A fine not exceeding 100 rubles, imposed by administrative action by chiefs of militia departments.

A second violation of the regulations governing military registration committed by:

a. Rank-and-file or junior commanding personnel, shall be punished by:

Forced labor for a period not exceeding one month, or a fine not exceeding 200 rubles;

b. Commanding personnel, shall be punished by:

Forced labor for a period not exceeding 2 months, or a fine not exceeding 400 rubles. (Ukase of the Presidium, Supreme Soviet USSR of 12 November 1940)

65. Rescinded. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

66. Evasion of any training or inspection mobilization (opytnyye i poverochnyye mobilizatsiy) shall be punished by:

Corrective labor work for a period not exceeding 3 months, or a fine not exceeding 500 rubles.

67. Rescinded. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

68. Refusal to perform, or evasion of, compulsory military service by any preinductee (doprizyvnik)**, or by any serviceman (voennosluzhashchiy) or other person subject to call-up for military service (voennobyazannyy) of the Worker-Peasant Red Army reserve who is not on active duty in the Worker-Peasant Red Army, shall be punished by:

Confinement or corrective labor work for a period not exceeding 6 months, or a fine not exceeding 500 rubles.

**The "Law On Universal Military Service" does not provide for compulsory military service on the part of preinductees.

Refusal to perform, or evasion of, compulsory military service by any preinductee, or by any serviceman or other person subject to call-up for military service of the Worker-Peasant Red Army Reserve who is not on active duty in the Worker-Peasant Red Army, if effected by means of injury to health, malingering, forgery of any document, bribery of any official, or by any other fraudulent means, or under pretext of religious** or other personal convictions, shall be punished by:

Confinement for a period not exceeding 3 years. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

**The Law on Universal Military Service of 1 September 1939 does not provide for exemption from military service on grounds of religious convictions.

69. Evasion by persons exempted from military service on grounds of religious convictions and by persons assigned to the home guard** of any work of public utility (obshchepoleznyye raboty) which he is called upon to perform, shall be punished by:

Confinement for a period not exceeding 2 years, or corrective labor work for a period not exceeding one year, or a fine not exceeding 1,000 rubles. (RSFSR Laws 1931, Law No 46, dated 10 January 1931)

**The Law on Universal Military Service of 1 September 1939 does not provide for exemption from military service on grounds of religious convictions or for the organization of a home guard.

70. Any evasion of the obligation to provide horses, wagons, and harness for equipping territorial units of the Red Army during periods of training and short-term musters, shall be punished by:

A fine not exceeding 200 rubles, with or without confiscation of the animals and equipment not supplied.

Any violation of regulations governing military and other registration of draft animals (horses, bullocks, camels, etc.), wagons, harness, automobiles, motorcycles, bicycles, or any other means of transport that is subject to registration, or of accessories and spare parts thereto, or unjustifiable failure to present any of the foregoing for re-registration, inventory, or training and inspection mobilizations, shall be punished by:

Corrective labor work for a period not exceeding one month, or a fine not exceeding 200 rubles. (RSFSR Laws 1927, Law No 330, dated 6 June 1927; 1931, Law No 375, dated 30 August 1931)

71. Rescinded. (RSFSR Laws 1932, Law No 261, dated 1 July 1932)

*72. The forgery of any certificate or other document issued by any state or public institution which grants rights or which exempts from the performance of any obligation, whether for use by the forger himself or by any other person, shall be punished by:

Confinement for a period not exceeding 3 years, or corrective labor work for a period not exceeding one year.

The utilization of any document known to be forged shall be punished by:

Confinement or corrective labor work for a period not exceeding 6 months, or a fine not exceeding 100 rubles.

73. Resistance by individual citizens to representatives of authority while they are executing duties made incumbent upon them by law, or compelling them by the use of personal violence to perform manifestly illegal acts, shall be punished by:

Confinement for a period of not less than one year.

Resistance to authority not involving violence shall be punished by:

Confinement or corrective labor work for a period not exceeding 6 months, or a fine not exceeding 500 rubles.

73-1. Any threat to kill, or to destroy the property of, or to commit acts of violence against any official or public functionary for the purpose of preventing his official or public activity or of altering the character of any such activity in the interests of the person making the threat, shall (depending on the circumstances and the nature of the threat) be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 300 rubles, or banishment from a given locality, with or without compulsory residence in another given place, for a period not exceeding 3 years.

The infliction of blows on, or the application of any other form of violence to, any public activist, shock-worker in production, or kolkhoznik, in connection with his public or production activities, in cases where the act cannot be considered an act of terrorism by reason of its nature, the circumstances under which it is committed, or its consequences, shall be punished by:

Confinement for a period not to exceed 5 years. (RSFSR Laws 1929, Law No 293, dated 25 March 1929; 1932, Law No 103, dated 20 February 1932)

73-2. Instigating any minor to commit, or enlisting the participation of any minor in the commission of, various crimes, or compelling any minor to engage in speculation, prostitution, begging, and the like, shall be punished by:

Confinement for a period of not less than 5 years. (RSFSR Laws 1936, Law No 1, dated 25 November 1935)

*74. Any act of hooliganism committed in an enterprise, institution, or public place shall be punished by:

Confinement in a prison (tyuremnoye zaklyucheniye) for a period of one year, unless the nature of such an act makes it subject to more severe punishment. (Ukase of the Presidium, Supreme Soviet RSFSR of 16 August 1940, Izvestiya, 17 August 1940)

If the aforementioned acts constitute a violent disturbance (buystvo) or outrage (beschinstvo), or are repeated, or are stubbornly persisted in despite the warnings of agencies responsible for preserving public order, or by their nature are characterized by extreme cynicism or insolence, they shall be punished by:

Confinement for a period not exceeding 5 years. (RSFSR Laws 1935, Law No 146, dated 10 May 1935)

75. Failure to comply with any legal order or demand of any military sentry at his post, or of any other authority responsible for preserving public order and security, shall be punished by:

Confinement or corrective labor work for a period not exceeding 3 months, or a fine not exceeding 300 rubles.

*75-1. Any violation of regulations established by order of the People's Commissariat of Railways** and its agencies on preserving order and safety of traffic, on safeguarding transport property, on preventing and suppressing unlawful use of transport, or on enforcing sanitary and fire prevention measures -- if such a violation has serious consequences -- shall be punished by:

Confinement for a period not exceeding 3 years, or a fine not exceeding 3,000 rubles. (RSFSR Laws 1929, Law No 513, dated 25 June 1929)

**Now the Ministry of Railways USSR; and by the Ministry of Maritime and River Fleet and the Ministry of Motor Transport and Highways.

75-2. Any violation outside the limits of port waters of regulations established by law or by order of the proper authority on preventing collision of vessels at sea, on measures to safeguard submarine telegraph cables, or other provisions governing maritime navigation, if such violation does not constitute a breach of official duty on the part of the person who commits it, shall be punished by:

A fine not exceeding 300 rubles, or, if the violation has serious consequences, confinement for a period not exceeding 3 years or a fine not exceeding 3,000 rubles. (RSFSR Laws 1929, Law No 513, dated 25 June 1929)

75-3. Any violation of regulations governing the use of radio facilities, either by USSR vessels or by foreign vessels in the territorial waters of the USSR, shall be punished by:

Confinement for a period not exceeding 2 years, or a fine not exceeding 10,000 rubles. (RSFSR Laws 1931, Law No 104, dated 15 February 1931)

75-4. Any violation of regulations established by the RSFSR Civil Aviation Code or issued by the Main Administration of the Civil Air Fleet on preserving order and security of air traffic or on safeguarding the property of the Civil Air Fleet, or any violation of Civil Air Fleet sanitary or fire prevention regulations, if such violation incurs or might have incurred serious consequences and does not constitute a breach of official duty on the part of the person who commits it, shall be punished by:

Confinement for a period not exceeding 3 years, or a fine not exceeding 3,000 rubles. (RSFSR Laws 1936, Law No 2, dated 1 December 1935)

76. Publicly insulting any representative of authority in the execution of his official duties shall be punished by:

Confinement or corrective labor work for a period not exceeding 6 months, or a fine not exceeding 500 rubles.

77. Unauthorized appropriation of the title or authority of any official, if discredit to Soviet authority is involved, or if any act constituting a social danger is committed on the basis thereof, shall be punished by:

Confinement for a period not exceeding 2 years.

78. Stealing, damaging, concealing, or destroying any official or private document of any state agency with the object of obstructing proper transaction of the business, or, in general, the operations, of such an institution, shall be punished by:

Confinement for a period not exceeding one year.

Commission of these same acts in connection with any especially secret or especially important state document shall be punished by:

Confinement for a period not exceeding 3 years.

*79. Intentional destruction or damaging of property belonging to any state institution or enterprise, or to any public (cooperative, trade union, and the like) organization, including electric wires, means of communication, and the like, shall be punished by:

Confinement or corrective labor work for a period not exceeding one year.

These same acts, if it is established that they have been committed repeatedly, or if as a result of them production has been stopped or interrupted or other serious loss to the state caused, shall be punished by:

Confinement for a period not exceeding 5 years, with or without confiscation of property.**

**See Section 6 of the ukase of the Presidium, Supreme Soviet USSR of 11 January 1955, "On Responsibility for Cattle Damage to Crops in Kolkhozes and Sovkhozes" (p 150).

79-1. The illegal slaughter or intentional maiming of livestock, or incitement of other persons to do the same, with the object of undermining collective agriculture or impeding its development, shall be punished by:

Confinement for a period not exceeding 2 years, with or without banishment from a given place. (RSFSR Laws 1930, Law No 26, dated 20 January 1930)

79-2. Damaging or breaking tractors or agricultural machinery belonging to sovkhozes, machine-tractor stations, or kolkhozes, if such damage or breakage is the result of criminally negligent treatment of the property, shall be punished by:

Corrective labor work for a period not exceeding 6 months.

These same acts, if they are repeated or cause serious damage, shall be punished by:

Confinement for a period not exceeding 3 years. (RSFSR Laws 1931, Law No 163, dated 20 March 1931)

Note. If breakage or damage is not substantial, there may be substituted for prosecution a penalty imposed in accordance with internal regulations (pravila vnutrennego rasporyadka) and deductions from pay in accordance with procedures established by law. (RSFSR Laws 1931, Law No 163, dated 20 March 1931)

79-3. The illegal slaughter of any horse (i.e., slaughtering unauthorized by veterinary inspection agencies), the intentional maiming of any horse, or any other malicious act that results in the death of a horse or in rendering it unfit for use, if committed by kulaks or private speculators, shall be punished by:

Confinement for a period not exceeding 2 years, with or without banishment.

Incitement by any such person to any such offense shall entail the same penalties.

The same acts with respect to any horse belonging to any kolkhoz, sovkhoz, machine-horse station, or other institution or enterprise of the socialized sector, if committed by any worker of the aforementioned farms, agencies, or enterprises, or by any member of a kolkhoz, shall be punished by:

Corrective labor work for a period not exceeding one year.
(RSFSR Laws 1932, Law No 304, dated 29 April 1932)

79-4. Criminally negligent treatment of any horse, especially of a mare in foal, on any kolkhoz, sovkhoz, machine-horse station, enterprise, or institution of the socialized sector, if such treatment results in the death of a horse or in rendering it unfit for use, shall be punished by:

Corrective labor work for a period not exceeding 6 months.

In case such acts are committed systematically or result in the loss of a considerable number of horses, they shall be punished by:

Confinement for a period not exceeding 3 years.

Note. If negligent treatment does not result in the consequences specified in this section, there may be substituted for criminal prosecution a disciplinary penalty imposed in accordance with internal regulations, together with the obligation to make good the damage caused. (RSFSR Laws 1932, Law No 304, dated 29 April 1932)

80. Damage through negligence to any submarine telegraph cable, if it might have resulted in the interruption of telegraphic communications, shall be punished by:

Corrective labor work for a period not exceeding 3 months,
or a fine not exceeding 300 rubles.

81. The unlawful liberation from custody or from any place of confinement of any person under arrest, or assisting any such person to escape, shall be punished by:

Confinement for a period not exceeding one year.

The same acts, if effected by the use of force against a guard, but not attended by infliction of serious injury endangering life, shall be punished by:

Confinement for a period not exceeding 3 years.

The same acts, if attended by the consequences specified in the preceding paragraph of this section, shall be punished by:

Confinement for a period not exceeding 10 years.

82. An arrested person who escapes from custody or from a place of confinement shall be punished by:

Confinement for a period not exceeding 3 years.

Escape from a place of compulsory residence (ssylka, exile), or while en route to such a place, or evasion of corrective labor work by any person sentenced to exile, shall be punished by:

Confinement for a term equal to the period of exile.

Any banished person who, without authorization, returns to a place in which he has been forbidden to reside, shall be punished by:

Confinement or exile for a term equal to the period of banishment; but for exile there may be substituted only banishment for a period of not less than 3 years.

Note. The measures provided for by Paragraphs 2 and 3 of this section may be imposed by court order under procedures established for execution of sentences (Section 461 of the Criminal Procedural Code). (RSFSR Laws 1931, Law No 266, dated 10 June 1931)

*83. Ordinary smuggling (prostaya kontrabanda) shall be punished by:

Confiscation of smuggled goods and a fine imposed by administrative action on the basis of Customs Regulations.**

**Now the Customs Code of the USSR (USSR Laws 1929, Law No 2)

Repeated smuggling shall be punished by:

Banishment by administrative action in addition to confiscation of smuggled goods and a fine. (RSFSR Laws 1927, Law No 330, dated 6 June 1927)

*84. Entry into or departure from the USSR without the prescribed passport or permission of the proper authorities shall be punished by:

Confinement in a [corrective labor] camp for a period of from one to 3 years. (RSFSR Laws 1936, Law No 141, dated 10 November 1936)

Note. This section shall not apply to cases of entry into the USSR without the prescribed passport or permission of the proper authorities by persons taking advantage of the right of asylum for foreigners who have been persecuted for their political activities or religious beliefs, which right is granted by Section 12 of the Constitution of the RSFSR.**

**See Section 133 of the Constitution of the RSFSR.

84-a. Rescinded. (Ukase of the Presidium, Supreme Soviet RSFSR of 27 June 1947, Vedomosti Verkhovnogo Soveta SSSR 1947, No 29)

84-b. Rescinded. (Ukase of the Presidium, Supreme Soviet RSFSR of 27 June 1947, Vedomosti Verkhovnogo Soveta SSSR 1947, No 29)

85. Any violation of ordinances issued in the interests of safeguarding forests from being plundered or destroyed, if the value of illegally obtained timber or of damage caused to the forest economy exceeds 50 rubles at the price officially established for delivery of timber in the given locality, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine in an amount not exceeding three times the value of timber illegally obtained, damaged, or destroyed. In addition, illegally obtained timber shall be confiscated.

Any such offense, if committed in cities, suburbs, parks, or health resorts, or with respect to water-conservation forests, shore-protection forests, soil-conservation forests, or forests within a 50-kilometer radius of Moscow -- if the value of illegally obtained timber or of damage caused to the forest economy exceeds 100 rubles at the price officially established for delivery of timber in the given locality -- shall be punished by:

Corrective labor work for a period not exceeding one year, or a fine in an amount not exceeding ten times the value of the timber illegally obtained, damaged, or destroyed. In addition, illegally obtained timber shall be confiscated.

The same acts, if engaged in as a trade -- irrespective of the value of the illegally obtained timber or of damage caused to the forest economy -- shall be punished by:

Corrective labor work for a period not exceeding one year, or, if committed in forests specified in Paragraph 2 of this section, confinement for a period not exceeding 2 years. In both cases, illegally obtained timber shall be confiscated.

The felling of timber in restricted areas established within water conservation zones shall be punished by:

Confinement for a period not exceeding 2 years and obligatory confiscation of illegally obtained timber. (RSFSR Laws 1936, Law No 142, dated 20 October 1936)

86. Engaging in any trade for the taking of any fish or animal or anything else from the waters of any sea, river, or lake of general state importance without proper authorization, or during a closed season, or in restricted areas, or by means of any prohibited implement, method, or device, shall be punished by:

Confinement or corrective labor work for a period not exceeding one year, or a fine not exceeding 500 rubles, with confiscation in all cases of the illegal catch, and with or without confiscation of the implements and of the vessels, with all their accessories, used in the illegal trade.

Engaging in the trade of hunting fur seals or sea otters in the open sea, or fur seals within the three-mile limit, or engaging in the illegal trade of hunting fur seals or sea otters on land or sea otters within the 3-mile limit, shall be punished by:

The same measures of social defense, except that the vessels and implements shall in all cases be confiscated. (RSFSR Laws 1928, Law No 758, dated 10 September 1928; 1931, Law No 52, dated 10 January 1931)

86-1. Hunting in any prohibited area, during any closed season, by any prohibited method, or with any prohibited equipment, shall be punished by:

Confinement or corrective labor work for a period not exceeding 6 months, or a fine not exceeding 300 rubles, with confiscation in all cases of game, and with or without confiscation of hunting equipment. (RSFSR Laws 1928, Law No 355, dated 6 April 1928; 1932, Law No 179, dated 10 May 1932)

87. Exploitation of mineral resources in violation of established regulations shall be punished by:

Confinement or corrective labor work for a period not exceeding 6 months, or a fine not exceeding 500 rubles.

*87-a. Any violation of the laws on nationalization of land by openly or covertly buying or selling, agreeing to sell, giving, or mortgaging it, by illegally exchanging plots, or in general by any alienation of the right to toil tenure of land not authorized by law, shall be punished by:

Confinement for a period not exceeding 3 years, with confiscation of the land involved in the transaction from the person who acquired it and forfeiture of the monetary or property compensation received for it, and with deprivation of the right to receive a land allotment for a period not exceeding 6 years.

The subletting of leased land to another person in violation of legislation in force shall be punished by:

Confinement or corrective labor work for a period not exceeding one year, or a fine not exceeding 500 rubles, with or without deprivation of the right to receive a land allotment for a period not exceeding 6 years.

The subletting of leased land, if done for the second time, or for the first time if two or more plots leased from toil-tenants (trudovyye zemlepol'zovateli) are involved, shall be punished by:

Confinement for a period not exceeding 2 years, with or without deprivation of the right to receive a land allotment for a period not exceeding 6 years. (RSFSR Laws 1928, Law No 269, dated 26 March 1928)

88. The concealment of any impediment to a marriage, or giving false information to agencies which register acts of civil status, shall be punished by:

Confinement or corrective labor work for a period not exceeding one year, or a fine not exceeding 1,000 rubles.

89. The breaking or damaging of seals affixed by order of competent authorities for the purpose of safeguarding any given object or premises shall be punished by:

Corrective labor work for a period not exceeding 3 months, or a fine not exceeding 300 rubles.

*90. Taking the law into one's own hands (samoupravstvo), that is, the arbitrary exercise by someone other than the proper authority of any real or supposed right that is disputed by another person, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 500 rubles.

91. Participation in elections to soviets or in congresses of soviets by any person who does not have the right to do so, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 500 rubles.

*91-1. Employers in rural localities who prevent persons working at hired labor from exercising their electoral rights shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 500 rubles.

Any employer who commits this act in respect of three or more workers, or who commits it for a second time, even though in respect of fewer workers, shall be punished by:

Corrective labor work for a period not exceeding one year, or a fine not exceeding 1,000 rubles. (RSFSR Laws 1929, Law No 163, dated 28 January 1929)

92. Any witness (svidetel') who wilfully fails to appear [to testify] when summoned by police investigation, pretrial investigation, or judicial organs, or who refuses to testify, or any person who prevents such appearance by any person who is financially dependent on or subordinate to him, shall be punished by:

Corrective labor work for a period not exceeding 3 months, or a fine not exceeding 100 rubles.

Any expert, translator, or witness (ponyatoy) [called to be present at an official act] summoned by the same organs who wilfully fails to appear or refuses to perform his duties, or any person who prevents from performing his duties as a people's assessor (narodnyy zasedatel') another person who is financially dependent upon or subordinate to him, shall be punished by:

A fine not exceeding 50 rubles.

Evasion of the duties of people's assessor shall be punished by:

A fine not exceeding 3 rubles.

93. Flying the flag of the USSR on a maritime merchant vessel without the legal right to do so shall be punished by:

Confinement for a period not exceeding one year, with or without confiscation of the vessel or imposition of a fine in an amount not exceeding the full value of the vessel.

The purchase or sale, without the authorization of the proper authorities, of any maritime merchant vessel sailing under the flag of the USSR, shall be punished by:

Confinement for a period not exceeding one year and either confiscation of the vessel, or a fine equal to its value, or a fine not exceeding 1,000 rubles.

94. The use by any person who does not have the right to do so of the emblem or the distinguishing symbol of the army medical (sanitarnaya) service (the Red Cross or the Red Crescent) established by the Geneva International Convention of 1906, or use of the names "Red Cross" or "Red Crescent" for commercial purposes as factory or trade marks, or generally with a view to obtaining by such use any personal profit, shall be punished by:

Confinement for a period not exceeding one year, and either confiscation of a part of property or a fine not exceeding 1,000 rubles.

95. The witting submission of a false denunciation to any judicial or investigative authority or to any other official having the right to institute criminal proceedings, or wittingly giving false testimony when serving as a witness, expert, or translator in the course of any police investigation, pretrial investigation, or court hearing of a case, shall be punished by:

Confinement or corrective labor work for a period not exceeding 3 months.

The witting submission of a false denunciation or giving of false testimony, if coupled with: (a) an accusation of serious crime; (b) mercenary motives; or (c) fabrication of evidence of guilt, shall be punished by:

Confinement for a period not exceeding 2 years.

96. The disclosure of facts determined in the course of any pretrial investigation, police investigation, or inspectoral study without the authorization of a prosecutor, of an investigator, or of the official who conducted the police investigation or inspection, shall be punished by:

Confinement for a period not exceeding 6 months, or a fine not exceeding 500 rubles.

97. Charging the category of working person specified in Section 156 of the Civil Code** rent at a higher rate than that prescribed by appropriate organs of government, or forcibly evicting such persons other than pursuant to a judicial decision, excepting cases of administrative eviction by procedure provided for in special legislation from housing facilities attached to institutions and enterprises, shall be punished by:

Corrective labor work for a period not exceeding 3 months, or a fine not exceeding 500 rubles.

**In applying Section 97, it should be kept in mind that Section 156 of the RSFSR Civil Code has been rescinded. (RSFSR Laws 1938, Law No 163)

98. The sale or purchase of apartments or rooms, that is, receiving or making payments in return for dwelling space in addition to the regular rent charge, in urban municipalized and nationalized buildings, excepting properties let out on "zastroyka" lease [i.e., to be rebuilt, reconditioned, etc.], shall be punished by:

A fine not exceeding five times the amount of the payment agreed upon.

*99. Making, keeping, or purchasing for the purpose of sale, or engaging as a trade in selling, products, materials, and manufactured articles with respect to which there is a special prohibition or restriction, shall be punished by:

Confinement for a period not exceeding 2 years, with confiscation of property and revocation of the right to engage in trade.

99-1. The unauthorized purchase of raw fish for resale or for processing for the purpose of sale, or the processing of raw fish as a trade (otherwise than in specially authorized fish processing establishments) in quantities exceeding the norms established for each fishery rayon, shall be punished by:

Confinement for a period not exceeding 2 years and confiscation of illegally purchased or processed fish. (RSFSR Laws 1930, Law No 86, dated 10 February 1930)

100. Any violation of excise regulations, or of regulations on the special license tax,** in any case where the law does not prescribe an administrative penalty, shall be punished by:

Corrective labor work for a period not exceeding one year or a fine not exceeding 1,000 rubles, with confiscation in either case of the objects on which the prescribed amount of excise tax was not paid, of implements for their manufacture, and of raw materials.

**Excise and license taxes have been abolished.

101. Making for the purpose of sale wine, vodka, other spiritous beverages, or any substance containing spirit, without proper authorization, or of proof strength in excess of that established by law, or selling or illegally keeping for the purpose of sale any such beverage or substance, shall be punished by:

Confinement for a period not exceeding one year, with or without confiscation of a part of property.

*102. Making or keeping moonshine (samogon) for the purpose of sale, or engaging in selling it as a trade, shall be punished by:

Confinement or corrective labor work for a period not exceeding one year, or a fine not exceeding 500 rubles, and confiscation of the moonshine and of the equipment used to make it.

Making or keeping moonshine otherwise than for the purpose of sale, or selling it without engaging in doing so as a trade, shall be punished by:

Corrective labor work for a period not exceeding one month or a fine not exceeding 100 rubles, to be imposed by administrative action in accordance with a special decree of VTsIK and Sovnarkom RSFSR. (RSFSR Laws 1928, Law No 92, dated 16 January 1928)**

**See the ukase of the Presidium, Supreme Soviet USSR of 7 April 1948 (p 111).

*103. Making, keeping, repairing, or selling apparatus specially designed for the making of moonshine, if engaged in as a trade, shall be punished by:

Confinement or corrective labor work for a period not exceeding one year, or a fine not exceeding 500 rubles.**

**See the ukase of the Presidium, Supreme Soviet USSR of 7 April 1948 (p 111).

The same acts, not engaged in as a trade, shall be punished by:

Corrective labor work for a period not exceeding one month, or a fine not exceeding 100 rubles, to be imposed by administrative action in accordance with a special decree of VTsIK and Sovnarkom RSFSR. (RSFSR Laws 1928, Law No 92, dated 16 January 1928)

104. Making or keeping for the purpose of sale, or selling, cocaine, opium, morphine, ether, or any other narcotic without the proper authorization, shall be punished by:

Confinement or corrective labor work for a period not exceeding one year, with or without confiscation of a part of property.

The same acts, if engaged in as a trade, or the keeping of a den in which any of the substances enumerated in this section is sold or used, shall be punished by:

Confinement for a period not exceeding 3 years and confiscation of all property.

105. Any violation of regulations governing trade, if the latter do not specifically stipulate administrative proceedings, shall be punished by:

Corrective labor work for a period not exceeding one year, or a fine not exceeding 2,000 rubles.

The commission by any person on the administrative staff of any cooperative or credit institution of any act forbidden by law or by the charter of the given institution, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 500 rubles.

106. The keeping in any trading establishment of any unstamped article made of gold, silver, or platinum, or the sale thereof, shall be punished by:

A fine in an amount of not less than ten times the assaying and stamping fee and confiscation of the article.

106a. The melting down of state specie (silver, nickel, copper, or bronze) into ingots, or the use of such money for the manufacture of other articles, shall be punished by:

Confinement for a period not exceeding 3 years and confiscation of ingots and of articles made from specie.

Commission of any of the same acts, if engaged in as a trade, shall be punished by:

Confinement for a period of not less than 3 years and confiscation of all the convicted person's property. (RSFSR Laws 1935, Law No 168, dated 10 June 1935)

*107. Any private person who buys up and resells for profit (speculation) agricultural products and mass consumption goods shall be punished by:

Confinement for a period of not less than 5 years and confiscation of all or a part of property. (RSFSR Laws 1932, Law No 385, dated 10 November 1932)

*108. Failure to fulfill or violation, in the course of any construction work, of any construction, sanitary, or fire prevention regulation established by law or official order, or failure to fulfill or violation of any regulation established by law governing safety and order in the work of the mining industry, shall -- if serious consequences ensue -- be punished by:

Confinement for a period not exceeding 3 years, or a fine not exceeding 3,000 rubles.

Commission of any of the same acts, if no serious consequences ensue, shall be punished by:

Corrective labor work for a period not exceeding one month, or a fine not exceeding 100 rubles, imposed by administrative action.

108-1. Any violation of technical procedure, of production or technical discipline, or of working conditions that ensure the safety of production, or smoking, being drunk, or sleeping on the job in shops working on explosives, shall be punished by:

Confinement for a period not exceeding 3 years.

Commission of any of the same acts, if an explosion or a fire results, shall be punished by:

Confinement for a period of not less than 3 years.

Any violation of technical procedure or working conditions in shops working on explosives by any person who is responsible for maintaining prescribed production or technical discipline, shall be punished by:

Confinement for a period not exceeding 5 years.

Commission of any of the same acts, if an explosion or a fire results, shall be punished by:

Confinement for a period of not less than 5 years. (RSFSR Laws 1935, Law No 206, dated 10 October 1935)

CHAPTER III. BREACH OF OFFICIAL DUTY (MALFEASANCE)

*109. Abuse of authority or of official position, that is, the commission by an official of any act that he can commit solely by virtue of his official position and which, not being required for the discharge of the duties of that office, results in some definite derangement of the proper operation of an institution or agency or causes it material loss, or results in some violation of public order or of some legally protected right or interest of an individual citizen -- if such an act is committed by an official systematically or from some mercenary motive or other consideration of personal interest, or if to the knowledge of the official it might have had serious consequences even if in fact it had no such consequences -- shall be punished by:

Confinement for a period of not less than 6 months.

Note 1. By official (dolzhnostnoye litso) is meant any person occupying a permanent or temporary position in any state (Soviet) institution or enterprise, or in any organization or association charged by law with specific duties, rights, or authority for the execution of any economic, administrative, trade union, or other general state task.

Note 2. Any trade-union official who commits a crime in the course of his work (embezzlement, bribe-taking, etc.) shall, if he is held responsible by decision of a trade union, be liable to prosecution as for breach of official duty.

110. Acting in excess of powers or official authority, that is, the commission of any act that clearly goes beyond the limits of the rights and authority granted by law to the person who commits it -- if criteria specified in the preceding section are present -- shall be punished by:

Confinement for a period of not less than 6 months.

Acting in excess of powers or official authority, if attended by the application of force, by the use of any weapon, or by acts that are painful to or that insult the personal dignity of the injured party, shall be punished by:

Confinement for a period of not less than 2 years. (RSFSR Laws 1927, Law No 737, dated 31 October 1927)

*111. Nonfeasance (bezdeystviye vlasti), that is, the failure of an official to perform any act that he ought to perform as an official duty, if criteria specified in Section 109 are present; or neglect of duty, that is, negligent or unconscientious performance of any official duty that results in red tape or in slowing down work or accounting; or any other form of dereliction of duty, if the same criteria are present, shall be punished by:

Confinement for a period not exceeding 3 years.

*111-a. Any official of a state agency or of a cooperative who is responsible for registering and effecting follow-up checking on the operations of cooperatives and who abets the organization of any pseudocooperative or connives at its continued operation, or any other official who in some way assists such a pseudocooperative (by preferential treatment in supplying materials or goods, with respect to rent, etc.), shall be punished as follows:

In cases when this occurs as the result of abuse of power, nonfeasance, or neglect of duty, but when no mercenary or other personal interest is involved, by:

Confinement for a period of not less than 6 months.

Commission of the same acts, when any mercenary or other personal interest is involved, by:

Confinement for a period of not less than 2 years. (RSFSR Laws 1929, Law No 705, dated 9 September 1929)

112. Abuse of power, acting in excess of authority, nonfeasance, or neglect of duties, if it results in the disorganization of central administrative machinery or state economic machinery of production, trade, credit, or transport that is directed by the official in question, shall be punished by:

Confinement for a period of not less than 2 years.

Any case of abuse of power or of official position, acting in excess of power or official authority, nonfeasance, or neglect of duty that does not fall within the purview of this and the three preceding sections (No 109-111), shall be punished by:

Corrective labor work for a period not exceeding one month, or dismissal from office, or loss of the right to occupy a leading or responsible position for a period not exceeding 2 years, or imposition of the obligation to repair damage, or public reprimand. (RSFSR Laws 1928, Law No 907, dated 28 May 1928)

Note 1. The application of Paragraph 2 of this section shall not extend to derelictions of duty and misdemeanors that are not of sufficient gravity to be subject to the application of measures of social defense and are subject merely to disciplinary action by a superior. (RSFSR Laws 1928, Law No 907, dated 28 May 1928)

Note 2. In case it convicts a person for a crime covered by Paragraph 2 of this section, a court shall have the right to combine [in its sentence] the measures of social defense prescribed by that paragraph. (RSFSR Laws 1928, Law No 907, dated 28 May 1928)

113. Bringing discredit on authority, that is, the commission by any official of any act that, even if not connected with his official duties, nevertheless obviously undermines in the eyes of the working people the dignity and authority of the state organ of which the official in question is a representative, shall be punished by:

Confinement for a period not exceeding 2 years, or the measures of social defense specified in Paragraph 2 of Section 112. (RSFSR Laws 1928, Law No 907, dated 28 May 1928)

114. Any judge who, acting from mercenary or other personal motives, renders an unjust sentence, decision, or order, shall be punished by:

Confinement for a period of not less than 2 years. (RSFSR Laws 1927, Law No 737, dated 31 October 1927)

115. Illegal taking into custody (zaderzhaniye) or compelling to appear (privod) shall be punished by:

Confinement for a period not exceeding one year.

Forcing any person to give evidence under interrogation (dopros) by means of illegal measures applied by the person conducting the interrogation, or taking anyone into custody [ostensibly] as a measure to prevent evasion of justice from personal or mercenary motives, shall be punished by:

Confinement for a period not exceeding 5 years.

116. Misappropriation or embezzlement, by an official or by a person performing any duty on behalf of the state or of a public institution, of money, valuables, or other property that is under his control by virtue of his official position or in connection with the performance of his duties, shall be punished by:

Confinement for a period not exceeding 3 years.

Misappropriation or embezzlement committed by any such person who has been granted special plenary powers, or misappropriation of especially important state valuables, shall be punished by:

Confinement for a period of not less than 2 years and confiscation of property (RSFSR Laws 1927, Law No 737, dated 31 October 1927)**

**See the ukase of the Presidium, Supreme Soviet USSR of 4 June 1947 (p 101), and the decree of the Plenum, Supreme Court USSR of 22 August 1947, No 12/6 (p 103).

*117. Acceptance by any official, whether personally or through an intermediary, of any kind of bribe for performing or omitting to perform in the interests of the giver of the bribe, any act that the official could or should perform solely by reason of his official position, shall be punished by:

Confinement for a period not exceeding 2 years.

If acceptance of a bribe is attended by aggravating circumstances, such as: (a) acceptance of a bribe by a person holding a responsible position; (b) acceptance of a bribe by a person who has previously been sentenced for bribe-taking, or who has repeatedly accepted bribes; or (c) employment of extortion (vymogatel'stvo) by a bribe-taker, it shall be punished by:

Confinement for a period of not less than 2 years and confiscation of property. (RSFSR Laws 1927, Law No 737, dated 31 October 1927)

*118. Giving a bribe or acting as an intermediary in bribery shall be punished by:

Confinement for a period not exceeding 5 years.

Note. Persons to whom this section applies shall not be subject to prosecution in the following cases: (a) if the bribe was obtained from them through extortion; or (b) if, immediately after giving the bribe, they voluntarily report the fact.

119. Provocation to bribery, that is, the deliberate creation by an official of a situation or conditions conducive to the offer or acceptance of a bribe, for the purpose of subsequently exposing the giver or acceptor of the bribe, shall be punished by:

Confinement for a period not exceeding 2 years.

*120. Forgery committed in connection with performance of official duties (sluzhebnyy podlog), that is, the entering in any official document by an official acting from a mercenary motive of any information known by him to be false, or of any falsification, erasure, or change of date, or the preparation and issuance by an official of any document known by him to be false, or the making in any register of any entry known to be false, shall be punished by:

Confinement for a period not exceeding 2 years.

The same acts, if committed from other than mercenary motives, shall be punished by:

Measures of social defense specified in Paragraph 2 of Section 112. (RSFSR Laws 1928, Law No 907, dated 28 May 1928)

121. Any official who discloses, passes on, or collects for the purpose of passing on any information not subject to publication, shall be punished by:

Confinement for a period not exceeding 3 years, or the measures of social defense specified in Paragraph 2 of Section 112. (RSFSR Laws 1928, Law No 907, dated 28 May 1928)

CHAPTER IV. VIOLATION OF REGULATIONS ON THE SEPARATION OF CHURCH AND STATE

122. The teaching of religious dogma to children or minors in state or private educational institutions or schools, or in violation of regulations governing the matter, shall be punished by:

Corrective labor work for a period not exceeding one year.

123. The commission of fraudulent acts for the purpose of fostering superstition among the masses of the population, with the object of gaining any advantage thereby, shall be punished by:

Corrective labor work for a period not exceeding one year and confiscation of a part of property, or a fine not exceeding 500 rubles.

124. Forced collection of contributions for the benefit of any church or other religious group shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 300 rubles.

125. The arrogation by any religious or church organization of administrative, judicial, or other public or legal functions or rights of legal entities, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 300 rubles.

126. The performance of any religious rite in any state or public institution or enterprise, or the placing in any such institution or enterprise of any kind of religious image, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 300 rubles.

127. Obstruction of the performance of religious rites, insofar as these do not violate public order and do not involve infringements on the rights of citizens, shall be punished by:

Corrective labor work for a period not exceeding 6 months.

CHAPTER V. ECONOMIC CRIMES

128. Mismanagement resulting from negligent or unconscientious performance of the work entrusted to him on the part of any person who heads a state or public institution or enterprise, or on the part of his authorized representative, if waste or irreparable damage to the property of the institution or enterprise results, shall be punished by:

Confinement for a period not exceeding 2 years, or corrective labor work for a period not exceeding one year.
(RSFSR Laws 1928, Law No 907, dated 28 May 1928)

*128-a. For the release of industrial products that are incomplete or of inferior quality, or for the release of products in violation of required standards, directors, chief engineers, and chiefs of technical control divisions of industrial enterprises shall be punished as for anti-state crime tantamount to wrecking, by:

Confinement in a prison for a period of from 5 to 8 years.
(Ukase of the Presidium, Supreme Soviet RSFSR of 16 November 1940)

Large-scale or systematic release of inferior quality products by trading enterprises shall be punished by:

Confinement for a period not exceeding 5 years, or corrective labor work for a period not exceeding one year. (RSFSR Laws 1934, Law No 51, dated 10 February 1934)

128-b. Rescinded. (Ukase of the Presidium, Supreme Soviet RSFSR of 16 November 1940)

128-c. Giving customers false weight or short measure, or using incorrect weights or scales or other incorrect measuring devices in making sales, or violating prescribed retail prices for mass consumption commodities in stores, shops, booths, dining halls, buffets, and the like, or selling goods of lower quality at the price for higher quality goods, or concealing from buyers the commodity price list -- as constituting cheating of the consumer and a fraud upon the Soviet state -- shall be punished by:

Confinement for a period not exceeding 10 years. (RSFSR Laws 1934, Law No 216, dated 10 September 1934)**

**Put into force on 6 August 1934 (on the date of publication of the TsIK and Sovnarkom USSR decree of 25 July 1934, "On Adding to Union-Republic Criminal Codes Sections on Liability to Prosecution for Cheating Consumers and Practising Fraud Upon the Soviet State" -- USSR Laws 1934, Law No 325).

128-d. For the issuance by any institution, enterprise, or public organization of any type of loan, bond, or other form of security, or of scrip or other money substitutes, the head thereof shall be punished by:

Confinement for a period not exceeding 5 years.

The head of any printing, lithographing, or glass-plate printing establishment, engraving shop, and the like, that manufactures the indicated securities or money substitutes, shall be punished by:

Confinement for a period not exceeding 3 years.

Any treasurer or head of any store, shop, stall, or other retail trade enterprise that accepts as payment, in lieu of money, the indicated securities or money substitutes, shall be punished by:

Confinement for a period not exceeding 3 years. (RSFSR Laws 1935, Law No 169, dated 20 June 1935)

129. The plundering of state or public property, particularly when this is effected by any person who heads a state or public institution or enterprise by means of concluding unprofitable transactions in collusion with the contracting agents of the institution or enterprise, shall be punished by:

Confinement for a period of not less than one year, with or without confiscation of all or a part of property.

*129-a. Founding or directing the operations of any pseudocooperative, that is, any organization that is disguised under the form of a cooperative in order to enjoy the privileges and preferences granted to a cooperative, but which is actually a private enterprise pursuing the interests of capitalist elements that exercise predominant influence over it, shall be punished by:

Confinement for a period not exceeding 5 years and confiscation of all or a part of property.

Participation in the work of any pseudocooperative organization by any person who is fully aware that it is a pseudocooperative, and who receives as a result of that participation entrepreneurial profit or wittingly assists in concealing the true nature of the organization, shall be punished by:

Confinement for a period not exceeding 2 years, or corrective labor work for a period not exceeding one year. (RSFSR Laws 1929, Law No 705, dated 9 September 1929)

130. Dissipation by a lessee, or by a representative of a legal entity corporation, of state or public property let to him under contract, shall be punished by:

Confinement for a period of not less than 6 months, cancellation of the contract, and confiscation of all or a part of property.

131. Failure to perform any obligation arising from a contract made with a state or public institution or enterprise, if, in the course of civil proceedings, the malicious character of the failure to perform is established, shall be punished by:

Confinement for a period of not less than 6 months and confiscation of all or a part of property.

132. Any of the acts covered by Sections 128-131 of this code, if committed in a combat situation, or in connection with supplying the Red Army or Navy, and capable of injuring their fighting capacity, shall be punished by:

Confinement for a period of not less than 2 years. (RSFSR Laws 1927, Law No 737, dated 31 October 1927)

133. Any violation by an employer, whether by a private employer or by an equivalent person in a state or public institution or enterprise, of any law regulating the employment of labor, the protection of labor, or social insurance, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 300 rubles.

If such a violation involves a group of not fewer than three workers and is identical with respect to all the persons comprising the given group, and if it is committed with respect to all of them at the same time, it shall be punished by:

Confinement or corrective labor work for a period not exceeding one year, or a fine not exceeding 10,000 rubles.

The placing of a worker, in violation of regulations governing the protection of labor, in working conditions that cause, or might cause, him to lose his working capacity, shall be punished by:

Confinement for a period not exceeding 2 years, or corrective labor work for a period not exceeding one year, or a fine not exceeding 500 rubles.

Any violation of any regulation governing the protection of labor, safety devices, or industrial sanitation and hygiene, as established by local organs of government in the form of ordinances or by the decisions, orders, or instructions of the People's Commissariat of Labor,** shall be punished by:

Corrective labor work for a period not exceeding one month, or a fine not exceeding 100 rubles, imposed by administrative action.

**Pursuant to a decree of TsIK and Sovnarkom USSR and the All-Union Central Council of Trade Unions dated 23 June 1933, the People's Commissariat of Labor was merged with the All-Union Central Council of Trade Unions (USSR Laws 1933, Law No 238).

133-a. Any refusal to accept women for work because of pregnancy, any refusal to accept for work women who are nursing infants, or the reduction of their wages for these reasons, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 1,000 rubles.

If the indicated violations are repeated, punishment may be increased to a term of confinement not exceeding 2 years. (Ukase of the Presidium, Supreme Soviet RSFSR of 12 July 1949, Vedomosti Verkhovnogo Soveta SSSR 1949, No 35)

134. Any violation by an employer of a collective contract concluded by him with a trade union, of a wage scale agreement, or of an agreement reached through an arbitration board (primiritel'naya kamera), if a court or an arbitration board determines that the violation was of a malicious nature, shall be punished by:

The measures specified in Paragraphs 1 and 2 of Section 133.

135. Any obstruction of the lawful activities of any factory-plant or local committee, trade union, or representative thereof, shall be punished by:

Confinement or corrective labor work for a period not exceeding one year, or a fine not exceeding 1,000 rubles.

CHAPTER VI. CRIMES AGAINST THE LIFE, HEALTH, FREEDOM, AND DIGNITY OF THE INDIVIDUAL

*136. Murder literally, "intentional murder" (umyshlennoye ubiystvo), if committed: (a) from mercenary motives, from jealousy (unless Section 138 is applicable), or from any other base motive; (b) by a person who has previously been prosecuted for murder or for inflicting bodily injury and has served out a judicially imposed measure of social defense; (c) in

a manner which endangers the lives of many persons or which inflicts extreme suffering on the victim; (d) for the purpose of facilitating or concealing some other serious crime; (e) by an individual whose particular duty it was to care for the victim; or (f) by taking advantage of the helplessness of the victim, shall be punished by:

Confinement for a period not exceeding 10 years.**

**See the ukase of the Presidium, Supreme Soviet USSR of 30 April 1954 (p 100).

Murder committed by military personnel under especially aggravating circumstances shall be punished by:

The supreme measure of punishment: death by shooting.
(RSFSR Laws 1934, Law No 206, dated 1 September 1934)

137. Murder, if committed in the absence of any of the criteria specified in Section 136, shall be punished by:

Confinement for a period not exceeding 8 years.

138. Murder, if committed in the sudden heat of passion provoked by violence or gross insult inflicted by the victim, shall be punished by:

Confinement for a period not exceeding 5 years, or corrective labor work for a period not exceeding one year.

*139. Negligent homicide (ubiystvo po neostorozhnosti), or homicide committed as a result of exceeding the limits of necessary self-defense, shall be punished by:

Confinement for a period not exceeding 3 years, or corrective labor work for a period not exceeding one year.

*140. Any doctor who performs an abortion other than in a hospital or other curative institution shall be punished by:

Confinement in a prison for a period of from one to 2 years.

The performance of an abortion under unsanitary conditions or by a person who does not have a special medical education, shall be punished by:

Confinement in a prison for a period of not less than 3 years.** (Ukase of the Presidium, Supreme Soviet RSFSR of 11 January 1956)

**See the ukase of the Presidium, Supreme Soviet USSR of 23 November 1955, "On Rescinding the Prohibition of Abortions" (p 117).

*140-a. Compelling any woman to submit to an abortion shall be punished by:

Confinement in a prison for a period not exceeding 2 years.
(RSFSR Laws 1937, Law No 40, dated 10 May 1937)

140-b. Rescinded. (Ukase of the Presidium, Supreme Soviet RSFSR of 2 September 1954)

141. Causing any person who is materially or otherwise dependent upon the offender, by cruel treatment or by some similar means, to commit suicide, shall be punished by:

Confinement for a period not exceeding 5 years.

Abetting or inciting (sodeystviye ili podgovor) the commission of suicide by a minor or by a person known to be incapable of understanding the nature or significance of his act or of controlling his actions, if suicide or attempted suicide results, shall be punished by:

Confinement for a period not exceeding 3 years.

*142. The intentional infliction of serious bodily injury (tyazhkoye telesnoye povrezhdeniye) resulting in loss of sight or hearing or of the use of any other organ, permanent facial disfigurement, mental illness, or any injury to health involving a substantial diminution of ability to work, shall be punished by:

Confinement for a period not exceeding 8 years.

If death results from such an injury, or if it is inflicted by means that are in the nature of physical abuse or torment, or if it is the consequence of the infliction of systematic although minor injuries, it shall be punished by:

Confinement for a period not exceeding 10 years.

143. The intentional infliction of minor bodily injury (legkoye telesnoye povrezhdeniye), not involving danger to life but resulting in injury to health, shall be punished by:

Confinement or corrective labor work for a period not exceeding one year.

The intentional infliction of minor bodily injury not involving injury to health shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 300 rubles.

144. Any bodily injury falling under the criteria of Paragraph 1 of Section 143, if inflicted in the sudden heat of passion provoked by violence or gross insult committed by the injured party, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 300 rubles.

145. The infliction of bodily injury through negligence, if it results from a wilful disregard of safety regulations established by law or by order of the proper authority, and if it results in any of the consequences specified in Section 142 and Paragraph 1 of Section 143, shall be punished by:

Corrective labor work for a period not exceeding one year, or a fine not exceeding 500 rubles.

The infliction of bodily injury through negligence, without serious consequences, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 300 rubles.

146. The intentional infliction of any blow or beating, or the commission of any other violent act which causes physical pain, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 300 rubles.

Any such act, if it is in the nature of physical torment, shall be punished by:

Confinement for a period not exceeding 3 years.

147. The illegal subjection of any person to confinement by means of force shall be punished by:

Confinement or corrective labor work for a period not exceeding one year.

Confinement by any method that endangers the life or health of the injured party, or that causes him physical suffering, shall be punished by:

Confinement for a period not exceeding 2 years.

148. The placing in a hospital for the mentally ill of any person known to be in good health, if committed from mercenary or other personal motives, shall be punished by:

Confinement for a period not exceeding 3 years.

149. The kidnapping, concealment, or introduction of a substitute in place of another person's child from mercenary, revengeful, or other personal motives, shall be punished by:

Confinement for a period not exceeding 3 years.

150. The infection of another person with venereal disease by a person knowing himself to be suffering from such a disease, shall be punished by:

Confinement for a period not exceeding 3 years.

Deliberate exposure of another person to the danger of infection with a venereal disease, by means of sexual intercourse or any other act, shall be punished by:

Confinement or corrective labor work for a period not exceeding 6 months.

151. Sexual intercourse with any person who has not reached the age of puberty, if depravity or the gratification of sexual desire in a perverted form is involved, shall be punished by:

Confinement for a period not exceeding 8 years.

Sexual intercourse with any person who has not reached the age of puberty (polovaya zrelost'), if not accompanied by either of the aforeindicated aggravating elements, shall be punished by:

Confinement for a period not exceeding 3 years.

152. The corruption of children or minors by means of committing depraved acts with them, shall be punished by:

Confinement for a period not exceeding 5 years.

153. Rape (iznasilovaniye), that is, sexual intercourse involving physical coercion, threats, intimidation, or taking advantage of the helplessness of the injured party by means of deception, shall be punished by:

Confinement for a period not exceeding 5 years.

If rape results in the suicide of the injured party, or is committed against a person who has not reached the age of puberty, or is committed by several persons against an individual who has reached the age of puberty, it shall be punished by:

Confinement for a period not exceeding 8 years.**

**See ukase of the Presidium, Supreme Soviet USSR of 4 January 1949, "On Increasing the Criminal Penalty for Rape" (p 116).

154. Forcing a woman to engage in sexual intercourse or to gratify sexual desire in any other form, if committed by a person upon whom the woman is dependent financially or by reason of her employment shall be punished by:

Confinement for a period not exceeding 5 years.

154-a. Sexual intercourse of a male with a male (sodomy) shall be punished by:

Confinement for a period of from 3 to 5 years.

Sodomy (muzhelozhstvo), if committed by force or by taking advantage of the dependent status of the injured party, shall be punished by:

Confinement for a period of from 5 to 8 years. (RSFSR Laws 1934, Law No 95, dated 1 April 1934)

155. Forcing any person to engage in prostitution, pandering (svodnichestvo), maintaining a bawdy house, or procuring women for purposes of prostitution, shall be punished by:

Confinement for a period not exceeding 5 years and confiscation of all or a part of property.

156. Intentional failure to assist any person who is in a situation (condition) that endangers his life and who is unable to take measures of self-preservation by reason of youth, senility, illness, or -- generally speaking -- helplessness, in any case in which it was the duty of the individual who did not render assistance to take care of such a person and when it was possible for that individual to render assistance, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 300 rubles.

156-1. The failure of the captain of any vessel to assist persons who have suffered shipwreck at sea or on any other body of water, if such assistance could have been rendered without seriously endangering his vessel, crew, or passengers, shall be punished by:

Confinement for a period not exceeding 2 years. (RSFSR Laws 1929, Law No 513, dated 25 June 1929)

157. The failure to aid any sick person, without some valid reason, if committed by any person required by law or special regulation to render such aid, shall be punished by:

Corrective labor work for a period not exceeding one year, or a fine not exceeding 300 rubles.

Any person engaged in medical practice who refuses to render medical assistance, if he knows that such refusal might have serious consequences for the sick person, shall be punished by:

Confinement or corrective labor work for a period not exceeding one year, or a fine not exceeding 1,000 rubles.

158. Malicious failure to pay for the support of children, or the abandonment by their parents without support of children who have not attained their majority, shall be punished by:

Confinement in a prison for a period not exceeding 2 years and payment of the cost of locating the person who evaded payment of alimony. (RSFSR Laws 1937, Law No 40, dated 10 May 1937)

158-1. Taking advantage of guardianship for mercenary ends (in order to occupy the dwelling space or use the property of the deceased parents, and the like), or leaving wards without supervision or financial support, shall be punished by:

Confinement for a period not exceeding 3 years.

Any chairman of a village soviet and any guardian appointed by a village soviet who fails to take measures to protect and provide for the education of orphans, if their actions or failure to act result in such children becoming vagrants, shall be punished:

With respect to a guardian, by confinement for a period not exceeding 2 years; with respect to the chairman of a village soviet, by penalties specified in Section lll of this code. (RSFSR Laws 1936, Law No 1, dated 25 November 1935)

159. The infliction of any insult, orally or in writing, shall be punished by:

A fine not exceeding 300 rubles, or public censure.

The infliction of any insult by means of an action shall be punished by:

Corrective labor work for a period not exceeding 2 months, or a fine not exceeding 300 rubles.

160. Any insult inflicted by means of disseminated or publicly exhibited printed works or pictures shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 300 rubles.

161. Slander, that is, the [oral] dissemination of defamatory fabrications about another person that are known to be false, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 500 rubles.

Libel, committed by means of printed works or other multiple reproductions, shall be punished by:

Corrective labor work for a period not exceeding one year, or a fine not exceeding 1,000 rubles.

CHAPTER VII. CRIMES AGAINST PROPERTY**

**In connection with Sections 162, 165, 166, 166-a, 167, and Paragraph 2 of Section 169, see the ukase of the Presidium, Supreme Soviet USSR of 4 June 1947 (p 101), and the decrees of the Plenum, Supreme Court USSR dated 22 August 1947, No 12/6 (p 103) and 28 May 1954, No 5 (p 104).

162. Larceny (krazha), that is, the secret and illegal taking of another person's property, shall be punished as follows:

a. If committed without employing any kind of technical means, as a first offense, and not in collusion with other persons, larceny shall be punished by:

Confinement or corrective labor work for a period not exceeding 3 months;

If committed under the same conditions, but as a result of need or unemployment and for the purpose of satisfying the minimal subsistence needs of the offender or his family, larceny shall be punished by:

Corrective labor work for a period not exceeding 3 months;

b. If committed for the second time or with respect to property known to be essential to the maintenance of the injured party, larceny shall be punished by :

Confinement for a period not exceeding 6 months;

c. If committed with the application of technical means, or not for the first time, or in collusion with other persons, or if committed even in the absence of these conditions in any railway station, dock, steamboat, railway car, or hotel, larceny shall be punished by:

Confinement for a period not exceeding one year;

d. If committed by a private person from any state or public warehouse, railway car, ship, or other place of storage; or if committed in any public place specified in the preceding clause by employing technical means, or in collusion with other persons, or not for the first time; or if committed even in the absence of the specified conditions by a person who has special access to such a place of storage or is guarding it; or if committed during a fire, a flood, or any other public disaster; larceny shall be punished by:

Confinement for a period not exceeding 2 years, or corrective labor work for a period not exceeding one year;

e. If committed from any state or public warehouse or other place of storage by any person who has special access to or is guarding it, by employing technical means, or not for the first time, or in collusion with another person; or if the theft from any such warehouse or place of storage is on an especially large scale; larceny shall be punished by:

Confinement for a period not exceeding 5 years;

f. Petty larceny (melkaya krazha), irrespective of the amount involved, if committed in any enterprise or institution -- unless its nature makes it subject by law to more severe punishment -- shall be punished by:

Confinement in a prison for a period of one year. (Ukase of the Presidium, Supreme Soviet RSFSR of 16 August 1940, Izvestiya, 17 August 1940) **

**See the ukase of the Presidium, Supreme Soviet USSR of 10 January 1955 (p 103).

163. Larceny of electric power shall be punished by:

Confinement for a period not exceeding one month and compulsory restitution of damage caused.

*164. The purchase of anything known to have been stolen shall be punished by:

Confinement or corrective labor work for a period not exceeding 6 months, or a fine not exceeding 500 rubles.

This type of offense, if engaged in as a trade, shall be punished by:

Confinement for a period not exceeding 3 years and confiscation of property.

164-a. The purchase, possession, or sale of any firearm (except hunting and small-caliber weapons) known to have been stolen, or of ammunition therefor, shall be punished by:

Confinement for a period not exceeding 5 years. (RSFSR Laws 1929, Law No 512, dated 17 June 1929)

165. Open stealing of another person's property in the presence of the person who owns, is using, or is responsible for it (looting, grabezh), if committed without the use of force, shall be punished by:

Confinement for a period not exceeding one year.

The same acts, if committed with the use of force, shall be punished by:

Confinement for a period not exceeding 3 years.

The same acts, if committed by a group of persons, or for the second time, shall be punished by:

Confinement for a period not exceeding 5 years.

166. Secret or open stealing of any horse or any other large domestic animal from the toiling agricultural or stock-breeding population shall be punished by:

Confinement for a period not exceeding 5 years.

The same act, if committed a second time or in collusion with other persons, shall be punished by:

Confinement for a period not exceeding 8 years. (RSFSR Laws 1928, Law No 645, dated 7 August 1928)

166-a. Secret or open stealing of any firearm (except hunting and small-caliber weapons) or of ammunition therefor, if the act does not fall under the criteria specified in Section 59-3a of this code, shall be punished by:

Confinement for a period not exceeding 5 years. (RSFSR Laws 1929, Law No 512, dated 17 June 1929)

*167. Robbery (razboy), that is, any open attack upon another person with the object of obtaining possession of his property accompanied by the employment of violence endangering the life or health of the injured party, shall be punished by:

Confinement for a period not exceeding 5 years.

The same act, if committed for the second time, or if it results in the death of or serious injury to the victim, shall be punished by:

Confinement for a period not exceeding 10 years.

Armed robbery (vooruzhenny razboy) shall be punished by:

Confinement for a period not exceeding 10 years, or, if attended by especially aggravating circumstances, the supreme measure of social defense. (RSFSR Laws 1929, Law No 641, dated 26 August 1929)

168. Misappropriation, that is, the retention for mercenary ends of another person's property that has been entrusted for a specific purpose, or the embezzlement of such property, shall be punished by:

Confinement for a period not exceeding 2 years.

Misappropriation of any item of [lost and] found property shall be punished by:

Confinement for a period not exceeding one month.

*169. Fraud (moshenichestvo), that is, breach of trust or deceit for the purpose of getting possession of property or the right to property or of gaining some other personal advantage, shall be punished by:

Confinement for a period not exceeding 2 years.

Fraud that results in a loss to any state or public institution shall be punished by:

Confinement for a period not exceeding 5 years and confiscation of all or a part of property.

169-a. The giving of a check by a drawer who knows that it will not be subject to payment by the drawee, or stopping payment of a check without due cause, or the taking of any other measure to prevent the holder of the check from cashing it, or the negotiating of a check by a holder who knows that it is not subject to payment by the drawee, shall be punished by:

Confinement for a period not exceeding 2 years.

The same acts, if loss to a state or public institution or enterprise results from them, shall be punished by:

Confinement for a period not exceeding 5 years. (RSFSR Laws 1930, Law No 131, dated 28 February 1930)

170. Forgery for a mercenary purpose of any official paper, document, or receipt, shall be punished by:

Confinement or corrective labor work for a period not exceeding one year, or a fine not exceeding 1,000 rubles.

171. Fraudulent alteration for a mercenary purpose of the appearance or characteristics of any article intended for sale or public use, if such an act results or might have resulted in injury to health, or the sale of any such article, shall be punished by:

Confinement for a period not exceeding one year and confiscation of a part of property, and either deprivation of the right to trade or a fine not exceeding 1,000 rubles.

172. Making or keeping for the purpose of sale any counterfeit assay stamp, or the affixing of any such assay stamp to any gold, silver, or platinum article or ingot, or the affixing to any article made of any other metal of any mark or stamp resembling an assay stamp, or the sale of any such article, shall be punished by:

Confinement for a period not exceeding 2 years, or corrective labor work for a period not exceeding one year, with confiscation in either case of counterfeited articles or stamps.

173. Usury, that is, the charging of interest on a loan of money or property at a rate in excess of that established by law, in particular by means of including the interest in the capital amount of the debt, or by withholding remuneration in a lump sum from the amount received by the borrower, or by establishing a penalty or a forfeit for failure to repay a loan on the due date, or [the charging of interest at a rate in excess of that established by law] in any other concealed form, shall be punished by:

Confinement or corrective labor work for a period not exceeding one year, or a fine not exceeding 5,000 rubles.

The same acts, if engaged in as a trade or by taking advantage of a borrower's straitened circumstances, shall be punished by:

Confinement for a period not exceeding 2 years, with or without confiscation of a part of property, or with a fine not exceeding 10,000 rubles.

Providing for use instruments of production or livestock in return for compensation in money, in kind, or in labor at a rate clearly in excess of that customary in the given locality, by taking advantage of the poverty or straitened circumstances of the user, shall be punished by:

Confinement for a period not exceeding one year. (RSFSR Laws 1928, Law No 283, dated 29 March 1928)

174. Extortion (vymogatel'stvo), that is, demanding the transfer of any kind of interest in or right over property, or demanding the performance of any transaction in respect of property, under the threat of personal violence to the injured party, of revealing information discreditable to him, or of destroying his property, shall be punished by:

Confinement for a period not exceeding 3 years.

175. Intentional destruction or damaging of property belonging to a private person shall be punished by:

Confinement or corrective labor work for a period not exceeding 6 months, or a fine not exceeding 500 rubles.

The same act, if committed by means of arson, scuttling, or any other means that constitutes a public danger, shall be punished by:

Confinement for a period not exceeding 5 years.

The same act, if it results in loss of life or in public disaster, shall be punished by:

Confinement for a period not exceeding 10 years.

176. The failure of the captain of any ship involved in a collision at sea to take the necessary measures to save the other vessel, insofar as these measures could have been taken without seriously endangering his own passengers, crew, and vessel, apart from any liability to prosecution for failure to assist the crew and passengers of the wrecked vessel incurred under Section 156-1, shall be punished by:

Confinement or corrective labor work for a period not exceeding one year, or a fine not exceeding 500 rubles. (RSFSR Laws 1929, Law No 513, dated 25 June 1929)

177. The disclosure of any invention prior to its being patented, without the consent of the inventor, or the unauthorized use of any literary, musical, or other artistic or scientific work in violation of the law on authorship rights (zakon ob avtorskom prave), shall be punished by:

Corrective labor work for a period not exceeding 3 months, or a fine not exceeding 1,000 rubles. (RSFSR Laws 1931, Law No 429, dated 30 August 1931)

178. Unauthorized use, for the purpose of unfair competition, of another's brand (tovarnyy znak), factory mark (fabrichnyy znak), trademark (remeslennyy znak), drawing, model, [organizational] distinguishing designation (firma), or title, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 3,000 rubles.

CHAPTER VIII. VIOLATION OF REGULATIONS PROTECTING PUBLIC HEALTH, SAFETY, AND ORDER

179. The preparation, possession, procurement, or sale of any strongly acting poisonous substance without special authorization, or violation of regulations governing production, possession, issuance, accounting for, or transportation of strongly acting poisonous substances, shall be punished by:

Confinement for a period not exceeding 5 years and confiscation of the aforeindicated substances. (RSFSR Laws 1936, Law No 86, dated 1 June 1936)

179-a. Planting the opium poppy or Indian hemp without proper authorization, shall be punished by:

Confinement for a period not exceeding 2 years, or corrective labor work for a period not exceeding one year, and compulsory confiscation in either case of the plants. (RSFSR Laws 1934, Law No 259, dated 1 December 1934)

180. The practice of medicine as a profession by any person who does not possess the requisite certificate of medical education, or the practice by a medical worker of any kind of medical work which he does not have the right to practice, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 500 rubles.

181. Any violation of public health regulations issued for the special purpose of combating epidemics shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 500 rubles.

*182. The manufacture, possession, purchase, or sale of explosive substances, explosive devices, or firearms (except hunting weapons) without proper authorization, shall be punished by:

Confinement for a period not exceeding 5 years and confiscation of the aforementioned substances, devices, or firearms.

Transmission through the mails or by other means of any firearm (except a hunting weapon), explosive, or highly flammable substance or object (such as gunpowder, cartridges, and the like), shall be punished by:

Confinement for a period not exceeding 5 years and confiscation of that which is transmitted.

Transmission through the mails of any corrosive acid or other corrosive substance shall be punished by:

Corrective labor work for a period not exceeding 6 months or a fine not exceeding 1,000 rubles, with confiscation in either case of that which is transmitted through the mails.

The manufacture, possession, sale, or wearing of daggers, Finnish knives, or similar bladed weapons other than by authorization of the People's Commissariat of Internal Affairs under established procedures, shall be punished by:

Confinement for a period not exceeding 5 years and confiscation of weapons. (RSFSR Laws 1933, Law No 68, dated 20 March 1933; 1935, Law No 146, dated 10 May 1935)

Note. Paragraph 4 of this section shall not apply to the possession and carrying of bladed weapons in areas where the carrying of such weapons is customary or constitutes an appurtenance of the national costume. (RSFSR Laws 1935, Law No 146, dated 10 May 1935)

182-1. The manufacture, dissemination, or advertisement of pornographic works, printed materials, pictures, or other objects, or trading in or keeping any of the same for the purpose of sale or dissemination, shall be punished by:

Confinement for a period not exceeding 5 years and compulsory confiscation of the pornographic objects involved and of means for producing them. (RSFSR Laws 1935, Law No 214, dated 25 November 1935)

183. The wearing by any unauthorized** person of any USSR or union-republic order, insignia indicating membership in TsIK USSR or VtsIK***, or the emblem of the Red Cross or Red Crescent, shall be punished by:

Corrective labor work for a period not exceeding 3 months, or a fine not exceeding 300 rubles, and compulsory confiscation in either case of such orders or insignia. (RSFSR Laws 1930, Law No. 504, dated 20 August 1930)

**See the ukase of the Presidium, Supreme Soviet USSR of 2 May 1943, "On Liability to Punishment for Illegally Awarding Orders and Medals of the USSR and Badges, for Misappropriating Orders, Medals, and Badges, and for Their Transferral to Other Persons by Persons Awarded Them" (p115).

***Of the Supreme Soviet USSR or of the Supreme Soviet RSFSR.

184. The failure of the captain of any ship to inform the captain of any other ship with which his has collided at sea of the name, port of registry, last port of call, and port of destination of his vessel, provided it is possible to communicate this information, shall be punished by:

Corrective labor work for a period not exceeding 3 months, or a fine not exceeding 300 rubles.

185. Any violation of regulations governing the reproduction and dissemination of printed works, or of regulations governing the censorship of photographs and motion pictures, shall be punished by:

Corrective labor work for a period not exceeding 3 months, or a fine not exceeding 300 rubles.

186. Any violation of regulations governing the keeping of documents and office records that are subject to the stamp tax, or of regulations governing the keeping of commercial records, or failure to present documents, papers, and records to officials engaged in a stamp duty audit**, shall be punished by:

Corrective labor work for a period not exceeding 3 months, or a fine not exceeding 300 rubles.

**The stamp tax has been rescinded (USSR Laws 1930, Law No 476).

187. The deliberate giving of false information in statements submitted to state agencies or officials or in statements required by law in connection with the registration of any trade, industrial, housing, or other association, company, and the like, shall be punished by:

Corrective labor work for a period not exceeding 3 months, or a fine not exceeding 300 rubles.

Violation of the regulations governing public accountability shall be punished by:

The same measures of social defense.

188. The concealment of any collection or item of historical or artistic value that is subject to registration, accounting, or transfer to state repositories, shall be punished by:

Corrective labor work for a period not exceeding 3 months and confiscation of the concealed property.

189. Any violation of regulations governing the installation of mechanical motors shall be punished by:

Corrective labor work for a period not exceeding 3 months, or a fine not exceeding 300 rubles.

190. Any violation of regulations governing the procedure for opening and operating printing, lithographic, and similar establishments, shall be punished by:

The same measures of social defense.

191. The use of a private radio station for any unauthorized purpose, or in violation either of the conditions of the authorization granted or of the control regulations of agencies of the People's Commissariat of Posts and Telegraphs**, shall be punished by:

A fine not exceeding five times the amount paid or subject to payment for the annual subscription.

**Now the Ministry of Communications USSR.

Setting up any such a station without proper registration or authorization, or operating it without paying the subscription fee, shall be punished by:

A fine in the same amount imposed by administrative action.

192. Any violation of ordinances issued by any local organ of government within its legislatively established competence, or any violation of decisions, orders, or instructions issued by any individual governmental department under legislative authorization, provided that the right to impose penalties by administrative action is specifically stipulated therein, shall be punished by:

A warning, or corrective labor work for a period not exceeding one month, or a fine not exceeding 100 rubles -- the penalty to be imposed by administrative action.

*192-a. A second violation of regulations governing the registration of passports or temporary identification certificates by persons arriving in a locality in which the passport system has been introduced, provided they possess the prescribed documents, shall be punished by:

Corrective labor work for a period not exceeding 6 months.

Persons residing in these localities who do not have passports or temporary identification certificates and who have already been penalized by administrative action for the indicated violation, shall be punished by:

Confinement for a period not exceeding 2 years. (RSFSR Laws 1934, Law No 157, dated 1 July 1934)

CHAPTER IX**, MILITARY CRIMES

**Version of the VTsIK and Sovnarkom decree of 9 January 1928 (RSFSR Laws 1928, Law No 108). Chapter IX became effective when there entered into force the TsIK and Sovnarkom USSR decree of 27 July 1927 on putting into force the Statute on Military Crimes (USSR Laws 1927, Law No 504).

[Comment: The provisions of Chapter IX have been extensively altered by the decree of the Presidium, Supreme Soviet USSR of 15 February 1957, "On Amending and Supplementing the Statute on Military Crimes" (Vedomosti Verkhovnogo Soveta SSSR 1957, Law No 100). Where the notation "Amended 1957" appears in brackets after the number of a section of Chapter IX, the currently effective version of the section may be found in "Part 2. Supplementary Material, II Legislation," which consists of a translation of the 1957 amendments. Where a notation in brackets indicates that a section has been added, the new section may be found in the same place.]

193-1. Considered to constitute military crimes shall be crimes that are directed against the established system of performing military service and that are committed by military personnel (voyennosluzhashchiye) or by persons subject to call-up for military service (vayennoobyazannyye) of the Worker-Peasant Red Army reserve on active duty in (v ryadakh) the Worker-Peasant Red Army. (RSFSR Laws 1936, Law No 2, dated 1 December 1935)

Note 1. Line, administrative, and housekeeping (khozyaystvennyye) personnel of the Worker-Peasant Militia** and operational personnel of the Administration of State Security of the NKVD*** shall be subject to prosecution under the appropriate sections of this statute for crimes directed against the system of performing service established for them. (Ukase of the Presidium, Supreme Soviet USSR of 13 December 1940, Vedomosti Verkhovnogo Soveta SSSR No 51, 21 December 1940)

**Line, administrative, and housekeeping personnel of the militia are not subject to punishment under the provisions of the Statute on Military Crimes (ukase of the Presidium, Supreme Soviet USSR of 11 September 1953).

***See the ukase of 3 February 1941 on dividing the NKVD USSR (now the MVD USSR) (Vedomosti Verkhovnogo Soveta SSSR 1941, No 7).

Note 2. Persons not specified in this section [civilians] who participate in military crimes shall be subject to prosecution under appropriate sections of this chapter (RSFSR Laws 1936, Law No 2, dated 1 December 1935).

193-2. a. Failure to carry out any official military order shall be punished by:

Confinement for a period not exceeding 5 years;

b. Commission of the same crime, if attended by extenuating circumstances, shall be punished by:

Application of the provisions of the disciplinary regulations of the Worker-Peasant Red Army;

c. The same crime, if committed by a group of persons, or by commanding personnel (litso nachal'stvuyushchego sostava) [NCOs or commissioned officers], or if it resulted or might have resulted in especially serious consequences, shall be punished by:

Confinement for a period of not less than 3 years;

d. The same of crime, if committed in time of war, shall be punished by:

Confinement for a period of not less than 5 years, or, if there are aggravating circumstances, by the supreme measure of criminal punishment: death by shooting, and confiscation of all property;

e. The same crime, if committed in a combat situation (v boyevoy obstanovke), shall be punished by:

The supreme measure of criminal punishment: death by shooting, and confiscation of all property. (RSFSR Laws 1934, Law No 237, dated 20 October 1934)

193-3. a. The offering of resistance to any person in the performance of any of his military duties shall be punished by:

Confinement for a period not exceeding 3 years.

b. The same act, if committed by a group of persons, or if attended by force or the use of a weapon, or if committed in a combat situation, shall be punished by:

Confinement for a period of not less than 3 years.

c. Commission of the act specified in Clause b of this section, if attended by aggravating circumstances, shall be punished by:

The supreme measure of social defense.

[193-3-1 added 1957]

193-4. a. Forcing any person who is performing his military duties into any breach of such duties shall be punished by:

Confinement for a period of not less than one year.

b. The same act, if committed by a group of persons, or if attended by force or the use of a weapon, or if committed in a combat situation, shall be punished by:

Confinement for a period of not less than 5 years;

c. Commission of the act specified in Clause b of this section, if attended by aggravating circumstances, shall be punished by:

The supreme measure of social defense.

193-5. a. A subordinate who insults his superior (nachal'nik), or a junior who insults a senior (starshiy), by means of any forceful act (nasil'stvennoye deystviye) while either (or both) is performing a military duty, shall be punished by:

Confinement for a period of not less than 6 months.

b. Any insult inflicted under the above circumstances, if committed either orally or by means of a nonforceful act (nenasil'stvennoye deystviye), shall be punished by:

Confinement for a period not exceeding 6 months.

c. Commission of the act specified in Clause b of this section, if attended by extenuating circumstances, shall be punished by:

Application of the provisions of the disciplinary regulations of the Worker-Peasant Red Army.

d. The same acts, if committed under the same circumstances by a superior with respect to a subordinate, or by a senior with respect to a junior, shall be punished in the same manner.

193-6. a. The infliction of an insult in any case where the offender and the offended are among the persons specified in Section 193-1, but between whom no relationship of subordination or seniority exists, if one of them is nevertheless performing his military duties, shall be punished by:

Confinement for a period not exceeding one year;

b. Commission of the same act, if attended by extenuating circumstances, shall be punished by:

Application of the provisions of the disciplinary regulations of the Worker-Peasant Red Army.

*193-7. [Amended 1957] a. Absence without leave (samovol'naya otluchka) on the part of rank-and-file and junior commanding military personnel [privates and NCOs] for periods not exceeding 2 hours, if a first offense, shall be punished by:

Commitment for trial (predaniye) by a comrades' court (tovaricheskiy sud), or punishment by disciplinary action.

b. Absence without leave on the part of persons of the same category, if committed more than once for periods not exceeding 2 hours, or, if a first offense, for periods exceeding 2 hours, shall be punished by:

Commitment for trial by a military tribunal, with a sentence to a disciplinary battalion for a period of from 2 months to 2 years, or, if there are extenuating circumstances, punishment by disciplinary action.

The question of whether to commit for trial or to punish by disciplinary action shall be decided by the commander of a large unit (soyedineniye) or of a separate unit (otdel'naya chast') that does not form part of a large unit. (Ukase of the Presidium, Supreme Soviet RSFSR of 31 May 1952)

c. The acts specified in Clause b of this section, if committed in time of war, shall be punished by:

Confinement for a period of from 3 to 7 years.

d. Absence without leave for a period in excess of 24 hours constitutes desertion (dezertirstvo) and shall be punished by:

Confinement for a period of from 5 to 10 years; or, if committed in time of war, the supreme measure of punishment: death by shooting, and confiscation of property. (Ukase of the Presidium, Supreme Soviet USSR of 6 July 1940)

e. The acts specified in Clauses a and b of this section, if committed by intermediate, senior, or higher commanding personnel [commissioned officers] or by junior commanding personnel [NCOs] on extra-term service, shall be punished by:

Confinement for a period of not less than 2 years, with or without confiscation of property; or, if committed in time of war: the supreme measure of social defense and confiscation of property.

f. The acts specified in Clause a of this section, if committed in time of peace, even though by commanding personnel [NCOs or commissioned officers] -- in case there are especially extenuating circumstances and if absence without leave did not continue for more than 12 (4) 24-hour periods -- shall be punished by:

Application of the provisions of the disciplinary regulations of the Worker-Peasant Red Army. (RSFSR Laws 1929, Law No 628, dated 12 August 1929)**

**With regard to commanding personnel, it is necessary to be guided by the old edition of Section 193-7 of the Criminal Code of the RSFSR, which was in force prior to the issuance of the ukase of the Presidium, Supreme Soviet USSR of 6 July 1940, since Clauses e and f of Section 193-7, referring to crimes specified in Clauses a and b of the same section, have in view the old texts of these clauses (see p162). [The significance of the otherwise puzzling "12 (4) 24-hour periods" becomes apparent from a reading of Section 193-7 a, old edition, given on the indicated page.]

193-8. [Amended 1957] a. Unauthorized leaving (samovol'noye ostavleniye) of the unit or place of service without intent entirely to evade performance of military duties, if the absence is not prolonged for more than 6 (2) 24-hour periods (absence without leave) [the significance of the otherwise puzzling "6 (2) 24-hour periods" becomes apparent from a reading of Section 193-7 a, old edition, given on p 162; see footnote Section 193-7 f], but is systematically repeated, shall be punished by:

The measures of social defense specified in Clauses a and c of Section 193-7.

b. The same act, if committed by intermediate, senior, or higher commanding personnel [commissioned officers], or by junior commanding personnel [NCOs] on extra-term service, shall be punished by:

The measures of social defense specified in Clause e of Section 193-7. (RSFSR Laws 1929, Law No 628, dated 12 August 1929)

Note. The measure of social defense specified in Clause c of Section 193-7 shall be applied in cases where an individual has been convicted more than once of the offense specified in Clause a of this section, as well as in cases of first convictions for the indicated offense if committed either in time of war or after conviction for any of the acts specified in Clauses a, b, and d of Section 193-7. (RSFSR Laws 1929, Law No 628, dated 12 August 1929)

193-9. a. Unauthorized leaving of the unit or place of service in a combat situation shall be punished by:

The supreme measure of social defense and confiscation of property.

b. Commission of the same act, if attended by extenuating circumstances, shall be punished by:

Confinement for a period of not less than 3 years, with or without confiscation of property.

193-10. [Amended 1957] a. Failure to appear for duty at the appointed time on occasion of assignment, transfer, or return from travel on official business or from leave, shall involve:

Responsibility on the bases specified in Sections 193-7, 193-8, and 193-9.

b. Failure of military personnel or reservists (zapasnyye) to appear at the appointed time, without good cause, for training musters, maneuvers, or other training activities, or for call-up for practice mobilization, shall involve:

Responsibility on the same bases. (RSFSR Laws 1931, Law No 46, dated 10 January 1931)

193-10a. Evasion in time of war of call-up for mobilization into the Worker-Peasant Red Army, or evasion in time of war of any subsequent call-up to provide replacements for the Worker-Peasant Red Army, shall be punished by:

Confinement for a period of not less than one year, but for commanding personnel [NCOs and commissioned officers] of not less than 2 years, with confiscation of all or a part of property, provided that when there are especially aggravating circumstances the penalty may be increased up to the supreme measure of social defense: death by shooting, with confiscation of property. (RSFSR Laws 1931, Law No 46, dated 10 January 1931)

193-11. a. Failure of temporary military personnel (voyennosluzhashchiye peremennogo sostva) of territorial cavalry units of the Worker-Peasant Red Army to fulfill the duty to bring with them those of their own horses that are registered with the indicated units, shall be punished by:

Confinement for a period not exceeding 6 months.

b. Commission of the same act, if attended by extenuating circumstances, shall be punished by:

Application of the provisions of the disciplinary regulations of the Worker-Peasant Red Army.

193-12. a. Any serviceman who evades performance of military duties by means of self-inflicted injury, malingering, forgery of documents, or by other fraudulent means, shall be punished by:

Confinement for a period not exceeding 5 years.

b. Commission of the same crime, if attended by aggravating circumstances, shall be punished by:

Confinement for a period of not less than 3 years.

c. The same crime, if committed in time of war or in a combat situation, shall be punished by:

The supreme measure of criminal punishment: death by shooting, with confiscation of all property. (RSFSR Laws 1934, Law No 237, dated 20 October 1934)

193-13. Evasion of performance of military duties, in particular on the pretext of religious or other convictions, if the criteria of crimes covered by other sections of this chapter are not present, shall be punished by:

The measures of social defense specified in Section 193-2.

193-14. a. Misappropriation of military property (promotaniye), that is, the illegal taking, pawning, or transfer for use, of any item of government equipment or supplies by any person to whom it has been entrusted for temporary or permanent use, or the intentional destruction or damaging of any such article, or any violation of regulations governing custody of the same, shall be punished by:

Confinement for a period not exceeding one year.

b. Commission of the same acts, if attended by extenuating circumstances, shall be punished by:

Application of the provisions of the disciplinary regulations of the Worker-Peasant Red Army.

c. The same acts, if committed with respect to any bladed weapon, firearm, cartridge, or means of transport issued for official military use, shall be punished by:

Confinement for a period not exceeding 3 years.

d. The acts specified in Clause a of this section, if committed in time of war or in a combat situation, shall be punished by:

Confinement for a period of not less than one year.

e. The acts specified in Clause c of this section, if committed in time of war or in a combat situation, shall be punished by:

Confinement for a period of not less than 3 years, or, if there are aggravating circumstances, the supreme measure of social defense.

Note. Any person who receives any article that is mentioned in this section with the knowledge that it has been illegally taken, pawned, or transferred to another person's use or possession, shall be held responsible as an accessory.

[193-14-1, -2, -3 added 1957]

193-15. a. Any violation of the regulations governing guard [sentry] or convoy duty, or of any directive issued pursuant to these regulations, shall be punished by:

Confinement for a period not exceeding 6 months.

b. Commission of the same act, if attended by extenuating circumstances, shall be punished by:

Application of the provisions of the disciplinary regulations of the Worker-Peasant Red Army.

c. Any violation of the regulations governing guard duty committed by any person while standing guard over any store of arms, ammunition, or explosives, or over anything else of especial state or military importance, shall be punished by:

Confinement for a period not exceeding 3 years. (RSFSR Laws 1931, Law No 47, dated 15 January 1931)

d. Any violation of the regulations governing guard or convoy duty, if it results in the occurrence of harmful consequences that the posting of guards or the formation of a convoy was designed to prevent, shall be punished by:

Confinement for a period of not less than one year.

e. The acts specified in Clauses c and d of this section, if committed in a combat situation, shall be punished by:

Confinement for a period of not less than 3 years, or, if there are aggravating circumstances, the supreme measure of social defense.

[193-15-1 and-2 added 1957]

193-16. a. Any violation of the regulations governing internal (watch, vakhtennaya) duty by any person who is listed on the 24-hour duty roster of any military unit (other than for guard duty), shall be punished by:

Confinement for period not exceeding 6 months.

b. Commission of the same act, if attended by extenuating circumstances, shall be punished by:

Application of the provisions of the disciplinary regulations of the Worker-Peasant Red Army.

c. Commission of the same act, if attended by harmful consequences, the prevention of which was the duty of the person involved, shall be punished by:

Confinement for a period not exceeding 2 years.

d. The same act, if committed in time of war or in a combat situation, shall be punished by:

Confinement for a period of not less than one year.

e. Commission of the act specified in Clause d of this section, if attended by extenuating circumstances, shall be punished by:

Confinement for a period not exceeding 3 years.

193-17. a. Abuse of authority, acting in excess of authority, failure to act, or neglect of duty on the part of any member of the commanding personnel [NCOs and commissioned officers] of the Worker-Peasant Red Army, if the offense is committed systematically, or from mercenary or other motives of personal interest, or if the offense results in the disorganization of the forces entrusted to him or of a task assigned him, or in the disclosure of military secrets, or in any other serious consequences, or, even if the aforementioned consequences do not result -- provided either that the offender knew that they might result or that the act was committed in time of war or in a combat situation -- it shall be punished by:

Confinement for a period of not less than 6 months.

b. Commission of the same acts, if attended by especially aggravating circumstances, shall be punished by:

The supreme measure of social defense.

c. Commission of the same acts, if the criteria specified in Clauses a and b of this section are not present, shall be punished by:

Application of the provisions of the disciplinary regulations of the Worker-Peasant Red Army.

193-18. a. Any act or order of a superior that prevents any serviceman subordinate to him, or the family of such a person, from enjoying the privileges and preferences established for military personnel of the Worker-Peasant Red Army or their families, shall be punished by:

Confinement for a period not exceeding one year.

b. Commission of the same acts, if attended by extenuating circumstances, shall be punished by:

Application of the provisions of the disciplinary regulations of the Worker-Peasant Red Army.

c. The same acts, if committed systematically or from mercenary or other motives of personal interest, shall be punished by:

Confinement for a period of not less than one year.

193-19. Any superior who illegally uses his subordinate to perform personal services for himself, his family, or for any other person, shall be punished by:

Confinement for a period not exceeding 5 months.

193-20. [Amended 1957] a. Any commander who surrenders to the enemy the military forces entrusted to him, or who abandons to the enemy, destroys, or renders unserviceable any fortification, warship, military aircraft, artillery, military depot, or other means for waging war that has been placed in his charge, or any commander who fails to take the proper measures to destroy or render useless any of the previously enumerated means of waging war if it is in immediate danger of capture by the enemy and all means of saving it have been tried -- if such an act is committed for the purpose of aiding the enemy -- shall be punished by:

The supreme measure of social defense and confiscation of property.

b. The same acts, if committed in contravention of military regulations but not with the object of aiding the enemy, shall be punished by:

Confinement for a period of not less than 3 years, or, if there are aggravating circumstances, the supreme measure of social defense and confiscation of property.

193-21. [Amended 1957] a. Any commander who, without authorization and with the object of aiding the enemy, deviates from the battle orders given him, shall be punished by:

The supreme measure of social defense and confiscation of property.

b. The same act, if committed in contravention of military regulations but not with the object of assisting the enemy, shall be punished by:

Confinement for a period of not less than 3 years, or, if there are especially aggravating circumstances, the supreme measure of social defense.

193-22. [Amended 1957] Unauthorized departure from the battlefield during combat, surrender when the circumstances of battle do not require it, refusal to use one's weapons in combat, or defection to the enemy, shall be punished by:

The supreme measure of social defense and confiscation of property.

[193-22-1 and-2 added 1957]

193-23. Any commander who abandons a sinking warship without having carried out his official duties to the last, or any other members of such a ship's complement who does the same without having received the necessary order to that effect from the commander, shall be punished by:

The supreme measure of social defense.

193-24. Transmission to any foreign government, hostile army, or counterrevolutionary organization of information on the armed forces and defense capabilities of the USSR, or stealing or collecting such information for the purpose of so transmitting it, shall be punished by:

Confinement for a period of not less than 5 years, with or without confiscation of property; but in cases where the espionage has had or might have had particularly harmful effects on the interests of the USSR, the supreme measure of social defense and confiscation of property shall be applied.

193-25. a. Rescinded. (Ukase of the Presidium, Supreme Soviet RSFSR of 27 June 1947, Vedomosti Verkhovnogo Soveta SSSR 1947, No 29)

b. The same act**, if it causes or, to the knowledge of the offender, might have caused particularly serious consequences, shall be punished by:

The supreme measure of social defense and confiscation of property.

****Rescinded Clause a of Section 193-25 dealt with "the disclosure of information on the armed forces and defense capabilities of the USSR that is an especially safeguarded secret."**

c. Disclosure of military information that is not subject to disclosure but which, on the other hand, does not constitute an especially safeguarded secret, shall be punished by:

Confinement for a period not exceeding one year.

d. Commission of the act specified in Clause c of this section, if attended by extenuating circumstances, shall be punished by:

Application of the provisions of the disciplinary regulations of the Worker-Peasant Red Army.

193-26. Any communication in time of war, by written correspondence or by any other means, with any person belonging to a hostile army, or residing in enemy territory or in places occupied by enemy troops, shall be punished by:

Confinement for a period not exceeding 3 years.

193-27. a.. Pillage (maroderstvo), that is, stealing from the dead or wounded on the field of battle, shall be punished by:

Confinement for a period of not less than 3 years.

b. Commission of the same act, if attended by aggravating circumstances, shall be punished by:

The supreme measure of social defense and confiscation of property.

193-28. Any act of robbery, looting (grabezh), illegal destruction of property, or violence, or any illegal taking of property on the pretext of military necessity, committed against the civilian population in an area of military operations, shall be punished by:

Confinement for a period of not less than 3 years, with or without confiscation of property, or, if there are aggravating circumstances, the supreme measure of social defense and confiscation of property.

193-29. a. Mistreatment of prisoners, if committed more than once or if attended by especial cruelty or inflicted on the sick or wounded, or negligent performance of duties with respect to such sick or wounded on the part of persons responsible for their care and medical treatment, shall be punished by:

Confinement for a period not exceeding 3 years.

b. Mistreatment of prisoners not attended by the aforementioned aggravating circumstances shall be punished by:

Application of the provisions of the disciplinary regulations of the Worker-Peasant Red Army.

193-30. Any person not having the right to do so who wears in an area of military operations the insignia of the Red Cross or Red Crescent, or any commander who issues orders concerning [authorizing] the wearing of such insignia by any such person, shall be punished by:

Confinement for a period not exceeding one year.

193-31. Abuse in time of war of any Red Cross or Red Crescent flag or emblem, or of an identifying color reserved for the means of transport of the medical evacuation service, shall be punished by:

Confinement for a period not exceeding one year.

[193-32 added 1957]

CHAPTER X**. CRIMES CONSTITUTING A SURVIVAL OF THE TRIBAL WAY OF LIFE

**Version of the VTsIK decree adopted at the second session of the 13th convocation on 6 April 1928 (RSFSR Laws 1928, Law No 356).

194. Acceptance of any property consideration paid by any person who has killed another person, by his parents, by his relatives, or by his tribe, to the parents, relatives, or tribe of the victim in the form of expiation-money which exempts from revenge (vykup osvobodzhdayuschiy ot mesti) or legal prosecution, shall be punished by:

A fine not exceeding twice the amount of the consideration received.

195. Refusal by any member of the tribe of a person who has been killed to make peace with the person who killed him and his tribe in the manner established by local rules for conciliation proceedings, or in any way hindering conciliation, shall be punished by:

Banishment from the given locality, with or without confiscation of a part of property.

196. Payment of a purchase price for a bride (vykup za nevestu) (bride money, kalyim) by the bridegroom, by his parents, or by his relatives by blood or marriage, to the parents or relatives by blood or marriage of the bride, whether in the form of money, cattle, other property, or personal labor, shall be punished by:

Confinement or corrective labor work for a period not exceeding one year.

Acceptance of a purchase price for a bride shall be punished by:

The same measures and a fine equal to the amount of the purchase price.

197. Forcing a woman to enter into marriage or to continue marital cohabitation, or the kidnapping of a woman for the purpose of marriage, shall be punished by:

Confinement for a period not exceeding 2 years.

Note. The rape, in such a case, of the woman involved shall be punished by the measures provided for in Sections 151 or 153 of this code.**

**See the ukase of the Presidium, Supreme Soviet USSR of 4 January 1949, "On Increasing Criminal Liability for Rape" (p 116).

198. Entrance into marriage with a person who has not attained marriagable age shall be punished by:

Confinement for a period not exceeding 2 years.

Entrance into marriage with a person who has not reached the age of puberty, or forcing the conclusion of such a marriage, shall be punished by:

Application of the measures specified in Section 151 of this code.

199. Bigamy (dvoyezhenstvo) or polygamy (mnogozhenstvo) shall be punished by:

Corrective labor work for a period not exceeding one year, or a fine not exceeding 1,000 rubles.

Note. Criminal legislation relative to bigamy and polygamy shall not apply to cohabitation in marriages entered into prior to the issuance of these laws.

200. Unauthorized taking of cattle or other property (baranta), without appropriating the same for one's self, and with the sole object of compelling the owner or his relatives to give satisfaction for a wrong they have committed or to make restitution for some material loss they have caused, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 500 rubles.

Commission of the same act, if the offender is armed, shall be punished by:

Confinement for a period not exceeding one year.

When the same act is committed by an armed group of kinsmen, it shall be punished by:

Confinement for a period not exceeding 3 years (for the organizers, instigators, and leaders) and confinement for a period not exceeding one year (for any other participant).

201. Any attack on an individual, family, tribe, clan, dwelling house, or place of habitation, if it is organized with the participation of a large number of tribesmen or clansmen by reason of clan or tribal enmity, shall -- in respect of the organizers and leaders -- be punished by:

Confinement for a period not exceeding one year.

202. Any violence used against any person at the time of such a conflict as is referred to in Sections 200 and 201, or any killing, bodily injury, beating, and the like, shall be prosecuted in the same way as the crime which the violence used constitutes by definition.

203. Any arrogation of judicial powers by passing any decision in accordance with tribal custom (adat, and the like) in violation of the principles of Soviet law, involving taking advantage of the position of dependence in which the parties stand by reason of the tribal way of life, shall be punished by:

Corrective labor work for a period not exceeding one year, or a fine not exceeding 1,000 rubles.

204. The exaction of forced collections for purposes connected with religion or tribal custom by obviously taking advantage of the dependence in which the payers stand by reason of the tribal way of life, shall be punished by:

Corrective labor work for a period not exceeding 6 months, or a fine not exceeding 1,000 rubles.

205. Chapter X applies to those autonomous republics, autonomous oblasts, and other areas of the RSFSR where the socially dangerous acts enumerated therein remain as survivals of the tribal way of life among the nationalities inhabiting the territories in question.

APPENDIXES

A. LEGISLATIVE ACTS AND JUDICIAL RULINGS

Law on the Defense of Peace (Law of 12 March 1951)

The Supreme Soviet USSR, being guided by the high principles of Soviet peace-loving policy, and with the objective of strengthening peace and friendly relations among peoples, recognizes that the conscience and concept of law of nations that have borne during the lifetime of a single generation the calamities of two world wars cannot be reconciled to the impunity with which aggressive groups in certain states conduct war propaganda, and the Supreme Soviet USSR makes common cause with the appeals of the Second World Congress of Partisans of Peace -- expressing the will of progressive humanity as a whole -- regarding condemning and outlawing criminal war propaganda.

The Supreme Soviet USSR decrees:

1. War propaganda in any form whatsoever shall be considered to undermine the cause of peace, to create the threat of a new world war, and therefore to constitute a heinous crime against humanity.
2. Persons guilty of carrying on war propaganda shall be tried and condemned as serious criminal offenders. (Vedomosti Verkhovnogo Soveta SSSR 1951, No 5)

On Abolishing the Death Penalty (Ukase of the Presidium, Supreme Soviet USSR of 26 May 1947)

The Soviet people's historic victory over the enemy has demonstrated not only the burgeoning power of the Soviet state, but, before all else, the exceptional devotion of the population of the USSR to the Soviet Motherland and Soviet Government.

In addition, the international situation during the period that has elapsed since the capitulation of Germany and Japan indicates that the cause of peace may be considered ensured for a long time, despite the attempts of aggressive elements to provoke war.

Taking into account these circumstances, responding to the wishes of workers' and employees' trade unions and of other authoritative organizations, and expressing the opinion of broad public groups, the Presidium, Supreme Soviet USSR considers that application of the death penalty is no longer necessary under peace-time conditions.

The Presidium, Supreme Soviet USSR decrees:

1. The death penalty, as established for crimes by laws in force in the USSR, shall be abolished in time of peace.
2. The penalty for crimes punishable under laws in force by the death penalty shall be, in time of peace, confinement in a corrective labor camp for a period of 25 years.
3. Any death sentence that has not been executed by the time this ukase is issued shall be commuted, by ruling of a higher court, to the punishment specified in Section 2 of this ukase. (Vedomosti Verkhovnogo Soveta SSSR 1947, No 17)

On Applying the Death Penalty to Traitors, Spies, Subversives, and Saboteurs (Ukase of the Presidium, Supreme Soviet USSR of 12 January 1950)

In view of declarations received from national republics, trade unions, peasant organizations, and leaders of culture concerning the necessity of amending the ukase "On Abolishing the Death Penalty," in order to remove from its coverage traitors, spies, subversives, and saboteurs, the Presidium, Supreme Soviet USSR decrees:

1. As an exception to the ukase of the Presidium, Supreme Soviet USSR of 26 May 1947, "On Abolishing the Death Penalty," the death penalty, as the supreme measure of punishment, may be applied to traitors, spies, subversives, and saboteurs.
2. This ukase shall go into force on the day it is published. (Vedomosti Verkhovnogo Soveta SSSR 1950, No 3)

On Increasing the Criminal Penalty for Murder (Ukase of the Presidium, Supreme Soviet USSR of 30 April 1954)

In connection with petitions of citizens and public organizations that the death penalty be made applicable to murderers, and with the object of better safeguarding the lives of citizens, the Presidium, Supreme Soviet USSR decrees:

The ukase of the Presidium, Supreme Soviet USSR of 12 January 1950, "On Applying the Death Penalty to Traitors, Spies, Subversives, and Saboteurs," shall also apply to any person who commits murder under aggravating circumstances. (Vedomosti Verkhovnogo Soveta SSSR 1954, No 11)

On More Effectively Safeguarding Private Property (Ukase of the Presidium, Supreme Soviet USSR of 4 June 1947)

In order more effectively to safeguard private property, the Presidium, Supreme Soviet USSR, decrees:

1. Larceny (krazha), that is, the secret or open theft of private property, shall be punished by:

Confinement in a corrective labor camp for a period of from 5 to 6 years.

Larceny, if committed by a band of thieves, or for the second time, shall be punished by:

Confinement in a corrective labor camp for a period of from 6 to 10 years.

2. Robbery (razboy), that is, an aggressive act committed with the object of taking possession of another person's property that is accompanied by the employment or by the threat of violence, shall be punished by:

Confinement in a corrective labor camp for a period of from 10 to 15 years and confiscation of property.

Robbery, if accompanied by violence endangering the life or health of the injured party or by a threat to kill or inflict serious bodily injury on him, or if committed by a band of robbers or for the second time, shall be punished by:

Confinement in a corrective labor camp for a period of from 15 to 20 years and confiscation of property.

3. Any person who, having definite knowledge of a robbery that has been committed or that is being prepared, fails to report it to a governmental agency, shall be punished by:

Confinement for a period of from one to 2 years, or exile (ssylka) for a period of from 4 to 5 years. (Vedomosti Verkhovnogo Soveta SSSR 1947, No 19)

On Responsibility Under Criminal Law for Plundering State and Public Property (Ukase of the Presidium, Supreme Soviet USSR of 4 June 1947)**

**See the decree of the Plenum, Supreme Court USSR of 28 May 1954, No 5 (p 104).

In order to unify legislative provisions on responsibility under criminal law for plundering state and public property, and in order more intensively to combat these crimes, the Presidium, Supreme Soviet USSR decrees:

1. Larceny, misappropriation, embezzlement, or any other form of plundering of state property,** shall be punished by:

Confinement in a corrective labor camp for a period of from 7 to 10 years, with or without confiscation of property.

**See the ukase of the Presidium, Supreme Soviet USSR, of 10 January 1955, "On Responsibility Under Criminal Law for Petty Larceny of State and Public Property" (p 103).

2. Plundering of state property, if committed for a second time, or by an organized group (band), or in a large amount, shall be punished by:

Confinement in a corrective labor camp for a period of from 10 to 25 years and confiscation of property.

3. Larceny, misappropriation, or any other form of plundering of kolkhoz, cooperative, or other public property, shall be punished by:

Confinement in a corrective labor camp for a period of from 5 to 8 years, with or without confiscation of property.

4. Plundering of kolkhoz, cooperative, or any other kind of public property, if committed for the second time, or by an organized group (band), or in a large amount, shall be punished by:

Confinement in a corrective labor camp for a period of from 8 to 20 years and confiscation of property.

5. Any person who, having definite knowledge that plundering of the state or public property specified in Sections 2 and 4 of this ukase has been committed or is being prepared, fails to report it to a governmental agency, shall be punished by:

Confinement for a period of from 2 to 3 years, or exile (ssylka) for a period of from 5 to 7 years. (Vedomosti Verkhovnogo Soveta SSSR 1947, No 19)

On Responsibility Under Criminal Law for Petty Plundering of State or Public Property (Ukase of the Presidium, Supreme Soviet USSR of 10 January 1955)

Be it enacted that petty plundering of state or public property, if a first offense, shall be punished by:

Corrective labor work for a period of from 6 months to one year, or confinement for a period of 3 months.

The same acts, if committed a second time, shall be punished by:

Confinement for a period of from one to 2 years.

On How the Courts Shall Apply the Ukases of the Presidium, Supreme Soviet USSR of 4 June 1947 (Decree of the Plenum, Supreme Court USSR of 22 August 1947, No 12/6)

In view of the questions that have arisen in judicial practice in connection with issuance of the ukases of the Presidium, Supreme Soviet USSR of 4 June 1947, "On More Effectively Safeguarding Private Property," and "On Responsibility Under Criminal Law for Plundering State and Public Property," the Minister of Justice USSR, acting in accordance with Section 7, Clause c of the Statute on the People's Commissariat of Justice USSR, submitted to the Plenum, Supreme Court USSR, a proposal that it issue guiding instructions to the courts on these matters.

The Plenum, Supreme Court USSR resolves to issue the following instructions to the courts:

1. Crimes specified in the indicated ukases that are committed after their issuance shall be subject to qualification under the appropriate sections thereof. There shall not be applied in this connection the law of 7 August 1932, Section 1 of the ukase of the Presidium, Supreme Soviet USSR of 10 August 1940 ("On Responsibility Under Criminal Law for Petty Larceny in Production and Hooliganism"), Sections 59-3a, 116, 162, 165, 166, 166-a, or 167, or Paragraph 2 of Section 169** of the RSFSR Criminal Code, or corresponding sections of the criminal codes of other union republics.

**See Section 9 of the decree of the Plenum, Supreme Court USSR of 28 May 1954, No 5 (p 106).

2. Cases involving the crimes specified in Sections 2 and 4 of the ukase "On Responsibility Under Criminal Law for Plundering State and Public Property," shall -- with regard to thefts in large amounts -- be

subject to trial by kray, oblast, and okrug courts and by the supreme courts of union and autonomous republics. All other cases involving crimes covered by the ukases of 4 June 1947 shall be tried by people's courts.

3. Pretrial investigation must be carried on with respect to all crimes covered by the ukases of 4 June 1947.

Such cases must be forwarded to court by a prosecutor.

On Judicial Practice in Applying the Ukase of the Presidium, Supreme Soviet USSR of 4 June 1947, "On Responsibility Under Criminal Law for Plundering State and Public Property (Decree of the Plenum, Supreme Court USSR of 28 May 1954, No 5)

With the objects of further strengthening socialist legality and of standardizing judicial practice in applying the ukase of the Presidium, Supreme Soviet USSR of 4 June 1947, "On Responsibility Under Criminal Law for Plundering State and Public Property," the Plenum, Supreme Court USSR resolves to issue the following instructions to the courts:

1. In view of the fact that combating the plundering of socialist property is one of the basic tasks of Soviet jurisprudence, the courts must continue strictly to implement the ukase of the Presidium, Supreme Soviet USSR of 4 June 1947, "On Responsibility Under Criminal Law for Plundering State and Public Property."

2. In trying cases involving the plundering of socialist property, the courts must -- as in other cases -- take an individual approach to the designation of punishments, taking into account (in accordance with Section 45 of the RSFSR Criminal Code and with corresponding sections of the criminal codes of other union republics) the degree to which the crime committed constitutes a social danger, the concrete circumstances of the case, and the personality of the accused.

In addition, with regard to cases involving petty plundering committed for the first time, if there are extenuating circumstances the courts must take into account the instructions contained in Section 51 of the RSFSR Criminal Code and in corresponding sections of the criminal codes of other union republics, which authorize the courts (reasons for doing so being noted in sentences) to establish a punishment less severe than the minimum specified in the law.

3. It is called to the attention of the courts that in deciding whether or not to qualify a crime as that of plundering, they shall proceed, in terms of the ukase of 4 June 1947, on the basis that intentional illegal conversion of state or public property into one's own property must be regarded as plundering, irrespective of the forms or means by which the property was so converted.

4. Abuse of official position shall be qualified under the ukase of 4 June 1947 only in cases where an official has used his official position illegally to convert state or public property into his own property, or where he has used his official position illegally to transfer possession of it to other persons from mercenary motives.

5. Intentional illegal receipt from any state or public organization of any prize, salary increase, or other payment obtained with the aid of any document known to be spurious, shall be qualified as plundering.

6. The presentation of any forged receipt or of any other spurious document for the purpose of evading any tax, requirement to furnish goods, or any other obligation, shall be qualified under Section 72 of the RSFSR Criminal Code and under corresponding sections of the criminal codes of other union republics.

7. The plundering of any state or public property, if armed attack (razboynoye napadeniye) on any person having control or custody of the property is involved, shall be qualified as plundering under aggravating circumstances under Section 2 or Section 4 of the ukase of 4 June 1947. But if such an act involves the commission of murder, or is committed under such circumstances as to involve the criteria of banditry, a cumulative penalty shall be imposed.

8. Unauthorized mowing of hay in any hayfield belonging to any sovkhoz, kolkhoz, or other state or public organization, if these acts are required to involve responsibility under criminal law, shall be subject to qualification under Section 90 of the RSFSR Criminal Code and under corresponding sections of the criminal codes of other union republics.

9. By way of amending the decree of the Plenum, Supreme Court USSR of 22 August 1947, the courts are hereby instructed that any fraudulent act causing a loss to any state or public institution, enterprise, or organization shall be subject to qualification under Paragraph 2, Section 169 of the RSFSR Criminal Code and under corresponding sections of the criminal codes of other union republics, unless such an act is combined with plundering of state or public property.

10. It is explained that not all acts of plundering committed jointly by two or more persons may be regarded as plundering committed by an organized group (band), and that Section 2 or Section 4 of the ukase of 4 June 1947 may be applied in terms of this criterion only when it is determined from the circumstances of a given case that plundering was committed by prior collusion among a group of persons who organized themselves with this object in view.

11. Plundering of state or public property must be regarded as having been committed a second time if any act of plundering either state or public property was previously committed. Equally, any larceny of private property must be regarded as having been committed a second time if it was preceded by any larceny of the same kind of property.

In any case involving commission of several kinds of plundering for which sentence has not been passed on the offender, each act of plundering shall be qualified separately in accordance with applicable legislation and a cumulative penalty shall be imposed in accordance with Section 49 of the RSFSR Criminal Code and with corresponding sections of the criminal codes of other union republics.

12. If a court finds the accused guilty in any case involving the plundering of state or public property, it must decide the question of collecting from the guilty person the cost of any loss he has caused.

If, prior to the trial of any case, a suit [to recover damages] has not been initiated, before hearing the case the court must give timely notice to interested institutions, enterprises, and organizations regarding initiation of a suit against the person committed for trial.

13. In trying any case involving the plundering of socialist property a court shall, on the basis of careful analysis of the circumstances of the case, determine the nature of the causes that facilitated the act of plundering, and, by means of an interlocutory order, bring to the attention of appropriate agencies the shortcomings discovered (bad organization of accounting, of protection of property, and the like) in order that they may be eliminated; and when necessary, a court may issue an interlocutory order on subjecting the guilty persons to punishment by administrative action or by means of criminal prosecution.

14. It is called to the attention of the courts that, in reviewing on points of law or pursuant to the ex officio reopening thereof, cases involving plundering of state or public property, the courts must check with especial care on the completeness and thoroughness with which such cases have been analyzed and on whether or not crimes have been correctly qualified and proper sentences passed.

15. In connection with the issuance of this decree, the following shall be considered no longer in force: the decree of the Plenum, Supreme Court USSR of 6 May 1952, "On Judicial Practice in Applying the Ukase of the Presidium, Supreme Soviet USSR of 4 June 1947, 'On Responsibility Under Criminal Law for Plundering State and Public Property.'"

On Applying the Ukases of 4 June 1947 to Minors (Excerpt from the decree of the Plenum, Supreme Court USSR of 17 February 1948, No 4/2/V)

In order to eliminate deficiencies of judicial practice in cases involving minors of from 12 to 16 years of age who are subjected to criminal prosecution under either of the ukases of 4 June 1947, the Plenum, Supreme Court USSR resolves to issue the following instructions to the courts:

1. Judicial organs are hereby instructed that, in any case involving the commission of petty plundering by a minor who is from 12 to 16 years of age, a court must take under consideration the question of dismissing the criminal case by virtue of the inexpediency of applying a measure of criminal punishment and of sending the accused to a labor educational colony (trudovaya vospitatel'naya koloniya).

If, by reason of the concrete circumstances of a case of petty plundering, a court concludes that it is inexpedient to send the accused to a labor educational colony, it shall have the right to order the criminal charges dismissed and to decree that the accused shall be placed in charge of his parents or of guardians. His parents, or agencies of public education or guardianship, shall be responsible for continuously supervising the conduct and education of the accused.

2. Judicial organs are hereby instructed that, in any case involving a minor of from 12 to 16 years of age that is not subject to dismissal, the court may, when necessary, provided that there are extenuating circumstances, reduce punishment, as provided by Section 51 of the RSFSR Criminal Code and by corresponding sections of the criminal codes of other union republics, or it may impose a suspended sentence. In either case, the grounds for ameliorating punishment shall be stated in the sentence.

In imposing a suspended sentence a court must not leave a minor with the feeling that he has committed a crime with impunity. Therefore, the court must explain to the person committed for trial the significance of the probationary period and warn him that if he commits another crime he will also be punished for the first crime. At the same time, in the sentence or by means of a special order, the court must place upon agencies of public education or guardianship, or upon the parents, responsibility for continuously supervising the conduct and education of the convicted person.

3. Judicial agencies are reminded that the conviction of minors for individual acts of petty plundering that are in the nature of childish mischief (for example, petty larceny of apples from an orchard or of vegetables from a garden, etc.) cannot be tolerated.

It is equally intolerable to convict any minor for thefts from his parents or from any other member of the family with whom he lives, except when the injured party himself requests that the appropriate agency initiate a criminal case against the minor.

This decree shall not apply to cases of robbery or of plundering in large amounts, nor shall it apply to persons previously convicted of plundering or to organizers of or active participants in any organized group (band).

On Responsibility for the Disclosure of State Secrets and for the Loss of Documents Containing State Secrets (Excerpt from the ukase of the Presidium, Supreme Soviet USSR of 9 June 1947)

In order to unify legislative provisions on, and to increase responsibility under criminal law for, disclosure of information which constitutes a state secret according to the list established by the Council of Ministers USSR in its decree of 8 June 1947, the Presidium, Supreme Soviet USSR decrees:

1. The disclosure of any information constituting a state secret, if committed by any person to whom this information was entrusted or who had access to it by virtue of his official position -- unless such an act may be qualified as treason or espionage -- shall be punished by:

Confinement in a corrective labor camp for a period of from 8 to 12 years.

2. The disclosure by any person in military service of any information of a military nature that constitutes a state secret -- unless his act may be qualified as treason or espionage -- shall be punished by:

Confinement in a corrective labor camp for a period of from 10 to 20 years.

3. The disclosure by any private person of any information constituting a state secret -- unless his act may be qualified as treason or espionage -- shall be punished by:

Confinement in a corrective labor camp for a period of from 5 to 10 years.

4. The loss by any official of any material, document, or publication containing information which constitutes a state secret -- unless the nature of his act makes it subject to a more severe punishment -- shall be punished by:

Confinement in a corrective labor camp for a period of from 4 to 6 years.

The same crime, if it caused especially serious consequences, shall be punished by:

Confinement in a corrective labor camp for a period of from 6 to 10 years.

5. The loss by any person in military service of any document containing information constituting a military secret -- unless the nature of his act makes it subject to more severe punishment -- shall be punished by:

Confinement in a corrective labor camp for a period of from 5 to 8 years.

The same act, if it caused especially serious consequences, shall be punished by:

Confinement in a corrective labor camp for a period of from 8 to 12 years.

6. Registration or transmittal abroad of any invention, discovery, or technical improvement constituting a state secret, whether committed within the confines of the USSR or by an official sent on a mission abroad by the government -- unless these crimes may be qualified as treason or espionage -- shall be punished by:

Confinement in a corrective labor camp for a period of from 10 to 15 years.

[7. Omitted from source document]

8. In connection with the issuance of this ukase, the following shall be considered no longer in force:

a. The ukase of the Presidium, Supreme Soviet USSR of 15 November 1943, "On Responsibility for the Disclosure of a State Secret and for the Loss of Documents Containing a State Secret";

b. Clause a, Section 25, of the "Statute on Military Crimes."

The supreme soviets of the union republics are requested to amend union-republic legislation in conformity with this ukase. (Vedomosti Verkhovnogo Soveta SSSR 1947, No 20)

On Establishing a List of Information that Constitutes a State Secret, the Disclosure of Which Shall be Punished by Law (Decree of the Council of Ministers USSR of 8 June 1947)

The Council of Ministers has decreed:

The following list of information which constitutes a state secret shall be established:

Information of a Military Nature

1. Organization, strength, location, combat capacity, armament, equipment, combat training, supply of material or financial resources, mobilization and operations plans relating to the armed forces of the USSR as a whole or to individual branches of the service, large military units, other military units, ships, subunits, institutions, establishments, and individual military objects.
2. Composition, size, condition, location, and assignment of national stocks of all kinds prepared for mobilization, of national reserves of materiel and food, and of manpower reserves that are subject to mobilization on a USSR-wide basis, in union and autonomous republics, krais, oblasts, bases, industrial and transport enterprises, and by large military units, other military units, and institutions of the armed forces of the USSR.
3. Mobilization and operations plans and schedules, and proposed or approved measures connected with mobilization plans ensuring the national defense of the USSR in the fields of state administration, industry, transport, communications, and all other branches of the national economy (as a whole and regarding individual governmental departments, enterprises, and territorial subdivisions).
4. Location, equipment, financial and industrial plans, condition, production capacity, nomenclature, and size of production of war industries and of all other industries engaged in the execution of war contracts.
5. Discoveries, inventions, and improvements, research and experimental work in the field of technical and any other means of defense of the USSR.
6. Documents, material, and publications relating to the defense of the USSR, as well as information based upon such documents, materials, and publications.

Information of an Economic Nature

7. Information declared by the Council of Ministers USSR to be kept secret and relating to industry as a whole, to separate branches of industry, to agriculture, to trade, and to means of conveyance.

8. The state of foreign exchange reserves, data concerning the current exchange balance and plans of financial operations of the USSR, information concerning the place and manner of safekeeping of precious metals of the State Reserve Fund, of foreign exchange values, and of moneys.

9. Approved or proposed plans for importing and exporting particular kinds of goods, and the status of export reserves and of particular kinds of goods.

10. Geological resources and the extraction of nonferrous and rare metals and soils.

Information on Discoveries, Inventions, and
Improvements of a Nonmilitary Nature

11. Discoveries, inventions, and technical improvements, and research and experimental work in all fields of science, technology, and national economy, until they are finally completed and authorized to be published.

Other Information

12. Information pertaining to negotiations and to relations and agreements of the USSR with foreign states, and information relative to any other measures in the fields of foreign policy and foreign trade that are not contained in officially published data.

13. State cyphers and the contents of encyphered messages.

14. Any other information that the Council of Ministers USSR may declare not subject to disclosure.

In connection with the issuance of this decree, the decree of the Sovnarkom USSR of 27 April 1926, "On Approving a List of Information That by Virtue of Its Content Constitutes a Specially Protected State Secret" (USSR Laws 1926, Law No 213), shall be considered no longer in force. (Izvestiya, 10 June 1947)

On Responsibility Under Criminal Law for Making and Selling Moonshine
(Ukase of the Presidium, Supreme Soviet USSR of 7 April 1948)

In order to unify legislation on responsibility under criminal law for making and selling moonshine, and in order more intensively to combat these crimes, the Presidium, Supreme Soviet USSR decrees:

1. Making or keeping moonshine for the purpose of sale, selling moonshine, or making and selling as a trade equipment especially designed for the making of moonshine, shall be punished by:

Confinement in a corrective labor camp for a period of from 6 to 7 years and confiscation of all or a part of property.

2. The making of moonshine other than for the purpose of sale shall be punished by:

Confinement for a period of from one to 2 years and confiscation both of the moonshine and of the equipment for making it. (Vedomosti Verkhovnogo Soveta SSSR 1948, No 14)

On Judicial Practice in Cases Involving Crimes Covered by the Ukase of the Presidium, Supreme Soviet USSR of 7 April 1948, "On Responsibility Under Criminal Law for Making and Selling Moonshine" (Excerpt from the decree of the Plenum, Supreme Court USSR of 5 January 1951, No 1/1/V)

In order to eliminate judicial shortcomings in combating the making of moonshine, the Plenum, Supreme Court USSR resolves to issue the following instructions to the courts:

1. There is pointed out to the courts the necessity of resolutely combating the making of moonshine by means of exactly applying to guilty persons the appropriate sections of the ukase of 7 April 1948 and of consistently designating the measures of punishment prescribed by that ukase.

Application in these cases of Sections 51 and 53 of the RSFSR Criminal Code and of corresponding sections of the criminal codes of other union republics shall take place only if there are especially extenuating circumstances.

2. It is explained to the courts that, in accordance with the requirements of Section 1 of the ukase of 7 April 1948, not only persons guilty of making and selling moonshine, but also persons guilty of making moonshine for the purpose of sale, or of keeping it for that purpose, shall be subject to criminal prosecution.

3. The buying up and resale of moonshine for the purpose of making a profit shall be qualified as speculation under Section 107 of the RSFSR Criminal Code and under corresponding sections of the criminal codes of other union republics.

4. The making of intoxicating beverages for the purpose of sale from the products of one's own husbandry, from purchased raw materials, or from a customer's raw materials, shall be qualified under Section 99 of the RSFSR Criminal Code and under corresponding sections of the criminal codes of other union republics. (17 September 1954 version.)

5. It is pointed out to the courts that, to be effective, the struggle against the making of moonshine requires prompt trial of these cases within the period established by law in order that guilty persons may be punished for their crimes without delay, in view of which the red tape that is impermissible with regard to any case is particularly intolerable in respect to this category of cases.

On Increasing the Criminal Penalty for Violation of Safety Regulations in Coal and Slate Mines (Ukase of the Presidium, Supreme Soviet USSR of 14 February 1953)

In order to ensure safe working conditions in coal and slate mines and to intensify struggle against violations of technical safety regulations that have resulted in accidents, explosions, and other serious consequences endangering the lives and health of workers and employees, the Presidium, Supreme Soviet USSR decrees:

1. Be it enacted that any violation of technical exploitation or safety regulations in a coal or slate mine that is either in operation or being opened, if committed by any directing, engineering, or technical personnel, or by any mine foreman, and if such a violation might have resulted in serious consequences, shall be punished by:

Confinement in a corrective labor camp for a period not exceeding 3 years, or corrective labor work for a period of from 6 months to one year.

The same acts, if an accident, an explosion, a fire, serious injury to any person, or loss of human life results, shall be punished by:

Confinement in a corrective labor camp for a period of from 3 to 10 years.

2. Be it enacted that any violation by any worker or employee of safety regulations in a coal or slate mine that is in operation or being opened -- if such a violation might have resulted in serious consequences -- shall be punished by:

Confinement in a corrective labor camp for a period not exceeding 2 years, or corrective labor work for a period not exceeding one year.

The same acts, if an accident, an explosion, a fire, serious injury to any person, or loss of human life results, shall be punished by:

Confinement in a corrective labor camp for a period of from 2 to 5 years.

On Outlawry of Soviet Citizens Who, While Serving as Officials in Foreign Countries, Defect to the Camp of the Enemies of the Worker Class and of the Peasantry and Refuse to Return to the USSR (Decree of TsIK USSR of 21 November 1929)

1. Refusal on the part of any citizen of the USSR who is an official of a USSR state institution or enterprise operating abroad to return to the USSR when so requested by any state agency, shall be regarded as defection to the camp of the enemies of the worker class and of the peasantry and shall be qualified as treason.

2. Any such person who refuses to return to the USSR shall be declared an outlaw.

3. Outlawry shall involve:

- a. confiscation of all the convicted person's property;
- b. execution by shooting of the convicted person within 24 hours after his identity has been established.

4. All such cases shall be tried by the Supreme Court USSR.

5. The names of all outlawed persons shall be communicated to all executive committees of soviets and to agencies of the State Political Administration.**

**Now the MVD.

6. This law shall have retroactive effect. (USSR Laws 1929, Law No 732)

On Responsibility Under Criminal Law for Unauthorized Travel on Freight Trains** and for Unauthorized and Unnecessary Stoppage of a Train by Means of the Emergency Stop Signal (Ukase of the Presidium, Supreme Soviet USSR of 9 April 1941)

**See the ukase of the Presidium, Supreme Soviet USSR of 11 March 1955 (p 115).

1. Rescinded (Ukase of the Presidium, Supreme Soviet USSR of 11 March 1955).

2. Be it enacted that any unauthorized and unnecessary stoppage of a train by means of the emergency stop signal shall be punished, pursuant to a court sentence, by confinement in a prison for a period of from one to 3 years, provided that the act is not of such a character as to be subject to more severe punishment by law. (Vedomosti Verkhov-nogo Soveta SSSR 1941, No 16)

On Substituting Measures of Administrative Influence for Responsibility Under Criminal Law for Unauthorized Travel on Freight Trains (Ukase of the Presidium, Supreme Soviet USSR of 11 March 1955)

The Presidium, Supreme Soviet USSR decrees:

1. Responsibility under criminal law for unauthorized travel in freight trains is hereby rescinded.

2. Be it enacted that unauthorized travel in freight trains shall be punished by a fine in an amount not exceeding 100 rubles imposed by administrative action.

3. Persons who have been convicted of unauthorized travel in freight trains, but who have not yet served out their punishment, shall be relieved from further service of such punishment.

The criminal records of persons convicted of such acts shall be expunged.

4. Section 1 of the ukase of the Presidium, Supreme Soviet USSR of 9 April 1941, "On Responsibility Under Criminal Law for Unauthorized Travel on Freight Trains and for Unauthorized and Unnecessary Stoppage of a Train by Means of the Emergency Stop Signal," shall be considered no longer in force. (Vedomosti Verkhovnogo Soveta SSSR 1955, Law No 114)

On Responsibility for Illegally Awarding Orders or Medals of the USSR or Badges, for Misappropriating Orders, Medals, or Badges, and for Their Transferral by Decorated Persons to Other Persons (Ukase of the Presidium, Supreme Soviet USSR of 2 May 1943)

The Presidium, Supreme Soviet USSR decrees:

1. Be it enacted that any person who is guilty of illegally awarding any order or medal of the USSR or badge to any person who has no direct connection with the army or the fleet, shall be subject to prosecution

under criminal law as for a breach of official duty and shall be punished by confinement in a prison for a period of from 6 months to 2 years.

2. Any person who is guilty of misappropriating any order, medal, or badge shall be punished by confinement in a prison for a period of from 2 to 3 years.

3. Any person who is guilty of selling or giving away any order, medal, or badge to any other person shall be subject to deprivation of the award and shall be punished by confinement in a prison for a period of from one to 3 years.

4. Any person who wears any order, medal, or badge when he does not have the right to do so, shall be punished by confinement in a prison for a period of from 6 months to one year.

5. Any official who is responsible for the safekeeping of any order, medal, or badge (in any hospital, military office, judicial organ, etc.) and whose carelessness results in the theft of any such order, medal, or badge, shall be punished by confinement in a prison for a period of from one to 2 years. (Vedomosti Verkhovnogo Soveta SSSR 1943, No 18)

On Increasing the Criminal Penalty for Rape (Ukase of the Presidium, Supreme Soviet USSR of 4 January 1949)

In order to increase the criminal penalty for rape, the Presidium, Supreme Soviet USSR decrees:

Be it enacted that rape shall be punished by confinement in a corrective labor camp for a period of from 10 to 15 years.

The rape of any minor, as well as any other rape that is committed by a group of persons or that causes especially serious consequences, shall be punished by confinement in a corrective labor camp for a period of from 15 to 20 years. (Moskovskiy Bol'shevik, 6 Jan 1949)

On Rescinding the Holding of Pregnant Women Criminally Responsible for Aborticide (Ukase of the Presidium, Supreme Soviet USSR of 5 August 1954)

1. The responsibility of pregnant women under criminal law for self-induced abortions, as provided for by Section 4 of the TsIK and Sovnarkom USSR decree of 27 June 1936, is hereby rescinded, provided that the stipulations of that decree making subject to responsibility under criminal law any person who illegally induces an abortion or who forces a woman to induce an abortion shall remain in force.

2. The presidiums of supreme soviets of union republics are requested to pass criminal legislation in accordance with the provisions of this ukase. (Vedomosti Verkhovnogo Soveta SSSR 1954, Law No 334)

On Rescinding the Prohibition of Abortions (Ukase of the Presidium, Supreme Soviet USSR of 23 November 1955)

The measures taken by the Soviet state to encourage motherhood and to protect children, and the constant growth of the understanding and cultural level of women, who actively participate in all areas of the national economic life of the country, now permit retraction of the legislative prohibition of abortions.

Reduction of the number of abortions may, henceforth, be ensured by means of further developing state encouragement of motherhood and through educational and explanatory measures.

Recision of the prohibition of abortions also makes it possible to obviate the great amount of harm done healthy women by abortions induced outside curative establishments, often by ignorant persons.

In order to make it possible for women to make their own decisions as to whether or not to become mothers, and in order to prevent the harm done healthy women by abortions not effected in hospitals, the Presidium, Supreme Soviet USSR decrees:

1. Section 1 of the TsIK and Sovnarkom USSR decree of 27 June 1936, which prohibited abortions, is hereby rescinded.

2. Operations to interrupt pregnancy artificially shall take place only in hospitals or in other curative establishments in accordance with the instructions of the Ministry of Health USSR.

3. The heretofore established responsibility under criminal law of any doctor, or of any person lacking a special medical education, for inducing any abortion outside a hospital or other curative establishment, shall remain in force. (Vedomosti Verkhovnogo Soveta SSSR 1955, Law No 425)

On Releasing on Parole Persons Convicted of Crimes Committed Before the Age of 18 (Ukase of the Presidium, Supreme Soviet USSR of 24 April 1954)

Considering it unnecessary that prisoners convicted of crimes committed before reaching the age of 18 years and who are steadily reforming should serve out their entire period of punishment, the Presidium, Supreme Soviet USSR decrees:

Be it enacted that any person condemned to confinement for a crime committed before he reached 18 years of age and who is proving by exemplary behaviour and by conscientious work and study in places of confinement that he has reformed, may be paroled when he has served out not less than one third of the term of confinement set by a court, or his term of punishment may be reduced.

Acting on recommendations of administrations of the places of confinement in which such prisoners are being held, courts located at these places of confinement shall consider the question of paroling them or reducing their sentences.

The question of reducing his term of punishment may be considered by a court when a convicted person has served not less than 6 months of a sentence to confinement.

On Introducing Release on Parole from Places of Confinement (Ukase of the Presidium, Supreme Soviet USSR of 14 July 1954)

The Presidium, Supreme Soviet USSR decrees:

1. The practice of releasing sentenced persons on parole from places of confinement shall be introduced.
2. Persons sentenced to serve terms of punishment in places of confinement who prove that they have reformed by honest work and exemplary behaviour may be paroled when they have served not less than two thirds of the term of punishment.
3. Release on parole shall take the form either of release from further service of a measure of punishment or of substituting for it a less severe measure of punishment, which question shall be decided by a court at the place where the sentenced person is confined on the basis of the recommendation of the administration of that place of confinement.
4. If, during the unserved part of his term of punishment, any parolee commits a fresh crime that is subject to punishment by confinement, a court shall have the right to add the unserved part of his sentence to the measure of punishment imposed for the fresh crime.

In such cases, the total term of confinement shall be established in accordance with legislation in force.

On Amnesty (Ukase of the Presidium, Supreme Soviet USSR of 27 March 1953)

As a result of the consolidation of Soviet society and the Soviet state system, the increased level of prosperity and culture of the population, the growth of understanding of Soviet citizens, and the conscientious

attitude of Soviet citizens toward fulfillment of their public duty, legality and the socialist legal system have been strengthened and crime has been substantially reduced in the country.

The Presidium, Supreme Soviet USSR considers that under these conditions it is no longer necessary to hold in places of confinement persons who have committed crimes which do not constitute an important danger to the state and who, by their conscientious attitude toward work, have shown that they are capable of returning to an honest working life and of becoming useful members of society.

The Presidium, Supreme Soviet USSR decrees:

1. Persons sentenced to terms of up to 5 years, inclusive, shall be released from places of confinement and relieved of other measures of punishment that do not involve confinement.
2. There shall be released from places of confinement, irrespective of the length of the term of punishment imposed, persons convicted of any breach of official duty or economic crime or for any of the military crimes covered by Sections 193-4, Clause a; 193-7; 193-8; 193-10; 193-10a; 193-14; 193-15; 193-16; and 193-17, Clause a of the RSFSR Criminal Code and by corresponding sections of the criminal codes of other union republics.
3. There shall be released from places of confinement, irrespective of the term of punishment imposed, pregnant women and women with children under 10 years of age, minors under 18, men over 55, women over 50, and persons suffering from serious incurable ailments.
4. The terms of punishment of persons sentenced to confinement for periods exceeding 5 years shall be reduced by half.
5. All cases shall be dismissed which are currently under investigation or which have not yet been tried and which involve any of the crimes hereafter specified, provided that such crimes were committed prior to the issuance of this ukase:
 - a. Crimes for which the law provides punishment in the form of confinement for a period not exceeding 5 years, or other measures of punishment not involving confinement;
 - b. Breach of office, economic crimes, and military crimes enumerated in Section 2 of this ukase;
 - c. Crimes committed by persons specified in Section 3 of this ukase.

Regarding other cases involving crimes committed prior to the issuance of this ukase for which a period of confinement exceeding 5 years is provided by law, if a court considers it necessary to elect as a measure of punishment confinement for a period not exceeding 5 years, the person committed for trial shall be relieved of punishment; but if a court considers it necessary to elect as a measure of punishment confinement for a period exceeding 5 years, this period of punishment shall be reduced by half.

6. The criminal records of citizens previously convicted who have served out their punishment or who have been released from serving their full term of punishment on the basis of this ukase shall be expunged, and the electoral rights of which they were deprived shall be restored.

7. The amnesty shall not apply to persons sentenced to terms of more than 5 years for counterrevolutionary crimes, large-scale plundering of socialist property, banditry, or murder.

8. It is considered necessary to review USSR and union-republic criminal legislation with the object of replacing responsibility under criminal law for certain breaches of office, economic crimes, common (minor) crimes, and other less dangerous crimes by measures imposed by administrative or disciplinary action, and it is furthermore considered necessary to ameliorate criminal punishments for certain crimes.

Within the period of one month, the Ministry of Justice shall prepare and present for consideration to the Council of Ministers USSR appropriate proposals for submission to the Presidium, Supreme Soviet USSR. (Vedomosti Verkhovnogo Soveta SSSR 1953, No 4)

On Amnestying Soviet Citizens Who Collaborated With the Occupying Powers During the Great Patriotic War of 1941-1945 (Ukase of the Presidium, Supreme Soviet USSR of 17 September 1955)

After the victorious conclusion of the Great Patriotic War, the Soviet people achieved great new successes in all areas of economic and cultural construction and further strengthened their socialist state.

Taking into account the foregoing and the cessation of a state of war between the Soviet Union and Germany, and being guided by humanitarian principles, the Presidium, Supreme Soviet USSR considers it possible to amnesty those Soviet citizens who, during the Great Patriotic War of 1941-1945, by reason of faintheartedness or lack of understanding, collaborated with the occupying powers.

In order to make it possible for these citizens to return to an honest working life and become useful members of socialist society, the Presidium, Supreme Soviet USSR decrees:

1. There shall be released from places of confinement and relieved of all other measures of punishment any person sentenced to confinement for a period of up to 10 years, inclusive, for collaborating with the enemy during the Great Patriotic War of 1941-1945 or for committing during the same period any other crime specified in Sections 58-1, 58-3, 58-4, 58-6, 58-10, or 58-12 of the RSFSR Criminal Code and in corresponding sections of union-republic criminal codes.

2. Punishment for periods exceeding 10 years judicially imposed upon convicted persons for any crime enumerated in Section 1 of this ukase shall be reduced by half.

3. There shall be released from places of confinement, irrespective of the term of punishment, persons sentenced for serving in the German army, police, or special formations.

Persons banished or exiled for such crimes shall be released from further service of punishment.

4. The amnesty shall not apply to members of punitive expeditions convicted of killing or tormenting Soviet citizens.

5. There shall be dismissed all cases either currently under investigation or that have not yet been tried by the courts involving crimes committed during the Great Patriotic War of 1941-1945 which are covered by Sections 58-1, 58-3, 58-4, 58-6, 58-10, and 58-12 of the RSFSR Criminal Code and by corresponding sections of the criminal codes of other union republics, with the exception of cases involving the persons specified in Section 4 of this ukase.

6. The criminal records of citizens released from punishment on the basis of this ukase shall be expunged and the rights of which they were deprived shall be restored.

The criminal records of persons previously sentenced for any of the crimes specified in Section 1 of this ukase, and who have served out their sentences, shall be expunged, and the rights of which they were deprived shall be restored.

7. Any Soviet citizen who, then being on foreign territory, surrendered to the enemy or served in the German army, police, or special formations during the Great Patriotic War of 1941-1945, shall be relieved of liability to punishment.

There shall also be relieved of liability to punishment any Soviet citizen now on foreign territory who, during the war, held a leading position in police, gendarme, or propaganda agencies organized by the occupying forces, including any person who was involved in any anti-Soviet organization during the postwar period, provided that he subsequently either redeemed his offense by patriotic activities or admitted his guilt.

In accordance with legislation in force, it shall be regarded as a circumstance extenuating guilt if any Soviet citizen who committed any serious crime against the Soviet state while abroad during the Great Patriotic War admits his guilt. Be it enacted that, in any such case, the punishment imposed by a court shall not exceed exile for a period of 5 years.

8. The Council of Ministers shall take measures to facilitate the entry into the USSR of Soviet citizens who are now abroad, and of their families, irrespective of citizenship, and to find employment for them. (Vedomosti Verkhovnogo Soveta SSSR 1955, Law No 345)

On Pre-Term Release of German Citizens Sentenced by USSR Judicial Agencies for Crimes Committed Against the Peoples of the Soviet Union During the War (Ukase of the Presidium, Supreme Soviet USSR of 28 September 1955)

Taking into account the request of the President and the Government of the German Democratic Republic of 27 July 1955, and the request of the Government of the German Federal Republic, concerning pre-term release and repatriation of German citizens who are serving punishment for the crimes they committed against the peoples of the Soviet Union during the war, and considering both that more than 10 years have passed since the end of the war and that convicted war criminals have already served a substantial part of their sentences, the Presidium, Supreme Soviet USSR decrees:

1. There shall be freed from further service of punishment and repatriated to the German Democratic Republic or to the German Federal Republic, depending on their place of residence, 8,877 German citizens.

2. There shall be turned over as war criminals to the Government of the German Democratic Republic or to the Government of the German Federal Republic, depending on their place of residence, 749 German citizens whom the Presidium, Supreme Soviet USSR did not consider it possible to free from further service of punishment in view of the especial seriousness of the crimes they committed against the Soviet people. (Vedomosti Verkhovnogo Soveta SSSR 1955, Law No 351)

On Rescinding the Prohibition Against Amnestying Persons Sentenced for Crimes Covered by the TsIK and Sovnarkom Decrees of 7 and 22 August 1932 (Ukase of the Presidium, Supreme Soviet USSR of 8 September 1953)

There is hereby rescinded the prohibition against amnestying persons convicted of crimes covered by the TsIK and Sovnarkom decree of 7 August 1932, "On Safeguarding the Property of State Enterprises, Kolkhozes,

and Cooperatives and Strengthening Public (Socialist) Property," and the TsIK and Sovnarkom USSR decree of 22 August 1932, "On Combating Speculation."

[Note: Translations of legislation pertinent to the RSFSR Criminal Code, 1956 edition that was issued after its publication, including other amnesty laws, may be found in item II of appended "Supplementary Material."]

B. ANNOTATIONS ON SECTIONS OF THE CODE

Annotation on Section 7

On the Possibility of Judicial Application of Punishment Only
to Persons Who Have Committed A Specific Crime

1. In the general sense of Soviet criminal law, punishment may be imposed by a court solely in cases where the person committed for trial is found guilty of committing a specific crime. Thus, in accordance with Section 6 of the "Basic Principles of Criminal Legislation of the USSR and of the Union Republics," measures of punishment may be applied by judicial action only to persons who foresaw, or should have foreseen, the socially dangerous nature of the consequences of their acts. Therefore, in terms of the literal meaning of this section, a court may apply a punishment in the presence of guilt by virtue of intent or carelessness only to a person who has committed a specific act constituting a social danger or who has culpably failed to act. Accordingly, the provisions of the indicated section exclude the possibility of applying punishment by judicial action to persons not found guilty of committing some specific crime.

Furthermore, Section 6, Clause d of the "Fundamentals of Criminal Jurisprudence of the USSR and of the Union Republics" establishes the rule that criminal prosecution shall not be initiated, and if initiated shall not be continued, but shall be dismissed irrespective of the stage of proceedings reached, if the acts of the accused do not constitute a crime. Thus, in terms of the meaning of this law also, if a punishment is to be imposed by judicial action, the accused must have committed some specific crime.

The Basic Principles provides for exceptions to the indicated general rule only in respect of exile (ssylka) and banishment (vysylka). According to Section 22 of the Basic Principles, punishment in the form of exile or banishment may be applied by means of a court sentence, pursuant to the proposal of a prosecutor's office, to any person deemed to constitute a social danger, irrespective of whether or not he is prosecuted in court for committing a specific crime, including any person who has been accused of committing a specific crime and acquitted by a court. The indicated rule appears in the criminal codes of a number of union republics (Section 34 of the Criminal Code of the Ukrainian SSR, Section 29 of that of the Belorussian SSR, Section 32 of that of the Turkmen SSR, Section 38 of that of the Uzbek SSR, and Section 35 of those of the Georgian and Armenian SSRs).

However, this exception to the general rules of Soviet criminal law must be considered no longer in force by virtue of the subsequent issuance of the "Law on the Judicial System of the USSR and of the Union

and Autonomous Republics," which, in establishing conditions for application of judicial punishment, does not provide for the indicated exception. In accordance with Section 4, Clause a, of this law, courts in the USSR shall effect the objectives of jurisprudence by trying criminal cases in judicial session and applying the measures prescribed by law to traitors, wreckers, plunderers of socialist property, and other enemies of the people, as well as to looters, thieves, hooligans, and other criminals. Thus, in terms of the meaning of this law, punishment may be applied only to persons who have committed the specific crimes of which examples, though not an exhaustive list, appear in the law itself.

In view of what has been stated, taking into account the fact that, upon the issuance of the Law on the Judicial System, as a law of later date, all previously issued norms that conflicted with it must be considered to have become null and void, the Plenum of the Supreme Court USSR resolves to instruct the courts as follows:

The measures of criminal punishment established by law, including exile and banishment, may be judicially applied by means of a court sentence only if the person committed for trial is found in the sentence itself to be guilty of committing a specific crime. (Decree of the Plenum of the Supreme Court USSR of 12 July 1946, No 8/5/V)

Annotation on Section 12

1. In order rapidly to liquidate criminality among minors, TsIK and Sovnarkom USSR decree:

(1) Minors who have reached the age of 12 years and who prove to have committed larceny, violence, bodily injury, mayhem, murder, or attempted murder, shall be subject to prosecution in a criminal court and to the application of all kinds of criminal punishments.

(2) Any person proven to have incited a minor to commit any crime, or to have secured the participation of a minor in the commission of any crime, or to have forced a minor to engage in speculation, prostitution, beggary, and the like, shall be punished by confinement in a prison for a period of not less than 5 years. (Decree of TsIK and Sovnarkom USSR of 7 April 1935, USSR Laws 1935, Law No 155)

2. Minors who have reached the age of 12 years and who prove to have committed acts (disconnecting rails, placing various objects on rails, and the like) that might have caused a train wreck, shall be subject to prosecution in court and to the application of all kinds of criminal punishments. (Ukase of the Presidium, Supreme Soviet USSR of 10 December 1940, Vedomosti Verkhovnogo Soveta SSSR 1940, No 52)

3. Be it enacted that, except for crimes specified in the TsIK and Sovnarkom USSR decree of 7 April 1935, "On Measures for Combating Criminality Among Minors," and in the ukase of the Presidium, Supreme Soviet USSR of 10 December 1940, "On the Liability of Minors to Criminal Prosecution for Acts that Might Cause Train Wrecks," minors shall be subject to criminal prosecution only after reaching 14 years of age. (Ukase of the Presidium, Supreme Soviet USSR of 31 May 1941, Vedomosti Verkhovnogo Soveta SSSR 1941, No 25)

4. From the representation of the USSR Prosecutor and the decree of the Plenum, Supreme Court USSR dated 20 March 1941, the Presidium, Supreme Court USSR has determined that, in reviewing cases involving crimes committed by minors that are covered by the TsIK and Sovnarkom USSR decree of 7 April 1935 ("On Measures for Combating Criminality Among Minors"), the Supreme Court USSR proceeds on the basis that minors shall be subject to judicial action only when they have intentionally committed crimes.

The Presidium, Supreme Soviet USSR explains that such an interpretation by the Supreme Court USSR of the decree of TsIK and Sovnarkom USSR of 7 April 1935, "On Measures for Combating Criminality Among Minors," does not correspond with the stipulations of the law, in that limitations not prescribed by the law are introduced, and conflicts with Section 6 of the "Basic Principles of Criminal Legislation of the USSR and of the Union Republics," which provides that responsibility under criminal law shall ensue irrespective of whether a crime is committed intentionally or through negligence.

The Presidium, Supreme Soviet USSR proposes that the Supreme Court USSR apply the TsIK and Sovnarkom USSR decree of 7 April 1935, "On Measures for Combating Criminality Among Minors," precisely in accordance with the stipulations of the indicated law and of criminal legislation of the USSR in force.

The system of serving punishment in children's labor colonies established for minors is not rescinded by this ukase. (Ukase of the Presidium, Supreme Soviet USSR of 7 July 1941, Vedomosti Verkhovnogo Soveta SSSR 1941, No 32)

5. See the decree of the Plenum, Supreme Court USSR of 17 February 1948, No 4/2/V, "On Applying the Ukases of the Presidium, Supreme Soviet USSR of 4 June 1947 With Regard to Minors" (p 107).

6. See the ukase of the Presidium, Supreme Soviet USSR of 24 April 1954, "On Releasing on Parole Persons Convicted of Crimes Committed Before the Age of 18" (p 117).

Annotation on Section 14

1. See Section 11 of the decree of the Plenum, Supreme Court USSR No 5, dated 28 May 1954 (p 104).

2. (4) A durational crime (dlyashcheyesya prestupleniye) begins at the moment when a criminal condition comes into being and ends at the moment when such criminal condition ceases due to action taken by the guilty person himself to put an end to the crime or due to the occurrence of events preventing commission of the crime (intervention by state agencies).

Therefore, an amnesty applies to those durational crimes which ended prior to its promulgation. An amnesty does not apply to durational crimes that are continued after it is promulgated.

The period of limitation is calculated in respect of durational crimes from the time at which the criminal condition ends.

(5) A continuing crime (prodolzhayemoye prestupleniye) shall be considered to have commenced with the commission of the first of a number of identical acts comprising the continuing crime. A continuing crime shall be considered to have ended at the moment when the last such criminal act has been committed.

Accordingly, an amnesty shall apply to continuing offenses that have completely ceased prior to its promulgation, but it shall not apply if even one of the criminal acts comprising a continuing offense is committed after the amnesty is promulgated.

Equally, periods of limitation with regard to continuing crimes shall be calculated from the moment when the last of the criminal acts comprising a continuing crime has been committed. (From the decree of the 23d Plenum, Supreme Court USSR of 4 March 1929, as subsequently amended.)

3. Regarding cases on which a police investigation or pre-trial investigation has been conducted, the periods of limitation specified in Section 14 of the Criminal Code shall be calculated from the moment at which action on these cases was suspended. (Decree of the Plenum, Supreme Court RSFSR of 16 May 1927, Appendix No 9)

Annotation on Section 18

1. See the ukase of the Presidium, Supreme Soviet USSR of 4 June 1947 (p 101).

Annotation on Section 19

1. See Section 10 of the decree of the Plenum, Supreme Court USSR No 5 of 28 May 1954 (p 105).

2. Both preparation and attempt entail application of measures of social defense insofar as they demonstrate that a person constitutes a social danger, but it must be emphasized that measures of social defense may be applied for preparation of a crime only in cases where the preparatory acts specifically and concretely take the form of commencement to implement criminal intent and are therefore in themselves socially dangerous. (From a directive letter of the People's Commissariat of Justice and Supreme Court RSFSR on applying the Criminal Code, 1926 edition.)

Annotation on Section 20

1. See Section 2 of commentary on Section 28.

2. (3) If material damage is caused by the criminal act of a worker or employee who works for the injured state or public institution, enterprise, or organization, the financial (property) liability of the guilty person shall be established on the basis of the TsIK and Sovnarkom USSR decree of 12 June 1929, "On the Financial Liability of Workers and Employees vis-a-vis Employers" (Sections 83-1, 83-6 of the RSFSR Code of Labor Law and corresponding sections of the codes of labor law of other union republics).

The amount of compensation for damage subject to payment in these cases must be established by a court, which shall take into account the concrete circumstances of the given case, the degree of guilt of the worker, and his financial situation.

The question of the financial liability of officials, other than those of the financially responsible category, who are guilty of crimes committed from other than mercenary motives, shall, as a rule, be resolved as provided for by Clause m, Section 20, of the RSFSR Criminal Code and by corresponding sections of the criminal codes of other union republics, provided that, on the whole, in terms of the circumstances of the case, the court considers it expedient to impose on the convicted person the obligation to repair damage in addition to the basic punishment. In this connection, the court must keep in mind the fact that the additional punishment must not be more severe than the basic punishment specified in the sentence (Section 44 of the RSFSR Criminal Code and corresponding sections of the criminal codes of other union republics). If such action is taken, a civil suit may not be entered against the convicted person.

If material damage is caused by the criminal act of a person who does not work for the injured party, in establishing the amount of compensation the court shall consider the question of applying Section 411 of the RSFSR Civil Code and corresponding sections of the civil codes of other union republics.

(4) Persons who cause damage by virtue of joint acts shall be held jointly liable. Persons may not be held jointly liable who are convicted in connection with the same case, but for separate crimes not linked by common intent, or of whom one -- for example -- is sentenced for misappropriation and the rest for neglect of duty or nonmercenary crimes, even though the acts of the latter in some measure objectively facilitated commission of misappropriation by the former.

In group crimes, each convicted person shall be held jointly liable only with respect to those episodes of the crime in which his participation is established.

In cases where the person committed for trial caused damage by criminal acts committed with the intentional assistance of other persons also committed for trial, the latter shall be held jointly liable with the person who caused the damage in the degree to which they assisted in causing the damage.

In entering judgement in a civil suit involving several convicted persons, a court shall precisely indicate in the sentence whether or not it holds them, and if so which of them, jointly and severally liable. In the latter case, the court must indicate the precise sum that each of the defendants is obligated to pay to the injured party. (From the decree of the Plenum, Supreme Court USSR dated 28 May 1954, No 6)

Annotation on Section 27

1. Persons may be deprived of USSR citizenship:

a. By a court sentence, in cases provided for by law;

b. By virtue of a special, individually applicable ukase of the Presidium, Supreme Soviet USSR. (Section 7, "Law on USSR Citizenship," passed by the Supreme Soviet USSR on 19 August 1938, Vedomosti Verkhovnogo Soveta SSSR 1938, No 11)

Annotation on Section 28

1. Currently effective USSR and union-republic legislation for combating espionage and wrecking, attempted organization of dynamitings, wrecks, and fires involving loss of human life, and other acts of sabotage,

specifies as a measure of criminal punishment confinement for a period not exceeding 10 years, and, for the more serious types of state crimes, the supreme measure of punishment (death by shooting).

For the purpose of further combating these kinds of crimes and of enabling the courts to elect with regard to them not only the supreme measure of punishment (death by shooting), but also confinement for a more extensive period, TsIK USSR decrees:

(1) Section 18 of the "Basic Principles of Criminal Legislation of the USSR and of the Union Republics" shall be amended to establish as a measure of criminal punishment confinement for a period not exceeding 25 years.

(2) It is proposed that the central executive committees of union republics bring their legislation into conformity with this decree. (Decree of TsIK USSR of 2 October 1937, USSR Laws 1937, Law No 297)

2. The Supreme Court USSR, union-republic supreme courts, kray and oblast courts, railway and water transport** courts, and military tribunals, shall have the right, with regard to persons convicted of the more dangerous crimes, to specify confinement in the form of confinement in a prison. (Section 1, TsIK and Sovnarkom decree of 8 August 1936, USSR Laws 1936, Law No 370; note to Section 20 of the Criminal Code)

**Now line transport courts. [Comment: Abolished pursuant to "Law on Abolishing Transport Courts" of 12 February 1957. See text in the "Part 2. Supplementary Material, II. Legislation"]

Annotation on Section 29

1. The time spent by a serviceman under disciplinary arrest in a guardhouse for acts for which he is subsequently committed for trial shall count as pretrial confinement and shall be deducted by the court from his sentence. (From the decree of the 20th Plenum, Supreme Court USSR of 7 May 1928, "On Counting as a Period of Pretrial Confinement Time Spent Under Disciplinary Arrest")

2. Time spent by an accused person prior to passage of sentence in undergoing, by direction of a court, psychiatric examination in a psychiatric hospital, in accordance with Section 29 of the Criminal Code, shall be counted [as pre-trial confinement] in establishing a measure of social defense. (Decree of the Plenum, Supreme Court RSFSR of 18 January 1926, Appendix No 1)

3. In case there is set aside, as being insufficiently severe, a sentence which a person committed for trial has already served at corrective labor work, in retrying the case and fixing a measure of social defense the court shall take into account the period of corrective labor work already served under the overruled sentence and shall fix the final measure of social defense accordingly. (Decree of the Presidium, Supreme Court RSFSR dated 3 February 1932, Appendix 1)

Annotation on Section 30

1. In sentencing persons to corrective labor work "on a general basis" in accordance with NKVD instructions, in a number of cases courts have not indicated in their sentences the amounts to be deducted from the pay of sentenced persons, with the result that the amounts to be deducted have been fixed by NKVD corrective labor work inspectorates in the course of executing sentences.

The Plenum of the Supreme Court USSR resolves to issue the following instructions to the courts:

In view of the fact that deductions from pay are an integral part of the punishment of persons sentenced to corrective labor work, the amount of these deductions, within limits established by law (i.e., up to 25 per-cent), and the term of punishment, must be specified in a court's sentence regarding both corrective labor work at the place of employment and corrective labor work on a general basis. (From the decree of the Plenum, Supreme Court USSR of 8 June 1942, No 11/M/3/V)

2. If any person who is the only parent of a child is sentenced to corrective labor work that is subject to performance at other than the regular place of residence for a period exceeding one month, the court shall specify in the sentence that the corrective labor work must be performed at the place in which the child resides. (Section 4 of the VTsIK and Sovnarkom RSFSR decree of 10 November 1934, RSFSR Laws 1934, Law No 252)

3. In case a person sentenced to corrective labor work on a general basis wilfully evades performing it, a court, acting by analogy with Section 26 of the RSFSR Corrective Labor Code and with corresponding sections of the corrective labor codes of other union republics, may substitute confinement for corrective labor work for a period not exceeding the term of corrective labor work.

Such a substitution shall be effected either by the court that passed the original sentence or by a court at a place where sentence is to be executed, as provided for by Sections 461 and 462 of the RSFSR Criminal Procedural Code and by corresponding sections of the criminal procedural codes of other union republics.

The same procedure shall be followed in substituting corrective labor work on a general basis for corrective labor work at the place of employment in case a person sentenced to corrective labor work at the place of employment is dismissed either as a result of a violation of labor discipline or by his own request. (From the decree of the Plenum, Supreme Court USSR of 23 September 1939, as subsequently amended.)

Annotation on Section 33

1. (1) When any person who has been decorated with any order or medal is arrested, the order or medal and the documents relative thereto that are taken from him by an investigative agency shall be handed over for safekeeping, together with his other valuables, to the financial section of the place of confinement in which the arrested person is detained, pending final decision of his case.

(2) When a case is dismissed or when a court acquits an accused person, any order or medal and the documents relative thereto shall be returned to the owner by the administration of the place of confinement.

(3) When an accused person is convicted, in cases when he is not deprived of an award by the court's sentence or when the court does not consider it expedient to propose to the Presidium, Supreme Soviet USSR that he be deprived thereof, any order or medal and the documents relative thereto shall be sent, together with other valuables taken from the convicted person, to the place where he will serve his punishment and shall be returned to the owner by the administration of the place of confinement when he is set free.

(4) When any person convicted of a serious crime is deprived of any medal by a court sentence, or when a court proposes to the Presidium, Supreme Soviet USSR that a convicted person be deprived of any order or medal, the order or medal and the documents relative thereto shall be sent, together with a copy of the sentence, to the Office of the Presidium, Supreme Soviet USSR.

(5) In accordance with the decrees of the Presidium, Supreme Soviet USSR of 19 October 1946 and 16 March 1950, when a decorated person is sentenced to confinement and deprivation of rights, as provided for by Clauses a, b, and c, Section 31, of the RSFSR Criminal Code and by corresponding sections of the criminal codes of other union republics, on the basis of Paragraph 2, Section 33, of the RSFSR Criminal Code and of corresponding sections of the criminal codes of other union republics, a court may sentence a convicted person to deprivation of the following medals: For the Defense of Leningrad, For the Defense of Odessa, For the Defense of Sevastopol, For the Defense of Stalingrad, For the Defense of Moscow, For the Defense of the Caucasus, For the Defense of the Soviet

Polar Region, For Victory Over Germany in the Great Patriotic War of 1941-1945, For Labor Valor in the Great Patriotic War of 1941-1945, For Victory Over Japan, For the Capture of Budapest, For the Capture of Koenigsburg, For the Capture of Vienna, For the Capture of Berlin, For the Liberation of Belgrade, For the Liberation of Warsaw, For the Liberation of Prague, For Restoring the Donbass Coal Mines, In Commemoration of the 800th Anniversary of Moscow, 30th Anniversary of the Soviet Army and Fleet, and For Restoring Southern Ferrous Metallurgical Enterprises.

Convicted persons may be deprived of orders, and of all medals except the aforementioned, only by the Presidium, Supreme Soviet USSR. (From Ministry of Justice USSR Letter No P-14 of 7 May 1955)

Annotation on Section 40

1. (25-1.) The following shall not be subject to confiscation:
 - a. Clothing, linens, footwear, furniture, and other objects of domestic use that are indispensable to a convicted person and his dependents;
 - b. Equipment necessary for a convicted individual's personal handicraft or artisan work, or instruments, appliances of any kind, and books necessary for engaging in a convicted individual's personal professional work, provided, however, that the convicted person has not been deprived by a court of the right to engage in the given profession;
 - c. Agricultural animate and inanimate inventory and reserve feed for livestock, both in such quantity as is necessary to carry on individual (toil) farming (trudovyye zemledel'cheskiye khozyaystva), and of the property of a peasant household that exceeds this amount there may be confiscated only the share of such property which -- in accordance with legislation in force -- is subject to apportionment and belongs to a convicted member of the household;
 - d. Seed required for regular sowing (spring and autumn) on individual (toil) farms and unharvested crops, except crops from commercial orchards and gardens when the exploitation thereof is not of an individual (toil) nature;
 - e. Living quarters and outbuildings in rural localities that are necessary for the dwelling of the family of a convicted person and that constitute integral agricultural appurtenances;
 - f. A 6-months supply of the food and fuel required to meet the personal needs of a convicted person, of his family, and of other persons dependent upon him;

g. Funds in the amount specified in a note to this section;

h. Shares in cooperative organizations. (USSR Laws 1927, Law No 365, of 15 June 1927; 1933, Law No 250, of 4 July 1933)

Note 1. The amount and kind of items that are not subject to confiscation in accordance with Clauses a, b, c, d, f, and g of this section shall be specified in union-republic legislation. (USSR Laws 1927, Law No 365, of 15 June 1927)

Note 2. With regard to kulak farms, only such property as may not be exacted for taxes shall not be subject to confiscation (Note to Section 17 of the "Statute on Tax Collection," USSR Laws 1929, Law No 672).**

**The "Statute on Tax Collection" of 2 October 1925, as subsequently amended, has been rescinded (USSR Laws 1932, Law No 410-b; 1933, Law No 408; 1934, Law No 370).

(USSR Laws 1930, Law No 486, of 2 September 1930; "Basic Principles of Criminal Legislation of the USSR and of the Union Republics," USSR Laws 1924, Law No 205)

2. (1) It is hereby called to the attention of the courts that in applying confiscation of property as an additional measure of punishment in instances provided for by law, they must not tolerate a formalistic approach to the decision of this question and must in each particular case take into account the social danger constituted by the individual committed for trial, the degree of his guilt, and his personal traits.

In case it applies confiscation of property, a court must strictly observe the legal requirements defining the property that is subject to confiscation and shall not permit violations of citizens' rights.

(2) It is explained that in case a suspended sentence is imposed, which by law is subject to imposition in the presence of especially extenuating circumstances, election of confiscation of property as an additional measure of punishment is, as a rule, inexpedient.

(3) If, because of the concrete circumstances of a case, a court deems it inexpedient to apply confiscation of property in connection with conviction of a crime with regard to which obligatory confiscation of property is stipulated as an additional measure of punishment, the reasons why the court arrived at such a decision on that question must be indicated in the sentence.

(4) In designating additional punishment in the form of confiscation of property, a court must clearly specify the amount to be confiscated in order to avoid confusion or doubt in executing the sentence.

In particular, if a court decrees confiscation of a part of property, the sentence must precisely specify exactly what portion (one half, one third, etc.) of the convicted person's total property is subject to confiscation, or it must concretely list items to be confiscated. It is not permissible to substitute for confiscation of property payment of a sum of money equal to the cost of such property.

The courts must keep in mind that in confiscating all of a convicted person's property in accordance with Section 40 of the RSFSR Criminal Code and with corresponding sections of the criminal codes of other union republics, only the personal property of the convicted person and his share in common property shall be subject to confiscation, but the shares of other persons in property owned in common with the convicted person on the basis of general property rights (na prave obshchey sobstvennosti) shall not be subject to confiscation. In this connection, the rights and legitimate interests of the members of a convicted person's family who live with him must be taken into account.

(5) If property is attached in the course of pretrial investigation, as is provided for by Section 121-a of the RSFSR Criminal Procedural Code and by corresponding sections of the criminal procedural codes of other union republics, in trying a case a court must check to determine whether or not the requirements of Section 25-1 of the Basic Principles of Criminal Legislation have been observed with regard to property not subject to confiscation, and if such property has been included in an inventory [for purposes of attachment], the court must order it stricken from the inventory and released from attachment.

(6) A court must check to determine whether or not inventoried property actually belongs to the person committed for trial, and, if there is evidence that property which does not belong to the person committed for trial has been attached, provided that ownership of this property is not contested, the court shall -- acting by analogy with Sections 69 and 331 of the RSFSR Criminal Procedural Code and with corresponding sections of the criminal procedural codes of other union republics -- order such property stricken from the inventory, released from attachment, and returned to its lawful owner.

(7) It is explained to the courts that only such property may be attached as personally belongs to the individual committed for trial or represents his share in general property at the time sentence is passed.

In cases where, after a sentence to confiscation of all property has been executed and it is discovered that property belonging to the sentenced person and acquired prior to his being sentenced has not been confiscated, or that, although acquired subsequently, the property was acquired with funds subject to confiscation according to the sentence, then the court that passed the sentence or the court at the place where it was executed shall, pursuant to a prosecutor's recommendation, order that the property discovered be confiscated, provided that this may be lawfully effected.

(8) In executing a sentence which, aside from confiscation of property, directs that sums be exacted from the convicted person to compensate financial loss caused by the crime, the exaction of sums to compensate financial loss shall have first priority, and the remainder of the property shall then be confiscated, provided that it is property which may be lawfully confiscated.

(9) It is explained to the courts that specifying particular property in a sentence as being subject to confiscation does not bar third parties from proving their right to this property by means of a civil suit, since, in accordance with Section 13 of the RSFSR Criminal Procedural Code and with corresponding sections of the criminal procedural codes of other union republics, the sentence of a criminal court that has become final and executive is binding upon a civil court which is engaged in considering the civil consequences of a crime solely with regard to the questions of whether or not the crime was committed and whether or not the person who was tried committed it. Therefore, a court must take such suits into consideration, and prior passage of a sentence is not binding on a civil court in its resolution of a contest that has arisen with regard to this property.

In this connection, if it is established by court sentence in a criminal case, or by a civil court in passing on a suit to strike property from an inventory, that the convicted person obtained property listed in the inventory by criminal means or with funds obtained by criminal means and that a fictitious transaction was registered in the name of other persons solely for the purpose of exempting the property from confiscation, then such a transaction shall be considered invalid, and suits based on such transactions shall not be granted.

(10) The courts are instructed that withdrawal of a house from the owner when it is confiscated does not deprive members of the convicted person's family, and other persons, of the right to live in the

house as tenants and to occupy dwelling space therein in accordance with housing norms. Members of such a family, and other persons, may be evicted from the dwelling space they occupy in the house only on a general legal basis.

(11) It is called to the attention of the courts that they must continuously supervise the activities of bailiffs in executing sentences with regard to confiscation of property. The rule is hereby established in this connection that inventories of property subject to confiscation that are drawn up by bailiffs shall be approved by a people's judge of the area in which sentence is to be executed in respect of confiscation of property.

All appeals against irregular execution of sentences with regard to confiscation of property, as well as all doubts and questions arising on this score that are not connected with the institution of civil suits, shall be resolved by the court that passed the sentence or by a court at the place where sentence is to be executed, as provided for by sections 461 and 462 of the RSFSR Criminal Procedural Code and by corresponding sections of the criminal procedural codes of other union republics.

(12) The courts are hereby instructed that in case a superior court excludes confiscation from the sentence of the court that passed it, upon receipt of the order to that effect the latter shall -- irrespective of whether or not the convicted person so requests -- send a copy of the order to the financial agency having jurisdiction over the confiscated property for execution, i.e., for return of the property or payment of compensation therefor.

Return of property or payment of compensation therefor shall be carried out in accordance with rules set forth in the "Statute on Accounting for and Using Nationalized, Confiscated, Escheated, and Ownerless Property," which was confirmed by a Sovnarkom USSR decree of 17 April 1943, and in the Instruction of the People's Commissariat of Finance USSR of 31 May 1943.**

**The Instruction of the People's Commissariat of Finance USSR of 31 May 1943 lost force with issuance of the Instruction of the Ministry of Finance USSR of 30 January 1956, No 35.

The same procedure shall be followed in returning property or paying compensation for it in cases where a subsequent court decision excludes from the inventory property that has already been confiscated in execution of a sentence that has become final and executive.

(13) It is explained to the courts that when, pursuant to an act of amnesty, a convicted person is completely relieved of punishment, the amnesty also extends to the confiscation of property, provided that this has not been effected prior to issuance of the act of amnesty, i.e., provided that the property subject to confiscation has not been taken into custody.

(14) It is called to the attention of the higher courts -- and especially to that of union-republic supreme courts -- that, in reviewing cases on points of law, and pursuant to the ex officio reopening thereof, they must carefully check to determine whether or not [the penalty of] confiscation of property was properly applied, on whether or not violations of law were committed in inventorying property, in attaching property, or in executing sentence with regard to confiscation of property. These courts shall take the necessary measures both to defend state interests and to restore rights of citizens that have been violated. (From the decree of the Plenum, Supreme Court USSR dated 29 September 1953, No 7)

Annotation on Section 44

1. See Section 2 of commentary on Section 20.

Annotation on Section 45

1. See Section 2 of the decree of the Plenum, Supreme Court USSR dated 28 May 1954, No 5 (p 104).

Annotation on Section 47

1. See Sections 10 and 11 of the decree of the Plenum, Supreme Court USSR dated 28 May 1954, No 5 (pp 105-106)

Annotation on Section 49

1. (1) It is the explicit meaning of Section 33 of the "Basic Principles of Criminal Legislation of the USSR and of the Union Republics" that in electing measures of social defense in cases where the act committed by an accused person may simultaneously be qualified under the criteria of several crimes (a compound offense, ideal 'naya sovokupnost'), as well as in cases where the accused is deemed guilty of committing several separate crimes (a plurality of offences, real 'naya sovokupnost'), a court must take the view that the entire combination of criminal acts

committed by the accused aggregately characterizes the heightened degree to which his personality constitutes a social danger. This gives a court the right to apply to the accused such measures of social defense, and within such limits, as are specified in that section of a law which provides as a sanction the most severe principal measure of social defense.

(2) In terms of this stipulation of Section 33 of the "Basic Principles of Criminal Legislation of the USSR and of the Union Republics," and of corresponding sections of union-republic criminal codes, a court is obliged -- with regard both to a compound offence and to a plurality of offences -- to qualify the entire combination of criminal acts committed by an accused person in the final conclusion of the sentence under that section which provides as a sanction the most severe basic measure of social defense, and, irrespective of whether or not corresponding sections of union-republic criminal codes require that a measure of social defense be preliminarily fixed for each crime, a court must decide the question of what concrete measure of social defense -- within limits specified by the section providing for the most severe punishment -- should be imposed on the convicted person under that same section for the entire combination of criminal acts he has committed. The measure of social defense elected by a court under this procedure shall be the final punishment.

(3) It also follows from Section 33 of the "Basic Principles of Criminal Legislation of the USSR and of the Union Republics" that the procedure thereby established for fixing measures of social defense should be followed with regard to a combination of crimes only when sentence has not been passed for any crime entering into that combination; and, therefore, only when a court is trying a case in essence with respect to all the crimes which constitute the combination.

(4) Regarding cases involving a combination of crimes, in fixing a basic measure of social defense under the section providing for the most severe punishment, a court has the right to add to it any of the supplementary measures -- including confiscation of property -- provided for in the other sections which cover the individual criminal acts committed by the convicted person that enter into the combination of offences. (Extract from the decree of the 23d Plenum, Supreme Court USSR of 4 March 1929)

2. In judicial practice there arises the question of how to fix a penalty for a combination of crimes on the principle of cumulative punishment in cases when, according to sentences entering into the combination, both confinement and corrective labor work [without confinement] are designated.

The Plenum, Supreme Court USSR resolves to issue to the courts the following instructions in this connection:

As regards union republics whose criminal codes do not resolve the aforementioned question, in case it is necessary to apply the principle of cumulative punishment, punishment for a combination of crimes shall be fixed by analogy to Section 29 of the RSFSR Criminal Code, and to corresponding sections of other union-republic criminal codes, by substituting confinement for corrective labor work at the rate of three days of corrective labor work to one day of confinement. The term thus calculated shall be added to the period of confinement specified in the other sentence entering into the combination of crimes. (Decree of the Plenum, Supreme Court USSR of 22 January 1942, No 2/4/V)

3. See Sections 7 and 11 of the decree of the Plenum, Supreme Court USSR of 28 May 1954, No 5 (pp 105-106).

4. Pursuant to the sentence of a military tribunal dated 13 November 1945, which remained in effect on the basis of an order of the Military Collegium of the Supreme Court USSR dated 18 December 1945, "D" was sentenced under Clause d of Section 162 and Clause d of Section 193-15 of the RSFSR Criminal Code to a cumulative sentence of 4 years confinement in a corrective labor camp without deprivation of rights. In fixing the punishment of "D" on a cumulative basis, the military tribunal did not preliminarily determine what the punishment was for each of the crimes of which "D" was convicted. This violated Section 49 of the RSFSR Criminal Code, according to which a court is obliged in such cases to fix a punishment for each separate crime and then finally to select a punishment specified in that section of the Criminal Code which covers the most serious of the crimes committed and provides for the most severe penalty.

In view of the facts stated, the Plenum, Supreme Court USSR decrees:

The sentence of the military tribunal dated 13 November 1945 and the order of the Military Collegium of the Supreme Court USSR dated 18 December 1945, regarding the case of "D", are overruled, and the case is hereby remanded for trial to the same court, with other judges sitting.

In view of the fact that failure to comply with the legal requirements cited above is also to be found in the practice of other judicial organs, in accordance with Section 75 of the Law on the Judicial System this decree shall constitute a guiding instruction to judicial organs on the necessity for absolute fulfillment of the requirements of Section 49 of the RSFSR Criminal Code and of corresponding sections of the criminal codes of other union republics which contain as analogous rule (Section 54 of the Belorussian SSR Criminal Code; Paragraph 2, Section 46 of that of the Georgian SSR; Paragraph 2, Section 54 of that of the Azerbaydzhani SSR; Section 49 of that of the Armenian SSR; Section 51 of that of the Uzbek SSR; and Section 44 of that of the Tadzhik SSR). (Decree of the Plenum, Supreme Court USSR of 15 February 1946, No 2/3/V)

5. In case a person on whom court sentence passed has become final and executive, but has not been executed, commits a fresh crime, a court has the right either to add all or a part of the measure of social defense specified in that sentence to the measure of social defense designated in connection with the new case, or else to apply to the convicted person only the latter measure of social defense, the previous sentence running concurrently. In case measures of social defense are combined, the total period of confinement may not exceed 10 years,** and corrective labor work may not exceed one year. The same rule is effective in regard to persons who have committed a fresh crime while serving a measure of social defense imposed by court sentence, provided, however, that only the unserved part of the measure of social defense prescribed by the first sentence may be added. (Decree of the Presidium, Supreme Court RSFSR of 16 December 1933, Order No 68)

**See the ukases of the Presidium, Supreme Soviet USSR of 4 June 1947 (p 101), of 9 June 1947 (p 108), of 4 January 1949 (p 116), and of 10 January 1955 (p 103).

Annotation on Sections 51 and 53

1. See Section 2 of the decree of the Plenum, Supreme Court USSR of 17 February 1948, No 4/2/V (p 107), and Section 2 of the decree of the Plenum, Supreme Court USSR of 28 May 1954, No 5 (p 104).

Annotation on Section 54-1

1. See the ukases of the Presidium, Supreme Soviet USSR of 24 April 1954 and 14 June 1954 (pp 117-118).

2. (3) In deciding the question of pre-term release, of release on parole, or of reducing the terms of punishment of persons who have been amnestied or pardoned, the term of punishment already served shall be deducted from the reduced term prescribed by the act of amnesty or pardon.

(4) In passing an order on pre-term release or release on parole, a court also has the right to relieve a convicted person of any additional punishments specified in his sentence: exile, banishment, deprivation of rights, prohibition against occupying a specified post, or prohibition against engaging in a certain activity. (Excerpt from the ukase of the Presidium, Supreme Soviet USSR of 21 April 1955, "On Procedure for Judicial Review of Cases Involving Pre-Term Release or Release on Parole from Places of Confinement")

Annotation on Section 55

1. In judicial practice there arises the question of conditions for expunging the criminal records of convicted persons who, on one basis or another, were released from punishment prior to the expiration of the terms specified in their sentences.

In this connection, the Plenum, Supreme Court USSR resolves to issue the following instructions to the courts:

If the punishment prescribed in a sentence has been reduced by virtue of an amnesty or of a higher court's order, or by virtue of an order to release on parole, the conditions for expunging a criminal record that are stipulated in Section 55 of the RSFSR Criminal Code, and in corresponding sections of other union-republic criminal codes, shall be applied on the basis of the reduced measure of punishment, not on the basis of that fixed in the sentence. The period upon expiration of which a criminal record stands expunged shall begin on the day a convicted person serves out the reduced measure of punishment.

In case a convicted person is released from further service of punishment by an amnesty that does not expunge his criminal record, or pursuant to an order that he be released on parole, the period of time upon expiration of which his criminal record will stand expunged shall be based on the amount of punishment actually served prior to the date on which the act of amnesty was issued or on which an order for release on parole was passed. The indicated period shall commence at that time.

Regarding all other cases of pre-term release (for example, by reason of illness, by virtue of time counted toward service of sentence, and the like), the period of time upon expiration of which a criminal record stands expunged shall be based on the punishment originally fixed, not on that actually served. In such cases, the indicated period of time shall commence on the day on which an individual is actually relieved of punishment. (Extract from the decree of the Plenum, Supreme Court USSR of 20 March 1953, No 4, edition of 17 September 1954)

2. In accordance with Clause c, Section 10-1, of the "Basic Principles of Criminal Legislation of the USSR and of the Union Republics," not considered to have criminal records are, in particular, persons sentenced to confinement for periods not exceeding 6 months, or persons sentenced to less severe punishments, provided that they have not committed a fresh crime in the course of 3 years from the day upon which service of punishment was completed. It is the clear meaning of Section 13 of the "Basic Principles of Criminal Legislation of the USSR and of the Union Republics," which consecutively lists types of crime by degree of seriousness, that compulsory labor without confinement (corrective labor work) is a less severe punishment than confinement. Such a conclusion is also confirmed by the stipulation of Section 29 of the RSFSR Criminal

Code, and of corresponding sections of other union-republic criminal codes, that pretrial confinement shall be counted at the rate of 3 days of corrective labor work to one day of confinement. It follows that one year of corrective labor work should be considered equivalent to 4 months of confinement. Therefore, in deciding the question of expunging a criminal record, a court should be guided by the fact that persons sentenced to corrective labor work for periods of up to one year, inclusive, are considered not to have a criminal record after the passage of 3 years from the day on which punishment was served out, provided that they did not commit a fresh crime during that period.

The Plenum resolves to issue the following additional instructions:

Section 55 of the RSFSR Criminal Code, which is based on Section 10-1 of the "Basic Principles of Criminal Legislation of the USSR and of the Union Republics," contains a contradiction with the latter. Section 10-1 of the Basic Principles makes it a condition for expunging criminal records that no crimes whatsoever shall have been committed by the individuals in question during the periods of time specified therein, whereas the indicated section of the Criminal Code RSFSR conditions such action on omission to commit another equally or more serious crime.

Since, in accordance with Section 20 of the USSR Constitution, in case there is a discrepancy between an all-union law and a republic law, the former shall prevail, the Plenum issue points out that in resolving the question of expunging criminal records the courts shall be guided by the requirements of Section 10-1 of the "Basic Principles of Criminal Legislation of the USSR and of the Union Republics," according to which criminal records shall stand expunged upon the expiration of specified periods of time, provided that no fresh crime (and not only not an equally or more serious crime) shall have been committed within these periods of time. (Extract from the decree of the Plenum, Supreme Court USSR of 10 February 1940, No 2/2/V, edition of 17 September 1954)

3. See Section 2 of commentary on Section 14.

4. See the ukases of the Presidium, Supreme Soviet USSR of 27 March 1953 (p 118), 17 September 1955 (p 120), 28 September 1955 (p 122), and 8 September 1953 (p 122).

Annotation on Section 58-7

1. In view of the fact that there have been instances in judicial practice when Sections 58-7, 58-9, and 58-14 of the RSFSR Criminal Code, and corresponding sections of other union-republic criminal codes, were

incorrectly applied, the Plenum, Supreme Court USSR points out that, in accordance with the sense of these sections, they may be applied only when the circumstances of a case establish the fact that a person committed for trial acted with counterrevolutionary intent. (Extract from the decree of the Plenum, Supreme Court USSR of 31 December 1938)

Annotation on Section 58-9

1. See Section 1 of commentary on Section 58-7.

Annotation on Section 58-14

1. See Section 1 of commentary on Section 58-7.

Annotation on Section 59-3

1. See Section 7 of the decree of the Plenum, Supreme Court USSR of 28 May 1954, No 5 (p 105).

Annotation on Section 59-3^b

1. See Section 2 of commentary on Section 12.

Annotation on Section 59-3^c

1. It is obvious from judicial practice that the courts qualify violations of the system of performing service committed by workers of the militarized guard of rail and water transport in various ways.

The Plenum, Supreme Court USSR resolves to issue the following instructions to the courts in this connection:

The militarized guard of rail and water transport is responsible for the protection of normal transport operations and for safeguarding transport installations. In this connection, it follows that the personnel of the militarized guard of transport should, in view of the nature of their work, be regarded as transport workers. Therefore, any violation of the system of performing service committed by such workers which resulted or might have resulted in the consequences specified in Section 59-3^c of the RSFSR Criminal Code, and in corresponding sections of other union-republic criminal codes, should be qualified under that section in the same way as violations committed by transport workers.

This decree shall not apply to those workers of the militarized guard who are military personnel and who therefore are liable to punishment for violating the system of performing service under the provisions of appropriate sections of the "Statute on Military Crimes" (Chapter IX of the RSFSR Criminal Code and corresponding chapters of other union-republic criminal codes). (Decree of the Plenum, Supreme Court USSR of 22 October 1942, No 18/M/21/V)

2. Any violation of rules governing fleet movements that caused or might have caused the consequences specified in Section 59-3c of the RSFSR Criminal Code and in corresponding sections of other union-republic criminal codes, if committed by water transport workers of state, cooperative, or public organizations upon whom compliance with the currently effective "Fleet Movements Safety Regulations" is obligatory, shall be qualified under Section 59-3c of the RSFSR Criminal Code and under corresponding sections of other union-republic criminal codes, irrespective of the question of to which department or organization such means of transport belong. (Extract from the decree of the Plenum, Supreme Court USSR of 6 January 1950, No 1/2/V)

3. In connection with questions which have arisen in judicial practice in connection with the qualification of crimes connected with automotive transport traffic, the Plenum, Supreme Court USSR resolves to issue the following instructions to the courts:

(1) Violations of traffic regulations by automotive transport workers, if accidents involving human beings or other serious consequences result, shall be qualified under Section 59-3c of the RSFSR Criminal Code and under corresponding sections of other union-republic criminal codes.

(2) Violations of traffic regulations committed by drivers of automotive vehicles who are not automotive transport workers shall be qualified as follows:

a. Deliberate, malicious violations of traffic regulations (so-called "dare-deviltry," hooligan behaviour, driving while intoxicated, etc.), if accidents involving loss of human life or the maiming of persons result, shall be qualified, respectively, as murder and intentional infliction of serious bodily injury under Sections 136 and 142 of the RSFSR Criminal Code and under corresponding sections of other union-republic criminal codes;

b. In cases when the injured party dies as the result of a negligent violation of driving regulations committed in the absence of the indicated aggravating circumstances, such a violation shall be qualified as negligent homicide under Section 139 of the RSFSR Criminal Code and under corresponding sections of other union-republic criminal codes;

c. All other cases of violations of traffic regulations that result in any kind of bodily injury or in any other serious consequences shall be qualified under Section 75-1 of the RSFSR Criminal Code and under corresponding sections of other union-republic criminal codes.

(3) In trying cases of the indicated category, judicial organs shall take into account the heightened social danger constituted by these crimes, and they shall strictly and consistently apply the measures of punishment provided for by law to persons guilty of violating automotive transport traffic regulations. (Decree of the Plenum, Supreme Court USSR of 15 September 1950, No 16/12/V)

4. See the ukase of the Presidium, Supreme Soviet USSR of 30 April 1954, "On Increasing the Criminal Penalty for Murder" (p 100).

Annotation on Section 59-9

1. The following shall be considered to constitute compound smuggling:

a. Transferral [out of or into the USSR] of any cargo other than via customs institutions with the aid of any means of transport especially designed for that purpose.

b. Concealment of smuggled cargo in any premises especially adapted for concealment of the same.

c. Smuggling involving forgery of any customs document, or coverage of any cargo with documents relative to any other cargo. (USSR Laws 1930, Law No 45, dated 23 January 1930)

d. Participation in any organization especially engaged in smuggling.

e. Smuggling committed by armed persons.

f. Commission of smuggling by any official who is directly connected with customs work, or by any official able to take advantage of his official position for the purpose of smuggling.

g. Smuggling committed more than twice within a period of 3 years, or witting possession, transportation, or dealing in contraband, if engaged in as a trade.

h. Smuggling of explosive substances, arms, military equipment, aircraft, or telegraphic or radiotelegraphic equipment, or exporting cancelled securities.

1. Making a business of illegally exporting, importing, remitting, or transferring abroad, or from abroad, foreign exchange or stock. (USSR Laws 1931, Law No 71, dated 31 January 1931; Section 166 of the USSR Customs Code, 16 December 1929 edition, USSR Laws 1929, Law No 2, as subsequently amended)

2. In accordance with regulations of the People's Commissariat of Foreign Trade USSR, promulgated by Main Customs Administration Order No 21/op of 9 July 1938 and issued in accordance with Sections 142, 143, and 149 of the USSR Customs Code, foreign citizens who arrive in the USSR for a stay of over one year shall have the right to bring with them from abroad, unlicensed and duty-free, items specified in the indicated regulations, which must be listed in their passports and taken back with them when they leave the country.

In addition, the more valuable possessions of foreign citizens who arrive in the USSR for a stay of less than one year shall be listed in their passports.

The question arises in practice as to how the acts of foreign citizens who illegally employ the indicated objects for mercenary ends by means of selling them, hiring them out for pay, etc., should be qualified.

The Plenum, Supreme Court USSR instructs the courts in this connection that such acts on the part of foreign citizens are subject to punishment by administrative action, as for smuggling, in accordance with Section 83 of the RSFSR Criminal Code, and when necessary shall be subject to criminal prosecution in accordance with Section 59-9 of the RSFSR Criminal Code and with corresponding sections of other union-republic criminal codes. Persons who receive these objects from foreign citizens under the indicated conditions shall be punished as accessories.

Uncompensated transferral of the indicated objects shall not be punished under criminal law or by administrative action, as for smuggling. Such cases shall be tried by the courts and decided in accordance with rules on that question laid down in the USSR Customs Code and in the Instructions of the Ministry of Foreign Trade USSR. (Extract from the decree of the Plenum, Supreme Court USSR of 3 March 1950, No 5/13/P)

Annotation on Section 59-12

The buying up of large amounts of state loan obligations at less than their nominal value, irrespective of how they may be subsequently employed, shall be qualified under Section 59-12 of the RSFSR Criminal Code and under corresponding sections of other union-republic criminal codes. (Extract from the decree of the Plenum, Supreme Court USSR of 20 April 1951, No 5/11/V)

Annotation on Section 6⁴

1. In accordance with Section 67 of the law "On Universal Military Service," be it enacted that persons who are guilty of violating military registration regulations shall be subject to punishment as follows:

(3) For failure to comply with the regulations governing registration of persons subject to military service that are laid down in Sections 63 and 6⁴ of the law "On Universal Military Service," managers, commandants, and owners of houses shall be subject to a fine not exceeding 100 rubles, to be imposed by administrative action by chiefs of militia departments.

[(4) is omitted]

(5) Persons guilty of losing draft registration cards as the result of carelessness shall be subject to a fine not exceeding 100 rubles. Fines shall be imposed by rayon (city) military commissars.

(6) Local Worker-Peasant Militia agencies shall be responsible for exacting fines imposed for violations of military registration regulations and for the loss of draft registration cards. (Extract from the ukase of the Presidium, Supreme Soviet USSR of 30 July 1940, "On Liability to Punishment for Violation of Military Registration Regulations," Vedomosti Verkhovnogo Soveta SSSR 1940, No 28)

Annotation on Section 72

1. See Section 6 of the decree of the Plenum, Supreme Court USSR of 28 May 1954, No 5 (p105).

2. (33) Persons guilty of forging any passport, of living on the basis of another person's passport, or of using another person's passport or a forged passport, shall be subject to criminal prosecution under Section 72 of the RSFSR Criminal Code, and under corresponding sections of other union-republic criminal codes (by confinement for a period not exceeding 3 years, or by corrective labor work for a period not exceeding 3 years, or by corrective labor work for a period not exceeding one year, or by a fine not exceeding 100 rubles). ("Statute on Passports," approved by the decree of the Council of Ministers USSR of 21 October 1953)

Annotation on Section 7⁴

1. In order to eliminate shortcomings in judicial practice in cases of hooliganism, and in order to improve the quality of judicial work, the Plenum, Supreme Court USSR resolves to issue the following instructions to the courts:

(1) In trying cases of hooliganism, it is not permissible groundlessly to qualify acts which are not characterized by the criteria of those sections under Section 74 of the RSFSR Criminal Code and under corresponding sections of other union-republic criminal codes. Hooliganism consists in the commission of acts which violate public order and involve obvious disrespect for society. It follows from this that not every kind of violation of public order should be prosecuted under criminal law. Even though they are characterized by the indicated criteria, insignificant acts should be punished by administrative action.

(2) Groundless qualification as hooliganism of acts that constitute crimes under other sections of the Criminal Code is not permissible. Infliction of blows, of serious or minor bodily injury, of insults, etc., should be qualified under appropriate sections of that chapter of the Criminal Code which covers crimes against the life, health, freedom, and dignity of the individual (Chapter VI of the RSFSR Criminal Code and corresponding chapters of other union-republic criminal codes).

Such acts may be qualified as hooliganism only in cases when it is established that they were committed for the purpose of demonstrating obvious disrespect for society, but they may not be so qualified when they are basically motivated by personal interrelationships between the accused and the injured party.

(3) In the presence of criteria characterizing hooliganism -- i.e., the commission of acts which violate public order and involve obvious disrespect for society -- it is necessary to apply Paragraph 1, Section 74, of the RSFSR Criminal Code and corresponding sections of other union-republic criminal codes.

Paragraph 2, Section 74, of the RSFSR Criminal Code, and corresponding sections of other union-republic criminal codes, should be applied only in the presence of one or more of the following legislatively established conditions:

a. Commission of a disturbance or of an outrage -- i.e., acts involving violence, damage to property, or destruction of property -- and other acts, for example, rioting in clubs, theaters, or other public places;

b. Commission of acts of hooliganism for a second time;

c. Stubborn persistence in acts of hooliganism despite the warnings of agencies for preserving public order;

d. Extreme cynicism or insolence of acts of hooliganism.

The courts should not apply Section 74 of the RSFSR Criminal Code -- or corresponding sections of other union-republic criminal codes -- to persons who, by chance or for the first time, commit minor antisocial acts, provided that these persons are worthy members of Soviet society in respect of their social [relationships] and daily lives. Therefore, the courts should in all cases carefully analyze the personal traits of individuals committed for trial, their production and public work, and their everyday behavior. (Extract from the decree of the Plenum, Supreme Court USSR of 29 April 1939)

Annotation on Section 75-1

1. See Section 3 of commentary on Section 59-3c.

Annotation on Section 79

1. "Section 6. For intentionally causing cattle-damage to crops, or for intentionally damaging field-protecting forest plantings, or fruit trees, berry bushes, or other plantings, if large-scale loss to any kolkhoz, sovkhoz, or other state or public agricultural enterprise results, guilty persons shall be subjected by means of court sentences to punishment in the form of corrective labor work for a period of from 6 months to one year, or confinement for periods of from one to 2 years. (Extract from the ukase of the Presidium, Supreme Soviet USSR of 11 January 1955, "On Liability to Punishment for Cattle-Damage to Kolkhoz and Sovkhoz Crops," Vedomosti Verkhovnogo Soveta SSSR 1955, Law No 4)

Annotation on Section 83

1. See Section 2 of commentary on Section 59-9.

Annotation on Section 84

1. For violation of regulations governing entry into and dwelling in the border zone or the interdicted border zones -- specifically, for entering, without being so authorized by NKVD USSR agencies, the border zones or the interdicted border zones, for transferring such an authorization to any other person, for using an authorization issued to any other person, and, equally, for evading registration of any authorization issued -- guilty persons shall be subject to confinement in a [corrective labor] camp for periods of from one to 3 years by decree of the Special Board (Osoboye Soveshchaniye) attached to the People's Commissariat of Internal Affairs USSR.**

**On the basis of the TsIK and Sovnarkom decree of 7 September 1937 (USSR Laws 1937, Law No 251), these cases are subject to trial in a court. The Special Board has been abolished.

Liable to the same punishment are chairmen of village soviets, commandants of enterprises and installations, and other officials who permit to live in houses under their jurisdiction persons who have entered the border zone or any interdicted border zone without being so authorized by agencies of the NKVD USSR, or who have violated registration regulations established for residents of the border zone or of interdicted border zones. (Section 3 of the TsIK and Sovnarkom decree of 17 July 1935, "On Entrance into and Residence in Border Zones," USSR Laws 1935, Law No 377)

Annotation on Section 87-a

1. (1) The leasing of agricultural land, whether within or outside the limits of a city, is prohibited.

[(2) and (3) are omitted]

(4) The collection in any form of rent on land previously made available for agricultural use shall cease upon the issuance of this decree. (Extract from the TsIK and Sovnarkom decree of 4 June 1937, USSR Laws 1937, Law No 150)**

**Extended to accessory forms of land-use in forests (USSR Laws 1937, Law No 373)

2. Subject to qualification under Section 87-a are purchase, sale, agreement to sell, bequeathal, gifts, incumbrance, and all forms of cession of rights to the use of any fruit orchard, vineyard, or berry patch located on land of any city, worker, summerhouse, or resort settlement. (VTsIK and Sovnarkom decree of 6 September 1930, RSFSR Laws 1930, Law No 529)

3. Section 87-a of the RSFSR Criminal Code and corresponding sections of other union-republic criminal codes cover illegal alienation of rights to toil-tenure of land, i.e., cession of such rights by the user to other persons on a permanent or temporary basis, with or without compensation. In the case at hand, it is a question of the misappropriation of a nonexistent right. Therefore, acts expressed in the form of unauthorized utilization for personal ends of land belonging to a kolkhoz or sovkhoz cannot be qualified under Section 87-a of the RSFSR Criminal Code or under corresponding sections of other union-republic criminal codes. Such acts shall be qualified as follows:

a. Unauthorized cultivation for personal ends of land belonging to a kolkhoz or sovkhoz shall be qualified as taking the law into one's own hands (samoupravstvo) under Section 90 of the RSFSR Criminal Code and under corresponding sections of other union-republic criminal codes.

b. Unauthorized harvesting of crops to satisfy personal needs from land belonging to a sovkhoz or kolkhoz shall be qualified as plundering (khishcheniye) of state property in accordance with appropriate sections of union-republic criminal codes, and, when appropriate, under the law of 7 August 1932.**

**See the decree of the Plenum, Supreme Court USSR of 22 August 1947, No 12/6 (p 103).

c. In cases when any of the acts specified in Clause a of this decree have been committed by authorization of a governmental representative or of a leading kolkhoz or sovkhoz official, these persons shall be prosecuted under Section 87-a of the RSFSR Criminal Code and under corresponding sections of other union-republic criminal codes. Any person who wittingly takes advantage of such an illegal authorization shall be prosecuted as an accessory under the same section, but if there is no proof -- or if it is not proved -- that a person has wittingly taken advantage of an illegal authorization, he shall not be prosecuted under criminal law.

The acts of governmental representatives and of officials who authorize commission of the indicated illegal acts from mercenary motives or from any other kind of personal interest shall be cumulatively qualified under Section 87-a of the RSFSR Criminal Code and under corresponding sections of other union-republic criminal codes, and under sections of criminal codes dealing with crimes committed in office. (Extract from the decree of the Plenum, Supreme Court USSR of 3 April 1940, No 7/6/v)

Annotation on Section 90

1. See Section 3 of commentary on Section 87-a.
2. See Section 8 of the decree of the Plenum, Supreme Court USSR of 28 May 1954 (p 105).

Annotation on Section 91-1

Any person who, by means of violence, fraud, threats, or bribery prevents a Soviet citizen from freely exercising his right to elect and be elected to the Supreme Soviet USSR shall be punished by confinement

for a period not exceeding 2 years. (Section 109 of the "Statute on Elections to the Supreme Soviet USSR," Vedomosti Verkhovnogo Soveta SSR 1950, No 2; Section 100 of the "Statute on Elections to the Supreme Soviet RSFSR"; and Section 129 of the "Statute on Elections to Kray, Oblast, Okrug, Rayon, City, Village, and Settlement Soviets of Working People's Deputies")

Annotation on Section 99

1. (1) Any person who engages in a prohibited trade shall be subject to prosecution under Section 99 of the RSFSR Criminal Code and under corresponding sections of other union-republics criminal codes. If the criteria of speculation are present in these persons' acts, they shall be subject to cumulative punishment under Section 99 and 107 of the RSFSR Criminal Code and under corresponding sections of other union-republic criminal codes. (Extract from the decree of the Plenum, Supreme Court USSR of 25 June 1948, No 12/11/V)

2. (4) The following noncooperative trades, and the issuance of registration certificates with respect to them, are prohibited:

a. The processing of purchased or customers' grain, hemp, flax, or linen thread, as well as purchased wool and woolen yarn (except yarn for carpet weaving);

b. The processing of purchased and customers' tobacco, shag (makhorka), oilseeds, raw cotton, cotton thread, silk cocoons, silk thread, and raw material for making sheepskin coats;

c. The production of chemical substances (acid, lac dye, vitriol, sodium carbonate, bluing, poisonous substances, and the like), and the production of drying oil, perfumes, cosmetics, and soap;

d. The production and repair of bladed weapons and firearms; the production of explosive and flammable substances, including pyrotechnical items: fireworks, Bengal lights, and the like;

e. The graphic trades (the typographic, vitreographic, photo-static, zincographic, lithographic, and type foundry trades, and other trades that employ typographic, cuprous, and interlocked type, and the like); the production of duplicating devices (vitreographs, rotors, shapirographs, and the like); the making of rubber and metallic stamps, postmarks, seals, and typewriter type, and the engraving and optical trades;

f. The making from materials by handicraftsmen, on the basis of individual orders or for general sale, of the following: ready-made clothing, personal and household linen, knitted wear, and hats; shoes, galoshes, and other articles made of leather or rubber; haberdashery, harness, and articles manufactured from any nonferrous metal (tin, copper, aluminum, lead, etc), including articles with individual parts made of any nonferrous metal;

g. The production of metal strips and moulds for the making of orders and medals; the production of notebooks, tablets, envelopes, and packets; the manufacture of mirrors, candles, and articles made of bristles and horsehair;

h. The production of any article, not by order, but for market sale, by handicraftsmen and artisans doing work on the side, or by workers and employees who work as handicraftsmen or artisans after hours;

i. The production from purchased or customers' raw materials of such food products as bread, dairy products, sausages, ham, and fruit and vegetable products; pastilas, poppy-seed sweets, sugar candy, sweetmeats, and other confectionery items; special dishes, coffee, pepper, mustard, vinegar, nonalcoholic beverages, and the like;

j. The making from purchased or customers' raw materials of wine or [other] alcoholic beverages;

k. The carrying of passengers or cargo in automotive vehicles or by motorcycle;

l. Any kind of trade carried on with the employment of hired labor or with the aid of apprentices;

m. Packaging, grinding, bottling, sorting, cutting, refining, and similar warehouse operations involving goods purchased for the purpose of subsequent sale;

n. Any kind of trading (buying and reselling) or acting as a middleman in trade, or the restoration [repair, reconditioning] of purchased goods for the purpose of sale;

Note: Kolkhozniks and single-farmers, as well as workers, employees, and other citizens who farm on the side, do not need registration certificates to sell the products of their husbandry as raw material or in processed form.

o. The keeping of inns, carousels, bathhouses, weighing machines, dynamometers, and shooting galleries, and the organization of various kinds of games;

p. The making of hoods or veils on the territory of the Uzbek SSR. (Extract from regulations governing the registration of non-cooperative handicraftsmen and artisans, approved by the decree of the Council of Ministers USSR dated 30 June 1949)

3. In order to eliminate shortcomings in the work of the courts in trying cases involving engagement in prohibited trades, the Plenum, Supreme Court USSR resolves to issue the following instructions:

(1) It is called to the attention of the courts that only such persons as engage in trades specifically prohibited by the regulations governing registration of non-cooperative handicraftsmen and artisans, which were approved by the decree of the Council of Ministers USSR dated 30 June 1949, may be held criminally responsible under Section 99 of the RSFSR Criminal Code, and under corresponding sections of other union-republic criminal codes, for engaging in prohibited trades.

(2) Without abating struggle against the indicated crimes, at the same time the courts should not hand down convictions for isolated and unimportant instances of prohibited making of goods or preparation of materials, because the law provides for criminal punishment only for the making or preparation and subsequent sale of goods or materials regarding which there is a specific prohibition or limitation as a form of trade.

(3) It is explained that engagement in a prohibited trade is subject to qualification under Section 99 of the RSFSR Criminal Code and under corresponding sections of other union-republic criminal codes.

Section 107 of the RSFSR Criminal Code, and corresponding sections of other union-republic criminal codes, may be applied in addition to Section 99 only in cases involving a plurality of offenses, that is, when a person has engaged in buying and selling goods for the purpose of making a profit in addition to engaging in a prohibited trade. (Extract from the decree of the Plenum, Supreme Court USSR of 3 September 1954, No 7)

4. See Section 2 of commentary on Section 102.

5. See Section 2 of commentary on Section 107.

Annotation on Sections 102 and 103

1. See the ukase of the Presidium, Supreme Soviet USSR of 7 April 1948, "On Responsibility Under Criminal Law for Making and Selling Moonshine" (p 111).

2. See the decree of the Presidium, Supreme Court USSR of 5 January 1951, No 1/1/V (p 112).

Annotation on Section 107

1. Extending the provisions of earlier decrees against speculation, the TsIK and Sovnarkom USSR decree of 20 May 1932 provided as follows with regard to the trading activities of kolkhozniks and toiling individual farmers: "The opening of stores and stands by private traders is prohibited, and all measures shall be taken to extirpate retailers and speculators who attempt to make a profit at the expense of the workers and peasants."

In view of the fact that, despite prohibition, cases of speculation, especially on the part of speculators in mass consumption goods, have recently been occurring with increasing frequency, TsIK and Sovnarkom USSR hereby make the OGPU,** prosecution agencies, and local organs of government responsible for taking measures to extirpate speculation, applying to speculators and retailers confinement in a concentration camp (kontsentratsionnyy lager') for periods of from 5 to 10 years. (TsIK and Sovnarkom decree of 22 August 1932, USSR Laws 1932, Law No 375; ukase of the Presidium, Supreme Soviet USSR of 8 September 1953***)

**The OGPU was merged into the NKVD, now the MVD (USSR Laws 1934, Law No 283).

***See the ukase of the Presidium, Supreme Soviet USSR of 8 September 1953 (p 122).

2. The Plenum, Supreme Court USSR resolves to issue the following instructions to the courts:

(1) The courts are instructed that it is necessary consistently to apply to persons guilty of speculation Section 107 of the RSFSR Criminal Code and corresponding sections of other union-republic criminal codes, and that the punishment specified in these sections must be imposed.

In cases when resale of purchased goods is not established, but when, on the basis of the entire body of evidence, a court reaches the well-grounded conclusion that the goods in question were purchased for resale at a profit, such acts should be qualified under Sections 19 and 107 of the RSFSR Criminal Code and under corresponding sections of other union-republic criminal codes.

(2) The acts of officials who are guilty of selling goods to speculators shall be cumulatively qualified as abuse of official position and complicity in speculation. Officials who take advantage of their official position to buy up goods and who later themselves sell the same for a profit shall be subject to a cumulative penalty for abuse of official position and for speculation.

(3) The acts of persons who wittingly buy up stolen goods for resale in order to make a profit shall be cumulatively qualified under Sections 16⁴ and 107 of the RSFSR Criminal Code (and under corresponding sections of other union-republic criminal codes), and in addition, when necessary, under the law providing punishment for failure to report thefts to the proper authorities.

If, in such cases, purchase was wittingly connected with participation in theft, such acts shall be cumulatively qualified as complicity in theft and speculation.

(4) Persons who engage in prohibited trades and in speculation as well are subject to punishment under Sections 99 and 107 of the RSFSR Criminal Code (and under corresponding sections of other union-republic criminal codes).

(5) In addition, the courts are instructed that casual sales or exchanges by working people of goods they have obtained for personal use, not for resale, as well as sales by kolkhozniks and individual farmers of the products of their own husbandry, provided that they are conducted without violating the rules governing trade, do not contain the elements of a criminal offense. (Excerpt from the decrees of the Plenum, Supreme Court USSR of 31 December 1938, 10 February 1940, and 20 September 1946)

3. See Sections 1, 2, and 3 of commentary on Section 99.

4. See Section 2 of commentary on Sections 102 and 103.

5. See Section 1 of commentary on Section 111-a.

6. See Section 1 of commentary on Section 129-a.

Annotation on Section 108

1. See the ukase of the Presidium, Supreme Soviet USSR of 14 February 1953, "On Increasing the Criminal Penalty for Violation of Safety Regulations in Coal and Slate Mines" (p113).

Annotation on Sections 109 and 111

1. See Section 2 of commentary on Section 128-a.

2. See Section 2 of commentary on Section 107.

3. See Section 1 of commentary on Section 111-a.

4. See Sections 4 and 5 of the decree of the Plenum, Supreme Court USSR of 28 May 1954, No 5 (p105).

Annotation on Section 111-a

1. (3) Any state or cooperative official who facilitates the organization or operation of a pseudo-cooperative or who connives at the infiltration of businessmen-speculators into state or cooperative organizations, shall be subject to punishment, depending on the circumstances of the case, under Sections 109 or 111-a of the Criminal Code RSFSR and under corresponding sections of other union-republic criminal codes.

In cases when, by their acts, such officials wittingly facilitate the criminal activities of speculators or plunderers of socialist property, they shall be subject to cumulative punishment for complicity in speculation or plundering of socialist property in addition to punishment specified in the aforementioned sections of the Criminal Code. (Extract from the decree of the Plenum, Supreme Court USSR of 25 June 1948, No 12/11/V)

Annotation on Sections 117 and 118

1. The Plenum, Supreme Court USSR resolves to issue the following guiding instructions to the courts:

(1) The courts are instructed on the necessity of resolutely combating bribery by strictly and consistently applying to any person who is guilty of accepting or giving a bribe, as well as to any intermediary in bribery, the strict measures of punishment prescribed by law for these crimes, not permitting groundless amelioration of punishment in this type of case.

(2) Paragraph 1, Section 117, of the RSFSR Criminal Code and corresponding sections of other union-republic criminal codes shall not be applied in the presence of criteria subject to qualification under Paragraph 2 of these sections.

In particular, the courts shall not narrow the concept of the responsible position of any official guilty of accepting bribes as a qualifying element of that crime.

Acceptance of a bribe on two or more occasions, or simultaneous acceptance of a bribe from two or more persons, shall be regarded as repeated acceptance (neodnotkratnoye poluchenije) of bribes.

(3) In case any person who incites another person to give a bribe receives from him a sum of money or any other valuable thing, ostensibly for transmittal to any official as a bribe, but actually appropriates the same himself, the crime committed by the instigator shall be qualified under Sections 117 and 118 of the RSFSR Criminal

Code and under corresponding sections of other union-republic criminal codes, while the crime committed by the giver of the bribe shall be qualified under Sections 19 and 118 of the RSFSR Criminal Code and under corresponding sections of other union-republic criminal codes.

(4) When persons who have given bribes are convicted, the money or other valuables they gave to officials or intermediaries shall in all cases be subject to confiscation as material evidence by analogy with Subsection 1, Section 69, of the RSFSR Criminal Procedural Code and with corresponding sections of other union-republic criminal procedural codes.

(5) Whenever the trial of any case reveals circumstances indicating that any person committed for trial who has not been accused of those crimes has accepted or given any bribe, or has acted as an intermediary in bribery, or if it is revealed that any person not involved in a given case has committed any of those crimes, the court shall not disregard such circumstances but shall make an appropriate ruling, being guided by Sections 312, 315, and 316 of the RSFSR Criminal Procedural Code and by corresponding sections of other union-republic criminal procedural codes. (Excerpt from the decree of the Presidium, Supreme Court USSR of 24 June 1949, No 7/2/V)

Annotation on Section 120

1. If any official of any soviet, or any member of any electoral commission, shall forge electoral documents or wittingly give an incorrect tally of ballots cast, he shall be punished by confinement for a period not exceeding 3 years. (Section 110 of the "Statute on Elections to the Supreme Soviet USSR," Vedomosti Verkhovnogo Soveta SSSR 1950, No 2; Section 101 of the "Statute on Elections to the Supreme Soviet RSFSR," and Section 130 of the "Statute on Elections to Kray, Oblast, Okrug, Rayon, City, Village, and Settlement Soviets of Working People's Deputies")

Annotation on Section 128-a

1. The Plenum, Supreme Court USSR resolves to issue the following instructions to the courts:

(1) The courts are instructed that it is necessary to carry on the most resolute struggle against the release of poor quality or incomplete industrial products, and against the release of products in violation of required standards, by means of consistently and strictly applying to persons guilty of this antistate crime the measures of punishment specified in the ukase of 10 July 1940. (Paragraph 1, Section 128-a, of the RSFSR Criminal Code and of corresponding sections of other union-republic criminal codes)

(2) There shall not be qualified under Sections 109, 111, or other sections of the RSFSR Criminal Code, nor under corresponding sections of other union-republic criminal codes, the acts of officials specified in the ukase of 10 July 1940 who are guilty of releasing poor quality, incomplete, or substandard industrial products, namely: directors, chief engineers, and chiefs of technical supervision divisions, or persons bearing other official designations who actually discharge the functions of the indicated officials.

The aforementioned crimes of the indicated officials shall be qualified under Paragraph 1, Section 128-a, of the RSFSR Criminal Code, and under corresponding sections of other union-republic criminal codes, except that in the Azerbaydzhan and Uzbek SSRs, whose criminal codes do not contain corresponding sections, these crimes shall be qualified under the ukase of 10 July 1940.

(3) The courts are instructed that by release of products is meant both the delivery of goods to a customer and those cases when products have been passed by a technical supervision division and finally approved for delivery.

(4) Cases involving the release of poor quality, incomplete, or substandard industrial products are under the jurisdiction of okrug, oblast, and kray courts, of supreme courts of autonomous republics, and of supreme courts of union republics that are not subdivided into oblasts; but when necessary they shall be tried by okrug and equivalent military tribunals, railway transport okrug courts, and water transport line courts.** (Extract from the decree of the Plenum, Supreme Court USSR of 30 September 1949, No 13/9/V)

**Now line transport courts. [Comment: Line courts were abolished in 1957. See translation of law in "Supplementary Material, I. Legislation"]

Annotation on Section 129-a

1. (2) Any person who engages in any private enterprise activity that is masked as a cooperative or state organization shall be liable to punishment, depending on the circumstances of the case, under Paragraphs 1 or 2, Section 129-a, of the RSFSR Criminal Code, and under corresponding sections of other union-republic criminal codes.

If there is present in the acts of these persons the criteria of speculation or of plundering of socialist property, they shall be subject to cumulative punishment under Sections 129-a and 107 of the RSFSR Criminal Code (and under corresponding sections of other union-republic criminal codes), or under Section 129-a of the RSFSR Criminal Code (and

under corresponding sections of other union-republic criminal codes) and the ukase of the Presidium, Supreme Soviet USSR of 4 June 1947, "On Responsibility Under Criminal Law for Plundering State or Public Property." (Extract from the decree of the Plenum, Supreme Court USSR of 25 June 1948, No 12/11/V)

Annotation on Sections 136-139

1. See the ukase of the Presidium, Supreme Soviet USSR of 30 April 1954 (p 100).
2. See Section 7 of the decree of the Plenum, Supreme Court USSR of 28 May 1954, No 5 (p 105).
3. See Section 3 of commentary on section 59-3c.

Annotation on Sections 140 and 140-a

1. See the ukases of the Presidium, Supreme Soviet USSR of 5 August 1954 (p 116) and 23 November 1955 (p 117).

Annotation on Section 142

1. See the ukase of the Presidium, Supreme Soviet USSR of 30 April 1954 (p 100).

Annotation on Section 164

1. See Section 2 of commentary on Section 107.

Annotation on Section 167

1. See Section 7 of the decree of the Plenum, Supreme Court USSR of 28 May 1954, No 5 (p 105).

Annotation on Section 169

1. See Section 9 of the decree of the Plenum, Supreme Court USSR of 28 May 1954, No 5 (p 105).

Annotation on Section 182

1. The note to Section 182 of the RSFSR Criminal Code applies to:

a. The local population of the national republics and oblasts of the RSFSR, ** if bladed weapons (daggers) are worn as an appurtenance of the national costume;

**This decree now applies to the territory of the Dagestan-skaya, Kabardinskaya, and Severo-Osetinskaya ASSRs, and to the Cherkesskaya and Adygeyskaya autonomous oblasts.

b. The local hunting and fishing population (promyslovoye naseleniye) of those regions of the far northern RSFSR where the wearing of bladed weapons (hunting knives) is necessary due to conditions of life or of such employment. (Extract from the decree of VTsIK and Sovnarkom RSFSR of 10 September 1935, RSFSR Laws: 1935, Law No 193)

Annotation on Section 192-a

1. (36) Any house manager, house owner, commandant, or other person responsible for registering passports who for a second time permits anyone to sojourn without a passport or with an expired passport, and any official who for a second time permits any person who has no passport or whose passport has expired to be accepted for employment, shall be liable to criminal punishment under Paragraph 1, Section 192-a, of the RSFSR Criminal Code and under corresponding sections of other union-republic criminal codes (corrective labor work for a period not exceeding 6 months).

Note. Officials of institutions, organizations, and enterprises shall not be liable to the punishments provided for by Sections 34 and 36 of this statute for accepting for employment (on the basis of other documents) persons who are not required to have passports. (Excerpt from the "Statute on Passports," approved by the decree of the Council of Ministers USSR of 21 October 1953)

Annotation on Section 193-7

1. In the old edition of the RSFSR Criminal Code, Clauses a and b, Section 193-7, (as they stood prior to the issuance of the ukase of the Presidium, Supreme Soviet USSR of 6 July 1940) read as follows:

"193-7. a. Unauthorized leaving of the unit or place of service, if the absence was prolonged for more than six 24-hour periods -- or such absence during any fleet cruise, maneuver, short-term training muster, refresher training muster, or inspection training muster for more than two 24-hour periods -- shall be punished by:

Confinement for a period not exceeding one year;

b. Flight from the unit or place of service with intent to evade performance of military duties for an extended period, or altogether, shall be punished by:

Confinement for a period not exceeding 3 years. (RSFSR Laws 1932, Law No 214, dated 20 May 1932)

Annotation on Section 193-17

1. There has arisen in judicial practice the question of how to qualify the service crimes of military personnel who are acting in the capacity of officials, but who are not commanding personnel:

The Plenum, Supreme Court USSR resolves to issue the following instructions to the courts in this connection:

Having it in mind that in the aforementioned circumstances the indicated military personnel are in the performance of functions ordinarily reserved to commanding personnel, their service crimes should be qualified on the same basis as those of the latter.

For abuse of authority, acting in excess of powers, or nonfeasance, in particular, as well as for neglect of duty, they are subject to punishment under Section 17 of the "Statute on Military Crimes" (Section 193-17 of the RSFSR Criminal Code and corresponding sections of other union-republic criminal codes). (Decree of the Plenum, Supreme Court USSR of 6 April 1945, No 6/4/V)

Annotation on Chapter X

1. See the decree of the Plenum, Supreme Court USSR No 14/3/V of 10 April 1941, "On Judicial Practice in Cases Involving Crimes Constituting Survivals of the Tribal Way of Life."

Part 2. SUPPLEMENTARY MATERIAL

I. COMMENTARY ON SOVIET CRIMINAL LAW BY DR GSOVSKI

[The following introductory material is quoted by permission of the author, Dr Vladimir Gsovski, from his manuscript, Substantive Criminal Law of the Soviet Union, prepared for publication (Copyright Reserved). Minor changes in style have been made in Dr Gsovski's material to use it in this publication. Numbers in parentheses refer to footnotes appended to this commentary.]

Chapter II. Sources of Criminal Law: RSFSR Criminal Code and Others

The criminal law of the USSR is essentially federal law although it is included in the criminal codes enacted for the individual Soviet Republics (states). But technically speaking, there is no federal criminal code in the Soviet Union.

Until 1922, the courts and administrative authorities were not guided, in imposing penalties, by definite rules embraced in a code.

The first criminal code was enacted on 24 May 1922 for the RSFSR (Soviet Federal Socialist Republic of Russia) alone and went into effect on 1 June 1922. (1) It was also put into effect in the Byelorussian and Central Asian republics. It was followed by a similar code for the Ukraine, Georgia, and Azerbaijan.

Thereafter the Union of Soviet Socialist Republics (USSR) was formed in 1923, and its constitution of 1924 reserved to the federal authorities the enactment of federal basic principles of criminal legislation. Such basic principles were enacted on 3 October 1924 and contained 39 sections (2), but covered only the so-called General Part, i.e., general principles of the imposition of punishment without definitions of specific crimes (Special Part). According to these principles (Section 3) the treatment of crimes against the state and military crimes was especially reserved to federal jurisdiction. Such an act on offenses against the state was enacted in October 1923. (3) This act was amended on 25 February 1927. (4) On 31 December 1924, a federal Statute on Military Crimes, and on 27 February 1927 a new federal Statute on Crimes Against the State were enacted. (5)

The codes of individual republics were revised and adjusted to the new federal legislation and a totally new RSFSR Code was enacted on 22 November 1926 and went into effect on 1 January 1927. (6)

The federal Statute on Crimes Against the State was incorporated in the new RSFSR Code as Sections 58.1 - 58.14 and 59.1 - 59.13, together with the 1927 amendment of the General Part on 6 June 1927. (7) The Statute on Military Crimes was inserted after Section 193 as Sections 193.1 - 193.31.

The RSFSR Code was followed by several other codes. (8) The codes to be found in the other fourteen Soviet republics either repeat the RSFSR Code word for word or deviate from it only in minor details.

Later, criminal legislation was enacted almost exclusively by the federal authorities. In some instances, the new federal criminal laws instructed the authorities to amend their codes correspondingly, and in others new penalties and new crimes were established not fitting the system of the criminal codes and occasionally leaving in doubt whether new provisions should apply side by side with the codes or repeal their provisions. The instruction to amend the codes sometimes was followed; sometimes it was not. Consequently, even the criminal law as applied by the courts is not confined to the criminal codes which are wrapped in numerous scattered and uncoordinated laws and decrees.

In general, the criminal law applied by the Soviet courts is essentially a uniform federal law, although it is contained in codes of individual republics and separate federal statutes. The 1936 federal Constitution, which is still in force, reserved criminal legislation to the federal jurisdiction, but no federal criminal code or code of criminal procedure has been enacted thus far. The Constitution was amended in 1957 and the old rule reserving to the federal jurisdiction the enactment of basic principles of criminal law and leaving enactment of codes to the republics, was restored. (9)

For all these reasons, in this and other chapters, only the RSFSR Criminal Code is quoted, but the provisions therein stated represent union-wide legislation. Whenever a penal clause was not included in the code, the particular statute is cited.

Chapter III. Soviet Criminal Law Applied by the Courts

A. Penal Theory Underlying the Criminal Code

The Criminal Code of 1922 was enacted after the inception of the New Economic Policy, which implied a number of concessions to private initiative in economy and return to traditional legal precepts.

Nevertheless, the criminal codes have shown a continuity of policy respecting crimes initiated under Militant Communism. Kursky, then Commissar for Justice, stated at that time that "the Criminal Code represents a so-to-speak crystallized concept of the law of agencies engaged in rendering justice in the Soviet Republic." (10) Stuchka defined the Code of 1922 as "a codification of revolutionary practices consolidated on a theoretic basis." (11)

This theoretic basis was to be derived from Marxian philosophy. But except for "the class concept of justice" and a deterministic approach to the problem of human behavior, Marxism did not offer a sufficient theoretic basis for a new criminal law. In spite of numerous attempts the Soviet jurists have thus far failed to arrive at a unanimously accepted "consistent Marxian" penal theory. Again, the Soviet rulers did not intend, in the words of Krylenko, to have "their own hands bound" (12), by codification of criminal law, i.e., the criminal code had to leave broad room for arbitrary imposition of punishment. Therefore, the compilers of the Criminal Code of 1922, and especially of the Code of 1926, derived their theories not from Marxism but in fact from criminological writings which appeared in their eyes the most radical rupture with the traditional criminal law. The teachings of Enrico Ferri, the most outstanding representative of the so-called Italian sociological or positivistic school in criminology, exercised a definite influence upon the Code of 1922 and especially upon that of 1926. (13) At least the basic terminology was borrowed by the soviets from that source (see infra).

The positivistic trend in penology sought to detach the treatment of crime and punishment from any ethical basis. Delinquency, for positivists, is primarily a social phenomenon to be studied as a product of circumstances, social and physical, and not as a wrong or guilt. Enrico Ferri placed particular emphasis on social danger as the main element of crime. He defined crime as:

An act determined by antisocial motives which offend the conditions of existence of a society at a given time and in a given place. (14)

In the fourth edition of his Sociologia Criminale, Ferri quoted approvingly the following definition from Colajani's Sociologia Criminale, Vol I, 64:

Punishable acts (delicts) are those acts which, being determined by individual and antisocial motives, disturb the conditions of existence and shock the average morality of a given people at a given moment. (15)

Thus Ferri advocated "protective measures" or measures of social defense to be substituted for punishment.

In his draft of an Italian Criminal Code, Ferri called these measures sanctions. All the new codes adopted in Europe between the two world wars paid tribute to Ferri's teaching, but none of them adopted it as an exclusive basis of criminal legislation. This is true for the Polish Code of 1932 (Sections 60, 70-79) and the Yugoslavian Code of 1929 (Sections 76, 52-54). (16) Even in Italy, Ferri's draft of 1921 had to give place to that of Rocco in 1930. They all selected a halfway course: besides the punishments imposed by evaluation of the guilt, they introduced "preventive measures," i.e., special restrictions imposed upon professional and habitual criminals; educational treatment of juvenile offenders; and confinement of mentally defective perpetrators in an appropriate medical institution.

B. Guilt Versus Social Danger Under Soviet Law

In the light of the theory of punishment as a protective measure, personal guilt in a given case is supplanted by the idea of protection of society. A social danger may be presented in the act of a person who is not capable of controlling himself (e.g., a lunatic), or a responsible person may commit through force of circumstances an act which is dangerous, though he himself is a good citizen. Likewise, a person may be dangerous although there is no evidence of his participation in a given crime (e.g., a notorious criminal who has never been caught, a criminal with a record, a maniac). If a measure is really a protective one, it should be applied against any dangerous person, no matter whether responsible, guilty, active, or not.

Without totally accepting the concept of crime as a social danger, the framers of the Soviet codes have couched their provisions justifying highly arbitrary imposition of punishment in terms borrowed from this doctrine. The idea of protection of the whole of society as the objective of criminal law has been transformed by the Soviet penologists into the protection of the ruling class and the Soviet regime as the prime objective of Soviet criminal law.

Section 6. Any act of commission or omission shall be considered socially dangerous if it is directed against the Soviet regime or violates the legal order established by the workers' and peasants' government for the period of transition to a communist regime.

Note: An act shall not be considered a crime if, although formally showing the elements of crime set forth in a section of the Special Part of the present Code, it is nevertheless devoid of socially dangerous character because of its insignificance and the absence of harmful consequences.

Social danger is conceived by Soviet textbooks on criminal law as danger to the interest of the ruling class. "Crime is an act of commission or omission dangerous for the interest of the ruling class." (17)

In the Code of 1922, socially dangerous acts were not identified with crimes but constituted an additional category. The purpose of the Soviet criminal law was there set forth as "legal protection of the State of toilers from crimes and socially dangerous acts" (Section 1). But the federal Basic Principles of 1924 and the RSFSR Code of 1926 (both still in force) sought to abandon the term, "crime," completely and apparently identified crimes with socially dangerous acts. Section 1 of the Code of 1926 reads:

Section 1. The aim of the Soviet penal legislation shall be to protect the socialist State of the workers and peasants and the legal order therein established from socially dangerous acts (crimes) by applying to the person who commits them measures of social defense specified in the present code.

In the rest of the 1926 Code the term "socially dangerous act" was used originally instead of crime or offense. Likewise, the 1922 Code purported to apply to the perpetrators "punishments or other measures of social defense," while in the Basic Principles of 1924 and in the 1926 Codes, measures of social defense alone are mentioned.

But this reform did not go beyond terminology, which again in the long run was abandoned.

Thus it follows from Section 1 that the Code of 1926 identifies crimes with socially dangerous acts and applies to them "measures of social defense." But these measures are divided into two categories: (a) measures of medical or medico-educational nature, on the one hand, and (b) measures of a judicial correctional nature.

The enumeration of measures of a judicial correctional nature given in Section 20 of the code leaves no doubt that penalties are meant by this term. Thus this term covers: the supreme measure -- death penalty (Section 21, Note), various kinds of confinement, exile, forced residence, fine, confiscation of property, forced labor without confinement and deprivation of rights (Section 20). As to the prerequisites of their application, the provisions are somewhat ambiguous and inconsistent. On the one hand, all kinds of measures of social defense, including penalties, may apply under Section 7, not only to persons "who have committed socially dangerous acts," i.e., crimes, but also to those "who represent a danger in view of their connections with criminal elements or in view of their past activities."

On the other hand, Section 10 sets specific conditions for the application of "measures of social defense of a judicially correctional nature," and it is clearly stated that these measures -- penalties -- may be imposed only for an act committed intentionally or by negligence, i.e., upon persons guilty of an offense....

Again, according to Section 11, these measures may not apply to those non compos mentis. The inconsistency of the new terminology was well pointed out by a Soviet writer in 1927:

The result of the "abolition of punishment" [in the Soviet law] was merely a very radical reform in terminology, but it did not affect the substance of repression. We abolished punishment, but there is a crime. There is a crime, but guilt is abolished. Guilt is abolished, but we recognize criminal intent and negligence ... which makes no sense whatsoever, unless we accept in advance the idea of guilt. (18)

There were also other Soviet penologists who tried to go further than use new terminology. They sought to open a new path in treatment of crime and punishment. The most prominent among them was Krylenko, famous prosecutor in early trials, the predecessor of Vyshinski. In his reformatory zeal before his fall in 1936, he disavowed some of his previous views as erroneous. Therefore, it is rather difficult to state what his real views were. In any event at one time he, like many other Soviet penologists, advocated the elimination of the principle of personal guilt as a basis for the imposition of punishment, and the substitution of a concept of social danger for it. But in 1935, he considered this an error. He then suggested the compilation of a new criminal code which would provide for two different types of retribution for crime, viz., measures of repression for class enemies and educational measures for workers. He later scorned this view also. Finally, he advocated a criminal code which should state only general principles for the imposition of punishment, without giving any legal definition of individual crimes, i.e., without indicating in the statute the factual elements constituting an individual crime, e.g., robbery, larceny, etc. He was also against a definitely settled scale of punishment corresponding to the gravity of the crime committed. (19) Krylenko disappeared from the stage in 1936 and all his reform plans were condemned as deviations from Marxism.

By 1935, the view quoted above that there is crime and punishment under the Soviet law, although they are called by different names, was accepted by the most ardent advocates of the new names.

In 1937, the whole earlier trend was condemned as a subversive misinterpretation of Soviet law and Marxism. Thus traditional terminology was restored. In 1938, even the term "prison" (tiur'ma), and in 1943 the term "penal servitude" (hard labor, Katorga), appeared in Soviet law.

The recently enacted penal laws, beginning with the Act of 8 May 1934 on treason (20), used the terms "crime" and "punishment."

The incorporation of some of these laws into the Criminal Code deprived it of any terminological consistency. The terms, "socially dangerous acts" and "measures of social defense of a judicial correctional character," being synonymous with crime and punishment, are interchangeably used in the code in its present text.

In recent theoretic discussion, any treatment of crime and punishment after the fashion of the "positivistic" school is condemned. A crime is treated also as a wrong and punishment, likewise, as an "expression of the condemnation of the culprit by the State" and not merely a measure of reform and social protection. (21)

C. Punishment of Innocent Persons Under Soviet Law

Although, in general, guilt is required for imposition of punishment, there are instances under the Soviet criminal codes in which an innocent person may be legally penalized in court. Moreover, administrative authorities may subject individuals, deemed by them socially dangerous, to punishment. Thus, under Section 1.3 of the Federal Code of Political Crimes (Section 58.1-c of the RSFSR Criminal Code) enacted on 8 June 1934, if a man in military service takes flight abroad by air or otherwise, in peace as well as in wartime, the adult members of his family who had knowledge of his plans are subject to imprisonment for 5 to 10 years, plus confiscation of property, but those who had no such knowledge, though living with him or dependent upon him, are subject to exile to remote localities of Siberia for 5 years. Commenting on these provisions, some Soviet professors of criminal law went so far as to justify both guilt by association and collective responsibility.... (22)

D. Significance of the Doctrine of Social Danger in Soviet Law

1. In Court

Although, in general, the social danger of an act committed was not substituted for guilt as a reason for punishment, such danger is an important consideration in the imposition and selection of penalty. The code nowhere states that the penalty must be commensurate with the guilt. In the general instructions to the courts regarding punishment (Section 45) the code emphasizes the necessity of considering "the social

danger of the crime committed." Likewise, in dealing with partnership in crime (Section 18), the code directs the judge to reckon not with the degree of individual guilt but with "the degree of danger of the crime and the person who committed it." Social danger is also stressed in connection with aggravating circumstances, as it follows from Paragraph 1 of Section 47...

The attention of the reader may be also drawn to Clauses a and b of Section 47. It is also striking that a person may be exempt from penalty for a crime committed if his act lost the character of social danger, as it follows from the provisions contained in Section 8....

It may also be recalled that under the Note to Section 6 quoted above, an act which has the indicia of a crime specified in the code shall not be considered a crime if "it is, nevertheless, devoid of socially dangerous character."

Finally, banishment from the confines of the RSFSR or from certain localities with or without forced residence in a certain place or prohibition of residence in certain localities may be applied by a court to "convicts whose residence in a given locality is deemed by the court to be socially dangerous" (Section 31). All these references to social danger as an important element of crime confuse the issue of guilt in imposing penalties without consistently substituting such danger for consideration of guilt.

2. Prosecution of "Socially Dangerous" Persons by Administrative Action

The concept of social danger as a complete substitute for guilt was used in connection with the powers granted to the secret police. As is shown elsewhere, the powers of the police were legally defined for the first time in 1934 when the OGPU was transformed into the People's Commissariat for the Interior (NKVD and Narkomvnutel being the Russian abbreviations). The statutes then enacted still remain on the statute books. One statute, of 10 July 1934 (23), formulated the general power of this Commissariat "to apply by administrative action, exile from certain localities, exile with forced residence in a locality, confinement in a camp of correctional labor up to 5 years, and deportation abroad" (Section 8).

But another statute, of 5 November 1934 (24), issued in the development of the above, stated that these measures may be applied "to the persons deemed socially dangerous." Thus a person does not have to be guilty of a particular offense to be subject to these penalties. The only procedural rule in application of exile or confinement in a camp of correctional labor is to be found in Section 4, viz., that "the reasons

for application of this measure must be stated and the region and period of exile as well as the period of time of confinement in a camp must be indicated." The powers of the Commissariat, later inherited by the Ministry of the Interior (MVD), are formulated as follows:

1. The USSR People's Commissariat for the Interior shall be granted the right to apply the following measures to persons who are deemed socially dangerous:

(a) Exile for a period up to 5 years to places, the list of which shall be established by the USSR People's Commissariat for the Interior, where persons are under open surveillance;

(b) Expulsion for a period up to 5 years in places under open surveillance and prohibition to reside in capitals, large cities, and industrial centers of the USSR;

(c) Confinement in camps of correctional labor for a period of up to 5 years;

(d) Expulsion from the confines of the USSR of alien subjects who are socially dangerous. (25)

But this power to exile or to confine socially dangerous persons was definitely denied to the courts in a ruling of the USSR Supreme Court issued on 12 July 1946. (26) It is stated there that "the possibility of application by the court of a penalty to a person not declared guilty of the commission of one or another crime is excluded."...

E. Crime by Analogy

Following the legislative technique of the modern European criminal code, the Soviet codes consist of two parts: The General Part, laying down the general principles of crime and punishment, and a Special Part (Section 58 and following of the RSFSR Criminal Code), where in individual sections the constituent elements of particular crimes and their punishments are specified. But here the resemblance to non-Soviet codes ends. In these, the specific provisions on individual crimes form the real condition for imposition of punishment. The General Part, as a rule, contains a formal definition of crime as an act prohibited under penalty by statute at the time when committed. This principle is expressed by the Latin maxim, nullum crimen, nulla poena, sine lege, i.e., an act is not a crime unless it bears the indicia of a crime specified by the statute.

This maxim precludes the application of punishment to an act lacking the description of crime given by the statute. It prohibits such application where the act merely resembles a statutory definition. In other words, it precludes the application of penal clauses by analogy.

The principle nullum crimen, sine lege evolved from the liberal movement in the criminal law of the 18th Century. The principle called for a strict construction of penal statutes: a penal clause could be applied only to an act exactly fitting the clause. The idea of protecting the citizen from arbitrary prosecution prohibited the imposition of penalty for an act not specified in advance by statute.

As was mentioned, the RSFSR Criminal Code gives a substantive definition of a crime not as an act forbidden by the statute, but as "any act of commission or omission directed against the Soviet regime or violating the legal order established by the Soviet government" (Sections 1,6).

Thus, it may happen that an act comes within this definition but is not, nevertheless, specified as a crime in the Special Part of the code among the particular crimes. In such instances the Soviet codes instruct the courts to resort to analogy [Section 16 of the RSFSR Criminal Code], in defiance of the maxim nullum crimen sine lege, for application of penalty by virtue of mere resemblance of the act committed to the statutory definition....

Thus, under the Soviet codes, an individual may be legally punished in court for an act which is not characterized as crime by the code and, vice versa, may not be punished for an act directly specified as a crime in the code.

In addition to this general invitation to arbitrariness, a more definite invitation is offered by the provisions relating to individual crimes....

In connection with the preparation of a new code, the Soviet jurists discuss vigorously the problem of whether or not the analogy of crime should be retained in the new code. (27) It may be noted that if the definitions of individual crimes are loose and broad and if there are in addition group definitions... the analogy of crime may be dropped without making the code more liberal and still leaving great leeway for arbitrary imposition of punishment. Prohibition of application of criminal provisions by analogy protects the citizen only if it is connected with strict definitions of individual crimes.

FOOTNOTES

Chapter II

1. RSFSR Laws 1922, Text 153
2. USSR Laws 1924, Text 205
3. RSFSR Laws 1923, Text 782
4. USSR Laws 1927, Text 123
5. Ibidem.
6. RSFSR Laws 1926, Text 600
7. RSFSR Laws 1927, Text 330
8. Ukrainian Code of 21 June 1927, in force since 1 July,
Ukrainian Laws 1927, Text 132
Byelorussian Code of 23 November 1928, in force since
15 November, Byelorussian Laws 1928, Texts 287, 288
Uzbek Code of 16 June 1926
Tadjik, Georgian, Armenian, Turcoman and Azerbaijan Codes
were enacted in 1928
The RSFSR Code was put into effect in the Baltic
Republics, Estonia, Latvia, and Lithuania on
6 November 1940
9. Izvestia, 10 Feb 1957; Vedomosti, 1957, Text 63

Chapter III

10. Speech at the May 1922 Session of the Central
Executive Committee, Osnovnye Nachala
Sovetskogo Prava (Fundamentals of the Soviet Law),
Magerovskii, Ed., 2d ed., 1929, p 545
11. Stuchka, Kurs Sovetskogo Grazhdanskogo Prava
(Course in Civil Law), 1927, Vol 1, p 85
12. Krylenko, "Proekt Ugolovnogo Kodeksa R.S.F.S.R."
("On the Draft of a New Criminal Code"),
Sovetskoe Gosudarstvo i Pravo, 1935, No 1/2, p 86

Estrin, Sovetskoe Ugolovnoe Pravo, Chast' Obshchaia
(Soviet Criminal Law. General Part), 1935, p. 114

13. Piontkovskii, Marksizm i Ugolovnoe Pravo (Marxism and Criminal Law), 2d ed., 1929
14. Ferri, E., La Justice Penale (Penal Justice), 1898, p 11
Ferri, E., Sociologia Criminale (Criminal Sociology) (English translation) Boston, 1917, pp 336, 337
15. Ferri, Sociologia Criminale (Criminal Sociology) op.cit. 81
16. Cf., Gsovski, New Codes in the New Slavic Countries, Washington, D. C., 1934
17. Men'shagin, Ed., Ugolovnoe Pravo. Obshchaya Chast' (Criminal Law. General Part) 4th ed., 1948, p 269
18. "Printsipy Postroeniia Ugolovnoi Repressii v Proletarskom Gosudarstve" (Principles of Construction of Penal Repression in the Proletarian State) in Revoliutsiia Prava (Revolution of Law), 1927, No 2, p 92
19. For early Krylenko views, see N. V. Krylenko, Tri Proekta Reformy Ugolovnogo Kodeksa. Tezisy Doklada (Three Drafts of the Criminal Code. Thesis of the Report), 1931, passim

See also: Proekt Novogo Ugolovnogo Kodeksa RSFSR Instituta Prava i Sovetskogo Stroitel'stva Kommunisticheskoi Akademii (Draft of a New RSFSR Criminal Code, prepared by the Subsection of Criminal Law of the Institute of Law and Soviet Reconstruction of the Communist Academy, Introduction by Krylenko), 1930, passim

For Krylenko's own criticism of his views, see:
"The Draft of a Criminal Code of the USSR"
Sovetskoe Gosudarstvo i Pravo (Soviet State and Law) No 1/2, 93, passim; and

"Proiekt Ugolovnogo Kodeksa" (The Draft of a Criminal Code), 1934, Sovetskaia Iustitsiia, No 11, 9 passim

See also, Hazard, John, "Reforming Soviet Criminal Law," Journal of Criminal Law (1938), Vol 29, p 159

20. USSR Laws 1934, Text 255

21. Estrin, "O Vine i Ugolovnoi Otvetstvennosti v Sovetskom Prave"
(On Guilt and Criminal Responsibility in the Soviet Law)
in Sovetskoe Gosudarstvo i Pravo (Soviet State and Law)
1935, No 1/2, p 112: Criminal Law, General Part, Goliakov,
Ed., 1943, p 64, 218 et seq.
22. Estrin, op. cit., p 115
23. USSR Laws 1934, Text 282
24. USSR Laws 1935, Text 84
25. Lex. cit.

See also: Part II, Administration of Justice, Chapter VIII
26. Ugolovnyi Kodeks RSFSR (RSFSR Criminal Code)
as in force 15 January 1956 (1956), p 137 ff
27. Steingardt, Institut Analogii v Sovetskom Ugolovnom Prave,
(Analogy in the Soviet Criminal Law), 1955, passim;
Professors Piontkovskii, Strogovich, Romashkin,
Iakimenko, and Chervenko's articles in Izvestiia,
27 June, 2 July, 17 July 1957;
New York Times, 29 August 1957

II. LEGISLATION

[Comment: The following legislation pertinent to various provisions of the RSFSR Criminal Code, 1956 edition, was issued after its date of publication.]

On Applying the Ukase of the Presidium, Supreme Soviet USSR of 17 September 1955, "On Amnestying Soviet Citizens Who Collaborated With the Occupying Powers During the Great Patriotic War of 1941-1945," to Servicemen of the Soviet Army and Fleet Who Surrendered to the Enemy During the Patriotic War (Decree of the Presidium, Supreme Soviet USSR of 20 September 1956)

In connection with inquiries received concerning application of the ukase of the Presidium, Supreme Soviet USSR of 17 September 1955, "On Amnestying Soviet Citizens Who Collaborated With the Occupying Powers During the Great Patriotic War of 1941-1945," to former servicemen of the Soviet army and fleet who surrendered to the enemy during the Patriotic War, the Presidium, Supreme Soviet USSR explains that the ukase of 17 September 1955 also applies to former servicemen of the Soviet army and fleet who were sentenced for surrendering to the enemy under Sections 58-16 and 193-22 of the RSFSR Criminal Code and under corresponding sections of other union-republic criminal codes. Accordingly, the indicated persons are subject to being freed from further service of punishment; their criminal records shall be expunged and the rights of which they were deprived shall be restored. The criminal records of persons sentenced for these crimes who have served out their punishment or been released before completing their sentences shall also be expunged and the rights of which they were deprived shall be restored.

All cases currently under investigation and all cases not yet tried by the courts that relate to persons prosecuted for surrendering to the enemy during the Great Patriotic War are subject to dismissal. (Vedomosti Verkhovnogo Soveta SSSR 1956, Law No 411)

On Amnestying Japanese Citizens Convicted in the Soviet Union (Ukase of the Presidium, Supreme Soviet USSR of 13 December 1956)

In connection with the end of the state of war, and with the establishment of peaceful relations between the USSR and Japan, being guided by humanitarian principles the Presidium, Supreme Soviet USSR decrees:

1. All convicted Japanese citizens shall be liberated from places of confinement.

2. All Japanese citizens liberated from places of confinement shall be permitted to return home. (Vedomosti Verkhovnogo Soveta SSR 1956, Law No 528)

Law on Placing Under Union-Republic Jurisdiction Legislation on the Organization of Union-Republic Courts and on the Adoption of Civil, Criminal, and Procedural Codes (Law of 11 February 1957)

1. Legislation on the organization of union-republic courts and jurisprudence, as well as on adopting civil and criminal codes, shall be placed under the jurisdiction of the union republics, reserving to the jurisdiction of the USSR establishment of fundamentals of legislation on the judicial system and jurisprudence, and fundamentals of civil and criminal legislation.

2. In accordance with Section 1 of this law, Clause u, Section 14 of the USSR Constitution shall read as follows:

"u. establishment of fundamentals of legislation on the judicial system and jurisprudence, and fundamentals of civil and criminal legislation." (Vedomosti Verkhovnogo Soveta SSSR 1957, Law No 63)

Law on the Abolition of Transport Courts (Law of 12 February 1957)

In view of the significant decline in the number of crimes violative of normal railway and water transport operations, cases involving which are under the jurisdiction of transport courts, and with the aim of broadening the rights of union-republic judicial organs, the Supreme Soviet USSR decrees:

1. Line and okrug railway and water transport courts shall be abolished.

2. Union-republic judicial organs shall have jurisdiction over all cases presently under the jurisdiction of transport courts, and these cases shall be tried by people's courts, oblast courts, kray courts, and union- and autonomous-republic supreme courts on a basis analogous to their established jurisdictions.

3. The Supreme Court USSR shall submit for consideration to the Presidium, Supreme Soviet USSR a list of legislative acts which are no longer in force by virtue of the passage of this law. (Vedomosti Verkhovnogo Soveta SSR 1957, Law No 86)

[Legislative acts no longer in force by virtue of the passage of the law abolishing transport courts (above) are listed in Vedomosti Verkhovnogo Soveta SSSR 1957, Law No 274.]

On Amending and Supplementing the Statute on Military Crimes (Ukase of the Presidium, Supreme Soviet USSR of 15 February 1957)

The Presidium, Supreme Soviet USSR decrees:

1. Sections 7, 8, 10, 20, 21, and 22 of the Statute on Military Crimes of 27 July 1957 (USSR Laws 1927, Law No 505) shall be amended to read as follows:

"7. a. Desertion, that is, leaving a military unit or place of service for the purpose of evading performance of military duties, or failure to report, for the same purpose, to the unit or place of service upon assignment or transfer, return from an official mission, leave, or a medical establishment, if committed by any private or noncommissioned officer on regular-term service (srochnaya sluzhba), shall be punished by:

"Confinement for a period of from 3 to 5 years.

"b. The same act, if committed in time of war, shall be punished by:

"The supreme measure of punishment: death by shooting; or, if there are extenuating circumstances, by confinement for a period of not less than 5 years.

"c. Desertion, if committed by any commissioned officer or by any serviceman on extra-term service (sverkhsrochnaya sluzhba), shall be punished by:

"Confinement for a period of from 5 to 7 years.

"d. The same act, if committed in time of war, shall be punished by:

"The supreme measure of punishment: death by shooting; or, if there are extenuating circumstances, by confinement for a period of not less than 7 years.

"8. a. The unauthorized leaving of a unit by any private or non-commissioned officer on regular-term service, or failure to report on time without good reason at the unit or place of service upon discharge from the unit, assignment or transfer, return from an official mission, leave, or a medical establishment -- if the unauthorized absence lasts for more than three 24-hour periods -- shall be punished by:

"Confinement for a period of from one to 5 years.

"b. The same act, if committed in time of war, shall be punished by:

"Confinement for a period of not less than 5 years.

"c. Unauthorized leaving of a unit or place of service by any commissioned officer or a serviceman on extra-term service, or his failure to report to the unit or place of service without good reason -- if the unauthorized absence lasts for more than ten 24-hour periods -- shall be punished by:

"Confinement for a period of from one to 5 years.

"d. The same act, if committed in time of war, and if the absence lasts for more than 24 hours, shall be punished by:

"Confinement for a period of not less than 5 years."

"10. a. Absence without leave from a unit or place of service committed by any serviceman on regular-term service, or his failure to report on time without good reason upon discharge from a unit, assignment or transfer, return from an official mission, leave, or a medical establishment -- if the unauthorized absence lasts longer than one 24-hour period but not longer than three 24-hour periods, or if it lasts less than one 24-hour period but has been committed more than once in the course of a period of 3 months -- shall be punished by:

"Assignment to a disciplinary battalion for a period of from 3 months to 2 years.

"b. The same act, if committed in time of war, shall be punished by:

"Confinement for a period of not less than 2 years.

"Commission of the act specified in Clause a of this section by any serviceman serving in a disciplinary battalion shall be punished by:

"Confinement for a period not exceeding 3 years."

"20. Any commander who surrenders to the enemy the military forces entrusted to him, or who abandons to the enemy, destroys, or renders unserviceable any fortress, warship, flying machine, artillery, military depot, or other means for waging war, and any commander who fails to take the proper measures to destroy or render unserviceable any of the previously enumerated means of waging war, if they are in immediate danger of capture by the enemy and all means for saving it have been tried -- provided that none of the acts specified in this section is committed for the purpose of aiding the enemy, albeit in contravention of military regulations -- shall be punished by:

"Confinement for a period of not less than 3 years; or, if there are aggravating circumstances, by the supreme measure of punishment: death by shooting.

"21. Any unauthorized deviation by any commanding officer from the battle orders given him, provided that the act is not committed for the purpose of aiding the enemy, albeit in contravention of military regulations, shall be punished by:

"Confinement for a period of not less than 3 years; or, if there are especially aggravating circumstances, by the supreme measure of punishment: death by shooting.

"22. Unauthorized departure from the battlefield during combat or refusal to use one's weapons in combat shall be punished by:

"The supreme measure of punishment: death by shooting."

2. Sections 3-1, 14-1, 14-2, 14-3, 15-1, 22-1, 22-2, and 32 shall be added to the Statute on Military Crimes and shall read as follows:

"3-1. a. Any threat to kill, cause bodily injury to, or beat a commanding officer in connection with the performance of his official duties, shall be punished by:

"Confinement for a period of from one to 3 years."

"b. The same act, if committed in time of war, shall be punished by:

"Confinement for a period of not less than 3 years."

"14-1. Any violation of regulations governing the driving or use of combat or transport vehicles which results in an accident involving persons or in any other serious consequence, shall be punished by:

"Confinement for a period of from 3 to 10 years."

"14-2. Any violation of the regulations governing aerial flight or preparation therefor which results in a wreck or in any other serious consequence, shall be punished by:

"Confinement for a period of from 3 to 10 years.

"14-3. Any violation of the regulations governing ship navigation which results in the loss of or any serious damage to a vessel, in loss of human life, or in any other serious consequence, shall be punished by:

"Confinement for a period of from 3 to 10 years."

"15-1. a. Any violation of the regulations governing border service committed by any member of any detail protecting the state borders of the USSR, shall be punished by:

"Confinement for a period of from one to 3 years.

"b. If the same act results in serious consequences, it shall be punished by:

"Confinement for a period of not less than 3 years.

"c. Commission of the act specified in Clause a of this section, if attended by extenuating circumstances, shall be punished by disciplinary action.

"15-2. a. Any failure to execute the regulations governing the performance of service in radio-technical posts, in duty subunits (dezhurnoye podrazdeleniye), or in any other installation intended to prevent violation of the air or sea space of the USSR, shall be punished by:

"Confinement for a period of from one to 3 years.

"b. If the same act results in serious consequences or is committed in time of war, it shall be punished by:

"Confinement for a period of not less than 3 years.

"c. Commission of the act specified in Clause a of this section, if attended by extenuating circumstances, shall be punished by disciplinary action."

"22-1. Voluntary surrender to the enemy through cowardice or faintheartedness shall be punished by:

"The supreme measure of punishment: death by shooting; or, if there are extenuating circumstances, by confinement for a period of from 7 to 10 years.

"22-2. Voluntary participation by any serviceman while a prisoner of war in any work of military importance or in any other activity that he knows might be harmful to the Soviet Union or to its allies -- if elements of treason are not involved -- shall be punished by:

"Confinement for a period of from 3 to 10 years.

"b. The commission of any act of violence upon any other prisoner of war, or the infliction of cruel treatment on any such person, if committed by any prisoner of war who is of senior status with regard to the other prisoner of war, shall be punished by:

"Confinement for a period of from 3 to 10 years.

"c. Any act committed by a serviceman while a prisoner of war that is directed to the detriment of the rights and legitimate interests of any other prisoner of war of any nationality -- if the commission of such an act proceeds from mercenary motives or has the purpose of securing lenient treatment for himself from the enemy -- shall be punished by:

"Confinement for a period of from one to 3 years."

"32. When any serviceman is sentenced in time of war to confinement without deprivation of rights in accordance with Section 19-2 of the 'Basic Principles of Criminal Legislation of the USSR and of the Union Republics,' execution of his sentence may be postponed by the court which pronounced the sentence, until the termination of military operations, the serviceman being assigned to a punishment unit.

"If any such serviceman proves himself a staunch defender of the USSR, the court may decide -- pursuant to the request of the appropriate military command -- to remit or commute to a less severe measure the punishment previously imposed."

3. Sections 11 and 24 shall be stricken from the Statute on Military Crimes.

4. Confiscation of property, as provided for in Sections 2, 9, 10-1, 12, 25, 27, and 28 of the Statute on Military Crimes, shall cease to be applied as a measure of criminal punishment.

5. The presidiums of supreme soviets of union republics shall insert in union-republic criminal codes the amendments and supplementary provisions prescribed by this ukase. (Vedomosti Verkhovnogo Soveta SSSR 1957, Law No 100)

On the Manner of Applying the Ukase of the Presidium of the Supreme Soviet USSR of 15 February 1957, "On Amending the Statute on Military Crimes" (Decree of the Presidium, Supreme Soviet USSR of 29 March 1957)

Considering that, in accordance with Section 3 of the "Fundamentals of Criminal Jurisprudence of the USSR and the Union Republics," the ukase of the Presidium, Supreme Soviet USSR of 15 February 1957, "On Amending and Supplementing the Statute on Military Crimes," is retroactive as regards the remission or mitigation of criminal punishments, the Presidium, Supreme Soviet USSR decrees:

1. Questions connected with the application of Sections 7, 8, and 10 of the version of the statute established by the ukase of the Presidium, Supreme Soviet USSR of 15 February 1957, "On Amending and Supplementing the Statute on Military Crimes," to cases which arose prior to the issuance of the ukase, shall be reviewed as follows:

a. By the appropriate investigative or judicial organ -- as regards persons whose cases are being processed by an investigative or judicial organ;

b. By the headquarters of disciplinary battalions and military prosecutors -- as regards persons who are serving sentences in disciplinary battalions.

c. By administrations (administratsiya) of places of confinement -- as regards privates and sergeants on regular-term service who have been sentenced for desertion to more than 5 years (and have served 5 years) of confinement in accordance with Clause d of Section 193-7, and Clause a of Section 193-10 of the RSFSR Criminal Code and corresponding sections of other union-republic criminal codes. These persons shall be subject to immediate release from the place of confinement.

d. By the nearest military tribunal, in accordance with the provisions of Sections 461 and 462 of the RSFSR Criminal Procedural Code (and of corresponding sections of other union-republic criminal procedural codes), upon the recommendation of the administration of the place of confinement, with the concurrence of a prosecutor -- as regards all other persons who are serving sentences in places of confinement for the aforementioned crimes. In this connection, persons sentenced in accordance with Clause d of Section 193-7 of the RSFSR Criminal Code (and with corresponding sections of the criminal codes of other union republics) for leaving their units without authorization (failure to report on time for duty without good reason), for a period of from one to three 24-hour periods, provided that these crimes were not committed for the purpose of evading military service, shall be released from places of confinement; their criminal records shall be expunged, and they shall be placed at the disposition of rayon military commissariats at their respective places of residence. The indicated questions, including that of fixing separate punishments in cases in which sentencing for a combination of crimes is involved, shall be decided on the basis of the documents contained in the dossier of the imprisoned person, including, if necessary, his criminal case-file.

2. Questions connected with the application of the ukase of 15 February 1957 to persons serving sentences in places of confinement for crimes covered by Sections 14-1, 14-2, and 14-3 of the Statute on Military Crimes (including the question of relieving of punishment persons who have served 10 years), shall be decided by the nearest military tribunal in accordance with the provisions of Sections 461 and 462 of the RSFSR Criminal Procedural Code (and with corresponding sections of other union-republic criminal procedural codes). These questions shall not be decided without consulting appropriate judicial case-files.

3. Be it understood that Section 4 of the ukase of 15 February 1957 shall apply both to cases tried by military tribunals after it was issued and to those that were tried by the courts prior to its issuance, provided that the part of the sentence which prescribes confiscation of property has not been executed." (Vedomosti Verkhovnogo Soveta SSSR 1957, Law No 221)

[Comment: In addition to the foregoing, the following legislation pertinent to the provisions of the RSFSR Criminal Code has also been published subsequent to the date of coverage of the 1956 edition:

1. "On Revoking the Liability of Workers and Employees to Punishment by Judicial Action for Quitting Work in Enterprises and Institutions and for Absence From Work Without Sufficient Cause," ukase of the Presidium, Supreme Soviet USSR of 25 April 1956 (Vedomosti Verkhovnogo Soveta SSSR 1956, Law No 203).

2. "On Establishing a List of Information that Constitutes a State Secret, the Disclosure of Which Shall be Punished by Law," decree of the Council of Ministers USSR of 28 April 1956, published in Ugolovnyy Kodeks RSFSR (RSFSR Criminal Code), 1957 edition, page 143. This decree supersedes the decree of the Council of Ministers USSR dated 8 June 1947, of the same title, which appears in Appendix A., "Legislative Acts and Judicial Rulings," of the foregoing translation of the RSFSR Criminal Code, 1956 edition.

3. "On Putting to Work Gypsies Who Lead a Vagabond Existence," ukase of the Presidium, Supreme Soviet USSR of 5 October 1956 (Vedomosti Verkhovnogo Soveta SSSR 1956, Law No 450).]

I N D E X

This index covers the serially numbered sections of the RSFSR Criminal Code, 1956 edition, and its two integral appendixes. The index does not cover items listed under "Supplementary Material."

The abbreviation "Sec," followed by a number or numbers, designates: (1) one or more of the consecutively numbered sections comprising the text of the code, and (2) if the numbers are in parentheses, numbered items in the appended "Annotations on Sections of the Code" (each annotation has the same number as the section of the code to which it relates).

The abbreviation "p," followed by a number or numbers, refers to one or more pages in the appended "legislative Acts and Judicial Rulings."

A

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