

Finnish Penal Code (Excerpts)

Ministry of Justice, Finland

Chapter 2: Punishments

- 1 [19 July 1974/613] (1) The general punishments shall be imprisonment, fine and summary penal fee.

(2) The special punishments for civil servants shall be removal from office and warning. [8 September 1989/792]

(3) The disciplinary punishments for a soldier and another person subject to ch. 45 shall be detention, confinement to barracks, disciplinary fine and warning. Separate provisions apply to the same. When provisions with disciplinary punishment as their sanction apply to a person not subject to ch. 45, he shall instead be sentenced to a fine. [12 April 1991/651]
- 2 [19 April 1991/697] (1) A sentence of imprisonment shall be passed either for a fixed period or for life. A sentence of imprisonment for a fixed period shall be at least fourteen days and at most twelve years or, when sentencing to a joint punishment in accordance with ch. 7, at most fifteen years.

(2) A sentence of imprisonment shorter than three months shall be meted out in full days. Other sentences of imprisonment for a fixed period shall be meted out in full months and days, full months, full years or full years and months and, when sentencing to a joint punishment, also in full years, months and days.
- 3 [19 July 1974/613] (1) Where an offence is by law punishable by hard labour, a sentence of imprisonment shall be passed instead of the hard labour.

(2) A sentence of life imprisonment shall be passed instead of hard labour for life. A sentence of imprisonment for a fixed period shall be passed instead of hard labour for a fixed period; the sentence scale provided for the hard labour shall be used. If no specific minimum and maximum periods have been provided, a sentence of imprisonment for at least six months and at most twelve years shall be passed instead of the hard labour.

(3) Unless otherwise provided, the maximum period of imprisonment on the basis of a penal provision enacted before 1 July 1975 shall be four years.

(4) The provisions on hard labour for life apply also to life imprisonment.
- 4 [29 July 1976/650] (1) A sentence of a fine shall be passed in day-fines. The smallest fine shall be one day-fine and the largest one hundred and twenty day-fines. The maximum and minimum for a joint punishment to a fine are provided in ch. 7. [19 April 1991/697]

(2) A specific minimum or maximum fine may, for a special reason, be provided by an Act. A specific minimum or maximum provided by an Act enacted before 1 June 1969 does not apply.

(3) Separate provisions apply to the summary penal fee, which is of a fixed amount in FIM. [21 January 1983/67]

- 4a [29 July 1976/650] (1) A day-fine shall be set in full FIM at an amount that is to be deemed reasonable, at the time of sentencing, with regard to the solvency of the person fined.
- (2) One third of the average gross daily income of the person fined shall be deemed a reasonable day-fine, unless the day-fine is to be set at a larger or smaller amount due to the wealth or maintenance liability of the person fined, or to other circumstances affecting his solvency. However, the day-fine shall not be set at an amount larger than what is left to the person fined after payment of state and local income taxes. Provisions are issued by Decree on the minimum amount of the day-fine and on the guidelines for taking the maintenance liability into consideration.
- (3) Gross income means the sum total of all wages and salaries, professional income, capital income and other income of the person fined, subtracted by the expenditure incurred by the acquisition or maintenance of income, where such expenditure has an essential effect on his solvency.
- 4b [29 July 1976/650] (1) The provisions in s4 and s4a apply to a threat of a fine, imposed as a punishment.
- (2) Where imposed as a coercive measure, the threat of a fine shall be set in full FIM, taking into consideration also the solvency of the person in question. For special reasons, such a threat of a fine may be enforced at an amount smaller than the one set.
- 4c [8 December 1989/1082] A minimum for the sum total in FIM of day-fines may be fixed by Decree for situations where the sum total of day-fines set according to s4a would be less than the summary penal fee set for a similar but pettier offence.
- 5 [29 August 1986/650] (1) A person who has been sentenced to a fine and from whom the collection of the fine has failed, shall be sentenced to imprisonment in lieu of the fine (conversion sentence). A day-fine that is only partially paid, shall, when passing a conversion sentence, be considered unpaid. When passing a conversion sentence, every full FIM 50 of a threat of a fine, imposed in FIM, shall correspond to one day-fine.
- (2) When passing a conversion sentence, two unpaid day-fines shall correspond to one day's imprisonment. However, a conversion sentence shall be passed for at least four days and at most ninety days. If there is an odd number of day-fines to be converted, one day-fine shall be left unconverted.
- (3) If two or more fines are to be converted at the same time, only one conversion sentence shall be passed, by converting the total number of unpaid day-fines as provided in (2).
- (4) If, with regard to the reasons for the failure to pay the fine, or for another special reason, it is deemed appropriate, a conversion sentence can be passed shorter than what is provided in (2), but not shorter than four days. The court may waive a conversion sentence for special reasons concerning the personal circumstances of the person fined, unless it is necessary to pass it in order to uphold the general obedience to the law.
- 6 If a punishment is to be set on the basis of the value of given property, the value of the property at the time of the commission of the offence shall be decisive.
- 7 [8 September 1989/792] (1) Removal from office shall comprise the loss of the office or the public function in which the offence was committed. If an official who is in the civil service or has a comparable employment relationship with a public corporation or an independent public institution

has transferred from the office in which the offence was committed to another corresponding office, the removal from office shall comprise the loss of the said latter office.

(2) In cases referred to in s10 the removal from office shall comprise the loss of the office and public function or the offices and public functions that the convict has at the time of conviction.

8 [Repealed by the Act of 8 September 1989/792]

9 [Repealed by the Act of 8 September 1989/792]

10 (1) An official sentenced to life imprisonment shall also be sentenced to removal from office. The same applies when the official is sentenced to imprisonment for a fixed period of at least two years, except if the court deems that the offence does not indicate that the convict is unsuitable for office.

(2) If an official is sentenced to imprisonment for an intentional offence, for less than two years, he may at the same time be sentenced to removal from office, if the offence indicates that he is manifestly unsuitable for office. [8 September 1989/792]

(3) However, a member of a body of representatives of a public corporation, elected in a general election, shall not be sentenced to removal from the said office by virtue of this section. [8 September 1989/792]

11 [Repealed by the Act on the Abolition of Certain Supplementary Sanctions, 10 January 1969/1]

12 [8 September 1989/792] (1) In this Act civil servant means:

- 1) a person who is in the service of, or in a corresponding employment relationship with, the state, a municipality, a federation of municipalities or another organ of municipal co-operation, the Evangelical Lutheran church or the Greek Orthodox church or a congregation thereof or an organ of congregational co-operation, or the Province of Åland, or the Bank of Finland, the Social Insurance Institution or another independent state institution, the Institute of Occupational Health, the Pensions Institute of Local Authorities or the Commission for Local Authority Employers;
- 2) a municipal councillor or another member of a body of representatives of a public corporation mentioned in 1), elected in a general election, except for a Member of Parliament in his parliamentary duties, as well as a member of an organ, eg. a municipal executive board, panel, board of directors, committee, board and advisory board, of a public corporation or institution mentioned in 1), and other elected official of a public corporation or institution mentioned in 1); and
- 3) a person who on the basis of an Act, a Decree or an order based on an Act or Decree exercises public authority in a corporation other than those mentioned in 1), and a person, who elsewhere exercises public authority on the said basis.

(2) In this Act employee of a public corporation means a person who is employed under contract by a public corporation or institution mentioned in (1)1).

13 [20 April 1990/352] (1) If a convicted prisoner, while in a penitentiary or otherwise under the supervision of a prison authority, commits an offence that according to general law would be punished by a fine, he shall be subjected to a disciplinary punishment within the institution, as

separately provided. If the offence is deemed to require a more severe punishment than a fine, charges against the offender shall be brought before a court.

(2) If a person referred to in (1) is convicted in a court for an offence, the disciplinary punishment for which he has suffered completely or partially, the sentence shall be subject to a reasonable reduction, unless there are justifiable grounds for not reducing the sentence or for considering the disciplinary punishment a full punishment for the act.

(3) If a convicted prisoner commits an offence outside of an institution, charges against him shall be brought before a court.

14 [Repealed by the Act on the Abolition of Certain Supplementary Sanctions, 10 January 1969/1]

14a (1) A person convicted for treason or high treason, or sentenced to imprisonment for another offence for at least two years, shall be sentenced to forfeit his military rank, unless such forfeiture, with regard to the nature of the offence, its causes and effects and the other consequences of the loss of military rank to the offender, is to be deemed unreasonable. [21 April 1995/578]

(2) [Repealed by the Act of 10 January 1969/2]

(3) [Repealed by the Act of 25 March 1983/321]

15 (1) The times to be determined on the basis of this Code in years or months shall be counted by the calendar. A day shall equal a day and a night.

(2) [Repealed by the Act of 19 April 1991/697]

16 [13 May 1932/143] (1) The financial benefit of the offence to the offender or to the person whom he has been acting for or on behalf of shall be estimated at the discretion of the court and declared forfeited regardless of whether charges have been brought against the person whom the offender has been acting for.

(2) If the offence is habitual or professional, the amount to be declared forfeited shall be estimated taking the scope of the criminal activity into account as a whole.

(3) If an offence has been committed, an object or property which belongs to the offender or to the person whom he has been acting for or on behalf of and which was used in the commission of the offence or which was solely or primarily prepared or procured for the commission of the offence, may be declared forfeited even if such a sanction is not specifically provided for the offence.

(4) The amount forfeited and the value of the object or property which the court has declared forfeited without ordering the object or property to be destroyed shall pass to the state. However, any compensation that cannot be collected from the offender shall be taken from the value of the object or the property. An action for the same shall be brought within one year of the date when the court decision on the forfeiture of the object or the property became final. When an object or property is declared forfeited by virtue of (3), also a person who has in good faith obtained a mortgage, lien or attachment to the object or the property, as security for a debt, shall receive payment from the value of said object or property, regardless of whether the debt has become due and payable; however, an action for the same shall be brought within the period referred to above, under threat of annulment of the mortgage, lien or attachment. [31 May 1974/413]

(5) Separate provisions apply to the retention of the forfeited object or property, as such, for the state, at the same time rendering the state liable for the compensation or debt referred to in (4).

- 17 If the contents of a publication, writing or pictorial presentation are declared to be offensive, the copies in the possession of the author, publisher, editor, producer, distributor, exhibitor or seller, as well as the plates and the patterns which are solely intended for the production of said product, regardless of their ownership, shall be declared forfeited and rendered unusable. If only a part of the said product is found to be offensive and if it can easily be separated from the other parts, only the offending portion and the corresponding plates and patterns are to be declared forfeited and rendered unusable.
- 18 In certain cases also sanctions other than those referred to here shall be used, as separately provided in this Code.

THE PENAL CODE

Chapter 16. Offences against public authorities.

Section 13. Bribery.

- (1) A person who to a public official, to an employee of public corporation, to a soldier, to a person in the service of the European Communities, to an official of another Member State of the European Union, or to a foreign public official, for his actions in service, promises, offers, or gives a gift or other benefit, intended to the said person or to another, that affects or is intended to affect or is conducive to affecting the actions in service of the said person, shall be sentenced for *bribery* to a fine or to imprisonment for at most two years.
- (2) A person who, for the actions in service of a public official or another person mentioned in (1), promises, offers, or gives a gift or other benefit mentioned in the said paragraph to another person, shall also be sentenced for bribery.

Section 14. Aggravated bribery.

If in the bribery

- (3) the gift or benefit is intended to make the person act in service contrary to his duties with the result of considerable benefit to the briber or to another or of considerable loss or detriment to another; or
- (4) the value of the gift or benefit is considerable, and the bribery, also when assessed in whole, is to be deemed aggravated, the offender shall be sentenced for aggravated bribery to imprisonment for at least four months and at most four years.

Section 20. Definitions.

- (1) A person in the service of the European Communities means any person who is in a permanent or temporary service relationship with the European Parliament, the Council of the European Union, the European Commission, the Court of Justice of the European Communities, the Court of Auditors, the Committee of the Regions, the Economic and Social Committee, the European Ombudsman, the European Investment Bank, the European Central Bank, or another body founded on the basis of the Treaties underlying the European Communities, or who performs a task on assignment for an institution of the European Communities or another body founded on the basis underlying the European Communities.
- (2) An official of another Member State of the European Union means any person who according to the legislation of that State is subject to criminal liability as a public official or authority.
- (3) Foreign public official means any person who in a foreign State has been appointed or elected to a legislative, administrative or judicial office or duty, or who otherwise performs a public duty for a foreign State, or who is an official or agent of an international organisation under public law.