Romanian Criminal Code

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GENERAL PART

Title I. Criminal law and its scope of application

Chapter I. General principles

Article 1. The legality of incrimination. (1) Criminal law provides for the acts which constitute criminal offenses.

(2) No person may be subject to a criminal law sanction for an act that was not provided by criminal law at the time it was committed.

Article 2. The legality of criminal law sanctions. (1) Criminal law provides for the applicable penalties and the educational measures that may be taken against persons who have committed criminal offenses, as well as the security measures that may be taken against persons who have committed acts provided by criminal law.

(2) No penalty may be applied, nor may any educational or security measure be taken, unless it was provided by criminal law at the time the act was committed.

(3) No penalty may be established and applied outside its general statutory limits.

Chapter II. Application of criminal law

Section 1. Temporal application of criminal law

Article 3. Temporal applicability of criminal law. Criminal law applies to criminal offenses committed during the period in which it is in force.

Article 4. Application of the criminal law of decriminalization. Criminal law does not apply to acts committed under the former law if such acts are no longer provided by the new law. In such cases, the enforcement of penalties, educational measures, and security measures imposed under the former law, as well as all criminal consequences arising from judicial decisions relating to those acts, cease upon the entry into force of the new law[1].

Article 5. Application of the more favorable criminal law until the final judgment of the case. (1) Where, from the commission of a criminal offense

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[1] We note that, by Decision No. 651/2018 (Official Gazette No. 1083 of December 20, 2018), the Constitutional Court admitted the plea of unconstitutionality and ruled that the legislative solution provided in Article 4 of the Criminal Code, which does not equate the effects of a decision of the Constitutional Court finding the unconstitutionality of an incriminating provision with those of a criminal law of decriminalization, is unconstitutional. By Law No. 200/2023, paragraph (3) was introduced into Article 3 of Law No. 187/2012, in accordance with the rulings of the Constitutional Court.

until the final judgment of the case, one or more criminal laws entered into force, the more favorable law applies.

(2) The provisions of paragraph (1) also apply to normative acts or provisions thereof declared unconstitutional, as well as to emergency ordinances approved by Parliament with amendments or additions or rejected, provided that, during the period in which they were in force, they contained more favorable criminal provisions.

Unconstitutionality. By Decision No. 265/2014 (Official Gazette No. 372 of May 20, 2014), the Constitutional Court admitted the plea of unconstitutionality and ruled that **the provisions of Article 5 of the Criminal Code are constitutional insofar as they do not allow the combination of provisions from successive laws in determining and applying the more favorable criminal law**.

Article 6. Application of the more favorable criminal law after the final judgment of the case. (1) Where, after a judgment of conviction becomes final and until full enforcement of the penalty of imprisonment or criminal fine, a law enters into force providing for a lighter penalty, the penalty applied, if it exceeds the special statutory maximum provided by the new law for the criminal offense committed, is reduced to that maximum.

(2) Where, after a judgment of conviction to life imprisonment becomes final and before it has been fully served, a law enters into force providing only for the penalty of imprisonment for the same act, the penalty of life imprisonment is replaced by the maximum term of imprisonment provided for that criminal offense.

(3) Where the new law provides only for a criminal fine instead of the penalty of imprisonment, the penalty applied is replaced by a criminal fine, without exceeding the special statutory maximum provided by the new law. Taking into account the part of the penalty of imprisonment already served, payment of the criminal fine may be waived in whole or in part.

(4) Educational measures that have not been carried out and are no longer provided by the new law are no longer carried out, and those having an equivalent under the new law are carried out within the content and limits provided by the new law, if it is more favorable.

(5) Where the new law is more favorable under the conditions set out in paragraphs (1)-(4), complementary penalties and security measures that have not been carried out and are no longer provided by the new law are no longer carried out, and those having an equivalent under the new law are carried out within the content and limits provided by that law.

(6) Where the new law is more favorable only with regard to complementary penalties or security measures, they are carried out within the content and limits provided by the new law.

(7) Where a provision of the new law concerns penalties applied on a final basis, account is taken, in respect of penalties carried out up to the date of the entry into force of the new law, of the penalty as reduced or replaced in accordance with paragraphs (1)-(6).

Article 7. Application of temporary criminal law. (1) Temporary criminal law applies to criminal offenses committed during the period in which it was in force, even if the act was not prosecuted or judged during that period.

(2) *Temporary criminal law* is the criminal law that either specifies the date on which it ceases to be in force or whose application is limited by the temporary nature of the circumstances that required its enactment.

Section 2. Jurisdictional application of the criminal law

Article 8. Territorial jurisdiction. (1) Romanian criminal law applies to criminal offenses committed on the territory of Romania.

(2) *The territory of Romania* comprises the land area, the territorial sea and waters, together with the soil, subsoil and airspace, within the state borders.

(3) A criminal offense is deemed to have been *committed on the territory of Romania* if it was committed within the territory referred to in paragraph (2) or on a vessel flying the Romanian flag or on an aircraft registered in Romania.

(4) A criminal offense is also deemed to have been committed on the territory of Romania where an act of execution, instigation or complicity took place there, or where the result of the criminal offense occurred, even partially, on that territory or on a vessel flying the Romanian flag or on an aircraft registered in Romania.

Article 9. Active personality jurisdiction. (1) Romanian criminal law applies to criminal offenses committed outside the territory of the country by a Romanian citizen or a Romanian legal person, if the penalty provided by Romanian law is life imprisonment or imprisonment exceeding 10 years.

(2) In other cases, Romanian criminal law applies to criminal offenses committed outside the territory of the country by a Romanian citizen or a Romanian legal person if the act is also defined as a criminal offense by the criminal law of the state where it was committed or if it was committed in a place that is not subject to the jurisdiction of any state.

(3)[1] The initiation of the criminal action requires the prior authorization of the Prosecutor General of the Prosecutor's Office attached to the Court of Appeal within whose territorial jurisdiction the first-seized Prosecutor's Office is located or, as the case may be, of the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice. The authorization

[1] Paragraph (3) of Article 9 is reproduced as amended by Article 245 point 1 of Law No. 187/2012.

is issued within a period of up to 30 days from the date of submission of the request and may be extended, under the conditions provided by law, without the total duration exceeding 180 days.

Article 10. Protective jurisdiction. (1) Romanian criminal law applies to criminal offenses committed outside the territory of the country by a foreign citizen or a stateless person against the Romanian State, against a Romanian citizen or against a Romanian legal person.

(2) The initiation of the criminal action requires the prior authorization of the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice and only if the act is not subject to judicial proceedings in the state on whose territory it was committed.

Article 11. Universal jurisdiction. (1) Romanian criminal law also applies to criminal offenses other than those referred to in Article 10, committed outside the territory of the country by a foreign citizen or a stateless person who is voluntarily present on the territory of Romania, in the following cases:

a) a criminal offense has been committed in respect of which the Romanian State has undertaken, under an international treaty, an obligation to prosecute, regardless of whether it is provided by the criminal law of the state on whose territory it was committed;

b) extradition or surrender of the criminal offender has been requested and refused.

(2) The provisions of paragraph (1) letter b) do not apply where, under the law of the state in which the criminal offense was committed, there are grounds preventing the initiation of the criminal action, the continuation of the criminal proceedings or the enforcement of the penalty, or where the penalty has been enforced or is considered to have been enforced.

(3) Where the penalty has not been enforced or has been enforced only in part, the applicable provisions on the recognition of foreign judgments apply.

Article 12. Criminal law and international treaties. The provisions of Articles 8-11 apply unless otherwise provided by an international treaty to which Romania is a party.

Article 13. Immunity from jurisdiction. Criminal law does not apply to criminal offenses committed by diplomatic representatives of foreign states or by other persons who, in accordance with international treaties, are not subject to the criminal jurisdiction of the Romanian State.

Article 14. Extradition. (1) Extradition may be granted or requested on the basis of an international treaty to which Romania is a party or on the basis of reciprocity, in accordance with the law.

(2) The surrender or extradition of a person in relations with the Member States of the European Union is granted or requested in accordance with the law.

(3) The surrender of a person to an international criminal tribunal is granted in accordance with the law.

Title II. The criminal offense

Chapter I. General provisions

Article 15. Essential elements of the criminal offense. (1) A *criminal offense* is an act provided by criminal law, committed with culpability, unjustified, and imputable to the person who committed it.

(2) The criminal offense is the sole basis for criminal liability.

Article 16. Culpability. (1) An act constitutes a criminal offense only if it is committed with the form of culpability required by criminal law.

(2) There is culpability where the act is committed with intent, by fault, or with exceeded intent.

(3) An act is committed with intent where the perpetrator:

a) foresees the result of the act and seeks to bring it about by committing that act;

b) foresees the result of the act and, although not seeking it, accepts the possibility of its occurrence.

(4) An act is committed by fault where the perpetrator:

a) foresees the result of the act but does not accept it, unreasonably assuming that it will not occur;

b) does not foresee the result of the act, although it should and could have been foreseen.

(5) There is exceeded intent where an act consisting of an intentional action or omission produces a more serious result, which is due to the perpetrator's fault.

(6) An act consisting of an action or omission constitutes a criminal offense where committed with intent. An act committed by fault constitutes a criminal offense only where expressly provided by law.

Article 17. Commission of a commissive criminal offense by omission. A commissive criminal offense that requires the occurrence of a result is also deemed to have been committed by omission where:

a) there is a legal or contractual obligation to act;

b) the author of the omission, through a prior action or omission, created, for the protected social value, a state of danger that facilitated the occurrence of the result.

Chapter II. Justifying grounds

Article 18. General provisions. (1) An act provided by criminal law does not constitute a criminal offense where any of the justifying grounds provided by law exists.

(2) The effect of justifying grounds also extends to participants.

Article 19. Self-defense. (1) An act provided by criminal law and committed in self-defense is justified.

(2) A person acts in self-defense where the act is committed in order to repel a material, direct, immediate, and unjust attack that endangers that person, another person, their rights, or a general interest, provided that the defense is proportionate to the seriousness of the attack.

(3) A person is presumed to have acted in self-defense, under the conditions set out in paragraph (2), where the act is committed in order to repel the unlawful entry of a person into a dwelling, room, annex, or enclosed area pertaining thereto, by violence, deception, forced entry, or other similar unlawful means, or during the nighttime.

Article 20. State of necessity. (1) An act provided by criminal law and committed in a state of necessity is justified.

(2) A person acts in a state of necessity where the act is committed in order to save the life, bodily integrity, or health of that person or of another person, an important asset of that person or of another person, or a general interest, from an immediate danger that could not otherwise be averted, provided that the consequences of the act are not manifestly more serious than those that would have occurred had the danger not been averted.

Article 21. Exercise of a right or performance of an obligation. (1) An act provided by criminal law consisting in the exercise of a right recognized by law or in the performance of an obligation imposed by law is justified, subject to the conditions and limits set forth therein.

(2) An act provided by criminal law consisting in the performance of an obligation imposed by the competent authority, in the form provided by law, is likewise justified, unless the obligation is manifestly illegal.

Article 22. Consent of the injured person. (1) An act provided by criminal law and committed with the consent of the injured person is justified, where that person was legally entitled to dispose of the protected social value that was harmed or endangered.

(2) The consent of the injured person has no legal effects in the case of criminal offenses against life, as well as where the law excludes its justifying effect.

Chapter III. Non-imputability grounds

Article 23. General provisions. (1) An act provided by criminal law does not constitute a criminal offense where it was committed under any of the non-imputability grounds.

(2) The effect of the non-imputability grounds does not extend to participants, except in the case of a fortuitous event.

Article 24. Physical coercion. An act provided by criminal law is not imputable to the perpetrator where it was committed due to physical coercion which the perpetrator could not resist.

Article 25. Moral coercion. An act provided by criminal law is not imputable to the perpetrator where it was committed due to moral coercion, exercised by means of a threat involving a serious danger to the perpetrator or to another person, and which could not have been otherwise averted.

Article 26. Non-imputable excess. (1) An act provided by criminal law is not imputable to a person acting in self-defense who, due to disturbance or fear, exceeded the limits of a defense proportionate to the seriousness of the attack.

(2) An act provided by criminal law is not imputable to a person acting in a state of necessity who, at the time of committing the act, did not realize that the act caused consequences manifestly more serious than those that would have occurred had the danger not been averted.

Article 27. Minority of the perpetrator. An act provided by criminal law is not imputable to a minor who, at the date of committing the act, did not meet the statutory conditions for criminal liability.

Article 28. Irresponsibility. An act provided by criminal law is not imputable to a person who, at the time of committing the act, was unable to understand their actions or omissions or to control them, whether due to a mental illness or to other causes.

Article 29. Intoxication. An act provided by criminal law is not imputable to a person who, at the time of committing the act, was unable to understand their actions or omissions or to control them, due to involuntary intoxication with alcohol or with other psychoactive substances.

Article 30. Error. (1) An act provided by criminal law does not constitute a criminal offense where it was committed by a person who, at the time of committing the act, was unaware of the existence of a factual state, situation, or circumstance on which the criminal nature of the act depends.

(2) The provisions of paragraph (1) also apply to acts committed by fault that are punishable under criminal law, only if the lack of awareness of the relevant factual state, situation, or circumstance is not itself the result of fault.

(3) A factual state, situation, or circumstance that the criminal offender was unaware of at the time of committing the criminal offense does not constitute an aggravating circumstance or an aggravating circumstantial element.

(4) The provisions of paragraphs (1)-(3) apply accordingly in cases involving unawareness of a non-criminal law provision.

(5) An act provided by criminal law is not imputable to a person where it was committed due to unawareness or erroneous awareness of its unlawful nature due to a circumstance that could not, in any way, have been avoided.

Article 31. Fortuitous event. An act provided by criminal law is not imputable to a person where its result is the consequence of a circumstance that could not have been foreseen.

Chapter IV. Attempt

Article 32. Attempt. (1) An *attempt* consists in the commencement of the execution of the intent to commit a criminal offense, where such execution was interrupted or failed to produce its effects.

(2) There is no attempt where the impossibility of the commission of the criminal offense is the consequence of the manner in which the execution was conceived.

Article 33. Punishability of attempt. (1) An attempt is punishable only where expressly provided by law.

(2) An attempt is punishable by the penalty provided by law for the completed criminal offense, the statutory limits of which are reduced by one half. Where the law provides the penalty of life imprisonment for the completed criminal offense and the court would be inclined to impose such penalty, the attempt is punishable by the penalty of imprisonment from 10 to 20 years.

Article 34. Desistance and prevention of the occurrence of the result. (1) The author is not punished where, prior to the discovery of the act, they have desisted or have notified the authorities of its commission in such a manner that completion could be prevented, or have personally prevented the completion of the criminal offense.

(2) Where the acts performed up to the moment of desistance or prevention of the result constitute another criminal offense, the penalty provided for that criminal offense applies.

Chapter V. Unity and plurality of criminal offenses

Article 35. Unity of the continued criminal offense and the complex criminal offense. (1)[1] A criminal offense is continued where a person commits,

[1] Paragraph (1) of Article 35 is reproduced as amended by Article I point 1 of Law No. 200/2023. We note that, by Decision No. 368/2017 (Official Gazette No. 566 of July 17, 2017), the Constitutional Court admitted the plea of unconstitutionality and ruled that the

at different time intervals, but pursuant to the same criminal resolution, actions or omissions which, taken individually, each fulfill the statutory elements of the same criminal offense.

(2) A criminal offense is complex where its statutory content includes, as a constitutive element or as an aggravating circumstantial element, an action or omission which, in itself, constitutes an act provided by criminal law.

Article 36. Penalty for the continued criminal offense and the complex criminal offense. (1) A continued criminal offense is punishable by the penalty provided by law for the criminal offense committed, the statutory maximum of which may be increased by up to 3 years in the case of the penalty of imprisonment, or by up to one third in the case of the penalty of a criminal fine.

(2) A complex criminal offense is punishable by the penalty provided by law for that criminal offense.

(3) A complex criminal offense committed with exceeded intent, where only the more serious result of the secondary action has occurred, is punishable by the penalty provided by law for the completed complex criminal offense.

Article 37. Recalculation of the penalty for a continued or complex criminal offense. Where a person subject to a final conviction for a continued or complex criminal offense is subsequently tried for additional actions or omissions forming part of the statutory elements of the same criminal offense, a corresponding penalty is determined, taking into account the criminal offense committed in its entirety, which may not be more lenient than the penalty previously imposed.

Article 38. Concurrence of criminal offenses. (1) There is a real concurrence of criminal offenses where two or more criminal offenses are committed by the same person through distinct actions or omissions, before that person is subject to a final conviction for any of them. There is also a real concurrence of criminal offenses where one criminal offense is committed in order to commit or conceal another criminal offense.

(2) There is a formal concurrence of criminal offenses where a single action or omission committed by a person, by reason of the circumstances in which it occurred or of the consequences it produced, fulfills the statutory elements of several criminal offenses.

Article 39. Principal penalty in case of concurrence of criminal offenses.(1) In case of concurrence of criminal offenses, a penalty is

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phrase “and against the same passive subject” contained in Article 35 paragraph 1 of the Criminal Code is unconstitutional.

determined for each criminal offense separately, and the resulting penalty is applied as follows:

a) where the penalty of life imprisonment and one or more penalties of imprisonment or criminal fines have been determined, the penalty of life imprisonment is applied;

b) where only penalties of imprisonment have been determined, the most severe penalty is applied, to which an increase of one third of the total of the other penalties is added;

c) where only penalties of criminal fines have been determined, the most severe penalty is applied, to which an increase of one third of the total of the other penalties is added;

d) where a penalty of imprisonment and a penalty of a criminal fine have been determined, the penalty of imprisonment is applied, to which the penalty of a criminal fine is added in full;

e) where several penalties of imprisonment and several penalties of criminal fines have been determined, the penalty of imprisonment is applied in accordance with letter b), to which the penalty of a criminal fine is added in full in accordance with letter c).

(2) Where several penalties of imprisonment have been determined and, by adding to the most severe penalty an increase of one third of the total of the other penalties, the general statutory maximum of the penalty of imprisonment would be exceeded by 10 years or more, and where for at least one of the concurrent criminal offenses the penalty provided by law is imprisonment of 20 years or more, the penalty of life imprisonment may be applied.

Article 40. Aggregation of penalties for concurrent criminal offenses. (1) Where a criminal offender subject to a final conviction is subsequently tried for a concurrent criminal offense, the provisions of Article 39 apply.

(2) The provisions of Article 39 also apply where, after a conviction has become final, it is established that the convicted person had previously been subject to a final conviction for a concurrent criminal offense.

(3) Where the criminal offender has fully or partially carried out the penalty applied through the previous conviction, the part already carried out is deducted from the duration of the penalty applied for the concurrent criminal offenses.

(4) The provisions on the application of penalties in case of concurrence of criminal offenses also apply where the penalty of life imprisonment has been commuted or replaced by the penalty of imprisonment.

(5) In case of aggregation of penalties pursuant to paragraphs (1)-(4), account is also taken of a penalty applied through a conviction rendered abroad for a concurrent criminal offense, provided that the foreign conviction has been recognized in accordance with the law.

SPECIAL PART

Title I. Criminal offenses against the person

Chapter I. Criminal offenses against life

Article 188. Murder. (1) The killing of a person shall be punishable by imprisonment from 10 to 20 years and the prohibition of the exercise of certain rights.

(2) Attempt shall be punishable.

Article 189. Aggravated murder. (1) Murder committed in any of the following circumstances:

a) with premeditation;

b) for material gain;

c) in order to evade or to help another evade the establishment of the criminal liability or the enforcement of a penalty;

d) in order to facilitate or conceal the commission of another criminal offense;

e) by a person who has previously committed a criminal offense of murder or of an attempt to murder;

f) against two or more persons;

g) against a pregnant woman;

h) with cruelty;

i)[1] by taking advantage of the manifest vulnerability of the injured person due to age, state of health, infirmity, or other causes;

j)[2] against a person as a form of exercising control or domination, as a result of the fact that the perpetrator is or has been in a marital relationship with the victim or in a relationship similar to that between spouses, regardless of its duration or of whether the perpetrator lived with the victim;

k) for reasons related to race, nationality, ethnicity, language, religion, gender, sexual orientation, opinion or political affiliation, wealth, social origin, age, disability, disease or HIV/AIDS infection, or other similar circumstances;

l) against a person due to their refusal to enter into a marriage or to cohabit in a relationship similar to that between spouses, or motivated by divorce, by separation in fact, or by the victim's withdrawal from the relationship similar to that between spouses,

shall be punishable by life imprisonment or by imprisonment from 15 to 25 years and the prohibition of the exercise of certain rights.

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[1] Letter i) of paragraph (1) of Article 189 was introduced by the sole Article point 1 of Law No. 248/2023.

[2] Letters j)-l) of paragraph (1) of Article 189 were introduced by Article 6 point 2 of Law No. 53/2026.

(2) Attempt shall be punishable.

Article 190. Killing at the request of the victim. The killing committed at the explicit, serious, conscious, and repeated request of the victim who was suffering from an incurable disease or from a serious infirmity medically certified, and causing permanent and hard-to-endure suffering, shall be punishable by imprisonment from one to 5 years.

Article 191. Inducing or facilitating suicide. (1) The act of inducing or facilitating the suicide of a person, where the suicide has occurred, shall be punishable by imprisonment from 3 to 7 years.

(2) Where the act referred to in paragraph (1) is committed against a minor aged between 13 and 18 years or against a person with diminished discernment, the penalty shall be imprisonment from 5 to 10 years.

(3) Inducing or facilitating suicide, committed against a minor who has not reached the age of 13 or against a person who was unable to understand the consequences of the actions or omissions or was unable to control them, where the suicide has occurred, shall be punishable by imprisonment from 10 to 20 years and the prohibition of the exercise of certain rights.

(3^1)[1] Where the acts referred to in paragraphs (1)-(3) are committed against a person in respect of whom the perpetrator exercises, or claims to be entitled to exercise, control or domination as a result of the fact that the perpetrator is or has been in a marital relationship with the victim or in a relationship similar to that between spouses, regardless of its duration or of whether the perpetrator has lived with the victim, the special statutory limits of the penalty provided by law shall be increased by one quarter.

(4)[2] Where the acts of inducing or facilitating referred to in paragraphs (1)-(3^1) are followed by an attempted suicide, the special statutory limits of the penalty shall be reduced by one half.

Article 192. Manslaughter. (1) Manslaughter shall be punishable by imprisonment from one to 5 years.

(2) Manslaughter resulting from a failure to comply with statutory provisions or precautionary measures applicable to the exercise of a profession or occupation or to the performance of a particular activity shall be punishable by imprisonment from 2 to 7 years. Where the violation of statutory provisions or precautionary measures constitutes in itself a criminal offense, the rules on concurrence of criminal offenses shall apply.

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[1] Paragraph (3^1) of Article 191 was introduced by Article 6 point 3 of Law No. 53/2026.

[2] Paragraph (4) of Article 191 is reproduced as amended by Article 6 point 4 of Law No. 53/2026.

(3) Where, by the act committed, the death of two or more persons has been caused, the special statutory limits of the penalty referred to in paragraph (1) and paragraph (2) shall be increased by one half.

Chapter II. Criminal offenses against bodily integrity or health

Article 193. Battery or other acts of violence. (1)[1] Battery or any acts of violence causing physical suffering shall be punishable by imprisonment from 6 months to 3 years or by a criminal fine.

(2) The act by which traumatic injuries are caused or a person's health is affected, the severity of which is assessed by medical care of no more than 90 days, shall be punishable by imprisonment from one to 5 years or by a criminal fine.

(2^1)[2] The special statutory limits of the penalty referred to in paragraphs (1) and (2) shall be increased by one third when:

a) the victim is under the care, protection, education, guarding, or treatment of the perpetrator;

b) the victim is a minor;

c) the act is committed in public;

d) the perpetrator carries a firearm, an object, a device, a substance, or an animal that may endanger the life, health, or bodily integrity of persons.

(3) The criminal action is initiated upon the preliminary complaint of the injured person.

(4)[3] In the case of acts committed under the conditions set out in paragraph (2^1), the criminal action may also be initiated *ex officio*.

Article 194. Bodily harm. (1) The act referred to in Article 193, which caused any of the following consequences:

a) an infirmity;

b) traumatic injuries or impairment of a person's health which required, for healing, more than 90 days of medical care;

c) a serious and permanent aesthetic damage;

d) miscarriage;

e) endangering a person's life,

shall be punishable by imprisonment from 2 to 7 years.

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[1] Paragraphs (1) and (2) of Article 193 are reproduced as amended by Article I point 3 of Law No. 116/2025.

[2] Paragraph (2^1) of Article 193 was introduced by the sole Article point 2 of Law No. 248/2023.

[3] Paragraph (4) of Article 193 was introduced by the sole Article point 3 of Law No. 248/2023.

(2) Where the act was committed with the purpose of causing any of the consequences referred to in paragraph (1) letter a), letter b), and letter c), it shall be punishable by imprisonment from 3 to 10 years.

(2^1)[1] The special statutory limits of the penalty referred to in paragraphs (1) and (2) shall be increased by one third where:

a) the victim is under the care, protection, education, guarding, or treatment of the perpetrator;

b) the victim is a minor;

c) the act is committed in public;

d) the perpetrator carries a firearm, an object, a device, a substance, or an animal that may endanger the life, health, or bodily integrity of persons.

(3) Attempt to the criminal offense referred to in paragraph (2) shall be punishable.

Article 195.[2] **Battery or bodily harm causing death.** Where any of the acts referred to in Article 193 paragraphs (1) and (2) and Article 194 paragraphs (1) and (2) resulted in the death of the victim, the penalty shall be imprisonment from 6 to 12 years.

Article 195^1.[3] **Acts committed under aggravating circumstances.** (1) Where the acts referred to in Articles 193-195 are committed against a person as a form of exercising control or domination as a result of the fact that the perpetrator is or has been in a marital relationship with the victim or in a relationship similar to that between spouses, regardless of its duration or of whether the perpetrator has lived with the victim, the special statutory limits of the penalty provided by law shall be increased by one quarter.

(2) Where the acts referred to in Articles 188-191 and Articles 193-195 are committed by an adult perpetrator in the presence of a minor, the special statutory limits of the penalty provided by law shall be increased by one quarter.

Article 196. Bodily harm by fault. (1) The act referred to in Article 193 paragraph (2), committed by fault by a person under the influence of alcoholic beverages or of a psychoactive substance, or in the course of carrying out an activity which in itself constitutes a criminal offense, shall be punishable by imprisonment from 3 months to one year or by a criminal fine.

(2) The act referred to in Article 194 paragraph (1), committed by fault, shall be punishable by imprisonment from 6 months to 2 years or by a criminal fine.

(3) Where the act referred to in paragraph (2) was committed as a result of failure to comply with statutory provisions or precautionary measures applicable

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[1] Paragraph (2^1) of Article 194 was introduced by the sole Article point 4 of Law No. 248/2023.

[2] Article 195 is reproduced as amended by Article 6 point 5 of Law No. 53/2026.

[3] Article 195^1 was introduced by Article 6 point 6 of Law No. 53/2026.

to the exercise of a profession or occupation or to the performance of a particular activity, it shall be punishable by imprisonment from 6 months to 3 years or by a criminal fine.

(4) Where the consequences referred to in paragraphs (1)-(3) have occurred in respect of two or more persons, the special statutory limits of the penalty shall be increased by one third.

(5) Where the failure to comply with statutory provisions or precautionary measures, or the performance of the activity that led to the commission of the acts referred to in paragraph (1) and paragraph (3), constitutes in itself a criminal offense, the rules on concurrence of criminal offenses shall apply.

(6) The criminal action is initiated upon the preliminary complaint of the injured person.

Article 197.[1] **Ill-treatment of a minor.** (1) The serious endangerment, by measures or treatment of any kind, of the physical or mental, intellectual or moral development of a minor, by the parents or by any person in whose care the minor is, shall be punishable by imprisonment from 5 to 10 years and the prohibition of the exercise of certain rights.

(2) Where the act referred to in paragraph (1) is committed by the parents or by any person in whose care the minor is while under the influence of alcohol or psychoactive substances, the special statutory limits of the penalty shall be increased by one third, and the prohibition of the exercise of certain rights shall also apply.

Article 198. Affray. (1)[2] Participation in an affray shall be punishable by imprisonment from 6 months to 3 years or by a criminal fine.

(2) Where, in the course of the affray, bodily harm has been caused to one or more persons and it is not known which of the participants caused the consequences, the penalty of imprisonment from one to 5 years shall be applied to all participants, with the exception of the victim, who shall be liable in accordance with paragraph (1).

(3) Where, by the act committed under the conditions set out in paragraph (2), the death of a person has been caused, the penalty shall be imprisonment from 6 to 12 years, and where the death of two or more persons has been caused, the special statutory limits of the penalty shall be increased by one third.

(4) A person who was caught in the affray unwillingly or who attempted to separate others shall not be punishable.

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[1] Article 197 is reproduced as amended by the sole Article of Law No. 122/2026.

[2] Paragraph (1) of Article 198 is reproduced as amended by the sole Article point 5 of Law No. 248/2023.