NATIONAL ASSEMBLY	SOCIALIST REPUBLIC OF VIETNAM
--------	**Independence - Freedom - Happiness**

No. 100/2015/QH13	*Hanoi, November 27, 2015*

CRIMINAL CODE

Pursuant to Constitution of Socialist Republic of Vietnam;

The National Assembly promulgates the Criminal Code.

Part One

GENERAL PROVISIONS

Chapter I

BASIC CLAUSES

Article 1. Objectives of the Criminal Code

The Criminal Code is meant to protect Vietnam's sovereignty and security; protect the socialism regime, human rights, citizenship rights; protect the equality among ethnic groups; protect interests of the State; organize and protect the law; punish crimes; raise people's awareness of compliance with the law; prevent and fight crimes.

This Code provides for crimes and punishments.

Article 2. Basis of criminal liability

1. No one who commits a criminal offence that is not regulated by the Criminal Code has to incur criminal liability.

2. No corporate legal entity that commits a criminal offence that is not regulated in Article 76 hereof has to incur criminal liability.

Article 3. Rules for punishing crimes

1. With regard to criminals:

a) Every crime committed by a person must be discovered promptly and dealt with quickly and fairly in compliance with law;

b) All criminals are equal before the law regardless of gender, ethnicity, belief, religion, social class, or social status;

c) Instigation of crimes, masterminds, or obstinacy, gangster-like crimes, dangerous recidivism, abuse of positions or power to commit criminal offences shall be strictly punished;

d) Criminal offences committed by employment of deceitful methods; in an organized manner, in a professional manner, or with intent to inflict extremely serious consequences shall be strictly punished.

Leniency shall be showed towards criminals who turn themselves in; show cooperative attitudes; inform on accomplices; made reparation in an effort to atone for their crimes; express contrition; voluntarily compensate for damage they inflict;

dd) A person who commit a less serious crime for the first time may serve a community sentence (mandatory supervision by family or an organization);

e) People sentenced to imprisonment shall serve their sentences at prisons and must improve themselves to become effective and productive citizens; commutation or conditional parole shall be granted to people who satisfy conditions set out in this Code;

g) People who have served their sentences are enabled to live and work honesty and fit into society; criminal records shall be expunged when all conditions are satisfied.

2. With regard to corporate legal entities that commit criminal offences:

a) Every criminal offence committed by a corporate legal entity must be discovered promptly and dealt with quickly and fairly in compliance with law;

b) All corporate legal entities that commit criminal offences are equal before the law regardless of type of business and economic sector;

c) Criminal offences committed by deceitful methods; organized crimes, deliberate infliction of extremely serious consequences shall be strictly punished;

d) Leniency shall be showed towards corporate legal entities that are cooperative during the proceeding, voluntarily compensate for damage they inflict, proactively prevent or alleviate consequences.

Article 4. Responsibility for prevention and fight against crimes

1. Police authorities, the People's Procuracies, People's Courts, and other authorities concerned shall perform their functions, duties and authority; provide guidance and assistance for other state agencies, organizations and individuals in prevention and fight against crimes, supervision and education of criminals in the community.

2. Organizations are responsible for raising the awareness of people under their management of protection and compliance with the law, respect for socialism rules; promptly take measures for eliminate causes and conditions of crimes within their organizations.

3. Every citizen has the duty to participate in prevention and fight against crimes.

Chapter II

EFFECT OF THE CRIMINAL CODE

Article 5. Effect of the Criminal Code on criminal offences committed within the territory of the Socialist Republic of Vietnam

1. The Criminal Code applies to every criminal offence committed within the territory of the Socialist Republic of Vietnam.

It also applies to criminal offences committed on sea-going vessels and airplanes having Vietnamese nationality or operating in Vietnam's exclusive economic zones or continental shelves, or consequences thereof.

2. Criminal liability of foreigners who commit criminal offences within the territory of Socialist Republic of Vietnam and are granted diplomatic immunity according to Vietnam's law or under an international agreement to which Socialist Republic of Vietnam is a signatory or according to international practice shall be dealt with in accordance with the international agreement or

practice. If the case is not set out in any international agreement or there is no such international practice, their criminal liability shall be dealt with in a diplomatic manner.

Article 6. Effect of the Criminal Code on criminal offences committed outside the territory of the Socialist Republic of Vietnam

1. Any Vietnamese citizen or Vietnamese corporate legal entity that commits an act outside the territory of Socialist Republic of Vietnam which is defined as a criminal offence by this Code shall face criminal prosecution in Vietnam as prescribed by this Code.

This clause also applies to stateless residents of Vietnam.

2. Any foreigner or foreign corporate legal entity that commit a criminal offence outside the territory of Socialist Republic of Vietnam shall face criminal prosecution as prescribed by this Code if such offence infringes the lawful rights and interests of Vietnamese citizens or interest of Socialist Republic of Vietnam or under a international agreement to which Vietnam is a signatory.

3. Where a criminal offence or its consequence occurs on an airplane or sea-going vessel that does not have Vietnamese nationality at sea or outside Vietnam's airspace, the offender shall face criminal prosecution under an international agreement to which Vietnam is a signatory, if any.

Article 7. Chronological effect of Criminal Code

1. A provision of law effective at the same time as the commitment of the criminal offence shall be applied to such criminal offence.

2. A provision of law that provides for a new crime, a more severe sentence, a new aggravating factor or reduce the scope of suspended sentences, exemption from criminal liability, removal of criminal responsibility, exemption from sentence, commutation, or conviction expungement which is less favorable shall not be applied to criminal offences committed before such provision of law comes into force.

3. A provision of law that removes a new crime, a sentence, a aggravating factor or provides for a less severe sentence, a new mitigating factor, or increase the scope of probation, exemption or conviction expungement of criminal liability, exemption from sentence, commutation, conditional parole, or conviction expungement, and other provisions which is more favorable may be applied to criminal offences committed before such provisions of law comes into force.

Chapter III

CRIMES

Article 8. Definition of crime

1. A crime means an act that is dangerous for society and defined in Criminal Code, is committed by a person who has criminal capacity of corporate legal entity, whether deliberately or involuntarily, infringes the sovereignty and territorial integrity of the nation, infringes the political regime, economic regime, culture, national defense and security, social order and safety, the lawful rights and interests of organizations, human rights, the lawful rights and interests of citizens, other aspects of socialist law, and leads to criminal prosecution as prescribed by this Code.

2. An act showing signs of a crime but not remarkably dangerous for society is not a crime and shall be dealt with otherwise.

Article 9. Classification of crimes

Crimes defined in this Code are classified into four categories according to their nature and danger to society:

1. Less serious crime means a crime whose danger to society is not significant and for which the maximum sentence defined by this Code is a fine, community sentence (non-custodial), or 3 years' imprisonment;

2. Serious crime means a crime whose danger to society is significant and for which the maximum sentence of the bracket defined by this Code is from over 3 years' to 7 years' imprisonment;

3. Very serious crime means a crime whose danger to society is great and for which the maximum sentence of the bracket defined by this Code is from over 7 years' to 15 years' imprisonment;

4. Extremely serious crime means a crime whose danger to society is enormous and for which the maximum sentence of the bracket defined by this Code is from over 15 years' to 20 years' imprisonment, life imprisonment, or death.

Article 10. Deliberate crimes

Cases of deliberate crimes:

1. The offender is aware of the danger to society of his/her act, foresees consequences of such act, and wants such consequences to occur;

2. The offender is aware of the danger to society of his/her act, foresees consequences of such act, and does not want such consequences to occur but still deliberately lets them occur.

Article 11. Involuntary crimes

Cases of involuntary crimes:

1. The offender is aware of the danger to society of his/her act but believes that consequences would not occur or could be prevented;

2. The offender is not aware of the danger to society of his/her act though the consequences have to be foreseen and could be foreseen.

Article 12. Age of criminal responsibility

1. A person from 16 years of age and above shall bear criminal responsibility for every crime, except for those otherwise prescribed by this Code.

2. A person from 14 years of age to be low 16 years of age shall bear criminal responsibility for murder, deliberate infliction of bodily harm upon other people, raping, raping people under 16 years of age, sexual abuse of people from 13 to under 16 years of age, robbery, kidnapping for ransom; very serious crimes, and extremely serious crimes defined in the following Articles:

a) Article 143 (Sexual abuse); Article 150 (Human trafficking); Article 151 (Trafficking of people under 16 years of age);

b) Article 170 (Extortion); Article 171 (Snatching); Article 173 (Theft); Article 178 (Vandalism or deliberate destruction of property);

c) Article 248 (Illegal production of narcotic substances); Article 249 (Illegal storage of narcotic substances; Article 250 (Illegal trafficking of narcotic substance; Article 251 (Illegal trading of narcotic substances); Article 252 (Appropriation of narcotic substances);

d) Article 265 (Organization of illegal racing); Article 266 (Illegal racing);

dd) Article 285 (Producing, dealing in tools, equipment, software programs serving illegal purposes); Article 286 (Spreading software programs harmful to computer networks, telecommunications network, or electronic devices); Article 287 (Obstruction or disruption of computer network, telecommunications network, or electronic devices); Article 289 (Illegal access to others' computer network, telecommunications network, or electronic devices); Article 290 (Appropriation of property by computer network, telecommunications network, or electronic devices);

e) Article 299 (Terrorism); Article 303 (Destruction of works, facilities, or vehicles important to national security); Article 304 (Illegal fabrication, storage, trafficking, use, trading, or appropriation of military weapons or military equipment).

Article 13. Crimes committed under the influence of alcohol or other strong stimulants

A person who has lost his/her awareness or control of his/her acts because of influence of alcohol or other strong stimulants still have to bear criminal responsibility.

Article 14. Preparation for crimes

1. Preparation for a crime means finding, preparing tools, equipment, or other conditions for the crime, or establishing, joining a group of criminals, except for the cases specified in Article 1009, Point a Clause 2 Article 113, or Point a Clause 2 Article 299 hereof.

2. A person who prepares for any of the following crimes shall bear criminal responsibility:

a) Article 108 (High treason); Article 110 (Espionage); Article 111 (Infringement upon territory); Article 112 (Rebellion); Article 113 (Terrorism aimed to oppose the people's authority); Article 114 (Sabotage of technical facilities of Socialist Republic of Vietnam); Article 117 (Fabrication, storage, spreading, or dissemination of information, materials, items for opposing the government of Socialist Republic of Vietnam; Article 118 (Disruption of security); Article 119 (Disruption of detention facility); Article 120 (Organizing, coercing, instigating illegal emigration for the purpose of opposing the people's authority); Article 121 (Illegal emigration for the purpose of opposing the people's authority);

b) Article 123 (Murder); Article 134 (Deliberate infliction of bodily harm upon another person);

C) Article 168 (Robbery); Article 169 (Kidnapping for ransom);

d) Article 299 (Terrorism); Article 300 (terrorism financing); Article 301 (Taking hostages); Article 302 (Piracy); Article 3030 (Destruction of works, facilities, vehicles important to national security); Article 324 (Money laundering).

3. A person from 14 to under 16 years of age who prepares for any of the crimes specified in Point b and Point c Clause 2 of this Article has to bear criminal responsibility.

Article 15. Incomplete crimes

An incomplete crime means a crime that is not carried out to the end because of reasons beyond the offender's control.

The person who commits an incomplete crime has to take criminal responsibility.

Article 16. Abandonment

Abandonment means a person's voluntarily stopping committing the crime without anything stopping him/her from committing such crime.

The person who abandons his/her effort to commit the crime shall be exempt from criminal responsibility; if the committed acts constitute another crime, the offender shall bear criminal responsibility for such other crime.

Article 17. Complicity

1. Complicity is a situation in which two or more people deliberately commit the same crime.

2. Organized crime is a form of complicity in which the accomplices cooperate closely in committing the crime.

3. An accomplice means an organizer, perpetrator, instigator, or abettor.

Perpetrator means the person who directly commits the crime.

Organizer means the mastermind behind the commission of the crime.

Instigator means the person entice or encourage other people to commit the crime.

Helper means the person who provides spiritual or material assistance in the commission of the crime.

4. The accomplice shall not take criminal responsibility for unjustified force used by the perpetrator.

Article 18. Concealment of crimes

1. Any person who, without prior promises and after knowing that a crime has been committed, harbors the criminal, conceals the traces or exhibits of the crime, or commits other acts that obstruct the discovery, investigation, and taking of actions against the criminal shall bear criminal responsibility for concealment of crimes in the cases defined by this Code.

2. A person who conceals the crime shall not bear criminal responsibility as specified in Clause 1 of this Article if he/she is a grandparent, parent, child, niece/nephew, sibling, spouse of the offender, except for concealment of crimes against national security or other extremely serious crimes specified in Article 389 hereof.

Article 19. Misprision

1. Any person who knows that a crime is being prepared, being carried out, or has been carried out but fails to report it shall bear criminal responsibility for misprision in the cases specified in Article 389 hereof.

2. A person who fails to report the crime shall not bear criminal responsibility as specified in Clause 1 of this Article if he/she is a grandparent, parent, child, niece/nephew, sibling, spouse of the offender, except for failure to report crimes against national security or other extremely serious crimes specified in Article 389 hereof.

3. If defender of an offender has knowledge of the crime that was committed or participated in by the person he/she defends while performing the defender's duties, the defender shall not bear

criminal responsibility as specified in Clause 1 of this Article, except for failure to report crimes against national security or other extremely serious crimes specified in Article 389 hereof.

Chapter IV

CASES OF EXEMPTION FROM CRIMINAL RESPONSIBILITY

Article 20. Unexpected events

The person who commits an act that results in harmful consequences is exempt from criminal responsibility if such consequences cannot be foreseen or have to be foreseen.

Article 21. Lack of criminal capacity

A person who commits an act that is dangerous to society is suffering from a mental disease or another disease that causes him/her to lose his/her awareness or control of his/her behaviors is exempt from criminal responsibility.

Article 22. Justifiable force

1. Justifiable force in self-defense means the a person's use of force which is reasonably necessary to defend against another person's infringement upon his/her legitimate rights or interests of himself/herself, other people, the State, organizations.

The use of justifiable force does not constitute a criminal offence.

2. Unjustified force in self-defense means the use of force which is more than reasonably necessary and not appropriate for the nature and danger to society posed by the infringement.

The person who uses unjustified force in self-defense shall take criminal responsibility as prescribed by this Code.

Article 23. Urgent circumstances

1. An urgent circumstance is a circumstance in which there is no other way but an amount of damage has to be inflicted in order to prevent a greater damage to lawful rights and interests of oneself, another person, the State, or an organization.

The act of inflicting damage in an urgent circumstance does not constitute a criminal offense.

2. If the damage inflicted is reasonably unnecessary in the urgent circumstance, the person who inflicts such damage shall bear criminal responsibility.

Article 24. Infliction of bodily harm while capturing criminals

1. If violence and infliction of bodily harm to a criminal is the only way to capture him/her, the use of violence in this case does not constitute a criminal offence.

2. If the bodily harm inflicted by the use of violence is obviously more than necessary, the person who inflicts such damage shall bear criminal responsibility.

Article 25. Risks from researches, experiments, application of technological advances

The infliction of damage during the conduction of a research, experiment, or application of technological advances does not constitute a criminal offence provided the procedures and regulations are complied with and all preventive measures are taken.

The person who fails to comply with the procedures, regulations, or take all preventive measures and causes damage shall bear criminal responsibility.

Article 26. Following orders of commanders or superiors

A person who inflicts damage while following an order of his/her commander or superior in the army to perform national defense and security duties is exempt from criminal responsibility if he/she complies with procedures for reporting to the order giver but the order giver still request that the order be followed. In this case, the order giver shall bear criminal responsibility.

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

Chapter V

TIME LIMIT FOR CRIMINAL PROSECUTION; EXEMPTION FROM CRIMINAL RESPONSIBILITY

Article 27. Time limit for criminal prosecution

1. The time limit for criminal prosecution is a time limit set out by this Code and upon the expiration of which the offender does not face any criminal prosecution.

2. Time limits for criminal prosecution:

a) 05 years for less serious crimes;

b) 10 years for serious crimes;

c) 20 years for very serious crimes;

d) 20 years for extremely serious crimes.

3. The time limit for criminal prosecution begins from the day on which the crime is committed. During the time limit set out in Clause 2 of this Article, if the offender commits another crime for which the maximum sentence is over 1 year's imprisonment, the time limit for prosecution for the previous crime will be reset and begins from the day on which the new crime is committed.

During the time limit set out in Clause 2 of this Article, if the offender deliberately evades capture and a wanted notice has been issued, the time limit will begin when he/she turns himself/herself in or gets arrested.

Article 28. Non-application of time limit for criminal prosecution

Time limit for criminal prosecution does not apply to the following crimes:

1. Infringement of national security specified in Chapter XIII hereof;

2. Disturbing the peace, crimes against humanity, and war crimes specified in Chapter XXVI hereof;

3. Embezzlement in the case specified in Clause 3 and Clause 4 Article 353 hereof; acceptance of bribes in the case specified in Clause 3 and Clause 4 Article 254 hereof.

Article 29. Basis for exemption from criminal responsibility

1. A criminal offender shall be exempt from criminal responsibility on one of the following bases:

a) A policy or law is changed during the process of investigation, prosecution, or trial and accordingly, the offender's act is no longer dangerous to society;

b) A general amnesty is granted.

2. A criminal offender might be exempt from criminal responsibility on one of the following bases:

a) The situation is changed during the process of investigation, prosecution, or trial and accordingly, the offender is no longer dangerous to society;

b) The offender has a fatal disease during the process of investigation, prosecution, or trial and no longer poses a threat to society;

c) The offender confesses his/her crime, contributes to the crime discovery and investigation; minimizes the damage inflicted by his/her crime, have made reparation or special contributions that are recognized by the State and society.

3. The person who commits a less serious crime or a serious crime because of involuntary damage to life, health, honor, or property of others will be exempt from criminal responsibility if the aggrieved person or his/he representative voluntarily seeks reconciliation and requests exemption from criminal responsibility

Chapter VI

SENTENCES

Article 30. Definition of sentence

A sentence means the most severe coercive measure of the State specified in this Code, taken by the Court against a person or corporate legal entity that commits a crime in order to deprive of or limit their rights and/or interests.

Article 31. Purposes of sentences

Sentences are meant not only for punishing people and corporate legal entities that commit criminal offences, but also raising awareness of compliance with law, preventing them from committing other crimes, educating other people and corporate legal entities in compliance with the law, prevention of and fight against crimes.

Article 32. Sentences against criminals

1. Primary sentences:

a) Warning;

b) Fine;

c) Community sentence;

d) Expulsion;

dd) Determinate imprisonment;

e) Life imprisonment;

g) Death sentence.

2. Additional sentences:

a) Prohibition from holding certain positions or doing certain works;

b) Prohibition from residence;

c) Mandatory supervision;

d) Deprivation of certain citizenship rights;

dd) Confiscation of property;

e) Fine if no administrative penalties are imposed;

g) Expulsion if no administrative penalties are imposed.

3. The offender shall incur only one primary sentence for a crime committed and possibly one or more additional sentences

Article 33. Sentences against corporate legal entities committing crimes

1. Primary sentences:

b) Fine;

b) Suspension of operation;

c) Permanent shutdown.

2. Additional sentences:

a) Prohibition from operating in certain fields;

b) Prohibition from raising capital;

c) Fine if no administrative penalties are imposed.

3. The corporate legal entity shall incur only one primary sentence for a criminal offence committed and possibly one or more additional sentences.

Article 34. Warning

Warning is imposed upon people who commit less serious crimes and have multiple mitigating factors but are not eligible for exemption from sentence.

Article 35. Fine

1. Fine is imposed as a primary sentence against:

a) People who commit less serious crimes or serious crimes defined by this Code;

b) People who commit very serious crimes against the law on economics, environment, public order, public safety, and other crimes defined by this Code.

2. Fine is imposed as an additional sentence against people committing crimes related to corruption, drugs, or other crimes defined by this Code.

3. The fine level depends on the nature and level of danger of the crime with account taken of the offender's property, fluctuation of prices. Nevertheless, the fine must not fall under VND 1,000,000.

4. Fines imposed upon corporate legal entities committing crimes are specified in Article 77 hereof.

Article 36. Community sentence

1. 6-month to 3-year community sentence shall be imposed upon people who commit less serious crimes or serious crimes defined by this Law and have stable jobs or fixed residences and do not have to be isolated from society.

If the convict has been kept in temporary detention, the duration of temporary detention shall be deducted from the duration of community sentence: 01 day of temporary detention equals (=) 03 days of community sentence.

2. The person sentenced to community sentence shall be supervised and educated by the organization or agency for which he/she works or the People's Committee of the commune where he/she resides. The family of the convict has the responsibility to cooperate with such agency or organization or the People's Committee of the commune in supervising and educating him/her.

3. While serving the sentence, the convict must fulfill certain duties according to regulations on community sentence and part of his income (5% - 20%) shall be extracted to pay to state budget on a monthly basis. In special cases, the court might not require income deduction and specify the reason in the judgment.

The income of a sentenced person who is doing his/her military service shall not be deducted.

4. If the person sentenced to community sentence is unemployed or loses his/her job while serving the sentence, he/she must do works serving the community during the period of community sentence.

The duration of community serving must not exceeds 04 hours per day and 05 days per week.

This measure must not be applied to pregnant women, women raising children under 06 months of age, old and weak people, people having fatal diseases, people having severe disabilities or extremely severe disabilities.

People sentenced to community sentence must fulfill the duties specified in the Law on enforcement of criminal judgments.

Article 37. Expulsion

Expulsion means the act of forcing sentenced foreigners to leave the territory of Socialist Republic of Vietnam.

Expulsion shall be imposed as a primary sentence or additional sentence on a case-by-case basis.

Article 38. Determinate imprisonment

1. Determinate imprisonment means forcing the convict to serve his/her sentence in a detention facility over a certain period of time.

The duration of determinate imprisonment imposed upon an offender is from 03 months to 20 years.

The duration of temporary detention shall be deducted from the imprisonment duration; 01 day of temporary detention equals (=) 01 day in prison.

2. Determinate imprisonment shall not be imposed upon a person who commits a less serious crime for the first time and has a fixed residence.

Article 39. Life imprisonment

Life imprisonment is an indefinite imprisonment imposed upon people committing extremely serious crimes but not punishable by death.

Life imprisonment shall not be imposed upon offenders under 18 years of age (hereinafter referred to as juvenile offenders).

Article 40. Death sentence

1. Death sentence is a special sentence imposed upon people committing extremely serious crimes that infringe national security, human life, drug-related crimes, corruption-related crimes, and some other extremely serious crimes defined by this Code.

2. Life imprisonment shall not be imposed upon juvenile offenders, women who are pregnant or raising children under 36 months of age, and people from 75 years of age or older when they commit the crime or during trial.

3. The life sentence shall not be executed in any of the following cases:

a) The convict is pregnant or a woman raising a child under 36 months of age;

b) The sentenced person is 75 years of age or older;

c) The person sentenced to death for embezzlement or taking bribes, after being sentenced, has returned at least one third of the property embezzled or bribes taken, closely cooperates with the authorities in the process of investigation or trial, or has made reparation in an effort to atone for the crime.

4. In the cases specified in Clause 3 of this Article or the death sentence is commuted, the death sentence shall be replaced with life imprisonment.

Article 41. Prohibition from holding certain positions or doing certain works

Prohibition from holding certain positions or doing certain works shall be imposed when the convict is deemed to cause harm to society if he/she is allowed to hold the positions or do the works.

The duration of prohibition is from 01 to 05 years from the end of the imprisonment or from the effective date of the judgment if the primary sentence is a warning, fine, or community sentence, or the convict is put on probation.

Article 42. Prohibition from residence

Prohibition from residence means preventing the person sentenced to imprisonment from temporarily or permanently residing in certain administrative divisions.

The duration of prohibition is from 01 to 05 years from the end of the imprisonment.

Article 43. Mandatory supervision

Mandatory supervision means forcing a person sentenced to imprisonment to reside, work, and live within a defined area under the supervision of the local authority and local people. During

this period, the convict must not leave the commune without permission, has some citizenship rights deprived of as prescribed in Article 44 hereof, and is banned from doing certain works.

Mandatory supervision shall be imposed upon people committing crimes against national security, dangerous recidivism, and other crimes prescribed by this Code shall be kept under surveillance.

The duration of mandatory supervision is from 01 to 05 years from the end of the imprisonment.

Article 44. Deprivation of certain citizenship rights;

1. A Vietnamese citizen sentenced to imprisonment for infringement of national security or other crimes prescribed by this Code shall have one or some of the following citizenship rights derived of:

a) The right to nominate oneself for a post in the authorities;

b) The right to work in regulatory agencies and serve in the people's army.

2. The duration of citizenship right deprivation is from 01 to 05 years from the end of the imprisonment or from the effective date of the judgment if the convict is put on probation.

Article 45. Confiscation of property

Confiscation of property means confiscation and transfer of part of or all of property under the ownership of the convict to state budget.

Confiscation of property shall only be imposed upon people who are convicted of serious crimes, very serious crimes, or extremely serious crimes against national security, drug-related crimes, corruption, or other crimes prescribed by this Code.

Confiscation of property shall be so carried out that the convict and his/her family are still able to carry on their life.

Chapter VII

JUDICIAL MEASURES

Article 46. Judicial measures

1. Judicial measures taken against a person committing a crime include:

a) Confiscation of money and items directly related to the crime;

b) Return, repair of property or provision of compensation; offering of public apology;

c) Mandatory disease treatment.

2. Judicial measures taken against a corporate legal entity committing a crime include:

a) Confiscation of money and items directly related to the crime;

b) Return, repair of property or provision of compensation; offering of public apology;

c) Restoration of original state;

d) Implementation of other measures for mitigation and prevention of consequences.

Article 47. Confiscation of money and items directly related to the crime

1. Expropriation or destruction shall be applied to:

a) Instruments, vehicles used for the commission of the crime;

b) Items or money earned from the commission of the crime or from selling, exchanging them; illegal profits earned from the commission of the crime;

c) Items banned from trading by the State.

2. Items and money illegally appropriated or used by the offender shall be returned to their lawful owners or managers instead of being confiscated.

3. Items, money under the ownership of a person might be confiscated if such person allows the offender to use them for the commission of the crime.

Article 48. Return, repair of property or provision of compensation; offering of public apology

1. The offender must return appropriated property to its lawful owner or manager, make repair or provide compensation for the damage caused by the crime.

2. If the offence results in psychological trauma of the victim, the court shall require the offender to provide compensation in kind and offer a public apology.

Article 49. Mandatory disease treatment

1. A person who commits an act dangerous to society while suffering from a disease specified in Article 21 hereof, the Procuracy or Court, according to the forensic examination conclusion or mental forensic examination, shall decide to send him/her to a specialized medical facility for mandatory treatment.

2. If a person has criminal capacity when committing the crime but loses his/her awareness or control of his/her acts before conviction, according to the forensic examination conclusion or mental forensic examination, the Court may decide to send him/her to a specialized medical facility for mandatory treatment. After the disease is treated, that person might bear criminal responsibility.

3. If a person serving an imprisonment sentence suffers from a diseases that causes him/her to loses his/her awareness or control of his/her acts, according to the forensic examination conclusion or mental forensic examination, the Court may decide to send him/her to a specialized medical facility for mandatory treatment. After the disease is treated, that person shall keep serving the sentence if there is no reason to do otherwise.

The duration of mandatory treatment shall be deducted from the imprisonment duration.

Chapter VIII

DECISION ON SENTENCES

Section 1. GENERAL PROVISIONS

Article 50. Basis for decision on sentences

1. The Court shall issue the decision on sentences pursuant to this Code and in consideration of the nature and danger of the crime to society, record of the offender, mitigating factors, and aggravating factors.

2. When imposing a fine, apart from the basis specified in Clause 1 of this Article, the Court shall also consider the offender's property and ability to pay the fine.

Article 51. Mitigating factors

1. The following circumstances are considered mitigating factors:

a) The offender has prevented or reduced the harm caused by the crime;

b) The offender voluntarily makes rectification, pays damages, or relieves the consequences;

c) The crime is considered unjustified force in self-defense;

d) The crime is considered unjustified force in urgent circumstance;

dd) The crime is considered unjustified force in capturing a criminal;

e) The crime is committed under provocation caused by the victim's illegal acts;

g) The crime is committed because of extreme hardship that is not on the offender's account;

h) The crime has not inflicted damage or the damage inflicted is not significant;

i) The offender commits a less serious crime and does not have prior criminal record;

k) The crime is committed because the offender threatened or coerced by others;

l) The offender commits the crime while because of lack of awareness that is not on his/her account;

m) The crime is committed due to obsolescence;

n) The offender is a pregnant woman;

o) The offender is 70 years of age or older;

p) The offender has a serious physical disability or extremely serious physical disability;

g) The offender has a disease that limits his/her awareness or control of his/her acts;

r) The offender turns himself/herself in;

s) The offender expresses cooperative attitude or contrition;

t) The offender arduously assisting the agencies concerned in discovery of crimes or investigation;

u) The offender has made reparation in an effort to atone for the crime;

v) The offender is an excellent worker, soldier, or student;

x) The offender is a parent, spouse, or child of a war martyr or war veteran.

2. When issuing a decision on sentences, the Court might consider the offender's turning himself/herself in or other circumstances as mitigating factors and specify the reasons in the judgment.

3. If a circumstance defined as a mitigating factor this Code is the basis for determination of a crime or sentence bracket, it shall not be considered a mitigating factor in the decision on sentences.

Article 52. Aggravating factors

1. The following circumstances are considered aggravating factors:

a) Organized crime;

b) The crime is committed in a professional manner;

c) The offender abuses his/her position or power to commit the crime;

d) The crime is of a gangster-like nature;

dd) The crime is committed by despicable motives;

e) The offender is determined to commit the crime to the end;

g) The offence has been committed more than once;

h) Recidivism or dangerous recidivism;

i) The crime is committed against a person under 16 years of age, pregnant woman, or a person aged 70 years or older;

k) The crime is committed against a defenseless person, a person having a serious physical disability or extremely serious physical disability, a person whose awareness is limited, or a person who is financially, spiritually, professionally or otherwise dependent on the offender;

l) The offender takes advantage of war, state of emergency, natural disaster, epidemic, or other tragic circumstances of society to commit the crime;

m) The offender makes use of sophisticated, deceitful, or ruthless tricks to commit the crime;

n) The offender uses tricks or instruments capable of harming many people to commit the crime;

o) The offender incites a person aged under 18 to commit the crime;

p) The offender has deceitful or violent actions to conceal the crime.

2. Circumstances defined by this Code as the basis for determination of a crime or sentence bracket shall not be considered an aggravating factor.

Article 53. Recidivism and dangerous recividism0}

1. Recidivism is a situation in which a person who has a previous conviction for the same offence which has not been expunged deliberately commits a very serious crime or involuntarily commits an extremely serious crime.

2. Dangerous recidivism is a situation in which:

a) A person who has a previous conviction for a deliberate very serious crime or extremely serious crime which has not been expunged deliberately commits a very serious crime or an extremely serious crime;

b) A person who repeated the same offence for which the conviction has not been expunged deliberately commits another criminal offence.

Section 2. DECISION ON SENTENCES IN PARTICULAR CASES

Article 54. Decision on a sentence below lower limit of the sentence bracket.

1. The Court may decide a sentence lighter than the lower limit of the current sentence bracket if it is in the next lighter bracket provided the offender has at least two mitigating factors specified in Clause 1 Article 51 hereof.

2. The Court may decide a sentence below the lower limit of the current sentence bracket and it is not required to belong to the next lighter bracket provided the offender is an abettor with a minor role in the offense and does not have prior criminal record.

3. If all of the conditions specified in Clause 1 or Clause 2 of this Article are satisfied but there is only one sentence bracket, or the current sentence bracket is already most lenient, the Court may switch over to a lighter sentence. The reasons for imposition of a lighter sentence must be specified in the judgment.

Article 55. Decision on sentence for multiple crimes

When a person is tried for multiple crimes, the Court shall decide the sentence for each of them and combined sentence as follows:

1. Primary sentence:

a) If all of the sentences imposed are community sentence or determinate imprisonment, they shall be combined. The combined sentence shall not exceed 03 years for community sentence and 30 years for determinate imprisonment;

b) If the sentences imposed include community sentence and determinate imprisonment, community sentence shall be converted into imprisonment. 03 days' community sentence equals (=) 01 day's imprisonment.

c) If the most severe sentence among the sentences imposed is life imprisonment, the combined sentence shall be life imprisonment;

d) If the most severe sentence among the sentences imposed is death sentence, the combined sentence shall be death sentence;

dd) Fines shall be aggregated and shall not be combined with other sentences;

e) Expulsion shall not be combined with other sentences;

2. Additional sentence:

a) If all of the sentences imposed are of the same type, the combined sentence shall not exceed the limit imposed by this Code; fines shall be aggregated;

b) If the sentences imposed are of various types, the convict must serve all of them.

Article 56. Combination of sentences of multiple judgments

1. If a person who is serving a sentence is tried for a crime committed before such sentence is imposed, the Court shall decide the sentence for the crime being tried, and then the combined sentence as prescribed in Article 55 hereof.

The duration of the previous sentence shall be deducted from that of the combined sentence.

2. When a person who is serving a sentence is tried for a new crime, the Court shall decide the sentence for the new crime, then aggregate it with the unserved part of the sentence to make the combined sentence as prescribed in Article 55 hereof.

3. If a person is serving multiple sentences that are not combined, the executive judge of the Court shall issue a decision on a combined sentence as prescribed in Clause 1 and Clause 2 of this Article.

Article 57. Decision on sentences for preparation of crimes or incomplete crimes

1. A sentence for preparation of a crime or incomplete crime shall be decided in accordance with Articles on corresponding crimes hereof and vary according to their nature, danger to society, progress of the crime, and other factors that prevent the crime from being committed to the end.

2. The sentence for preparation of a crime shall be imposed within the sentence brackets in particular provisions of law.

3. The maximum sentence for an incomplete crime shall be 20 years if the maximum sentence provided for by corresponding provision of law is life imprisonment or death sentence. The maximum sentence for an unsuccessful crime shall not exceed three fourths of the determinate imprisonment sentence provided for by the corresponding provision of law.

Article 58. Decision on sentence for complicacy

When imposing sentences upon accomplices, the Court must consider the nature of complicacy and the degree of participation of each accomplice.

Mitigating factors, aggravating factors, or from criminal responsibility of an accomplice shall only apply to that accomplice.

Article 59. Exemption from punishment

The offender might be exempt from punishment in the cases specified in Clause 1 and Clause 2 Article 54 hereof, provided he/she deserves the leniency but not to a degree eligible for exemption from criminal responsibility.

Chapter IX

TIME LIMIT FOR JUDGMENT EXECUTION, EXEMPTION FROM SERVING SENTENCES, REDUCTION OF SENTENCE DURATION

Article 60. Time limit for judgment execution

1. The time limit for execution of a criminal judgment means a limited period of time defined by this Code after which the convicted person or corporate legal entity is no longer required to serve the given sentence.

2. Time limits for execution of a sentence imposed upon a person:

a) 05 years if the sentence is a fine, community sentence, or imprisonment of 03 years or shorter;

b) 10 years if the sentence is imprisonment of from over 03 years to 15 years;

c) 15 years if the sentence is imprisonment of from over 15 years to 30 years;

d) 20 years if the sentence is life imprisonment or death.

3. Time limits for execution of a sentence imposed upon a corporate legal entity is 05 years.

4. The time limit for execution of a sentence begins from its effective date. Within the time limit set out in Clause 2 and Clause 3 of this Article, if the convicted person or corporate legal entity commits a new crime, the time limit will be reset and begins from the day on which the new crime is committed.

5. During the time limit set out in Clause 2 of this Article, if the convicted deliberately avoid and has a wanted decision, the time limit will begin when he/she turns himself/herself in or gets arrested.

Article 61. Non-application of time limit for sentence execution

There are no time limits for execution of sentences for the crimes specified in Chapter XIII and Chapter XXVI hereof.

Article 62. Exemption from serving sentences

1. A convict shall be exempt from serving his/her sentence in the event of a parole or general amnesty.

2. The Court, at the request of Director of the Procuracy, might exempt a person who is sentenced to community sentence or imprisonment of up to 03 years and has not served that sentence from serving the sentence in any of the following cases:

a) The convict has made reparation in an effort to atone for the crime after being convicted;

b) The convict has a fatal disease;

c) The convict abides by law, his/her family is facing extreme hardship, and he/she is considered no longer dangerous to society.

3. The Court, at the request of Director of the Procuracy, might exempt a person who is sentenced to imprisonment of over 03 years and has not served that sentence from serving the sentence if he/she has made reparation in an effort to atone for the crime or has a fatal disease and considered no longer dangerous to society.

4. If a person who is sentenced to imprisonment of up to 03 years, has had the sentence suspended, and has made reparation in an effort to atone for the crime during the suspension period or abides by law, or his/her family is facing extreme hardship, and he/she is deemed no longer dangerous to society, the Court, at the request of Director of the Procuracy, might exempt him/her from serving the rest of the sentence.

5. If a fined person has served part of the sentence and is facing prolonged financial hardship due to a natural disaster, conflagration, accident, or disease and thus no longer able to pay the remaining fine, or has made reparation in an effort to atone for the crime, the Court, at the request of Director of the Procuracy, might exempt him/her from paying the remaining fine.

6. If a person prohibited from residence or kept under mandatory supervision has served at least half the sentence and shows remarkable improvements, the Court, at the request of the criminal sentence execution authority of the district where he/she serves the sentence, might exempt him/her from serving the rest of the sentence.

7. The person exempt from serving a sentence as set out in this Article must fulfill the civil obligations specified in the judgment.

Article 63. Commutation of sentence

1. If a person who is sentenced to community sentence, determinate imprisonment, or life imprisonment has served the sentence for a sufficient period of time, shows improvements, and has fulfilled part of the civil liability, the Court, at the request of a competent criminal sentence execution authority, might issue a decision on commutation of the sentence.

The convict must serve the sentence for a sufficient period of time which is one third of the duration of community sentence or determinate imprisonment, or 12 years of the life sentence.

2. A person might receive more than one commutation. Nevertheless, at least half of the sentence must be served.

The first commutation of a life sentence shall be 30-year imprisonment. Nevertheless, a life sentence must be served for at least 20 years in reality regardless of the number of commutations.

3. If a person is convicted of multiple crimes and the sentence for one of which is life imprisonment, the Court may only give the first commutation to 30-year imprisonment after the convict has served the sentence for 15 years. Nevertheless, he/she must serve the sentence for at least 25 years in reality regardless of the number of commutations.

4. If a person who has received a commutation commits a new crime that is less serious, the Court may only give the first commutation after he/she has served haft of the combined sentence.

5. If a person who has received a commutation commits a new crime that is serious, very serious, or extremely serious, the Court may only give the first commutation after he/she has served two thirds of the combined sentence. If the combined sentence is life, commutation shall be considered in accordance with Clause 3 of this Article.

6. With regard a person who is sentenced to death and receives a commutation, or a person sentenced to death in the case specified in Point b or Point c Clause 3 Article 40 hereof, the first commutation may only be given after the convict has served the sentence for 25 years. Nevertheless, he/she must serve the sentence for at least 30 years in reality.

Article 64. Commutation under special circumstances

If the convict deserves further leniency (he/she has made reparation in an effort to atone for the crime, is too old and weak, or has a fatal disease), the Court may consider giving a commutation sooner or at a greater degree than those set out in Article 63 hereof.

Article 65. Probation

1. Where a person is sentenced to imprisonment of up to 03 years, in consideration of the offender's records and mitigating factors, the Court might give probation of 1 - 5 years and request the convict to fulfill certain obligations during this period in accordance with the Law on criminal sentence execution if imprisonment is deem unnecessary.

2. During the probation period, the person put on probation shall be supervised and educated by the organization or agency for which he/she works or the local authority. The family of the convict has the responsibility to cooperate with such agency or organization or the local authority in supervising and educating him/her.

3. The court may impose additional sentences upon the person put on probation if provided for by the applied provision of law.

4. After the person put on probation has served half the duration of the probation and shows improvements, at the request of the supervising agency/organization, the Court shall consider reducing the probation period.

5. During the probation period, if the convict deliberately fails to fulfill his/her obligations twice or more as prescribed by the Law on criminal sentence execution, the Court might require him/her to serve the suspended imprisonment sentence. If the convict commits a new crime, the Court shall force him/her to serve a combined sentence of the suspended sentenced and the new sentence as prescribed in Article 56 hereof.

Article 66. Conditional parole

1. A person serving an imprisonment sentence (prisoner) may be granted parole when all of the following conditions are satisfied:

a) The prisoner does not have prior criminal record;

b) The prisoner she shows remarkable improvements;

c) The prisoner convicted of a serious crime, very serious crime, or extremely serious crime has received a commutation;

d) The prisoner has a fixed residence;

dd) The prisoner has paid fines, legal costs, and civil compensation in full;

e) The prisoner has served at least half of determinate imprisonment or at least 15 years of life imprisonment commuted to determinate imprisonment.

A prisoner who is a wounded soldier, sick soldier, member of a martyr's family, aged 70 or older, a person suffers from a serious physical disability or extremely serious physical disability, a woman raising a child under 36 months of age must serve at least one third of determinate imprisonment or at least 12 years of a life imprisonment sentence commuted to determinate imprisonment;

g) The offence is not committed in any of the cases specified in Clause 2 of this Article.

2. Parole shall not be granted to:

a) any prisoner that is convicted of an offence against national security; terrorism, disruption of peace, crimes against humanity, war crimes; any person sentenced to 10 years' imprisonment or longer for deliberate infliction of harm to human life, health, or dignity; any person sentenced to 7 years' imprisonment for robbery, kidnapping for ransom, illegal manufacturing, trading, appropriation of narcotic substances;

b) any person sentenced to death and granted commutation or any person in the case specified in Clause 3 Article 40 hereof.

3. At the request of a competent criminal sentence execution authority, the Court shall decide granting parole. The person granted parole must fulfill his/her obligations during the probation period. The probation period equals (=) the remaining duration of the imprisonment sentence.

4. If the person granted parole deliberately fails to fulfill his/her obligations twice or more or receives 02 or more administrative penalties during the probation period, the Court might cancel the parole and force him/her to keep serving the sentence.

If such person commits a new crime during the probation period, the Court shall force him/her to serve a combined sentence of the unserved sentenced and the new sentence as prescribed in Article 56 hereof.

5. After the person granted parole has served half of the probation period and shows remarkable improvements, at the request of the competent criminal sentence execution authority, the Court shall consider reducing the probation period.

Article 67. Deferred imprisonment sentence

1. A person sentenced to imprisonment (the convict) might have the sentence deferred in the following cases:

a) A convict suffering from a serious disease may have the sentence deferred until he/she recovers;

b) A convict who is a pregnant woman or having a child under 36 months of age may have the sentence deferred until the child reaches the age of 36 months;

c) If the convict is the sole source of income in the family and his/her imprisonment causes his/her family to face extreme hardship, he/she may have the sentence deferred for up to 01 year, unless he/she commits an offence against national security, a very serious crime, or extremely serious crime;

b) A person convicted of a less serious crime may have the sentence deferred for up to 01 year if required by his/her official duties.

2. During the deferment, if the convict commits a new crime, the Court shall require him/her to serve a sentence which is a combination of the deferred sentence and the new sentence as prescribed in Article 56 hereof.

Article 68. Suspended imprisonment sentence

1. A person who is serving an imprisonment sentence may have the sentence suspended in the cases specified in Clause 1 Article 67 hereof.

2. The duration of suspension shall be included in the imprisonment period.

Chapter X

CONVICTION EXPUNGEMENT

Article 69. Conviction expungement

1. A convict may have his conviction expunged in accordance with Article 70 through 73 hereof. A person whose conviction is expunged is treated as if he/she does not have such conviction.

2. People convicted of involuntary and less serious crimes or serious crimes, and people exempt from punishments are treated as if they do not have any convictions.

Article 70. Automatic conviction expungement

1. Automatic conviction expungement is granted to people convicted of crimes other than those specified in Chapter XIII and Chapter XXVI hereof after they have served their primary sentences, probation period, or when the time limit for sentence execution expires and the conditions specified in Clause 2 and Clause 3 of this Article are met.

2. Automatic conviction expungement shall be granted to a convict if he has served the primary sentence or the probation period, additional punishments, other decisions of the judgment, and does not commit any new crime during the periods specified below:

a) 01 year in case of a warning, fine, community sentence, or suspended imprisonment;

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

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

d) 05 years in case of imprisonment of over 15 years or commuted life imprisonment.

A convict serving an additional punishment that is mandatory supervision, prohibition from residence, prohibition from holding certain positions, prohibition from doing certain jobs, deprivation of certain citizenship rights for a period longer than those specified in Point a, b, and c of this Clause, automatic conviction expungement shall be granted when he/she finishes serving the additional punishment.

3. Automatic conviction expungement shall be granted to a convict if he/she does not commit any new crime during the period specified in Clause 2 of this Article from the end of the time limit for sentence execution.

4. The agency managing criminal record database shall update information about criminal records of the convicts and issue criminal records which contains certification of no convictions on request if all conditions specified in Clause 2 or Clause 3 of this Article are satisfied.

Article 71. Conviction expungement under a court's decision

1. Conviction expungement under a court's is granted to people convicted of crimes specified in Chapter XIII and Chapter XXVI hereof after they have served their primary sentences, probation period, or when the time limit for sentence execution expires and the conditions specified in Clause 2 and Clause 3 of this Article are met.

The court shall decide whether to grant conviction expungement to people convicted of the criminal offences specified in Chapter XIII and Chapter XXVI hereof in consideration of the nature of the crimes committed, the convicts' obedience to the law and working attitude.

2. The court shall grant conviction expungement if the convict, after serving the primary sentence or probation period as well as additional sentences and other decisions of the judgment, does not commit any new crime over the following periods:

a) 03 years in case of warning, community sentence, or imprisonment of up to 05 years;

b) 05 years in case of 05 - 15 years' imprisonment;

c) 07 years in case of > 15 years' imprisonment, life imprisonment or death sentence that is commuted.

If the convict is serving an additional sentence which is mandatory supervision, prohibition from residence, or deprivation of certain citizenship rights for a longer period than that specified in Point a of this Clause, conviction expungement shall be considered when he/she finishes serving the additional sentence.

3. If a convict does not commit any new crime during the period specified in Clause 2 of this Article from the expiration of the time limit for sentence execution.

4. If an application for conviction expungement rejected for the first time, it may only be resubmitted after 01 year; if the application for conviction expungement is rejected for the second time, it may only be resubmitted after 02 years.

Article 72. Special cases of conviction expungement

Where a convict shows remarkable improvements and has made reparation in an effort to atone for the crime, and conviction expungement is requested by his/her employer or local authority, the court shall decide to grant conviction expungement if has served at least one third of the period specified in Clause 2 Article 70 and Clause 2 Article 71 of this Law.

Article 73. Period after which a conviction may be expunged

1. The period after which a conviction may be expunged specified in Article 70 and Article 71 hereof depends on the primary sentence.

2. If the convict who has not had the conviction expunged commits a new crime which leads to a conviction under an effective judgment, the period after which the conviction may be expunged shall start over from the day on which the primary sentence has been served or the end of the probation period of the new judgment, or from the deadline for execution of the new judgment.

3. If the convict has committed more than one crime and one of which is naturally eligible for expungement, one of which is eligible for expungement under a court's decision, the court shall decide expungement according to the period specified in Article 71 hereof.

4. Where a person is exempt from serving the remaining sentence, it will be considered that the sentence has been served.

Chapter XI

REGULATIONS APPLIED TO COMMERCIAL LEGAL ENTITIES COMMITTING CRIMINAL OFFENCES

Article 74. Application of Criminal Code to corporate legal entities committing criminal offences

A corporate legal entity shall bear criminal responsibility according to this Chapter, other regulations of Part One hereof that do not contravene this Chapter.

Article 75. Conditions for a corporate legal entity to bear criminal responsibility

1. A corporate legal entity shall only bear criminal responsibility if all of the following conditions are satisfied:

a) The criminal offence is committed in the name of the corporate legal entity;

b) The criminal offence is committed in the interests of the corporate legal entity;

c) The criminal offence is under instructions or approval of the corporate legal entity;

d) The time limit for criminal prosecution specified in Clause 2 and Clause 3 Article 27 hereof has not expired.

2. The fact that corporate legal entity has criminal responsibility does not exempt criminal responsibility of individuals.

Article 76. Scope of criminal responsibility of a corporate legal entity

A corporate legal entity shall only bear criminal responsibility for the following criminal offences:

1. Article 188 (Smuggling); Article 189 (Illegal trafficking of goods or money across the border); Article 190 (Manufacture or trading of banned commodities); Article 191 (Storage or transport of banned commodities); Article 192 (manufacture or trading of counterfeit foods, foodstuff, or food additives); Article 194 (Manufacture of trading of counterfeit medicines for treatment or prevention of diseases); Article 195 (Manufacture or trading of counterfeit animal feeds, fertilizers, veterinary medicine, pesticides, plant varieties, animal breeds); Article 196 (Hoarding); Article 200 (Tax evasion); Article 203 (Illegal printing, issuance, trading of invoices or receipts); Article 209 (Deliberate publishing of false information or concealment of information in securities activities); Article 210 (Use of internal information to deal in securities); Article 211 (Cornering the stock market); Article 213 (Commitment of frauds in insurance business); Article 216 (Evasion of social insurance, health insurance, unemployment insurance payment for employees); Article 217 (Violations against regulations on competition); Article 225 (Infringement of copyrights and relevant rights); Article 226 (Infringement of industrial property rights); Article 227 (violations against regulations on survey, exploration and extraction of natural resources); Article 232 (Violations against regulations on forest extraction and protection); Article 234 (Violations against regulations on management and protection of wild animals);

2. Article 235 (Causing environmental pollution); Article 237 (Violations against regulations on environmental emergency prevention, response, and relief); Article 238 (Violations against regulations on protection of irrigation works, embankments, and works for protection against natural disasters; Violations against regulations on protection of river banks); Article 239 (Import of wastes into Vietnam's territory); Article 22 (Destruction of aquatic resources); Article 243 (Forest destruction); Article 244 (Violations against regulations on management and protection of endangered, rare animals); Article 245 (Violations against regulations on management of wildlife sanctuaries); Article 246 (Import and spread of invasive alien species).

Article 77. Fine

1. Fine is imposed as a primary punishment or additional punishment against corporate legal entities committing criminal offences.

2. The fine level depends on the nature and level of danger of the criminal offence with account taken of the offender's financial capacity and fluctuation of prices. Nevertheless, the fine must not fall under VND 50,000,000.

Article 78. Suspension of operation

1. Suspension of operation means suspension of a corporate legal entity's activities in one or some fields in which the corporate legal entity harms human life, health, the environment, social security or order, and the damage can be repaired in reality.

2. The suspension period is from 06 months to 03 years.

Article 79. Permanent shutdown

1. Permanent shutdown means termination of a corporate legal entity's activities in one or some fields in which the corporate legal entity causes damage or possibly harms life, health of many people, causes environmental emergencies, or negatively impact social security or order, and the damage cannot be repaired.

2. A corporate legal entity is established for the sole purpose of committing the criminal offence shall have all of its activities permanently terminated.

Article 80. Prohibition from operating in certain fields

1. Prohibition from business operation in certain fields shall be applied if it is considered that the convicted corporate legal entity might harm human life, health or society if it keeps operating in such fields.

2. The court shall decide the fields from which the convicted entity is prohibited.

3. The duration of prohibition is from 01 to 03 years from the effective date of the judgment.

Article 81. Prohibition from raising capital

1. Prohibition from raising capital shall be applied if it is considered that the convicted corporate legal entity might harm human life, health or society if it keeps operating in such fields.

2. Types of prohibition from raising capital:

a) Prohibition from taking loans from banks, credit institutions, and investment funds;

b) Prohibition from issuance and securities offering;

c) Prohibition from raising capital from clients;

d) Prohibition from cooperation and association both in Vietnam and overseas;

dd) Prohibition from establishing real estate trusts.

3. The court shall decide on one or some of the types of prohibition specified in Clause 2 of this Article.

4. The duration of prohibition from raising capital is from 01 to 03 years from the effective date of the judgment.

Article 82. Judicial measures taken against corporate legal entities committing criminal offences

1. The Court may decide to take the following judicial measures against a corporate legal entity committing criminal offences:

a) The judicial measures specified in Article 47 and Article 48 hereof;

c) Compulsory restoration of original state;

c) Compulsory implementation of some measures for mitigation and prevention of consequences.

2. The court may require the offending entity to restore the original state which was changed by its criminal offence.

3. The court, on a case-by-case basis, may require the offending entity to implement one or some of the following measures for mitigation and prevention of consequences of the offence:

a) Compulsory dismantlement of the work or part of the work that is not licensed or built against the license;

b) Compulsory relief of environmental pollution or spread of disease;

c) Compulsory removal from Vietnam's territory or re-export of goods, vehicles taken into Vietnam's territory against regulations of law, or those temporarily imported but have not been re-exported as prescribed by law; imported or transited goods that infringe intellectual property rights; counterfeit goods; vehicles, raw materials imported for manufacture or trading of counterfeit goods after the elements of violation have been removed;

d) Compulsory destruction of goods or items that harm health of humans, animals, plants, and the environment; obscene materials or other exhibits subject to destruction as prescribed by law;

dd) Compulsory removal of violation elements on the goods, goods labels, means of trading, or items;

e) Compulsory recall of violating products being sold on the market.

Article 83. Basis for deciding punishments against offending corporate legal entities

The Court, pursuant to this Code and in consideration of the nature and danger of the criminal offence to society, offending entity's observation of law, mitigating and aggravating factors, to decide the punishment.

Article 84. Mitigating factors mitigating factors and criminal responsibility of corporate legal entity

1. The following circumstances are mitigating factors:

a) The offender has prevented or reduced the harm caused by the criminal offence;

b) The offender voluntarily makes rectification, pays damages, or relieves the consequences;

c) The criminal offence has not caused any damage or the damage caused is insignificant;

d) The offender offers cooperation with proceeding agencies during the proceedings;

dd) The offender has considerable contributions to implementation of social policies.

2. When deciding the punishments, the Court might consider the offender's other circumstances as mitigating factors and specify the reasons in the judgment.

3. If a circumstance defined as a mitigating factor this Code is the basis for determination of a crime or punishment bracket, it shall not be considered a mitigating factor in the decision on punishments.

Article 85. Aggravating factors applied to corporate legal entities

1. The following circumstances are considered aggravating factors:

a) Committing the criminal offence in collusion with another corporate legal entity;

b) Deliberately committing the criminal offence to the end;

C) The offence has been committed more than once;

d) Recidivism or dangerous recidivism;

dd) The offender takes advantage of war, state of emergency, natural disaster, epidemic, or other tragic circumstances of society to commit the criminal offence;

e) The offender makes use of sophisticated tricks to commit or conceal the criminal offence.

2. Circumstances defined by this Code as the basis for determination of a criminal offence or punishment bracket shall not be considered an aggravating factor.

Article 86. Decision on punishment for commitment of multiple criminal offences

When a corporate legal entity is tried for multiple criminal offences, the Court shall decide the punishment for each of them and combined punishment as follows:

1. Primary punishment:

a) If all punishments are fines, they shall be aggregated;

b) Punishments being suspension of activities in specific fields shall not be combined;

c) Fines shall not be combined with other punishments;

2. Additional punishment:

a) If all of the punishments imposed are the of the same type, the combined punishment shall not exceed the limits specified in this Code applied to such punishment; fines shall be aggregated;

b) If the punishments imposed are of various types, the convicted corporate legal entity must serve all of them.

Article 87. Combination of punishments of multiple judgments

1. If a corporate legal entity that is serving a sentence is tried for a criminal offence committed before such sentence is imposed, the Court shall decide the sentence for the criminal offence being tried, and then the combined sentence as prescribed in Article 86 hereof.

The duration of the previous sentence that is suspension of operation, prohibition from operating in certain fields, or prohibition from raising capital shall be deducted from that of the combined sentence.

2. When a corporate legal entity that is serving a sentence commits a new criminal offence, the Court shall decide the sentence for the new offence, then aggregate it with the unserved part of the sentence to make the combined sentence as prescribed in Article 86 hereof.

3. If a corporate legal entity is serving multiple sentences that are not combined, the executive judge of the Court shall issue a decision on a combined sentence as prescribed in Clause 1 and Clause 2 of this Article.

Article 88. Exemption of punishment

An offending corporate legal entity may be exempt from punishment after the damage has been repaired and compensation has been paid.

Article 89. Expungement of conviction

A convicted corporate legal entity shall automatically have its conviction expunged if it does not commit any new criminal offence for 02 years from the day on which the primary punishments, additional punishments, other decisions of the judgment are served, or from the expiration of the time limit for execution of the judgment.

Chapter XII

REGULATIONS APPLIED TO JUVENILE OFFENDERS

Section 1. GENERAL REGULATIONS ON CRIMINAL PROSECUTION AGAINST JUVENILE OFFENDERS

Article 90. Application of Criminal Code to juvenile offenders

A person aged from 14 to under 18 who commits a criminal offence shall take criminal responsibility in accordance with this Chapter, other regulations of Part One hereof that do not contravene this Chapter.

Article 91. Rules for taking actions against juvenile offenders

1. Actions against juvenile offenders must be taken in their best interests and for the purpose of education, helping them to rectify their wrongdoing, develop healthily, and become a helpful citizen.

Actions taken against juvenile offenders depend on their ages, awareness of their criminal acts, reasons, and circumstances in which the criminal offences are committed.

2. A juvenile offender who commits a criminal offence in any of the following cases and has more than one mitigating factors, voluntarily repairs the most part of the damage caused may be exempt from criminal responsibility and the measures specified in Section 2 of this Chapter, provided it is not the case specified in Article 29 hereof:

a) A person aged from 16 to under 18 commits a less serious crime or serious crime, except for the cases specified in Article 134 (deliberate infliction of bodily harm upon another person); Article 141 (Rape); Article 171 (Snatching); Article 248 (Illegal manufacture of narcotic substances); Article 249 (Illegal storage of narcotic substances); Article 250 (Illegal trafficking of narcotic substances); Article 251 (Illegal dealing in narcotic substances); Article 252 (Appropriation of narcotic substances) hereof;

b) A person aged from 14 to under 16 deliberately commits a very serious crime or serious crime specified in Clause 2 Article 12 hereof, except for the cases specified in Article 134 (homicide); Article 134, Clause 4 through 6 (Deliberate infliction of bodily harm upon another person); Article 141 (Rape); Article 142 (Rape of a person aged under 16); Article 144 (Non-consensual intercourse with a person aged from 13 to under 16); Article 150 (Human trafficking); Article 151 (Trafficking of a person aged under 16); Article 168 (Robbery); Article 171 (Snatching); Article 248 (Illegal manufacture of narcotic substances); Article 249 (Illegal storage of narcotic substances); Article 250 (Illegal trafficking of narcotic substances); Article 251 (Illegal dealing in narcotic substances); Article 252 (Appropriation of narcotic substances) hereof;

c) The juvenile offender is an accomplice who has a minor role in the commitment of the criminal offence.

3. Criminal prosecution against a juvenile offender shall only be initiated if necessary with account taken of his/her record, the danger to society of his/her offence, and requirements for crime prevention.

4. At the trial, the court shall only impose a sentence upon a juvenile offender if it is considered that the exemption of criminal responsibility and application any of the measures specified in Section 2 or compulsory education in a correctional institution specified in Section 3 of this Chapter do not have sufficient educational and deterrent effects.

5. Life imprisonment and death sentence shall not be imposed upon a juvenile offender.

6. The court shall only impose imprisonment upon a juvenile offender if it is considered that other punishments and educational measures do not have sufficient deterrent effects.

Where imprisonment is necessary, it shall be as short as is reasonable and more lenient that than applied to a person aged 18 and above (hereinafter referred to as adult offender) who commits a similar crime.

Additional punishments shall not be shall not be imposed upon a juvenile offender.

7. A sentence imposed upon an offender aged under 16 shall not be used as the basis for determination of recidivism or dangerous recidivism.

Section 2. SUPERVISORY AND EDUCATIONAL MEASURES IN CASE OF EXEMPTION FROM CRIMINAL RESPONSIBILITY

Article 92. Conditions

The investigating authority, the Procuracy, or the court shall only grant exemption of criminal responsibility and issue reprimand, call for reconciliation, or implement compulsory educational measures in the community if the juvenile offender or his/her legal representative accepts one of such measures.

Article 93. Reprimand

1. A reprimand shall be issued against a juvenile offender in the following cases in order to help him/her be aware of his/her criminal act and it consequences for the community, society, and his/her obligations:

a) An offender aged from 16 to under 18 commits a less serious crime for the first time;

b) An offender aged under 18 is an accomplice who has an insignificant role in the commitment of the crime.

2. The investigating authority, the Procuracy, or the court shall decide the issuance of reprimand. The issuance of a reprimand against a juvenile offender must be witnessed by his/her parent or legal representative.

3. The reprimanded person has the obligations to:

a) Comply with the law, rules of his/her community, school, and workplace;

b) Report for duty at the request of a competent authority;

c) Participate in educational programs and vocational training programs held by the local government; do appropriate jobs.

4. The competent authority shall decide the time limit for fulfilling the obligations specified in Point b and Point c Clause 3 of this Article on a case-by-case basis, which is from 03 months to 01 year.

Article 94. Reconciliation

1. Reconciliation shall be applied to a juvenile offender in the following cases:

a) An offender aged from 16 to under 18 commits a less serious crime or serious crime;

b) An offender aged from 14 to under 16 commits a very serious crime specified in Point b Clause 2 Article 91 hereof.

2. The investigating authority, the Procuracy, or the court shall cooperate with the People's Committee of the commune to organize the reconciliation when the victim or his/her legal representative voluntarily seek reconciliation and request exemption of criminal responsibility.

3. The person subject to reconciliation has the obligations to:

a) Offer the victim apologies and pay damages;

b) Fulfill the obligations specified in Clause 3 Article 93 hereof.

Article 95. Compulsory educational measures in the commune

1. The investigating authority, the Procuracy, or the court may apply education in the commune for 01 to 02 years to a juvenile offender in the following cases:

b) An offender aged from 16 to under 18 commits a less serious crime or serious crime specified in Point a Clause 2 Article 91 hereof;

b) An offender aged from 14 to under 16 commits a very serious crime specified in Point b Clause 2 Article 91 hereof.

2. The subject to supervisory and educational measures has the obligations to:

a) Fulfill his/her study and work duties;

b) Be supervised and educated by his/her family and commune government;

c) Not leave the commune without permission;

d) Fulfill the obligations specified in Clause 3 Article 93 hereof.

3. If the person subject to educational measures has served one half of the duration and shows remarkable improvements, the agency that imposes the measures may terminate the measures at the request of the People's Committee of the commune.

Section 3. COMPULSORY EDUCATION IN CORRECTIONAL INSTITUTIONS

Article 96. Education in correctional institutions

1. The court may subject a juvenile offender to compulsory education in correctional institutions for 01 - 02 years if the criminal act is considered serious or the measure is necessary because of his/her record or living environment.

2. The person sent to a correctional institution must fulfill his/her study and work duties under the supervision of the institution.

Article 97. Early termination of education in correctional institutions

If the person subject to educational measures has served one half of the duration and shows remarkable improvements, the court may terminate the measures at the request of the institution.

Section 4. PUNISHMENTS

Article 98. Punishments imposed upon juvenile offenders

A juvenile offender shall face one of the following punishments for each criminal offence committed:

1. Warning;

2. Fine;

3. Community sentence;

4. Imprisonment.

Article 99. Fine

A fine shall be imposed as an administrative penalty upon an offender aged from 16 to under 18 if he/she has income or private property.

The fine incurred by an offender aged from 16 to under 18 shall not exceed one half of the fine specified by the law.

Article 100. Community sentence

1. Community sentence shall be imposed upon an offender aged from 16 to under 18 who involuntarily commits a less serious crime, serious crime, or very serious crime, or an offender aged from 14 to under 16 who deliberately commits a very serious crime.

2. When community sentence is imposed upon a juvenile offender, his/her income must not be deducted.

The duration of community sentence imposed upon a juvenile offender shall not exceed one third of the duration specified by the law.

Article 101. Determinate imprisonment

1. If the punishment for a crime is life imprisonment or death sentence as prescribed by law, the heaviest sentence imposed upon an offender aged from 16 to under 18 shall not exceed 18 years; If the punishment for a crime is determinate imprisonment, the heaviest sentence imposed upon an offender aged from 16 to under 18 shall not exceed three quarters of the duration prescribed by law;

2. If the punishment for a crime is life imprisonment or death sentence as prescribed by law, the heaviest sentence imposed upon an offender aged from 14 to under 16 shall not exceed 12 years; If the punishment for a crime is determinate imprisonment, the heaviest sentence imposed upon an offender aged from 16 to under 18 shall not exceed one half of the duration prescribed by law.

Section 5. SENTENCE DECISION, COMBINED DECISION, SENTENCE EXEMPTION OR COMMUTATION, CONVICTION EXPUNGEMENT

Article 102. Decision on a sentence for preparation of a crime or incomplete crime

1. The court shall impose a sentence upon a juvenile offender for preparation of a crime or unsuccessful crime in accordance with Clause 1 Article 57 hereof.

2. The heaviest sentence imposed upon an offender aged from 14 to under 16 for preparation of a crime shall not exceed one third of the sentence for preparation of a crime prescribed by law.

The heaviest sentence imposed upon an offender aged from 16 to under 18 for preparation of a crime shall not exceed one third of the sentence in the bracket for preparation of a crime prescribed by law.

3. The heaviest sentence imposed upon an offender aged from 16 to under 18 for unsuccessful crime shall not exceed one third of the heaviest sentence specified in Article 100 and Article 101 hereof.

The heaviest sentence imposed upon an offender aged from 16 to under 18 shall not exceed one half of the sentence specified in Article 99 through 101 hereof.

Article 103. Combined sentence for multiple crimes

1. Where a juvenile offender commits multiple crimes, the court shall impose a sentence for each of them and a combined sentence in accordance with Article 55 hereof.

If the combined sentence is community sentence, the duration shall not exceed 03 years. If the combined sentence is determinate imprisonment, its duration shall not exceed 18 years for an offender aged from 16 to under 18, and 12 years for an offender aged from 14 to under 16.

2. Where a juvenile offender commits multiple crimes and one or some of which are committed before he/she reaches the age of 16, and the other afterwards:

a) If the sentence for the crime committed before the offender reaches the age of 16 is heavier or the same as that for the crime committed afterwards, the combined sentence shall not exceed the heaviest sentence imposed upon an offender aged from 14 to under 16 prescribed in Clause 1 of this Article;

a) If the sentence for the crime committed after the offender has reached the age of 16 is heavier or the same as that for the crime committed before the offender reaches the age of 16, the combined sentence shall not exceed the heaviest sentence imposed upon an offender aged from 14 to under 16 prescribed in Clause 1 of this Article;

3. Where a juvenile offender commits multiple crimes and one or some of which are committed when he/she reaches the age of 18, and the other afterwards:

a) If the sentence for the crime committed before the offender reaches the age of 18 is heavier or the same as that for the crime committed afterwards, the combined sentence shall not exceed the heaviest sentence specified in Clause 1 of this Article;

b) If the sentence for the crime committed when the offender has reached the age of 18 is heavier or the same as that for the crime committed before the offender reaches the age of 18, the combined sentence shall be the same as that imposed upon an adult offender.

Article 104. Combination of punishments of multiple judgments

If a person who is serving a sentence is tried for a crime committed before or after such sentence is imposed, the Court shall impose a combined sentence in accordance with Article 55 and Article 56 hereof.

The combined sentence must not exceed the heaviest sentence specified in Article 103 hereof.

Article 105. Sentence commutation

1. If a juvenile offender who is sentenced to community sentence or imprisonment has shown improvements and has served one quarter of the sentence, the court shall consider commuting the sentence. Each commutation may reduce the sentence by up to 04 years, provided the offender has to serve at least 2/5 of the sentence.

2. If a juvenile offender who is sentenced to community sentence or imprisonment has made reparation in an effort to atone for the crime or has a fatal disease, commutation shall be considered and the remaining sentence may be cancelled.

3. If the sentence imposed upon a juvenile offender is a fine but he/she is facing prolonged financial hardship due to a natural disaster, conflagration, accident, or disease, or has made reparation in an effort to atone for the crime, the court, at the request of Director of the Procuracy, might exempt him/her from paying the remaining fine.

Article 106. Conditional parole

1. A juvenile offender who is serving an imprisonment sentence may be given a parole if all of the following conditions are satisfied, except for the cases specified in Clause 2 Article 66 hereof:

a) The convict does not have prior criminal record;

b) He/she shows remarkable improvements;

c) The convict has served one third of the sentence duration;

d) The prisoner has a fixed residence;

2. Conditional parole shall be granted in accordance with Clause 3 through 5 Article 66 hereof.

Article 107. Expungement of conviction

1. A juvenile offender shall be treated as if he/she does not have a conviction in any of the following cases:

a) The offender is from 14 to under 16 years of age;

b) The offender aged from 16 to under 18 is convicted of a less serious crime, serious crime, or an involuntary very serious crime;

c) Judicial measures specified in Section 3 of this Chapter are taken.

2. A person aged from 16 to under 18 who is convicted of a deliberate very serious crime or extremely serious crime shall automatically have his/her conviction expunged if he/she does not commit any new crime for 03 years from the day on which the primary sentence is served or from the expiration of the time limit for sentence execution.

Part Two

CRIMINAL OFFENCES

Chapter XIII

OFFENCES AGAINST NATIONAL SECURITY

Article 108. High treason

1. Any Vietnamese citizen who colludes with foreign entities in infringing the independence, sovereignty, and territorial integrity of Vietnam, the socialism regime, and the State of Socialist Republic of Vietnam, its national defense and security shall face a penalty of 12 - 20 years' imprisonment, life imprisonment, or death.

2. If the offence involves multiple mitigating factors, imprisonment duration shall be 07 - 15 years.

3. Any person who makes preparation for the commitment of this criminal offence shall face a penalty of 01 - 05 years' imprisonment.

Article 109. Activities against the people's government

Any person who establishes or joins an organization that acts against the people's government shall face the following sentences:

1. The organizer, instigator, or person whose activities cause serious consequences shall face a penalty of 12 - 20 years' imprisonment, life imprisonment, or death;

2. Any accomplice shall face a penalty of 05 - 12 years' imprisonment;

3. Any person who makes preparation for the commitment of this criminal offence shall face a penalty of 01 - 05 years' imprisonment.

Article 110. Espionage

1. A person who commits any of the acts below shall face a penalty of 12 - 20 years' imprisonment, life imprisonment, or death:

a) Espionage, sabotage, or establishment of facilities serving espionage against Socialist Republic of Vietnam;

b) Establishment of facilities serving espionage or sabotage under the direction of foreign entities; spying, informing, concealing, guiding, or other acts that assist foreigners in espionage or sabotage;

c) Providing or collecting to provide classified information for foreign entities; collecting, providing other information and/or documents serving foreign entities' activities against Socialist Republic of Vietnam.

2. A less serious case of this offence shall carry a penalty of 05 - 15 years' imprisonment.

3. Any person who makes preparation for the commitment of this criminal offence shall face a penalty of 01 - 05 years' imprisonment.

4. A person who operates as a spy fails to accomplish his/her missions, and turns himself/herself in shall be exempt from criminal responsibility for this offence.

Article 111. Infringement upon territory

Any person who infringes upon Vietnam's territory, distorts the national border, or commits any other act for the purpose of infringing the territory of Socialist Republic of Vietnam shall face the following penalties:

1. The organizer or person whose activities cause serious consequences shall face a penalty of 12 - 20 years' imprisonment or life imprisonment;

2. Any accomplice shall face a penalty of 05 - 15 years' imprisonment;

3. Any person who makes preparation for the commitment of this criminal offence shall face a penalty of 01 - 05 years' imprisonment.

Article 112. Rebellion

Any person who engages in armed activities or use violence act against the people's government shall face the following penalties:

1. The organizer or person whose activities cause serious consequences shall face a penalty of 12 - 20 years' imprisonment, life imprisonment, or death;

2. Any accomplice shall face a penalty of 05 - 15 years' imprisonment;

3. Any person who makes preparation for the commitment of this criminal offence shall face a penalty of 01 - 05 years' imprisonment.

Article 113. Terrorism to oppose the people's government

1. Any person who, for the purpose of opposing the people's government, infringes upon life of officials or other people shall face a penalty of 12 - 20 years' imprisonment, life imprisonment, or death.

2. The following offences carry 10 - 15 years' imprisonment:

a) Establishing, joining a terrorist organization or an organization sponsoring terrorism;

b) Forcing, persuading other people to participate in terrorism; recruiting, training terrorists; manufacturing, providing weapons for terrorists;

c) Infringing upon bodily integrity, health of officials or other people.

3. An offence that involves death threats or mental intimidation shall carry a penalty of 5 - 10 years' imprisonment.

4. Terrorist acts against foreign organizations, individuals, or international organizations for the purpose of destroying the Vietnam's international relationship also carry the penalties specified in this Article.

5. Any person who makes preparation for the commitment of this criminal offence shall face a penalty of 01 - 05 years' imprisonment.

Article 114. Sabotaging facilities of Socialist Republic of Vietnam;

1. Any person who, for the purpose of opposing the people's government, sabotages political, national defense, national security, economic, scientific, technological, cultural, or social facilities of Socialist Republic of shall face a penalty of 12 - 20 years' imprisonment, life imprisonment, or death.

2. A less serious case of this offence shall carry a penalty of 05 - 15 years' imprisonment.

3. Any person who makes preparation for the commitment of this criminal offence shall face a penalty of 01 - 05 years' imprisonment.

Article 115. Sabotaging implementation of socio-economic policies

1. Any person who, for the purpose of opposing the people's government, sabotages the implementation of socio-economic policies shall face a penalty of 07 - 15 years' imprisonment.

2. A less serious case of this offence shall carry a penalty of 03 - 07 years' imprisonment.

3. Any person who makes preparation for the commitment of this offence shall face a penalty of 06 - 36 months" imprisonment.

Article 116. Sabotaging implementation of solidarity policies

1. Any person, for the purpose of opposing the people's government, commits any of the following acts shall face a penalty of 07 - 15 years' imprisonment:

a) Sowing divisions between the classes of people, between the people and people's government, the people's armed forces, or socio-political organizations;

b) Causing hostility, discrimination, secession, infringement upon equality rights among the ethnic communities of Vietnam;

c) Sowing division between religion followers and non-followers, between religions, between religion followers and people's government or socio-political organizations;

d) Sabotaging the implementation of international solidarity policies.

2. A less serious case of this offence shall carry a penalty of 02 - 07 years' imprisonment.

3. Any person who makes preparation for the commitment of this offence shall face a penalty of 06 - 36 months' imprisonment.

Article 117. Making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Vietnam

1. Any person, for the purpose of opposing the State of Socialist Republic of Vietnam, commits any of the following acts shall face a penalty of 05 - 12 years' imprisonment:

a) Making, storing, spreading information, materials, items whose that contains distorted information about the people's government;

b) Making, storing, spreading information, materials, items whose that contains fabricated information to cause dismay among the people;

b) Making, storing, spreading information, materials, items to cause psychological warfare.

2. An extremely serious case of this offence shall carry a penalty of 10 - 20 years' imprisonment.

3. Any person who makes preparation for the commitment of this criminal offence shall face a penalty of 01 - 05 years' imprisonment.

Article 118. Disruption of security

1. Any person who, for the purpose of opposing the people's government, incites, persuades, gathers other people to disrupt security, resists law enforcement officers in the performance of their duties, obstruct the operation of agencies or organizations shall face a penalty of 05 - 15 years' imprisonment, except for the cases specified in Article 112 hereof.

2. Any accomplice shall face a penalty of 02 - 07 years' imprisonment.

3. Any person who makes preparation for the commitment of this offence shall face a penalty of 06 - 36 months" imprisonment.

Article 119. Disruption of detention facilities

1. Any person who, for the purpose of opposing the people's government, causes disruption at a detention facility, assisting other people to escape from a detention facility, replace a detained or escorted person, or escapes from a detention facility shall face a penalty of 10 - 20 years' imprisonment or life imprisonment.

2. A less serious case of this offence shall carry a penalty of 03 - 10 years' imprisonment.

3. Any person who makes preparation for the commitment of this offence shall face a penalty of 01 - 05 years' imprisonment.

Article 120. Organizing, coercing, instigating illegal emigration for the purpose of opposing the people's government

1. Any person who, for the purpose of opposing the people's government, assists, forces, or persuades other people to emigrate illegally shall face a penalty of 05 - 15 years' imprisonment.

2. An extremely serious case of this offence shall carry a penalty of 12 - 20 years' imprisonment or life imprisonment.

3. Any person who makes preparation for the commitment of this offence shall face a penalty of 01 - 05 years' imprisonment.

Article 121. Illegal emigration for the purpose of opposing the people's government

1. Any person who, for the purpose of opposing the people's government, emigrates illegally shall face a penalty of 03 - 12 years' imprisonment.

2. An extremely serious case of this offence shall carry a penalty of 12 - 20 years' imprisonment.

3. Any person who makes preparation for the commitment of this offence shall face a penalty of 01 - 05 years' imprisonment.

Article 122. Additional punishment

A person who commits an offence specified in this Chapter may have some of his/her citizenship rights deprived of, be put under mandatory supervision, be prohibited from residence for 01 - 05 years, or have all or part of his/her property confiscated.

Chapter XIV

OFFENCES AGAINST THE PERSON AND REPUTATION

Article 123. Murder

1. A murderer in any of the cases below shall face a penalty of 12 - 20 years' imprisonment, life imprisonment, or death:

a) Murder of 02 or more people;

b) Murder of a person aged under 16;

c) Murder of a woman with the full knowledge of her pregnancy;

d) Murder of a law enforcement officer in performance of his/her official duties or murder of a person because of his/her official duties;

dd) Murder of the murderer's grandparent, parent, caregiver, or teacher;

e) Murder committed right before or after committing a very serious crime or extremely serious crime;

g) Murder for the commission or concealment of another crime;

g) Murder for taking the victim's body parts;

i) Brutal murder;

k) Murder by taking advantage of the murderer's profession;

l) Murder using a method capable of killing many people;

m) Contract killing;

n) Murder of a gangster-like nature;

o) Organized murder;

p) Dangerous recidivism;

q) Murder from despicable motives.

2. Murder in cases other than those specified in Clause 1 of this Article carry a penalty of 07 - 15 years' imprisonment.

3. Any person who makes preparation for the commitment of this offence shall face a penalty of 01 - 05 years' imprisonment.

4. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years, face mandatory supervision or prohibition from residence for 01 - 05 years.

Article 124. Murder or abandoning of a newborn child

1. A mother who kills her own newborn child under the impact of obsolete belief or in a special objective circumstance shall face a penalty of 06 - 36 months' imprisonment.

2. A mother who, under the impact of obsolete belief or in a special and objective circumstance, abandons her own newborn child within the first 07 days shall face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment if such abandonment results in the death of the child.

Article 125. Voluntary manslaughter in the heat of passion

1. Anyone who commits voluntary manslaughter in the heat of passion under a circumstance provoked by the victim's serious illegal actions against the murderer or the murderer's family members shall face a penalty of 06 - 36 months' imprisonment.

2. The murder of 02 or more people under provocation shall carry a penalty of 03 - 07 years' imprisonment.

Article 126. Voluntary manslaughter due to the use of unjustified force in self-defense or while capturing a criminal

1. A murder of a person due to the use of unjustified force in self-defense or while capturing a criminal carries a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

2. The murder of 02 or more people in this case shall carry a penalty of 02 - 05 years' imprisonment.

Article 127. Voluntary manslaughter by a law enforcement officer in performance of his/her official duties

1. Any law enforcement officer who, in performance of his/her official duties, causes the death of another person due to the use of violence in cases other than those justified by law shall face a penalty of 05 - 10 years' imprisonment.

2. Murder in any of the following cases shall carry a penalty of 08 - 15 years' imprisonment:

a) Murder of 02 or more people;

b) Murder of a person aged under 16; murder of a woman with the full knowledge of her pregnancy.

3. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Article 128. Involuntary manslaughter

1. A person who commits an involuntary manslaughter shall face a penalty of up to 03 years' community sentence or 01 - 5 years' imprisonment.

2. The murder of 02 or more people in this case shall carry a penalty of 03 - 10 years' imprisonment.

Article 129. Involuntary manslaughter due to misconduct in professional practice or administrative rules

1. A person who commits an involuntary murder because of misconduct in professional practice or administrative rules shall face a penalty of 01 - 05 years' imprisonment.

2. The murder of 02 or more people in this case shall carry a penalty of 05 - 12 years' imprisonment.

3. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Article 130. Coercing suicide

1. Any person who cruelly treats, frequently oppresses, abuses, or humiliates his/her care-dependent to such an extent that the care-dependent commits suicide shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 12 years' imprisonment:

a) The offence is committed against 02 or more people;

b) The offence is committed against a person aged under 16 or a woman with the full knowledge of her pregnancy.

Article 131. Inciting or aiding another person to commit suicide

1. A person who commits any of the following acts shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Inciting, counseling, persuading another to commit suicide;

b) Providing financial or spiritual support for another to commit suicide.

2. An offence that results in the suicide of 02 or more people shall carry a penalty of 02 - 07 years' imprisonment.

Article 132. Failure to assist a person in peril

1. Any person who is capable of but fails to assist a person in peril resulting in the death of such person shall face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 05 years' imprisonment:

a) The offender is the one who causes the peril the victim was in;

b) The offender has a duty to rescue by law or by his/her professional ethics.

3. An offence that results in the death of 02 or more people shall carry a penalty of 03 - 07 years' imprisonment.

4. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Article 133. Threat of murder

1. A person who threatens to commit a murder shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment if there are grounds for the threatened person to believe that the threat is likely to be carried out.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed against 02 or more people;

b) The offence involves abuse of the offender's position or power;

c) The threat is made against a law enforcement officer in performance of his/her official duties or because of his/her official duties;

d) The threat is made against a person aged under 16;

dd) The threat is meant to conceal another criminal offence or avoid punishment for such offence.

Article 134. Deliberate infliction of bodily harm upon another person

1. A person who deliberately inflicts bodily harm upon another person and causes 11% - 33% physical disability or not exceeding 11% physical disability in any of the following cases shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) A dangerous weapon or method is used to harm 02 or more people;

b) Sulfuric acid (H2SO4) or another hazardous chemical is used to inflict bodily harm upon another person;

c) The act results in a mild handicap of the victim;

d) The offence has been committed more than once;

dd) The offence is committed against 02 or more people;

e) The victim is a person aged under 16, a woman whose pregnancy is known by the offender, an old and weak, sick , or defenseless person;

g) The victim is the offender's grandparent, parent, caregiver, or teacher;

h) The offence is committed by an organized group;

i) The offence involves abuse of the offender's position or power;

k) The offence is committed while the offender is kept in temporary detention, serving his/her sentence in a prison or correctional institution or rehabilitation center;

l) The offender hires another person or is hired to inflict bodily harm to the victim;

m) The offence is of a gangster-like nature;

n) Dangerous recidivism;

o) The offence is made against a law enforcement officer in performance of his/her official duties or because of his/her official duties;

2. A person who deliberately inflicts bodily harm upon another people and causes 11% - 33% physical disability in any of the cases specified in Point a, b, d, dd, e, g, h, i, k, l, m, n and o Clause 1 of this Article shall face a penalty of 02 - 05 years' imprisonment.

3. A person who deliberately inflicts bodily harm upon another people and causes 31% - 60% physical disability shall face a penalty of 04 07 years' imprisonment.

4. A person who deliberately inflicts bodily harm upon another people and causes 31% - 60% physical disability in any of the cases specified in Point a, b, d, dd, e, g, h, i, k, l, m, n and o Clause 1 of this Article shall face a penalty of 07 - 12 years' imprisonment.

5. A person who deliberately inflicts bodily harm upon another person and causes ≥ 61% physical disability, except for the case in Point c Clause 6 of this Article, or the death of the victim shall face a penalty of 10 - 15 years' imprisonment.

6. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment or life imprisonment:

a) The offence results in the death of 02 or more people;

b) The offence results in bodily harm of 02 or more people, each of whom suffers from ≥ 61% physical disability;

c) The offence results in ≥ 61% physical disability in the victim's face;

7. Any person who makes preparation for the commitment of this offence shall face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

Article 135. Deliberate infliction of bodily harm upon others in the heat of passion

1. A person who deliberately inflicts bodily harm upon another people and causes 31% - 60% physical disability in the heat of passion provoked by the victim's serious violations of law against the offender or the offender's family member shall face a fine of VND 10,000,000 - VND 50,000,000 or face a penalty of up to 03 years' community sentence.

2. This offence committed in any of the following cases shall carry a penalty of 06 - 36 months" imprisonment:

a) The offence results in bodily harm of 02 or more people, each of whom suffers from 31% - 60% physical disability;

b) The offence results in ≥ 61% physical disability or death of the victim.

Article 136. Deliberate infliction of bodily harm because of unjustified force in capturing criminals

1. Any person who deliberately inflicts 31% - 60% physical disability to another person because of unjustified force in capturing criminals shall incur a fine of VND 5,000,000 - VND 20,000,000 or face a penalty of up to 03 years' community sentence.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 02 years' imprisonment:

a) The offence results in bodily harm of 02 or more people, each of whom suffers from 31% - 60% physical disability;

b) The offence results in ≥ 61% physical disability of the victim.

3. If this offence results in the death of a person or bodily harm of 02 or more people, each of whom suffers from ≥ 61% physical disability, the offender shall face a penalty of 01 - 03 years' imprisonment.

Article 137. Deliberate infliction of bodily harm by a law enforcement officer in performance of his/her official duties

1. Any law enforcement officer in performance of his/her official duties who uses violence under circumstances other than those in which infliction of bodily harm is permitted by law or deliberately inflicts bodily harm upon another person and causes 31% - 60% physical disability shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence results in bodily harm of 02 or more people, each of whom suffers from ≥ 31% physical disability;

b) The offence results in ≥ 61% physical disability of the victim;

c) The offence is committed against a person aged under 16, a woman whose pregnancy is known by the offender, an old and weak, sick, or defenseless person.

3. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Article 138. Involuntary infliction of bodily harm upon others

1. Any person who involuntarily inflicts 31% - 60% physical disability to another person shall receive a warning, be liable to a fine of VND 5,000,000 - VND 20,000,000 or face a penalty of up to 03 years' community sentence.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 02 years' imprisonment:

a) The offence results in bodily harm of 02 or more people, each of whom suffers from 31% - 60% physical disability;

b) The offence results in ≥ 61% physical disability of the victim.

3. If this offence results in bodily harm of 02 or more people, each of whom suffers from ≥ 61% physical disability, the offender shall face a penalty of 01 - 03 years' imprisonment.

Article 139. Involuntary infliction of bodily harm because of professional misconduct or breach of administrative rules

1. Any person who, because of misconduct in professional practice or violations against administrative rules, involuntarily inflicts 31% - 60% physical disability upon another person shall be liable to a fine of VND 20,000,000 - VND 100,000,000 or face a penalty of up to 03 years' community sentence or 03 - 12 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 06 - 36 months' imprisonment:

a) The offence results in bodily harm of 02 or more people, each of whom suffers from 31% - 60% physical disability;

b) The offence results in ≥ 61% physical disability of the victim.

3. If this offence results in bodily harm of 02 or more people, each of whom suffers from ≥ 61% physical disability, the offender shall face a penalty of 01 - 05 years' imprisonment.

4. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Article 140. Abuse

1. A person who maltreats or humiliates his/her dependent, except for the cases specified in Article 185 hereof, shall face a penalty of up to 03 years' community sentence or 03 - 24 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 03 years' imprisonment:

a) The victim is a person aged under 16, a woman whose pregnancy is known by the offender, an old and weak, sick , or defenseless person;

b) The victim suffers from 11% mental and behavioral disability or above because of the offence;

c) The offence is committed against 02 or more people.

Article 141. Rape

1. Any person who uses violence or threatens to use violence or takes advantage of the victim's defenselessness or other tricks to engage in non-consensual sexual intercourse or other sexual activities shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed against a person for whom the offender is responsible for providing care, education, or medical treatment;

c) The offence is committed by more than one person against one person;

d) The offence has been committed more than once;

dd) The offence is committed against 02 or more people;

e) The offence is of an incestuous nature;

g) The offence results in the victim's pregnancy;

h) The offence results in 31% - 60% physical disability of the victim;

i) The victim suffers from 11% - 45% mental and behavioral disability because of the offence;

k) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment or life imprisonment:

a) The offence results in ≥ 61% physical disability of the victim;

b) The offender commits the offence in the knowledge of his HIV infection;

c) The victim suffers from 46% mental and behavioral disability or above because of the offence;

d) The offence results in the death or suicide of the victim.

4. The offence committed against a person aged from 16 to under 18 shall carry a penalty of 05 - 10 years' imprisonment.

A person commits the offence in any of the cases specified in Clause 2 or Clause 3 shall face corresponding penalties specified in therein.

5. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Article 142. Rape of a person under 16

1. A person who commits any of the following acts shall face a penalty of 07 - 15 years' imprisonment:

a) Use of violence or threatens to use violence or takes advantage of the victim's defenselessness or other tricks to engage in non-consensual sexual intercourse or other sexual activities with a person aged from 13 to under 16.

b) Engaging in sexual intercourse or other sexual activities with a person under 13.

2. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment:

a) The offence is of an incestuous nature;

b) The offence results in the victim's pregnancy;

c) The offence results in 31% - 60% physical disability of the victim;

d) The victim suffers from 11% - 45% mental and behavioral disability because of the offence;

dd) The offence is committed against a person for whom the offender is responsible for providing care, education, or medical treatment;

e) The offence has been committed more than once;

g) The offence is committed against 02 or more people;

h) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 20 years' imprisonment, life imprisonment, or death:

a) The offence is committed by an organized group;

b) The offence is committed by more than one person against one person;

c) The offence is committed against a person under 10;

d) The offence results in ≥ 61% physical disability of the victim.

dd) The victim suffers from 46% mental and behavioral disability or above because of the offence;

e) The offender commits the offence in the knowledge of his HIV infection;

g) The offence results in the death or suicide of the victim.

4. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Article 143. Sexual abuse

1. Any person who employs trickery to make his care-dependent or a person in extreme need to reluctantly engage in sexual intercourse or other sexual activities shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence is committed by more than one person against one person;

b) The offence has been committed more than once;

c) The offence is committed against 02 or more people;

d) The offence is of an incestuous nature;

dd) The offence results in the victim's pregnancy;

e) The offence results in 31% - 60% physical disability of the victim;

g) The victim suffers from 11% - 45% mental and behavioral disability because of the offence;

h) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 18 years' imprisonment:

a) The offence results in ≥ 61% physical disability of the victim;

b) The victim suffers from 46% mental and behavioral disability or above;

c) The offender commits the offence in the knowledge of his HIV infection;

d) The offence results in the death or suicide of the victim.

4. If this offence is committed against a person aged from 16 to under 18, the offender shall face a penalty of 02 - 07 years' imprisonment.

A person commits the offence in any of the cases specified in Clause 2 or Clause 3 shall face corresponding penalties specified in therein.

5. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Article 144. Sexual abuse of a person aged from 13 to under 16

1. Any person who employs trickery to make a person aged from 13 to under 16 who is his care-dependent or a person in extreme need to reluctantly engage in sexual intercourse or other sexual activities shall face a penalty of 05 - 10 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence is of an incestuous nature;

b) The offence results in the victim's pregnancy;

c) The offence results in 31% - 60% physical disability of the victim;

d) The victim suffers from 11% - 45% mental and behavioral disability because of the offence;

dd) The offence has been committed more than once;

e) The offence is committed against 02 or more people;

g) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment or life imprisonment:

a) The offence is committed by more than one person against one person;

b) The offence results in ≥ 61% physical disability of the victim;

c) The victim suffers from 46% mental and behavioral disability or above because of the offence;

d) The offender commits the offence in the knowledge of his HIV infection;

dd) The offence results in the death or suicide of the victim.

4. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Article 145. Engaging in sexual intercourse or other sexual activities with a person aged from 13 to under 16

1. Any person aged 18 or over who engages in sexual intercourse or other sexual activities with a person aged from 13 to under 16 in cases other than those specified in Article 142 and Article 144 hereof shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence has been committed more than once;

b) The offence is committed against 02 or more people;

c) The offence is of an incestuous nature;

d) The offence results in the victim's pregnancy;

dd) The offence results in 31% - 60% physical disability of the victim;

e) The offence is committed against a person for whom the offender is responsible for providing care, education, or medical treatment.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in ≥ 61% physical disability of the victim;

b) The offender commits the offence in the knowledge of his HIV infection.

4. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Article 146. Molestation of a person under 16

1. Any person who molests a person under 16 for purposes other than sexual intercourse or other sexual activities shall face a penalty of 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) Organized crime;

b) The offence has been committed more than once;

c) The offence is committed against 02 or more people;

d) The offence is committed against a person for whom the offender is responsible for providing care, education, or medical treatment;

dd) The victim suffers from 11% - 45% mental and behavioral disability because of the offence;

e) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 12 years' imprisonment:

a) The victim suffers from 46% mental and behavioral disability or above because of the offence;

b) The offence results in the suicide of the victim.

4. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Article 147. Employment of a person under 16 for pornographic purposes

1. Any person aged 18 or over who persuades, entices, forces a person under 16 to participate in a pornographic performance or watch a pornographic performance in any shape or form shall face a penalty of 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) Organized crime;

b) The offence has been committed more than once;

c) The offence is committed against 02 or more people;

d) The offence is committed against a person for whom the offender is responsible for providing care, education, or medical treatment;

dd) The offence is committed for commercial purposes;

e) The victim suffers from 11% - 45% mental and behavioral disability because of the offence;

g) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 12 years' imprisonment:

a) The victim suffers from 46% mental and behavioral disability or above because of the offence;

b) The offence results in the suicide of the victim.

4. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Article 148. Transmission of HIV to others

1. A person who, in the knowledge of his/her HIV infection, deliberately transmits HIV to another person, unless the victim knows the it and voluntarily engages in sexual intercourse, shall face a penalty of 01 - 03 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence is committed against 02 or more people;

b) The offence is committed against a person aged under 18;

c) The offence is committed against a woman with the full knowledge of her pregnancy;

d) The offence is committed against the physician or health worker who directly provides treatment for the offender;

dd) The offence is committed against a law enforcement officer in performance of his/her official duties or because of his/her official duties.

Article 149. Deliberate transmission of HIV to others

1. Any person who deliberately transmits HIV to another person in cases other than those specified in Article 148 hereof shall face a penalty of 03 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed against a law enforcement officer in performance of his/her duty or because of his/her official duties;

c) The offence is committed against a person under 18;

d) The offence is committed against 02 - 05 people.

dd) The offence is committed by taking advantage of the offender's profession;

e) The victim suffers from 11% - 45% mental and behavioral disability because of the offence.

3. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment or life imprisonment:

a) The offence is committed against a woman with the full knowledge of her pregnancy;

b) The offence is committed against 06 or more people;

c) The victim suffers from 46% mental and behavioral disability or above because of the offence;

d) The offence results in the suicide of the victim.

4. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Article 150. Human trafficking

1. Any person who uses violence, threatens to use violence, deceives, or employs other tricks to commit any of the following acts shall face a penalty of 05 - 10 years' imprisonment:

a) Transferring or receiving human people for transfer for money, property, or other financial interests;

b) Transferring or receiving human people for sexual slavery, coercive labor, taking body parts, or for other inhuman purposes;

c) Recruiting, transporting, harboring other people for the commission of any of the acts specified in Point a or Point b of this Clause.

2. This offence committed in any of the following cases shall carry a penalty of 08 - 15 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed by despicable motives;

c) The victim suffers from 11% - 45% mental and behavioral disability because of the offence;

d) The offence results in 31% physical disability or more of the victim, except for the case specified in Point b Clause 3 of this Article;

dd) The victim is taken across the border out of Vietnam;

e) The offence is committed against 02 - 05 people;

g) The offence has been committed more than once.

3. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment:

a) The offence is committed in a professional manner;

b) The victim's body part has been taken;

c) The victim suffers from 46% mental and behavioral disability or above because of the offence;

d) The offence results in the death or suicide of the victim;

dd) The offence is committed against 06 or more people;

e) Dangerous recidivism;

4. The offender may also be liable to a fine of from VND 20,000,000 to VND 100,000,000 , be put under mandatory supervision, prohibited from residence for 01 - 05 years, or have all or part of his/her property confiscated.

Article 151. Trafficking of a person under 16

1. A person who commits any of the following acts shall face a penalty of 07 - 12 years' imprisonment:

a) Transferring or receiving a person under 16 for transfer for money, property, or other financial interests, except for humanitarian purposes;

b) Transferring or receiving a person under 16 for sexual slavery, coercive labor, taking body parts, or for other inhuman purposes;

c) Recruiting, transporting, harboring a person under 16 for the commission of any of the acts specified in Point a or Point b of this Clause.

2. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment:

b) The offence involves abuse of the offender's position or power;

b) The offender commits the offence by taking advantage of child adoption;

c) The offence is committed against 02 - 05 people;

d) The offence is committed against a person for whom the offender is responsible for providing care;

dd) The victim is taken across the border out of Vietnam;

e) The offence has been committed more than once;

g) The offence is committed by despicable motives;

h) The victim suffers from 11% - 45% mental and behavioral disability because of the offence;

i) The offence results in 31% physical disability or more of the victim, except for the case specified in Point d Clause 3 of this Article.

3. This offence committed in any of the following cases shall carry a penalty of 18 - 20 years' imprisonment or life imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The victim suffers from 46% mental and behavioral disability or above because of the offence;

d) The victim's body part has been taken;

dd) The offence results in the death or suicide of the victim;

e) The offence is committed against 06 or more people;

g) Dangerous recidivism.

4. The offender may also be liable to a fine of from VND 50,000,000 to VND 200,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years, be put under mandatory supervision for 01 - 05 years, or have all or part of his/her property confiscated.

Article 152. Swapping a person under 01 year of age

1. Any person who swaps a person under 01 year of age with another shall face a penalty of 02 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves abuse of the offender's position or power;

c) The offence is committed against a person for whom the offender is responsible for providing care;

d) The offence has been committed more than once;

3. This offence committed in any of the following cases shall carry a penalty of 07 - 12 years' imprisonment:

a) The offence is committed in a professional manner;

b) Dangerous recidivism.

4. The offender may also be liable to a fine of from VND 10,000,000 to VND 50,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 153. Abduction of a person under 16

1. Any person who uses violence, threatens to use violence, deceives, or employs other tricks to commit any of the following acts shall face a penalty of 05 - 10 years' imprisonment:

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves abuse of the offender's position or power;

c) The offence is committed against a person for whom the offender is responsible for providing care;

d) The offence is committed against 02 - 05 people.

dd) The offence has been committed more than once;

e) The victim suffers from 11% - 45% mental and behavioral disability because of the offence;

g) The offence results in ≥ 31% physical disability of the victim.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The offence is committed in a professional manner;

b) The offence is committed against 06 or more people;

c) The victim suffers from 46% mental and behavioral disability or above because of the offence;

d) The offence results in the death of the victim;

dd) Dangerous recidivism.

4. The offender may also be liable to a fine of from VND 10,000,000 to VND 50,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 154. Trading, appropriation of human tissues or body parts

1. Any person who deals in or appropriates human tissues or other body parts shall face a penalty of 03 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed for commercial purposes;

c) The offence involves abuse of the offender's position or power;

d) The offence is committed against 02 - 05 people.

dd) The offence has been committed more than once;

e) The offence results in 31% - 60% physical disability of the victim.

3. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment or life imprisonment:

a) The offence is committed in a professional manner;

b) The offence results in ≥ 61% physical disability of the victim.

c) The offence is committed against 06 or more people;

d) The offence results in the death of the victim;

dd) Dangerous recidivism.

4. The offender may also be liable to a fine of from VND 10,000,000 to VND 100,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 155. Insults to another person

1. Any person who seriously insults another person shall receive a warning, be liable to a fine of VND 10,000,000 - VND 30,000,000 or face a penalty of up to 03 years' community sentence.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 02 years' imprisonment:

a) The offence has been committed more than once;

b) The offence is committed against 02 or more people;

c) The offence involves abuse of the offender's position or power;

d) The offence is committed against a law enforcement officer in performance of his/her official duties;

dd) The offence is committed against a person who cares for, teaches, raises, or provides medical treatment for the offender;

e) The offence is committed using a computer network, telecommunications network, or electronic device;

g) The victim suffers from 11% - 45% mental and behavioral disability because of the offence.

3. This offence committed in any of the following cases shall carry a penalty of 02 - 05 years' imprisonment:

a) The victim suffers from 46% mental and behavioral disability or above because of the offence;

b) The offence results in the suicide of the victim.

4. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Article 156. Slander

1. A person who commits any of the following acts shall be liable for a fine of from VND 10,000,000 to VND 50,000,000, face a penalty of up to 02 years' community sentence or 03 - 12 months' imprisonment:

a) Fabricating information or spreading false information to harm another person's reputation or infringes upon another person's lawful rights and interests;

b) Accusing a person of a fabricated crime report it to the authorities.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 03 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves abuse of the offender's her position or power;

c) The offence is committed against 02 or more people;

d) The offence is committed against the offender's grandparent, parent, or a person who cares for, teaches, raises, or provides medical treatment for the offender;

dd) The offence is committed against a law enforcement officer in performance of his/her official duties;

e) The offence is committed using a computer network, telecommunications network, or electronic device;

g) The victim suffers from 11% - 45% mental and behavioral disability because of the offence;

h) Accusing another person of a very serious crime or extremely serious crime which is fabricated.

3. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by despicable motives;

b) The victim suffers from 46% mental and behavioral disability or above;

c) The offence results in the suicide of the victim.

4. The offender may also be liable to a fine of from VND 10,000,000 to VND 50,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

Chapter XV

OFFENCES AGAINST PERSONAL LIBERTY, CITIZENS' RIGHTS TO FREEDOM AND DEMOCRACY

Article 157. Illegal arrest, detention, or imprisonment of a person

1. Any person arrests, detains, or imprisons another person against the law, except for the cases specified in Article 377 hereof, shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves abuse of the offender's her position or power;

c) The offence is committed against a law enforcement officer in performance of his/her official duties;

d) The offence has been committed more than once;

dd) The offence is committed against 02 or more people;

e) The offence is committed against a person under 18, a woman whose pregnancy is known by the offender, an elderly, sick, or defenseless person.

g) The offence results in the victim's extreme hardship or predicament;

h) The victim suffers from 11% - 45% mental and behavioral disability because of the offence;

3. This offence committed in any of the following cases shall carry a penalty of 05 - 12 years' imprisonment:

a) The offence results in the victim's death or suicide;

b) The victim is tortured or treated in a brutal and inhuman way, or the victim's dignity is destroyed;

c) The victim suffers from 46% mental and behavioral disability or over because of the offence.

4. The offender might be forbidden from holding certain positions for 01 - 05 years.

Article 158. Home infringement

1. Any person who commits any of the following acts shall face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment:

a) Illegally searching another person's home;

b) Using violence or threatening to use violence or other illegal tricks to force another person to leave his/her lawful home;

c) Using illegal tricks to occupy a home or obstruct its lawful residents or managers from entering their home;

d) Breaking in another person's home without the consent of its owner or manager.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves abuse of the offender's her position or power;

c) The offence has been committed more than once;

d) The offence results in the suicide of the victim;

dd) The offence has a negative impact on social safety, order, and security.

3. The offender might be forbidden from holding certain positions for 01 - 05 years.

Article 159. Infringement upon secret information, mail, telephone, telegraph privacy, or other means of private information exchange

1. A person who recommits any of the following acts after being disciplined or incurring an administrative penalty shall receive a warning, be liable to a fine of from VND 20,000,000 to VND 50,000,000 or face a penalty of up to 03 years' community sentence:

a) Appropriation of another person's mails, telegraphs, telex, faxes, or other documents which are transmitted on the postal or telecommunications network in any shape or form;

b) Deliberately damaging, losing, or obtaining another person's mails, telegraphs, telex, faxes, or other documents which are transmitted on the postal or telecommunications network;

c) Listening or recording conversations against the law;

d) Searching, confiscating mails or telegraphs against the law;

dd) Other acts that infringe upon secret information, mail, telephone, telegraph privacy, or other means of private information exchange.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 03 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves abuse of the offender's her position or power;

c) The offence has been committed more than once;

d) The obtained information is disclosed and affects another person's dignity or reputation;

dd) The offence results in the suicide of the victim.

3. The offender may also be liable to a fine of from VND 5,000,000 to VND 20,000,000, be prohibited from holding certain positions for 01 - 05 years.

Article 160. Infringement upon citizens' right to vote or self-nominate, or vote upon referendum

1. A person who uses deception, bribery, coercion, or other tricks to obstruct a citizen from exercising his/her right to vote, self-nominate, or vote upon a referendum held by the State shall receive a warning or face a penalty of up to 01 year' community sentence or 03 - 12 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 02 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves abuse of the offender's her position or power;

c) The offence results in postponement of the election day, re-election, or postponement of the referendum.

3. The offender might be forbidden from holding certain positions for 01 - 05 years.

Article 161. Falsification of election or referendum result

1. Any person who is responsible for organizing, supervising the election or organizing the referendum and fabricate documents, votes, or uses other tricks to falsify the election or referendum result shall face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 03 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence results in postponement of the election or referendum.

3. The offender might be forbidden from holding certain positions for 01 - 05 years.

Article 162. Forcing officials to resign or laying off workers against the law

1. Any person who, for self-seeking purposes or another private motive, commits any of the following acts which results in the laid off person or his/her family extreme hardship or strike shall be liable to a fine of from VND 10,000,000 to VND 100,000,000 or face a penalty of up to 01 year's community sentence or 03 - 12 months' imprisonment:

a) Issuing illegal decisions on dismissal of an official;

b) Laying off a worker against the law;

c) Forcing or threatening an official or worker to resign.

2. This offence committed in any of the following cases shall carry a fine of from VND 100,000,000 to VND 200,000,000 or a penalty of 01 - 03 years' imprisonment:

a) The offence is committed against 02 or more people;

b) The offence is committed against a woman whose pregnancy is known by the offender;

c) The offence is committed against a woman raising a child under 12 months of age;

d) The offence results in the suicide of the person who resigns or is laid off.

3. The offender might be forbidden from holding certain positions for 01 - 05 years.

Article 163. Infringement upon citizens' right to association

1. Any person uses violence, threat to use violence, or other tricks to obstruct or force other people to associate or hold meeting despite the fact that he/she was disciplined or incurred a civil penalty for the same offence shall face a penalty of up to 01 year's community sentence or 03 - 12 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 03 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves abuse of the offender's her position or power;

c) The offence has been committed more than once;

d) The offence results in a demonstration;

dd) The offence has a negative impact on social safety, order, and security.

3. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Article 164. Infringement upon the freedom of religion

1. Any person who uses violence, threat to use violence, or other tricks to obstruct a person from exercising his/her freedom of religion or force another person to follow or not to follow a specific religion despite the fact that he/she was disciplined or incurred a civil penalty for the same offence shall face a penalty of up to 01 year's community sentence or 03 - 12 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 03 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves abuse of the offender's her position or power;

c) The offence has been committed more than once;

d) The offence results in a demonstration;

dd) The offence has a negative impact on social safety, order, and security.

3. The offender might be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Article 165. Infringement of gender equality

1. A person who, for reason of gender, obstructs another person from participate in activities in terms of politics, economics, labor, education, science and technology, culture, information, sports, healthcare despite the fact that he/she was disciplined or incurred a civil penalty for the same offence shall be liable to a fine of from VND 5,000,000 to VND 50,000,000 or face a penalty of up to 2 years' community sentence.

2. This offence committed in any of the following cases shall carry a fine of from VND 50,000,000 to VND 100,000,000 or a penalty of 03 - 24 months' imprisonment:

a) The offence involves the abuse of the offender's position or power;

b) The offence has been committed more than once;

c) The offence is committed against 02 or more people.

3. The offender might also be forbidden from holding certain positions, practicing his/her profession, or doing certain jobs for 01 - 05 years.

Article 166. Infringement of the right to complain or denounce

1. A person who commits any of the following acts shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Use of violence, threat to use violence, or other tricks to obstruct the process of complaining or denunciation, the consideration and settlement of complaints and denunciation, or the taking of actions against the person complained or denounced against;

b) Abuse of position or power in obstructing the decision of an authority competent to consider and settle complaints and denunciations which results in damage incurred by the complainer or denouncer.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) Revenge is taken on the complainer or denouncer;

c) The act specified in Point a Clause 1 of this Article involves the abuse of the offender's position or power;

d) The offence results in a demonstration;

dd) The offence results in the suicide of the complainer or denouncer.

3. The offender might be forbidden from holding certain positions for 01 - 05 years.

Article 167. Infringement upon freedom of speech, freedom of the press, the right of access to information, and the right to protest of citizens

1. Any person who uses violence, threat to use violence, or other tricks to obstruct a citizen from exercising his/her freedom of speech, freedom of the press, right of access to information, or right to protest despite the fact that he/she was disciplined or incurred a civil penalty for the same offence shall face a penalty of up to 02 year's community sentence or 03 - 24 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves abuse of the offender's her position or power;

c) The offence has a negative impact on social safety, order, and security.

3. The offender might be forbidden from holding certain positions for 01 - 05 years.

Chapter XVI

OFFENCES AGAINS RIGHTS OF PROPERTY

Article 168. Robbery

1. Any person who uses violence, threat of immediate violence, or commits other acts that render another person unable to resist in other to obtain his/her property shall face a penalty of 03 - 10 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The offence results in 11% - 30% physical disability of the victim;

d) The offender uses a dangerous weapon, device, or other dangerous methods to commit the offence;

dd) The property taken is assessed at from VND 50,000,000 to under VND 200,000,000;

e) The offence is committed against a person under 16, a woman whose pregnancy is known by the offender, an old and weak, sick, or defenseless person.

g) The offence has a negative impact on social safety, order, and security;

h) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment:

a) The property taken is assessed at from VND 200,000,000 to under VND 500,000,000;

b) The offence results in 31% - 60% physical disability of the victim;

c) The offender takes advantage of a natural disaster or epidemic to commit the offence.

4. This offence committed in any of the following cases shall carry a penalty of 18 - 20 years' imprisonment or life imprisonment:

a) The property taken is assessed at VND 500,000,000 or over;

b) The offence results in bodily harm of 01 person who suffers from ≥ 61% physical disability, or bodily harm of 02 or more people, each of whom suffers from ≥ 31% physical disability of 02 or more victims;

c) The offence results in the death of the victim;

d) The offender takes advantage of a war or state of emergency to commit the offence.

5. Any person who makes preparation for the commitment of this offence shall face a penalty of 01 - 05 years' imprisonment.

6. The offender may also be liable to a fine of from VND 10,000,000 to VND 100,000,000 , be put under mandatory supervision, prohibited from residence for 01 - 05 years, or have all or part of his/her property confiscated.

Article 169. Kidnapping for ransom

1. Any person who takes another person hostage for ransom shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 12 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The offender uses a dangerous weapon, device, or other dangerous methods to commit the offence;

d) The offence is made against a person under 16;

dd) The offence is committed against 02 or more people;

e) The ransom demanded is from VND 50,000,000 to under VND 200,000,000;

g) The offence results in 11% - 30% physical disability of the hostage;

h) The victim suffers from 11% - 45% mental and behavioral disability because of the offence;

i) The offence has a negative impact on social safety, order, and security;

k) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 18 years' imprisonment:

a) The ransom demanded is from VND 200,000,000 to under VND 500,000,000;

b) The offence results in 31% - 60% physical disability of the hostage;

c) The victim suffers from 46% mental and behavioral disability or above because of the offence;

4. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment or life imprisonment:

a) The ransom demanded is VND 500,000,000 or over;

b) The offence results in bodily harm of 01 person who suffer from $\geq$ 61% physical disability, or bodily harm of 02 or more people, each of whom suffers from $\geq$ 31% physical disability;

c) The offence results in 46% mental and behavioral disability or above of 02 or more people;

d) The offence results in the death of the victim.

5. Any person who makes preparation for the commitment of this offence shall face a penalty of 01 - 05 years' imprisonment.

6. The offender may also be liable to a fine of from VND 20,000,000 to VND 100,000,000 , be put under mandatory supervision, prohibited from residence for 01 - 05 years, or have all or part of his/her property confiscated.

Article 170. Extortion

1. Any person who uses violence, threat of violence, or mental intimidation to obtain another person's property shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The offence is committed against a person under 16, a woman whose pregnancy is known by the offender, an old and weak, sick, or defenseless person;

d) The property obtained is assessed at from VND 50,000,000 to under VND 200,000,000;

dd) The offence has a negative impact on social safety, order, and security;

e) Dangerous recidivism;

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The property obtained is assessed at from VND 200,000,000 to under VND 500,000,000;

b) The offender takes advantage of a natural disaster or epidemic to commit the offence.

4. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment:

a) The property obtained is assessed at VND 500,000,000 or over;

b) The offender takes advantage of a war or state of emergency to commit the offence.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000 or have all or part of his/her property confiscated.

Article 171. Snatching

1. Any person who snatches another person's property shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The property obtained is assessed at from VND 50,000,000 to under VND 200,000,000;

d) The offender employs a dangerous method to commit the offence;

dd) The offender attacks other people to escape;

e) The offence results in 11% - 30% physical disability of another person;

g) The offence is committed against a person under 16, a woman whose pregnancy is known by the offender, an old and weak, sick, or defenseless person;

h) The offence has a negative impact on social safety, order, and security;

i) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The property obtained is assessed at from VND 200,000,000 to under VND 500,000,000;

b) The offence results in 31% - 60% physical disability of another person;

c) The offender takes advantage of a natural disaster or epidemic to commit the offence.

4. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment or life imprisonment:

a) The property obtained is assessed at VND 500,000,000 or over;

b) The offence results in bodily harm of 01 person who suffers from 61% physical disability, or bodily harm of 02 or more people, each of whom suffers from ≥ 31% physical disability;

c) The offence results in the death of the victim;

d) The offender takes advantage of a war or state of emergency to commit the offence.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000.

Article 172. Blatant appropriation of property

1. A person who indiscriminately takes property assessed at from VND 2,000,000 to under VND 50,000,000 or property assessed at under VND 2,000,000 in any of the following cases shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offender previously incurred a civil penalty for appropriation of property;

b) The offender has a previous conviction for blatant appropriation of property or any of the criminal offences specified in Article 168, 169, 170, 171, 173, 174, 175 and 290 hereof which has not been expunged;

c) The offence has a negative impact on social safety, order, and security;

d) The property appropriated is the primary means of livelihood of the victim and the victim's family; the property appropriated is a souvenir, memento, or religious item that has a spiritual value to the victim.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The property appropriated is assessed at from VND 50,000,000 to under VND 200,000,000;

b) The offender attacks other people to escape;

c) Dangerous recidivism.

d) The property obtain is emergency or humanitarian relief;

dd) The property appropriated is assessed at from VND 2,000,000 to under VND 50,000,000 or but the offender commits the offence in any of the cases specified in Point a through d Clause 1 of this Article.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The property obtained is assessed at from VND 200,000,000 to under VND 500,000,000;

b) The property appropriated is assessed at from VND 50,000,000 to under VND 200,000,000 or but the offender commits the offence in any of the cases specified in Point a through d Clause 1 of this Article.

c) The offender takes advantage of a natural disaster or epidemic to commit the offence.

4. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment:

a) The property obtained is VND 500,000,000 or over;

b) The property appropriated is assessed at from VND 200,000,000 to under VND 500,000,000 or but the offender commits the offence in any of the cases specified in Point a through d Clause 1 of this Article.

c) The offender takes advantage of a war or state of emergency to commit the offence.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000.

Article 173. Theft

1. A person who steals another person's property which is assessed at from VND 2,000,000 to under VND 50,000,000 or property assessed at under VND 2,000,000 in any of the following cases shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offender previously incurred a civil penalty for appropriation of property;

b) The offender has a previous conviction for theft or any of the criminal offences specified in Article 168, 169, 170, 171, 172, 174, 175 and 290 hereof which has not been expunged;

c) The offence has a negative impact on social safety, order, and security;

d) The property stolen is the primary means of livelihood of the victim and the victim's family; the property taken is a souvenir, memento, or religious item that has a spiritual value to the victim.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The property obtained is from VND 50,000,000 to under VND 200,000,000;

d) The offender employs a deceitful method or a dangerous method to commit the offence;

dd) The offender attacks other people to escape;

e) The property stolen is assessed at from VND 2,000,000 to under VND 50,000,000 or but the offender commits the offence in any of the cases specified in Point a through d Clause 1 of this Article;

g) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The property stolen is assessed at from VND 200,000,000 to under VND 500,000,000;

b) The property stolen is assessed at from VND 50,000,000 to under VND 200,000,000 or but the offender commits the offence in any of the cases specified in Point a through d Clause 1 of this Article;

c) The offender takes advantage of a natural disaster or epidemic to commit the offence.

4. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment:

a) The property stolen is VND 500,000,000 or over;

b) The property stolen is assessed at from VND 200,000,000 to under VND 500,000,000 or but the offender commits the offence in any of the cases specified in Point a through d Clause 1 of this Article;

c) The offender takes advantage of a war or state of emergency to commit the offence.

5. The offender might also be liable to a fine of from VND 5,000,000 to VND 50,000,000.

Article 174. Obtaining property by fraud

1. A person who uses deception to obtain another person's property which is assessed at from VND 2,000,000 to under VND 50,000,000 or property assessed at under VND 2,000,000 in any of the following cases shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offender previously incurred a civil penalty for appropriation of property;

b) The offender has a previous conviction for theft or any of the criminal offences specified in Article 168, 169, 170, 171, 172, 173, 175 and 290 hereof which has not been expunged;

c) The offence has a negative impact on social safety, order, and security;

d) The property obtained is the primary means of livelihood of the victim and the victim's family; the property obtained is a souvenir, memento, or religious item that has a spiritual value to the victim.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The property obtained is assessed at from VND 50,000,000 to under VND 200,000,000;

d) Dangerous recidivism;

dd) The offence involves abuse of the offender's position or power or committed in the name of an agency or organization;

e) The offender employs deceitful methods to commit the offence;

g) The property obtained is assessed at from VND 2,000,000 to under VND 50,000,000 or but the offender commits the offence in any of the cases specified in Point a through d Clause 1 of this Article.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The property obtained is assessed at from VND 200,000,000 to under VND 500,000,000;

b) The property obtained is assessed at from VND 50,000,000 to under VND 200,000,000 or but the offender commits the offence in any of the cases specified in Point a through d Clause 1 of this Article.

c) The offender takes advantage of a natural disaster or epidemic to commit the offence.

4. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment or life imprisonment:

a) The property stolen is VND 500,000,000 or over;

b) The property obtained is assessed at from VND 200,000,000 to under VND 500,000,000 or but the offender commits the offence in any of the cases specified in Point a through d Clause 1 of this Article.

c) The offender takes advantage of a war or state of emergency to commit the offence.

5. The offender might also be liable to a fine of from VND 50,000,000 to VND 200,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

Article 175. Abuse of trust to appropriate property

1. A person who commits any of the following acts to obtain another person's property which is assessed at from VND 4,000,000 to under VND 50,000,000, or to obtain another person's property which is assessed at under VND 4,000,000 despite the fact that he/she incurred a civil penalty for property appropriation or has a previous conviction for this offence or any of the criminal offences specified in Article 168, 169, 170, 171, 172, 173, 174 and 290 hereof which has not been expunged, or to obtain another person's property which is the primary means of livelihood of the victim or has a spiritual value to the victim shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Taking a loan, borrowing, leasing property of another person or receiving property of another person under a contract, then uses deception to appropriate it or refuses to repay or return the property when the repayment or return of property is due despite he/she is capable of doing so.

b) Taking a loan, borrowing, leasing property of another person or receiving property of another person under a contract and then uses it for illegal purposes which result in the offender's inability to repay or return the property.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The property obtained is assessed at from VND 50,000,000 to under VND 200,000,000;

d) The offence involves abuse of the offender's position or power or committed in the name of an agency or organization;

dd) The offender employs deceitful methods to commit the offence;

e) Dangerous recidivism;

3. This offence committed in any of the following cases shall carry a penalty of 05 - 12 years' imprisonment:

a) The property obtained is assessed at from VND 200,000,000 to under VND 500,000,000;

b) The offence has a negative impact on social safety, order, and security.

4. If the property obtained is assessed at from VND 500,000,000 or over, the offender shall face a penalty of 12 - 20 years' imprisonment.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

Article 176. Illegal impoundment of property

1. Any person who finds or mistakenly receives a piece of property which is assessed at from VND 10,000,000 to under VND 200,000,000, a relic, an antique, an item of historical or cultural value but deliberately fails to return it to its legitimate owner or fails to submit it a competent authority after the owner or the competent authority requests the return or submission of such property as prescribed by law shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

2. If the property obtained is assessed at VND 200,000,000 or over or national treasure, the offender shall face a penalty of 01 - 05 years' imprisonment.

Article 177. Illegal use of property

1. Any person who, for self-seeking purposes, illegally uses a piece of property of another person which is assessed at from VND 100,000,000 to under VND 500,000,000 despite the fact that he/she was disciplined or previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged, or illegally uses a property which is a relic, an antique, or an item of historical or cultural value, except for the case specified in Article 220 hereof, shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 , face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

2. This offence committed in any of the following cases shall carry a fine of from VND 50,000,000 to VND 100,000,000 or a penalty of 01 - 05 years' imprisonment:

a) The property illegally used is assessed at from VND 500,000,000 to under VND 1,500,000,000;

b) The property illegally used is national treasure;

c) The offence has been committed more than once;

d) The offence involves abuse of the offender's position or power;

dd) Dangerous recidivism.

3. If the property obtained is assessed at VND 1,500,000,000 or over, the offender shall face a penalty of 03 - 07 years' imprisonment.

4. The offender might also be liable to a fine of from VND 5,000,000 to VND 20,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 178. Deliberate destruction of property

1. Any person who deliberately destroy another person's property which is assessed at from VND 2,000,000 to under VND 50,000,000 or property which is a relic or item of historical or cultural value or property which is assessed at under VND 2,000,000 in any of the following cases shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offender previously incurred a civil penalty for appropriation of property;

b) The offender has a previous conviction for the same offence which has not been expunged;

c) The offence has a negative impacts on social safety, order, and security;

dd) The property destroyed is the primary means of livelihood of the victim and the victim's family; the property obtained is a souvenir, memento, or religious item that has a spiritual value to the victim.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The property damaged is assessed at from VND 50,000,000 to under VND 200,000,000;

c) The property damaged is national treasure;

d) The offence is committed using a flammable substance or other dangerous methods;

dd) The offence is committed to conceal another crime;

e) The offence is committed because of the victim's official duties;

g) The property damaged is assessed at from VND 2,000,000 to under VND 50,000,000 or but the offender commits the offence in any of the cases specified in Point a through d Clause 1 of this Article;

h) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The property damaged is assessed at from VND 200,000,000 to under VND 500,000,000;

b) The property damaged is assessed at from VND 50,000,000 to under VND 200,000,000 or but the offender commits the offence in any of the cases specified in Point a through d Clause 1 of this Article.

4. This offence committed in any of the following cases shall carry a penalty of 10 - 20 years' imprisonment:

a) The property damaged is assessed at VND 500,000,000 or over;

b) The property damaged is assessed at from VND 200,000,000 to under VND 500,000,000 or but the offender commits the offence in any of the cases specified in Point a through d Clause 1 of this Article.

5. The offender may also be liable to a fine of from VND 10,000,000 to VND 100,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 179. Negligence that results in property damage of the State, an agency, organization, or enterprise

1. Any person responsible for management of property of the State, an agency, organization, or enterprise and causes property damage which is assessed at from VND 100,000,000 to under VND 500,000,000 because of his/her negligence shall be liable to a fine of from VND 100,000,000 to VND 500,000,000, receive a warning, or face a penalty of up to 3 years' community sentence.

2. If the property damage is assessed at from VND 500,000,000 to under VND 2,000,000,000, the offender shall face a penalty of 01 - 05 years' imprisonment.

3. If the property damage is assessed at VND 2,000,000,000 or over, the offender shall face a penalty of 05 - 10 years' imprisonment.

4. The offender might also be forbidden from practicing his/her profession or doing certain jobs for 01 - 05 years.

Article 180. Involuntary infliction of serious property damage

1. Any person who involuntarily inflicts a damage to another person's property which is assessed at from VND 100,000,000 to under VND 500,000,000 shall receive a warning or face a penalty of up to 02 years' community sentence.

2. If the damaged is assessed at VND 500,000,000 or over, the offender shall face a penalty of 03 - 24 months' imprisonment.

Chapter XVII

CRIMINAL OFFENCES AGAINST FAMILY LAW

Article 181. Forced marriage or divorce, obstruction of voluntary and civilized marriage, obstruction of voluntary divorce

Any person who forces another person to marry against his/her will, obstructs another person from marrying or maintaining their voluntary and civilized marriage, forces or obstructs a divorce by means of abuse, mental intimidation, demand for property, or other methods despite the fact that he/she incurred a civil penalty for the same offence shall receive a warning or face a penalty of up to 03 years' community sentence or 03 - 36 months' imprisonment.

Article 182. Adultery

1. Any married person who marries or cohabits with another person, any unmarried person who marries or cohabits with another person in the knowledge that he/she is already married and in

any of the following cases shall receive a warning or face a penalty of up to 01 year's community sentence or 03 - 12 months' imprisonment:

a) The offence results in the divorce of one or both parties;

b) The offender previously incurred a civil penalty for the same offence.

2. This offence committed in any of the following cases shall carry a penalty of 06 - 36 months" imprisonment:

a) The offence results in the suicide of the spouse or child of either party;

b) The court has issued a decision on dissolution of the marriage or compulsory termination of the cohabitation but the offender still defies such decision.

Article 183. Organization of child marriage

Any person who organizes a marriage entered into by a person under the marriageable age despite the fact that he/she incurred a civil penalty for the same offence shall be liable to a fine of from VND 10,000,000 to VND 30,000,000 or face a penalty of up to 02 years' community sentence.

Article 184. Incest

Any person who engages in sexual intercourse with another person in the knowledge that he/she is in a consanguineous relationship, a sibling or half-sibling shall face a penalty of 01 - 05 years' imprisonment.

Article 185. Maltreatment or abuse of one's grandparent, parent, spouse, child, grandchild, or caregiver

1. Any person who maltreats or commits violent acts against his/her grandparent, parent, spouse, child, grandchild, or caregiver in any of the following cases shall receive a warning, face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The victim suffers from regular physical and mental pain;

b) The offender previously incurred a civil penalty for the same offence.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 05 years' imprisonment:

a) The offence is committed against a person under 16, a woman with the full knowledge of her pregnancy, or an old and weak person;

b) The offence is committed against a person with severe or extremely severe disabilities or a person having a fatal disease.

Article 186. Denial or avoidance of obligation to provide support

If a person who has an obligation to provide support and is capable of providing support for another person for whom the offender is responsible for providing support under a court decision denies or avoids such obligation and such denial or avoidance results in serious bodily harm of the recipient or the offender previously incurred a civil penalty for the same offence, the offender shall receive a warning, face a penalty of up to 02 year's community sentence or 03 - 24 months' imprisonment.

Article 187. Surrogacy for commercial purposes

1. A person who organizes surrogacy for commercial purposes shall be liable for a fine of from VND 50,000,000 to VND 200,000,000, face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 05 years' imprisonment:

a) The offence is committed against 02 or more people;

b) The offence has been committed more than once;

c) The offence is committed in the name of an agency or organization;

d) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

Chapter XVIII

ECONOMIC OFFENCES

Section 1. CRIMINAL OFFENCES AGAINST REGULATIONS OF LAW ON PRODUCTION, BUSINESS, AND TRADE

Article 188. Smuggling

1. Any person who conducts deals in the following goods across the border or between a free trade zone and the domestic market against the law shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of 06 - 36 months' imprisonment:

a) Goods, Vietnamese currency, foreign currencies, rare metals, gemstones assessed at from VND 100,000,000 to under VND 300,000,000 or under VND 100,000,000 but the offender previously incurred a civil penalty for the same offence or any of the offences specified in Article 189, 190, 191, 192, 193, 194, 195, 196 and 200 hereof, or the offender has a previous conviction for one of the aforementioned offences which has not been expunged, except for the case specified in Article 248, 249, 250, 251, 252, 253, 254, 304, 305, 306, 309 and 311 hereof;

b) Relics, antiques, or items of historical or cultural value.

2. This offence committed in any of the following cases shall carry a fine of from VND 300,000,000 to VND 1,500,000,000 or a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The illegal goods are assessed at from VND 300,000,000 to under VND 500,000,000;

d) The illegal profit reaped is from VND 100,000,000 to under VND 500,000,000;

dd) The illegal goods are national treasure;

e) The offence involves the abuse of the offender's position or power;

g) The offence is committed in the name of an agency or organization;

h) The offence has been committed more than once;

i) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a fine of from VND 1,500,000,000 to VND 5,000,000,000 or a penalty of 7 - 15 years' imprisonment:

a) The illegal goods are assessed at from VND 500,000,000 to under VND 1,000,000,000;

b) The illegal profit reaped is from VND 500,000,000 to under VND 1,000,000,000.

4. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment:

a) The illegal goods are assessed at VND 1,000,000,000 or over;

b) The illegal profit reaped is VND 1,000,000,000 or over;

c) The offender takes advantage of a war, natural disaster, epidemic, or other extreme hardship to commit the offence.

5. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000 , be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

6. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits any of the offences specified in Clause 1 of this Article shall be liable to a fine of from VND 300,000,000 to VND 1,000,000,000 if the smuggled items are goods, Vietnamese currency, foreign currencies, rare metals, gemstones assessed at from VND 200,000,000 to under VND 300,000,000 or relics, antiques, or items of historical or cultural values despite the fact that the offender previously incurred a civil penalty for the same offence or any of the offences specified in Article 189, 190, 191, 192, 193, 194, 195, 196 and 200 hereof, or the offender has a previous conviction for one of the aforementioned offences which has not been expunged, except for the case specified in Point d of this Clause;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to fine of from VND 1,000,000,000 to VND 3,000,000,000;

c) A corporate legal entity that commits this offence in the case specified in Clause 3 of this Article shall be liable to a fine of from VND 3,000,000,000 to VND 7,000,000,000;

d) A corporate legal entity that commits this offence in the case specified in Clause 4 of this Article shall be liable to a fine of from VND 7,000,000,000 to VND 15,000,000,000 or has its operation suspended for 06 - 36 months;

dd) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

e) The violating entity might also be liable to a fine of from VND 50,000,000 to VND 300,000,000, be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 189. Illegal transport of goods or money across the border

1. Any person who illegally transports the following goods across the border or between a free trade zone and the domestic market shall be liable to a fine of from VND 20,000,000 to VND

200,000,000 or face a penalty of up to 02 years community sentence or 03 - 24 months' imprisonment:

a) Goods, Vietnamese currency, foreign currencies, rare metals, gemstones assessed at from VND 100,000,000 to under VND 300,000,000, or under VND 100,000,000 but the offender previously incurred a civil penalty for the same offence or any of the offences specified in Article 189, 190, 191, 192, 193, 194, 195, 196 and 200 hereof, or the offender has a previous conviction for one of the aforementioned offences which has not been expunged, except for the case specified in Article 248, 249, 250, 251, 252, 253, 254, 304, 305, 306, 309 and 311 hereof;

b) Relics, antiques, or items of historical or cultural value.

2. This offence committed in any of the following cases shall carry a fine of from VND 200,000,000 to VND 1,000,000,000 or a penalty of 02 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The illegal goods are assessed at from VND 300,000,000 to under VND 500,000,000;

c) The illegal goods are national treasure;

d) The offence involves the abuse of the offender's position or power;

dd) The offence is committed in the name of an agency or organization;

e) The offence has been committed more than once;

g) Dangerous recidivism.

3. If the illegal goods are assessed at VND 500,000,000 or over, the offender shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000 or face a penalty of 05 - 10 years' imprisonment.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits any of the offences specified in Clause 1 of this Article shall be liable to a fine of from VND 200,000,000 to VND 500,000,000 if the illegally transported items are goods, Vietnamese currency, foreign currencies, rare metals, gemstones assessed at from VND 200,000,000 to under VND 300,000,000, or relics, antiques, or items of historical or cultural values and the offender previously incurred a civil penalty for the same offence or any of the offences specified in Article 188, 190, 191, 192, 193, 194, 195, 196 and 200 hereof, or the offender has a previous conviction for one of the aforementioned offences which has not been expunged, except for the case specified in Point d of this Clause;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to fine of from VND 500,000,000 to VND 2,000,000,000;

c) A corporate legal entity that commits this offence in the case specified in Clause 3 of this Article shall be liable to a fine of from VND 2,000,000,000 to VND 5,000,000,000 or has its operation suspended for 06 - 36 months;

d) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

dd) The violating entity might also be liable to a fine of from VND 50,000,000 to VND 200,000,000, be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 190. Manufacturing and trading of banned goods

1. Any person who manufactures or deals in goods banned from trading, using, or that have not been permitted for trading or using in Vietnam by the State in the following cases shall be liable to a fine of from VND 100,000,000 to VND 1,000,000,000 or face a penalty of 01 - 05 years' imprisonment:

a) The illegal goods are chemicals, antibiotics, veterinary medicines, pesticides banned from farming, breeding, aquaculture, salt production, preparation, processing, preservation of agriculture, forestry, aquaculture products, and salts;

b) Other illegal goods that are assessed at from VND 100,000,000 to under VND 300,000,000;

c) The illegal profit earned is from VND 50,000,000 to under VND 200,000,000;

d) Other illegal goods assessed at under VND 100,000,000 or the illegal profit earned is under VND 50,000,000 but the offender previously incurred a civil penalty for the same offence or any of the offences specified in Article 188, 189, 191, 192, 193, 194, 195, 196 and 200 hereof, or the offender has a previous conviction for one of the aforementioned offences which has not been expunged;

dd) Banned goods assessed at from VND 50,000,000 to under VND 100,000,000 are traded across the border or between a free trade zone and the domestic market, illegal profit reaped is from VND 20,000,000 to under VND 50,000,000.

2. This offence committed in any of the following cases shall carry a fine of from VND 1,000,000,000 to VND 3,000,000,000 or a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves the abuse of the offender's position or power;

c) The offence is committed in the name of an agency or organization;

d) The offence is committed in a professional manner;

dd) Illegal goods are assessed at from VND 300,000,000 to under VND 500,000,000;

e) The illegal profit earned is from VND 200,000,000 to under VND 500,000,000;

g) Banned goods in the cases specified in Point a through d Clause 1 of this Article are traded across the border or between a free trade zone and the domestic market;

h) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 08 - 15 years' imprisonment:

a) The illegal goods are assessed at VND 500,000,000 or over;

b) The illegal profit earned is VND 500,000,000 or over.

4. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in the case specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to fine of from VND 3,000,000,000 to VND 6,000,000,000;

c) A corporate legal entity that commits this offence in the case specified in Clause 3 of this Article shall be liable to a fine of from VND 6,000,000,000 to VND 9,000,000,000 or has its operation suspended for 06 - 36 months;

d) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

dd) The violating corporate legal entity might also be liable to a fine of from VND 50,000,000 to VND 200,000,000 , be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 191. Storage, transport of banned goods

1. Any person who manufactures or deals in goods banned from trading, using, or that have not been permitted for trading or using in Vietnam by the State in the following cases, except for the cases specified in Article 249, 250, 253, 254, 304, 305, 306, 309 and 311 hereof, shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of 06 - 36 months' imprisonment:

a) The illegal goods are chemicals, antibiotics, veterinary medicines, pesticides banned from farming, breeding, aquaculture, salt production, preparation, processing, preservation of agriculture, forestry, aquaculture products, and salts;

b) The illegal goods are assessed at from VND 100,000,000 to under VND 300,000,000;

c) The illegal profit reaped is from VND 50,000,000 to under VND 200,000,000;

d) Other illegal goods are assessed at under VND 100,000,000 or illegal profit is under VND 50,000,000 but the offender previously incurred a civil penalty for the same offence or any of the offences specified in Article 188, 189, 190, 192, 193, 194, 195, 196 and 200 hereof, or the offender has a previous conviction for one of the aforementioned offences which has not been expunged;

dd) Banned goods assessed at from VND 50,000,000 to under VND 100,000,000 are trafficked across the border or between a free trade zone and the domestic market, illegal profit reaped is from VND 20,000,000 to under VND 50,000,000.

2. This offence committed in any of the following cases shall carry a fine of from VND 300,000,000 to VND 1,000,000,000 or a penalty of 02 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves the abuse of the offender's position or power;

c) The offence is committed in the name of an agency or organization;

d) The offence is committed in a professional manner;

dd) Illegal goods are assessed at from VND 300,000,000 to under VND 500,000,000;

e) The illegal profit earned is from VND 200,000,000 to under VND 500,000,000;

g) Banned goods in the cases specified in Point a through d Clause 1 of this Article are traded across the border or between a free trade zone and the domestic market;

h) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The illegal goods are assessed at VND 500,000,000 or over;

b) The illegal profit reaped is VND 500,000,000 or over;

c) Banned goods in the cases specified in Point a, b, c, d, dd, e and h Clause 2 of this Article are traded across the border or between a free trade zone and the domestic market.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in the case specified in Clause 1 of this Article shall be liable to a fine of from VND 300,000,000 to VND 1,000,000,000;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to fine of from VND 1,000,000,000 to VND 3,000,000,000;

c) A corporate legal entity that commits this offence in the case specified in Clause 3 of this Article shall be liable to a fine of from VND 3,000,000,000 to VND 5,000,000,000 or has its operation suspended for 06 - 36 months;

d) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

dd) The violating corporate legal entity might also be liable to a fine of from VND 50,000,000 to VND 200,000,000 , be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 192. Manufacturing and trading of counterfeit goods

1. Any person who manufactures or deals in counterfeit goods in the following cases shall be liable to a fine of from VND 100,000,000 to VND 1,000,000,000 or face a penalty of 01 - 05 years' imprisonment:

a) The counterfeit goods are assessed at from VND 20,000,000 to under VND 100,000,000 according to their selling prices, posted prices or prices on invoices;

b) The quantity of counterfeit goods is equivalent to an amount of genuine goods or goods of the same specifications or uses assessed at from VND 30,000,000 to under VND 150,000,000 if selling prices, posted prices or prices on invoices of counterfeit goods cannot be determined;

c) The counterfeit goods are assessed at under VND 20,000,000 according to their selling prices, posted prices or prices on invoices, or the quantity of counterfeit goods is equivalent to an amount of genuine goods or goods of the same specifications or uses assessed at under VND 30,000,000 but the offender previously incurred a civil penalty for the same offence or any of the offences specified in Article 188, 189, 190, 191, 193, 194, 195, 196 and 200 hereof or has a previous conviction for any of the aforementioned offences which has not been expunged;

dd) The counterfeit goods assessed at under VND 20,000,000 according to their selling prices, posted prices or prices on invoices, or the quantity of counterfeit goods is equivalent to an amount of genuine goods or goods of the same specifications or uses assessed at under VND 30,000,000 but they result in either: 31% - 60% physical disability of a person; total physical disability of 31% - 60% of 02 or more people, property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The offence involves the abuse of the offender's position or power;

d) The offence is committed in the name of an agency or organization;

dd) The counterfeit goods are assessed at from VND 100,000,000 to under VND 200,000,000 according to their selling prices, posted prices or prices on invoices;

e) The quantity of counterfeit goods is equivalent to an amount of genuine goods or goods of the same specifications or uses assessed at from VND 150,000,000 to under VND 500,000,000 if selling prices, posted prices or prices on invoices of counterfeit goods cannot be determined;

g) The illegal profit earned is from VND 100,000,000 to under VND 500,000,000;

h) The offence results in the death of a person;

i) The offence results in ≥ 61% physical disability of a person;

k) The offence results in totally 61% physical disability or over of 02 or more people;

l) The property damage is from VND 500,000,000 to under VND 1,500,000,000;

m) Counterfeit goods in the cases specified in Clause 1 of this Article are traded across the border or between a free trade zone and the domestic market;

n) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The production cost of counterfeit goods is VND 100,000,000 or over;

b) The counterfeit goods are assessed at VND 200,000,000 or over according to their selling prices, posted prices or prices on invoices;

c) The quantity of counterfeit goods is equivalent to an amount of genuine goods or goods of the same specifications or uses assessed at VND 500,000,000 or over if selling prices, posted prices or prices on invoices of counterfeit goods cannot be determined;

d) The illegal profit earned is VND 500,000,000 or over;

dd) The offence results in the death of 02 or more people;

e) The offence results in bodily harm of 02 or more people, each of whom suffers from ≥ 61% physical disability;

g) The offence results in totally 122% physical disability or over of 02 or more people;

h) The property damage is VND 1,500,000,000 or over.

4. The offender might also be liable to a fine of from VND 20,000,000 to VND 50,000,000 , be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in the case specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to fine of from VND 3,000,000,000 to VND 6,000,000,000;

c) A corporate legal entity that commits this offence in the case specified in Clause 3 of this Article shall be liable to a fine of from VND 6,000,000,000 to VND 9,000,000,000 or has its operation suspended for 06 - 36 months;

d) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

dd) The violating corporate legal entity might also be liable to a fine of from VND 50,000,000 to VND 200,000,000 , be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 193. Manufacturing and trading of counterfeit food or food additives

1. Any person who manufactures or deals in counterfeit food or food additives shall face a penalty of 02 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) Dangerous recidivism.

d) The offence involves the abuse of the offender's position or power;

dd) The offence is committed in the name of an agency or organization;

e) Counterfeit goods are trafficked across the border or between a free trade zone and the domestic market;

g) The counterfeit goods are assessed at from VND 100,000,000 to under VND 200,000,000 according to their selling prices, posted prices or prices on invoices;

h) The quantity of counterfeit goods is equivalent to an amount of genuine goods assessed at from VND 150,000,000 to under VND 500,000,000 if selling prices, posted prices or prices on invoices of counterfeit goods cannot be determined;

i) The illegal profit earned is from VND 100,000,000 to under VND 500,000,000;

k) The offence results in 31% - 60% physical disability of a person;

l) The offence results in totally 31% - 60% physical disability of 02 or more people;

m) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000;

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The counterfeit goods are assessed at VND 200,000,000 or over according to their selling prices, posted prices or prices on invoices;

b) The quantity of counterfeit goods is equivalent to an amount of genuine goods assessed at VND 500,000,000 or over if selling prices, posted prices or prices on invoices of counterfeit goods cannot be determined;

c) The illegal profit reaped is from VND 500,000,000 to under VND 1,500,000,000;

d) The offence results in the death of a person;

dd) The offence results in ≥ 61% physical disability of a person;

e) The offence results in totally 61% - 121% physical disability of 02 or more people;

g) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000;

4. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment or life imprisonment:

a) The illegal profit earned is VND 1,500,000,000 or over;

b) The offence results in the death of 02 or more people;

c) The offence results in bodily harm of 02 or more people, each of whom suffers from ≥ 61% physical disability;

d) The offence results in totally 122% physical disability or over of 02 or more people;

dd) The property damage is VND 1,500,000,000 or over.

5. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000 , be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

6. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in the case specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to fine of from VND 3,000,000,000 to VND 6,000,000,000;

c) A corporate legal entity that commits this offence in the case specified in Clause 3 of this Article shall be liable to a fine of from VND 6,000,000,000 to VND 9,000,000,000;

d) A corporate legal entity that commits this offence in the case specified in Clause 4 of this Article shall be liable to a fine of from VND 9,000,000,000 to VND 18,000,000,000 or has its operation suspended for 06 - 36 months;

dd) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

e) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 300,000,000, be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 194. Manufacturing and trading of counterfeit medicines for treatment or prevention of diseases

1. Any person who manufactures or deals in counterfeit medicines for treatment or prevention of diseases shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 12 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) Dangerous recidivism.

d) The offence involves the abuse of the offender's position or power;

dd) The offence is committed in the name of an agency or organization;

e) Counterfeit goods are trafficked across the border or between a free trade zone and the domestic market;

g) The counterfeit goods are assessed at from VND 100,000,000 to under VND 200,000,000 according to their selling prices, posted prices or prices on invoices;

h) The quantity of counterfeit goods is equivalent to an amount of genuine goods assessed at from VND 150,000,000 to under VND 500,000,000 if selling prices, posted prices or prices on invoices of counterfeit goods cannot be determined;

i) The illegal profit earned is from VND 100,000,000 to under VND 500,000,000;

k) The offence results in 31% - 60% physical disability of a person;

l) The offence results in bodily harm to 02 or more people, each of whom suffers from 31% - 60% physical disability;

m) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000;

3. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment:

a) The counterfeit goods are assessed at VND 200,000,000 or over according to their selling prices, posted prices or prices on invoices;

b) The quantity of counterfeit goods is equivalent to an amount of genuine goods assessed at VND 500,000,000 or over if selling prices, posted prices or prices on invoices of counterfeit goods cannot be determined;

c) The illegal profit reaped is from VND 500,000,000 to under VND 2,000,000,000;

d) The offence results in the death of a person;

dd) The offence results in ≥ 61% physical disability of a person;

e) The offence results in a total 61% - 121% physical disability of 02 or more people;

g) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following cases shall carry a penalty of 20 years' imprisonment, life imprisonment or death:

a) The illegal profit earned is VND 2,000,000,000 or over;

b) The offence results in the death of 02 or more people;

c) The offence results in bodily harm to 02 or more people, each of whom suffers from ≥ 61% physical disability;

dd) The offence results in totally 122% physical disability of 02 or more people;

dd) The property damage is VND 1,500,000,000 or over.

5. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000 , be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

6. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in the case specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 4,000,000,000;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to fine of from VND 4,000,000,000 to VND 9,000,000,000;

c) A corporate legal entity that commits this offence in the case specified in Clause 3 of this Article shall be liable to a fine of from VND 9,000,000,000 to VND 15,000,000,000;

d) A corporate legal entity that commits this offence in the case specified in Clause 4 of this Article shall be liable to a fine of from VND 15,000,000,000 to VND 20,000,000,000 or has its operation suspended for 01 - 03 years;

dd) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

e) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 300,000,000, be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 195. Manufacturing and trading of counterfeit animal feeds, fertilizers, veterinary medicines, pesticides, plant varieties, animal breeds

1. Any person who manufactures or deals in counterfeit animal feeds, fertilizers, veterinary medicines, pesticides, plant varieties, animal breeds in the following cases shall be liable to a fine of from VND 100,000,000 to VND 1,000,000,000 or face a penalty of 01 - 05 years' imprisonment:

a) The counterfeit goods are assessed at from VND 20,000,000 to under VND 100,000,000 according to their selling prices, posted prices or prices on invoices;

b) The quantity of counterfeit goods is equivalent to an amount of genuine goods or goods having the same functions assessed at from VND 30,000,000 to under VND 150,000,000 if selling prices, posted prices or prices on invoices of counterfeit goods cannot be determined;

c) The counterfeit goods are assessed at under VND 20,000,000 according to their selling prices, posted prices or prices on invoices, or the quantity of counterfeit goods is equivalent to an amount of genuine goods or goods having the same functions assessed at under VND 30,000,000 but the offender previously incurred a civil penalty for the same offence or any of the offences specified in Article 188, 189, 190, 191, 192, 193, 194, 196 and 200 hereof or has a previous conviction for any of the aforementioned offences which has not been expunged;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) Dangerous recidivism.

d) The offence involves the abuse of the offender's position or power;

dd) The offence is committed in the name of an agency or organization;

e) Counterfeit goods are trafficked across the border or between a free trade zone and the domestic market;

g) The counterfeit goods are assessed at from VND 100,000,000 to under VND 200,000,000 according to their selling prices, posted prices or prices on invoices;

h) The quantity of counterfeit goods is equivalent to an amount of genuine goods assessed at from VND 150,000,000 to under VND 500,000,000 if selling prices, posted prices or prices on invoices of counterfeit goods cannot be determined;

i) The property damage is from VND 500,000,000 to under VND 1,500,000,000;

k) The illegal profit earned is from VND 100,000,000 to under VND 500,000,000;

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The counterfeit goods are assessed at VND 200,000,000 or over according to their selling prices, posted prices or prices on invoices;

b) The quantity of counterfeit goods is equivalent to an amount of genuine goods assessed at VND 500,000,000 or over if selling prices, posted prices or prices on invoices of counterfeit goods cannot be determined;

c) The offence results in property damage of from VND 1,500,000,000 to under VND 3,000,000,000;

d) The illegal profit reaped is from VND 500,000,000 to under VND 2,000,000,000;

4. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment:

a) The property damage is VND 3,000,000,000 or over;

b) The illegal profit earned is VND 2,000,000,000 or over.

5. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000 , be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

6. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in the case specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to fine of from VND 3,000,000,000 to VND 6,000,000,000;

c) A corporate legal entity that commits this offence in the case specified in Clause 3 of this Article shall be liable to a fine of from VND 6,000,000,000 to VND 9,000,000,000;

d) A corporate legal entity that commits this offence in the case specified in Clause 4 of this Article shall be liable to a fine of from VND 9,000,000,000 to VND 15,000,000,000 or has its operation suspended for 06 - 36 months;

dd) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

e) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 300,000,000, be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 196. Hoarding

1. Any person who takes advantage of the scarcity or fakes scarcity during a natural disaster, epidemic, war, or financial hardship to buy in large quantities and stockpile goods from a price stabilization program or goods priced by the State in order to earn illegal profit in any of the

following cases shall be liable to a fine of from VND 30,000,000 to VND 300,000,000 or face a penalty of 06 - 36 months' imprisonment:

a) The goods are assessed at from VND 500,000,000 to under VND 1,500,000,000;

b) The illegal profit reaped is from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a fine of from VND 300,000,000 to VND 1,500,000,000 or a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves the abuse of the offender's position or power;

c) The offence is committed in the name of an agency or organization;

d) The goods are assessed at from VND 1,500,000,000 to under VND 3,000,000,000;

dd) The illegal profit earned is from VND 500,000,000 to under VND 1,000,000,000;

e) The offence has a negative impact on social safety, order, and security.

3. This offence committed in any of the following cases shall carry a fine of from VND 1,500,000,000 to VND 5,000,000,000 or a penalty of 07 - 15 years' imprisonment:

a) The goods are assessed at VND 3,000,000,000 or over;

b) The illegal profit reaped is VND 1,000,000,000 or over;

c) Dangerous recidivism.

4. The offender might also be liable to a fine of from VND 20,000,000 to VND 200,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in the case specified in Clause 1 of this Article shall be liable to a fine of from VND 300,000,000 to VND 1,000,000,000;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to fine of from VND 1,000,000,000 to VND 4,000,000,000;

c) A corporate legal entity that commits this offence in the case specified in Clause 3 of this Article shall be liable to a fine of from VND 4,000,000,000 to VND 9,000,000,000;

d) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 300,000,000, be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 197. False advertising

1. Any person who falsely advertises his/her goods or services despite the fact that he/she previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged shall be liable to a fine of from VND 10,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence.

2. The offender might also be liable to a fine of from VND 5,000,000 to VND 50,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 198. Deceiving customers

1. Any person that fraudulently measures goods or services or commit other fraudulent acts while buying or selling goods/services in any of the following cases shall receive a warning, be liable to a fine of from VND 10,000,000 to VND 100,000,000, or face a penalty of up to 03 years' community sentence:

a) The offender previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged;

b) The illegal profit reaped is from VND 5,000,000 to under VND 50,000,000.

2. This offence committed in any of the following cases shall carry a fine of from VND 100,000,000 to VND 500,000,000 or a penalty of 01 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The offence involves the use of deceitful methods;

d) The illegal profit earned is VND 50,000,000 or over.

3. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 199. Offences related to electricity supply

1. Any person who commits any of the following acts and, as a result, causes bodily harm to a person who suffers 31% - 60% physical disability, causes bodily harm to 02 or more people who suffers a total 31% - 60% physical disability, or causes property damage of from VND 100,000,000 to under VND 500,000,000, or was disciplined or previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged, shall be liable to a fine of from VND 30,000,000 to VND 150,000,000, face a penalty of up to 02 years' community sentence, or 03 - 24 months' imprisonment:

a) Cutting electricity without legitimate reasons or notification as prescribed;

b) Refuses to supply electricity without legitimate reasons;

c) Delaying solving an electricity breakdown without legitimate reasons;

2. This offence committed in any of the following cases shall carry a fine of from VND 150,000,000 to VND 500,000,000 or a penalty of 01 - 05 years' imprisonment:

a) The offence results in the death of a person;

b) The offence results in bodily harm to a person who suffers ≥ 61% physical disability, or bodily harm to 02 or more people who suffer totally 61% - 121% physical disability;

c) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence results in the death of 02 or more people;

b) The offence results in bodily harm to 02 or more people, each of whom suffers ≥ 61% physical disability, or bodily harm to 02 or more people who suffer totally ≥ 122% physical disability;

c) The property damage is VND 1,500,000,000 or over.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

Section 2. OFFENCES RELATED TO TAXATION, FINANCE, BANKING, SECURITIES, INSURANCE

Article 200. Tax evasion

1. Any person who commits any of the following acts of tax evasion with an amount of tax evaded from VND 100,000,000 to under VND 300,000,000, or with an amount of tax evaded under VND 100,000,000 despite the fact that he/she previously incurred a civil penalty for the tax evasion or has a previous conviction for any of the offences specified in Article 188, 189, 190, 191, 192, 193, 194, 195, 196, 202, 248, 249, 250, 251, 252, 253, 254, 304, 305, 306, 309 and 311 hereof which has not been expunged, shall be liable to a fine of from VND 100,000,000 to VND 500,000,000 or face a penalty of 03 - 24 months' imprisonment;

a) Failure to submit the application for tax registration; failure to submit tax declaration; failure to submit tax declarations on schedule as prescribed by law;

b) Failure to record revenues related to the determination of tax payables in accounting books;

c) Failure to issue invoices after selling goods/services or write lower values on invoices than actual values of goods/services sold;

d) Use illegal invoices or vouchers to record purchased goods and raw materials that results in reduction of tax payable or increase exempt, reduced, deductible, or refundable tax;

dd) Use of other illegal documents to falsify the amount of tax payable or increase exempt, reduced, deductible, or refundable tax;

e) Making incorrect herbal ingredients of exported or imported goods without making an additional declaration after goods are granted customs clearance;

g) Deliberately omitting tax or declaring incorrect tax on exported or imported goods;

h) Colluding with the shipper to import goods;

i) Using tax-free goods, goods eligible for tax exemption or conditional tax exemption for improper purposes without notifying the change of purposes to the tax authority.

2. This offence committed in any of the following cases shall carry a fine of from VND 500,000,000 to VND 1,500,000,000 or a penalty of 01 - 03 years' imprisonment:

a) The offence is committed by an organized group;

b) The amount of tax evaded is from VND 300,000,000 to under VND 1,000,000,000;

c) The offence involves the abuse of the offender's position or power;

d) The offence has been committed more than once;

dd) Dangerous recidivism.

3. If the evaded tax is VND 1,000,000,000 or over, the offender shall be liable to a fine of from VND 1,500,000,000 to VND 4,500,000,000 or face a penalty of 02 - 07 years' imprisonment.

4. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000 , be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) Any corporate legal entity that commits an offence specified in Clause 1 of this Article despite the fact that it previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged shall be liable to a fine of from VND 300,000,000 to VND 1,000,000,000;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to fine of from VND 1,000,000,000 to VND 3,000,000,000;

c) A corporate legal entity that commits this offence in the case specified in Clause 3 of this Article shall be liable to a fine of from VND 3,000,000,000 to VND 10,000,000,000 or has its operation suspended for 06 - 36 months;

d) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

dd) The violating corporate legal entity might also be liable to a fine of from VND 50,000,000 to VND 200,000,000 , be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 201. Usury in civil transactions

1. Any person who offers loans at an interest rate that is five times higher than the maximum interest rate specified in the Civil Code and earns an illegal profit of from VND 30,000,000 to under VND 100,000,000 or previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged shall be liable to a fine of from VND 50,000,000 to VND 200,000,000 or face a penalty of up to 03 years' community sentence.

2. If the illegal profit is VND 100,000,000 or over, the offender shall be liable to a fine of from VND 200,000,000 to VND 1,000,000,000 or face a penalty of 06 - 36 months' imprisonment.

3. The offender might also be liable to a fine of from VND 30,000,000 to VND 100,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 202. Making, dealing in fake stamps or tickets

1. Any person who makes or deals in fake stamps or tickets in any of the following cases shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The quantity of fake stamps or tickets without face values is from 15,000 to under 30,000 pieces;

b) The value of fake stamps or tickets having face values is from VND 50,000,000 to under VND 200,000,000;

c) The offender previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged;

d) The illegal profit reaped is from VND 30,000,000 to under VND 100,000,000;

2. This offence committed in any of the following cases shall carry a fine of from VND 100,000,000 to VND 500,000,000 or a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves the abuse of the offender's position or power;

c) The quantity of fake stamps or tickets without face values is 30,000 pieces or over;

d) The value of fake stamps or tickets having face values is VND 200,000,000 or over;

dd) The illegal profit earned is VND 100,000,000 or over;

c) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 5,000,000 to VND 50,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 203. Printing, issuing, dealing in illegal invoices and receipts for payment of state revenues

1. Any person who prints, issues, deals in illegal blank invoices and receipts for payment of state revenues with a quantity of 50 - 100, or illegal filled invoices and receipts with a quantity of 10 - 30 or the illegal profit earned is from VND 30,000,000 to under VND 100,000,000 shall be liable to a fine of from VND 50,000,000 to VND 200,000,000, face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a fine of from VND 100,000,000 to VND 500,000,000 or a penalty of 01 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The offence involves the abuse of the offender's position or power;

d) The quantity of blank invoices and receipts is 100 or over; the quantity of filled invoices and receipts is 30 or over;

dd) The illegal profit earned is VND 100,000,000 or over;

e) The loss incurred by state budget is VND 100,000,000 or over;

g) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

4. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in the case specified in Clause 1 of this Article shall be liable to a fine of from VND 100,000,000 to VND 500,000,000;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to fine of from VND 500,000,000 to VND 1,000,000,000;

c) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

d) The violating corporate legal entity might also be liable to a fine of from VND 50,000,000 to VND 200,000,000, be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 204. Violations against regulations on preservation, management of invoices and receipts for payment of state revenues

1. Any person responsible for preservation, management of invoices and receipts that violate regulations of the State on storage and management of invoices and receipts and causes a loss of from VND 100,000,000 to under VND 500,000,000 incurred by the state budget or another person shall be liable to a fine of from VND 10,000,000 to VND 100,000,000 or face a penalty of up to 03 years community sentence.

2. This offence committed in any of the following cases shall carry a fine of from VND 100,000,000 to VND 500,000,000 or a penalty of 06 - 03 years' imprisonment:

a) The offence has been committed more than once;

b) The loss is VND 500,000,000 or over.

3. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 205. Establishing illegal funds

1. Any person who abuses his/her position or power to establish a fund against and causes damage to state property of from VND 50,000,000 to under VND 200,000,000 or previously incurred a civil penalty for the same offence shall be liable to a fine of from VND 50,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence.

2. This offence committed in any of the following cases shall carry a fine of from VND 100,000,000 to VND 500,000,000 or a penalty of 01 - 05 years' imprisonment:

a) Deceitful methods are employed to avoid control;

b) The fund is established to commit other illegal acts;

c) The damage to state property is from VND 200,000,000 to under VND 1,000,000,000;

3. If the damage to state property is VND 1,000,000,000 or over, the offender shall face a penalty of 05 - 10 years' imprisonment.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 206. Violations against regulations on operation of credit institutions and branches of foreign banks

1. A person who deliberately commits any of the following acts that lead to a property damage of from VND 100,000,000 to under VND 300,000,000 shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of 06 - 36 months' imprisonment:

a) Extending credit to entities ineligible for credit extension, except for credit cards;

b) Extending credits without guarantee or extending credits with preferential conditions for entities ineligible for credit extension as prescribed by law;

c) Trespassing credit safety limits prescribed by the Law on credit institutions or falsely increasing value of collateral during assessment in order to extend credit;

d) Violations against regulations on total credit balance applied to entities restricted from credit extension;

dd) Extending credits beyond the limit of existing capital to a client and relevant persons, unless the competent person grants an approval as prescribed by law;

e) Violations against regulations on capital contribution, capital contribution limit, shares purchase, conditions for credit extension or asset trading;

g) Issuing, providing, using of illegal payment facilities; forging payment documents or payment facilities; using fake payment documents or payment facilities; engaging in banking operation without permission by a competent authority.

2. If offence results in property damage of from VND 300,000,000 to under VND 1,000,000,000, the offender shall face a penalty of 03 - 07 years' imprisonment.

3. If offence results in property damage of from VND 1,000,000,000 to under VND 3,000,000,000, the offender shall face a penalty of 07 - 12 years' imprisonment.

4. If offence results in property damage of VND 3,000,000,000 or over, the offender shall face a penalty of 12 - 20 years' imprisonment.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 207. Production, storage, transport of counterfeit money

1. Any person who produces, stores, or transports counterfeit money shall face a penalty of 03 - 07 years' imprisonment.

2. If value of counterfeit money is from VND 5,000,000 to under VND 50,000,000, the offender shall face a penalty of 05 - 12 years' imprisonment.

3. If value of counterfeit money is VND 50,000,000 or over, the offender shall face a penalty of 10 - 20 years' imprisonment or life imprisonment.

4. A person who prepares for the commission of this offence shall face a penalty of up to 03 years' community sentence or 01 - 03 years' imprisonment.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000 or have all or part of his/her property confiscated.

Article 208. Production, storage, transport, circulation of counterfeit negotiable instruments or other valuable papers

1. Any person who produces, stores, transports, or circulates counterfeit negotiable instruments or other valuable papers shall face a penalty of 02 - 07 years' imprisonment.

2. If value of counterfeit negotiable instruments or valuable papers is from VND 10,000,000 to under VND 100,000,000, the offender shall face a penalty of 05 - 10 years' imprisonment.

3. If value of counterfeit negotiable instruments or valuable papers is from VND 100,000,000 to under VND 300,000,000, the offender shall face a penalty of 10 - 15 years' imprisonment.

4. If value of counterfeit negotiable instruments or valuable papers is VND 300,000,000 or over, the offender shall face a penalty of 15 - 20 years' imprisonment.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000 or have all or part of his/her property confiscated.

Article 209. Provision of false information or concealment of information in securities activities

1. Any person who deliberately provides false information or conceals information in offering, listing, trading securities, market organization, registration, depositing, clearing, or paying for securities in any of the following cases shall be liable to a fine of from VND 100,000,000 to VND 500,000,000 or up to 02 years' community sentence or 03 - 24 months' imprisonment:

a) The loss incurred by investors is from VND 1,000,000,000 to under VND 3,000,000,000;

b) The illegal profit reaped is from VND 500,000,000 to under VND 1,000,000,000;

c) The offender previously incurred a civil penalty for the same offence.

2. This offence committed in any of the following cases shall carry a fine of from VND 500,000,000 to VND 2,000,000,000 or a penalty of 01 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The illegal profit reaped is VND 1,000,000,000 or over;

c) The loss incurred by investors is VND 3,000,000,000 or over;

d) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 50,000,000 to VND 200,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

4. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in the case specified in Clause 1 of this Article shall be liable to a fine of from VND 500,000,000 to VND 2,000,000,000;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to fine of from VND 2,000,000,000 to VND 5,000,000,000;

c) The violating corporate legal entity might also be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 210. Use of internal information for trading securities

1. Any person who has information about a public company or public fund which has not been published and could remarkably affect securities price of that public company or public fund but and uses such information to deal in securities or discloses it or provides it for another person for trading securities and earns an illegal profit of from VND 300,000,000 to under VND

1,000,000,000 or causes a loss to investors of from VND 500,000,000 to under VND 1,500,000,000 shall be liable to a fine of from VND 500,000,000 to VND 2,000,000,000 or face a penalty of 07 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a fine of from VND 2,000,000,000 to VND 5,000,000,000 or a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The illegal profit reaped is VND 1,000,000,000 or over;

c) The loss incurred by investors is VND 1,500,000,000 or over;

d) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 50,000,000 to VND 200,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

4. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in the case specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 5,000,000,000;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to fine of from VND 5,000,000,000 to VND 10,000,000,000;

c) The violating corporate legal entity might also be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 211. Manipulation of securities market

1. A person who deliberately commits any of the following acts and earns a profit of from VND 500,000,000 to under VND 1,500,000,000 or causes a loss to investors of from VND 1,000,000,000 to under VND 3,000,000,000 shall be liable to a fine of from VND 500,000,000 to VND 2,000,000,000 or face a penalty of 06 - 36 months' imprisonment:

a) Using one or multiple accounts of the offender or another person, or colluding with another person, to continuously buying and selling securities in order to create false demand and supply;

b) Colluding with another person to place orders for purchase and sale of the same type of securities within the day, or selling and buying securities without actual transfer of ownership or ownership is only transferred within the group in order to create false demand and supply;

c) Continuously buying or selling securities with a controlling quantity at the opening or closing time of the market in order to create a new closing price or opening price for such type of securities on the market;

d) Trading securities by colluding with another person or persuade another person to continuously place securities purchase and sale orders to remarkably affect the demand, supply, and securities prices, or manipulate securities prices;

dd) Offer opinions whether directly or via the media about a type of securities or securities issuer in order to affect the price of that type of securities after a transaction has been made in order to have an advantage from it.

e) Using other methods or commit other acts to create false demand and supply in order to manipulate securities prices.

2. This offence committed in any of the following cases shall carry a fine of from VND 2,000,000,000 to VND 4,000,000,000 or a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The illegal profit reaped is VND 1,500,000,000 or over;

c) The loss incurred by investors is VND 3,000,000,000 or over;

d) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 50,000,000 to VND 250,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

4. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in the case specified in Clause 1 of this Article shall be liable to a fine of from VND 2,000,000,000 to VND 5,000,000,000;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to fine of from VND 5,000,000,000 to VND 10,000,000,000;

c) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

d) The violating corporate legal entity might also be liable to a fine of from VND 500,000,000 to VND 2,000,000,000, be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 212. Forging documents in offering or listing profile

1. A person who forges documents of the offering or listing profile and earns a profit of from VND 1,000,000,000 to under VND 2,000,000,000 or causes a loss to investors of from VND 1,000,000,000 to under VND 3,000,000,000 shall be liable to a fine of from VND 500,000,000 to VND 2,000,000,000 or face a penalty of 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a fine of from VND 2,000,000,000 to VND 5,000,000,000 or a penalty of 02 - 07 years' imprisonment:

a) The illegal profit earned is VND 2,000,000,000 or over;

b) The loss incurred by investors is VND 3,000,000,000 or over;

c) The offence is committed by an organized group;

d) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 50,000,000 to VND 250,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 213. Insurance fraud

1. A person who commits any of the following acts and to illegally obtain an amount of insurance payout of from VND 20,000,000 to under VND 100,000,000 or causes a damage of

from VND 50,000,000 to under VND 200,000,000 shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence:

a) Colluding with the insured to receive indemnity or insurance payout against the law;

b) Forging documents, falsifying information to reject insurance claims in an occurrence;

c) Forging documents, falsifying information in the request for indemnity or insurance payout;

d) Causing damage to the offender's property or health to receive insurance benefits unless otherwise prescribed by law.

2. This offence committed in any of the following cases shall carry a fine of from VND 100,000,000 to VND 300,000,000 or a penalty of 01 - 03 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves the use of deceitful methods;

b) The amount of insurance payout illegally obtained is from VND 100,000,000 to under VND 500,000,000;

d) The offence results in property damage of from VND 200,000,000 to under VND 1,000,000,000;

dd) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The amount of insurance payout illegally obtained is VND 500,000,000 or over;

b) The damage is VND 1,000,000,000 or over.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) If this offence involves any of the factors specified in Clause 1 of this Article and the amount of insurance payout illegally obtained is from VND 200,000,000 to under VND 1,000,000,000 or the damage inflicted is from VND 400,000,000 to under VND 2,000,000,000, the offender shall be liable to a fine of from VND 200,000,000 to VND 1,000,000,000;

b) If this offence involves any of the factors specified in Point a through d Clause 2 of this Article and the amount of insurance payout illegally obtained is from VND 1,000,000,000 to under VND 3,000,000,000 or the damage inflicted is from VND 2,000,000,000 to under VND 5,000,000,000, the offender shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000;

c) If the insurance payout illegally obtained is VND 3,000,000,000 or over or the damage inflicted is VND 5,000,000,000 or over, the offender shall be liable to a fine of from VND 3,000,000,000 to VND 7,000,000,000;

d) The corporate legal entity that commits this offence might also be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 214. Social insurance and unemployment insurance fraud

1. A person who commits any of the following acts and to illegally obtain an amount of social insurance or unemployment insurance payout of from VND 10,000,000 to under VND 100,000,000 or causes a damage of from VND 20,000,000 to under VND 200,000,000 except for the cases specified in Article 174, 353 and 355 hereof shall be liable to a fine of from VND 20,000,000 to VND 100,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment:

a) Forging or falsifying social insurance or unemployment insurance documents to deceive social insurance authorities;

b) Using forged or falsified documents to deceive social insurance authorities into providing social insurance or unemployment insurance benefits.

2. This offence committed in any of the following cases shall carry a fine of from VND 100,000,000 to VND 200,000,000 or a penalty of 01 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The amount of social insurance or unemployment insurance payout illegally obtained is from VND 100,000,000 to under VND 500,000,000;

d) The offence results in property damage of from VND 200,000,000 to under VND 500,000,000;

dd) The offence involves the use of deceitful methods;

c) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The amount of social insurance or unemployment insurance payout illegally obtained is VND 500,000,000 or over;

b) The damage is VND 500,000,000 or over.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 215. Health insurance fraud

1. A person who commits any of the following acts and to illegally obtain an amount of health insurance payout of from VND 10,000,000 to under VND 100,000,000 or causes a damage of from VND 20,000,000 to under VND 200,000,000 except for the cases specified in Article 174, 353 and 355 hereof shall be liable to a fine of from VND 20,000,000 to VND 100,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment:

a) Forging medical records or prescriptions, falsely increase the quantity or types of medicines, medical equipment, services, treatment costs and other costs that are not incurred by the patient;

b) Forging documents, health insurance cards, or using fake, revoked, falsified health insurance cards, health insurance cards of other people in order to illegally obtain health insurance benefits.

2. This offence committed in any of the following cases shall carry a fine of from VND 100,000,000 to VND 200,000,000 or a penalty of 01 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The amount of health insurance payout illegally obtained is from VND 100,000,000 to under VND 500,000,000;

d) The offence results in property damage of from VND 200,000,000 to under VND 500,000,000;

dd) The offence involves the use of deceitful methods;

c) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The amount of health insurance payout illegally obtained is VND 500,000,000 or over;

b) The damage is VND 500,000,000 or over.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 216. Evading payment of social insurance, health insurance, unemployment insurance for workers

1. A person who is responsible for paying social insurance, health insurance, and unemployment insurance for his/her workers but fails to pay or pays insufficiently for 06 months or more in any of the following cases despite the fact that he/she previously incurred a civil penalty for the same offence shall be liable to a fine of from VND 50,000,000 to VND 200,000,000 or face a penalty of up to 01 year's community sentence or 03 - 12 months' imprisonment:

b) The amount of insurance contribution evaded is from VND 50,000,000 to under VND 300,000,000;

b) The offender evades paying pay insurance for 10 - 49 workers.

2. This offence committed in any of the following cases shall carry a fine of from VND 200,000,000 to VND 500,000,000 or a penalty of 06 - 36 months' imprisonment:

a) The offence has been committed more than once;

b) The amount of insurance contribution evaded is from VND 300,000,000 to under VND 1,000,000,000;

c) The offender fails to pay insurance for 50 - 199 workers;

d) The offenders collects or deducts insurance contribution from the workers as prescribed in Point a or Point b Clause 1 of this Article but fails to pay insurance.

3. This offence committed in any of the following cases shall carry a fine of from VND 500,000,000 to VND 1,000,000,000 or a penalty of 02 - 07 years' imprisonment:

a) The amount of insurance contribution evaded is VND 1,000,000,000 or over;

b) The offender fails to pay insurance for 200 workers or over;

c) The offenders collects or deducts insurance contribution from the workers as prescribed in Point b or Point c Clause 2 of this Article but fails to pay insurance.

4. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in the case specified in Clause 1 of this Article shall be liable to a fine of from VND 200,000,000 to VND 500,000,000;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to fine of from VND 500,000,000 to VND 1,000,000,000;

c) A corporate legal entity that commits this offence in the case specified in Clause 3 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000.

Section 3. OTHER CRIMINAL OFFENCES AGAINST ECONOMIC LAW

Article 217. Offences against regulations of law on competition

1. Any person who participates in or commits any of the following violations against regulations on competition and earns an illegal profit of from VND 500,000,000 to under VND 3,000,000,000 or causes damage of from VND 1,000,000,000 to under VND 5,000,000,000 shall be liable to a fine of from VND 200,000,000 to VND 1000,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

a) Reaching an agreement on preventing another enterprise from participating the market or developing its business;

b) Reaching an agreement on eliminating another enterprise which is not a party to such agreement from the market;

c) Reaching an agreement on limited competition while the parties to such contract has a total market share of 30% or over, including: agreement on directly or indirectly pricing goods/services; agreement on division of market, goods/services supply; agreement on restriction or control of quantity of goods/services; agreement on restriction on technological development or investment; agreement on imposition of conditions upon other enterprises for conclusion of sale contracts or forcing other enterprises to assume obligations that are not related to the contracts.

2. This offence committed in any of the following cases shall carry a fine of from VND 1,000,000,000 to VND 3,000,000,000 or a penalty of 01 - 05 years' imprisonment:

a) The offence has been committed more than once;

b) The offence involves the use of deceitful methods;

c) The offender takes advantage of its dominant position or monopoly on the market;

d) The illegal profit earned is VND 5,000,000,000 or over;

dd) The damage incurred by other enterprises is VND 3,000,000,000 or over.

3. The offender might also be liable to a fine of from VND 50,000,000 to VND 200,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

4. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in the case specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to a fine of from VND 3,000,000,000 to VND 5,000,000,000 or has its operation suspended for 06 - 24 months;

c) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 500,000,000, prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 218. Offences against regulations of law property auction

1. A person who commits any of the following violations and earns an illegal profit of from VND 30,000,000 to under VND 200,000,000 or causes damage of from VND 50,000,000 to under VND 300,000,000 shall be liable to a fine of from VND 20,000,000 to VND 200,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

a) Making a fake list of registered bidders;

b) Forging documents to participate in the auction;

c) Colluding with other people to decrease or increase prices during a property auction.

2. This offence committed in any of the following cases shall carry a fine of from VND 200,000,000 to VND 1,000,000,000 or a penalty of 01 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The illegal profit reaped is VND 200,000,000 or over;

c) The damage is VND 300,000,000 or over.

d) The offence has been committed more than once;

dd) The offence involves the use of deceitful methods;

3. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 219. Offences against regulations on the management and use of State-owned property that lead to losses or wastefulness

Any person who is responsible for the management and use of State-owned property but causes a loss or wastefulness assessed at from VND 100,000,000 to under VND 300,000,000, or causes a loss of wastefulness assessed at under VND 100,000,000 but was disciplined for the same offence shall face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 12 years' imprisonment:

a) The offence is committed for self-seeking purposes;

b) The offence is committed by an organized group;

c) The offence involves the use of deceitful methods;

d) The offence results in property damage of from VND 300,000,000 to under VND 1,000,000,000.

3. If offence results in property damage of from VND 1,000,000,000 or over, the offender shall face a penalty of 10 - 20 years' imprisonment.

4. The offender might also be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

Article 220. Offences against regulations on the management and use public capital that lead to serious consequences

1. A person who abuses his/her position or power to commit any of the following acts and causes damage of from VND 100,000,000 to under VND 300,000,000, or causes damage of under VND 100,000,000 but was disciplined for the same offence, except for the case in Article 224 of hereof, shall face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) Violations against regulations on decision of investment policies;

b) Violations against regulations on establishment and assessment of investment policies;

c) Violations against regulations on deciding investment in programs/projects;

d) Violations against regulations on counseling and designing programs/projects.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 12 years' imprisonment:

a) The offence is committed for self-seeking purposes;

b) The offence is committed by an organized group;

c) The offence involves the use of deceitful methods;

d) The offence results in damage from VND 300,000,000 to under VND 1,000,000,000.

3. If offence results in damage of VND 1,000,000,000 to over, the offender shall face a penalty of 10 - 20 years' imprisonment.

4. The offender might also be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

Article 221. Offences against regulations of law on accounting that lead to serious consequences

1. A person who abuses his/her position or power to commit any of the following acts and causes damage of from VND 100,000,000 to under VND 300,000,000, or causes damage of under VND 100,000,000 but was disciplined for the same offence, shall face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) Forging, falsifying accounting documents or colluding with, forcing another person to do so;

b) Inciting, colluding with, or forcing another person to provide or certify incorrect accounting information and data;

c) Omitting assets of or related to the accounting unit from its accounting books;

d) Destroying or deliberately damaging accounting documents before expiration of retention period prescribed in the Law on Accounting;

dd) Making two or more accounting book systems to omit assets, capital sources, funds of the accounting unit from its accounting books.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 12 years' imprisonment:

a) The offence is committed for self-seeking purposes;

b) The offence is committed by an organized group;

c) The offence involves the use of deceitful methods;

d) The offence results in damage from VND 300,000,000 to under VND 1,000,000,000.

3. If offence results in damage of VND 1,000,000,000 to over, the offender shall face a penalty of 10 - 20 years' imprisonment.

4. The offender might also be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

Article 222. Offences against regulations of law on bidding that lead to serious consequences

1. A person who commits any of the following acts and causes damage of from VND 100,000,000 to under VND 300,000,000, or causes damage of under VND 100,000,000 but was disciplined for the same offence, shall face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) Illegally interfering bidding activities;

b) Colluding with other bidders in bidding;

c) Commit frauds in bidding;

d) Obstructing bidding activities;

dd) Committing regulations of law on assurance of fairness and transparency of bidding;

e) Holding contractor selection before capital sources are determined that result in inability to pay contractors;

g) Illegally transferring the contract.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 12 years' imprisonment:

a) The offence is committed for self-seeking purposes;

b) The offence is committed by an organized group;

c) The offence involves the abuse of the offender's position or power;

d) The offence involves the use of deceitful methods;

dd) The offence results in damage from VND 300,000,000 to under VND 1,000,000,000.

3. If offence results in damage of VND 1,000,000,000 to over, the offender shall face a penalty of 10 - 20 years' imprisonment.

4. The offender might also be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

Article 223. Collusion with taxpayer that lead to serious consequences

1. A person who abuses his/her position or power to commits any of the following acts and causes a loss of tax of from VND 100,000,000 to under VND 300,000,000, or causes a loss of tax of under VND 100,000,000 but was disciplined for the same offence, shall face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) Granting tax exemption or reduction, cancellation of tax debt or fine, or refunding tax against the Law on Tax administration and other regulations of law on taxation;

b) Certifying a taxpayer's fulfillment of his/her tax liability against the Law on Tax administration and other regulations of law on taxation.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 12 years' imprisonment:

a) The offence is committed for self-seeking purposes;

b) The offence is committed by an organized group;

c) The offence involves the use of deceitful methods;

d) The amount of tax loss is from VND 300,000,000 to under VND 1,000,000,000.

3. If offence results in a tax loss of VND 1,000,000,000 to over, the offender shall face a penalty of 10 - 20 years' imprisonment.

4. The offender might also be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

Article 224. Offences against regulations of law on investment in construction that lead to serious consequences

1. A person who abuses his/her position or power to commits any of the following acts and causes damage of from VND 100,000,000 to under VND 300,000,000, or causes damage of under VND 100,000,000 but was disciplined for the same offence, shall face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) Deciding investment in construction against the Law on Construction;

b) Making, assessing, approving a design or budget estimate, adjusting a budget estimate, accepting a construction funded by the State against the Law on Construction;

c) Selecting unqualified contractors to execute the construction;

d) Colluding with another entity in falsifying the result of project planning, survey, design, construction supervision.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 12 years' imprisonment:

a) The offence is committed for self-seeking purposes;

b) The offence is committed by an organized group;

c) The offence involves the use of deceitful methods;

d) The offence results in damage from VND 300,000,000 to under VND 1,000,000,000.

3. If offence results in damage of VND 1,000,000,000 to over, the offender shall face a penalty of 10 - 20 years' imprisonment.

4. The offender might also be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

Article 225. Infringement of copyrights and relevant rights

1. A person who, without the consent of the holders of copyrights and relevant rights, deliberately commits any of the following acts which infringe upon copyrights and relevant rights protected in Vietnam and earns an illegal profit of from VND 50,000,000 to under VND 300,000,000 or causes a loss of from VND 100,000,000 to under VND 500,000,000 to the holders of such copyrights and relevant rights, or with the violating goods assessed at from VND 100,000,000 to under VND 500,000,000 shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of up to 03 years' community sentence:

a) Making copies of works, video recordings, audio recordings;

b) Making the copies of works, video recordings, audio recordings publicly available.

2. This offence committed in any of the following cases shall carry a fine of from VND 300,000,000 to VND 1,000,000,000 or a penalty of 06 - 03 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The illegal profit reaped is VND 300,000,000 or over;

d) The loss incurred by the holders of copyrights and relevant rights is VND 500,000,000 or over;

dd) The illegal goods are assessed at VND 500,000,000 or over.

3. The offender might also be liable to a fine of from VND 20,000,000 to VND 200,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

4. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) Any corporate legal entity that commits an offence specified in Clause 1 of this Article despite the fact that it previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged shall be liable to a fine of from VND 300,000,000 to VND 1,000,000,000;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000 or has its operation suspended for 06 - 24 months;

c) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 300,000,000 is prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 226. Infringement of industrial property rights

1. A person who infringes upon industrial property rights to a brand name or geographical indication protected in Vietnam and earns an illegal profit of from VND 100,000,000 to under VND 300,000,000 or causes a loss of from VND 200,000,000 to under VND 500,000,000 to the owner of such brand name or geographical indication, or with the violating goods assessed at from VND 200,000,000 to under VND 500,000,000 shall be liable to a fine of from VND 50,000,000 to VND 500,000,000 or face a penalty of up to 03 years' community sentence.

2. This offence committed in any of the following cases shall carry a fine of from VND 500,000,000 to VND 1,000,000,000 or a penalty of 06 - 03 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The illegal profit reaped is VND 300,000,000 or over;

d) The loss incurred by the owner of the brand name or geographical indication is VND 500,000,000 or over;

dd) The illegal goods are assessed at VND 500,000,000 or over.

3. The offender might also be liable to a fine of from VND 20,000,000 to VND 200,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

4. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) Any corporate legal entity that commits an offence specified in Clause 1 of this Article despite the fact that it previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged shall be liable to a fine of from VND 500,000,000 to VND 2,000,000,000;

b) A corporate legal entity that commits this offence in the case specified in Clause 2 of this Article shall be liable to a fine of from VND 2,000,000,000 to VND 5,000,000,000 or has its operation suspended for 06 - 24 months;

c) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 500,000,000, be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 227. Offences against regulations on survey, exploration, and extraction of resources

1. Any person who violates regulations of the State on survey, exploration, and extraction of resources on land, islands, inland waterway, territorial waters, exclusive economic zones, continental shelves, and airspace of Vietnam and does not have a license or operates against the

license in any of the following cases, or previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged, shall be liable to a fine of from VND 300,000,000 to VND 1,500,000,000 or face a penalty of 06 - 36 months' imprisonment:

a) The illegal profit from survey, exploration, extraction of water resources, petroleum, or other resources is from VND 100,000,000 to under VND 500,000,000;

b) The resources extracted are assessed at from VND 500,000,000 to under VND 1,000,000,000;

c) The offence results in 31% - 60% physical disability of a person.

2. This offence committed in any of the following cases shall carry a fine of from VND 1,500,000,000 to VND 5,000,000,000 or a penalty of 02 - 07 years' imprisonment:

a) The illegal profit from survey, exploration, extraction of water resources, petroleum, or other resources is VND 500,000,000 or over;

b) The resources extracted are assessed at VND 1,000,000,000 or over;

c) The offence is committed by an organized group;

d) The offence results in an environmental emergency;

dd) The offence results in bodily harm to 02 people, each of whom suffers ≥ 61% physical disability; or bodily harm to 04 people, each of whom suffers ≥ 31% physical disability;

e) The offence results in the death of a person.

3. The offender might also be liable to a fine of from VND 50,000,000 to VND 500,000,000.

4. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) Any corporate legal entity that commits the offence specified in Clause 1 of this Article despite the fact that it previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged shall be liable to a fine of from VND 1,500,000,000 to VND 3,000,000,000;

b) A corporate legal entity that commits this offence in any of the cases specified in Clause 2 of this Article shall be liable to a fine of from VND 3,000,000,000 to VND 7,000,000,000 or has its operation suspended for 06 - 36 months;

c) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 500,000,000, be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 228. Offences against regulations on land use

1. Any person who appropriates land, transfers land use right or uses land against regulations of law on management and use of land despite the fact that he/she previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged shall be liable to a fine of from VND 50,000,000 to VND 500,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a fine of from VND 500,000,000 to VND 2,000,000,000 or a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000.

Article 229. Offences against regulations on land management

1. Any person who abuses his/her position or power to allocate, lease out land, or permit transfer of land use right, or permit land repurposing against the law in any of the following cases shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offence involves an area of paddy land from 5,000 m^2 to under 30,000 m^2; specialized forest, protection forest, production forest land from 10,000 m^2 to under 50,000 m^2; farming land and non-agricultural land from 10,000 m^2 to under 40,000 m^2;

b) The offence involves an area of farming land whose land use right is assessed at from VND 500,000,000 to under VND 2,000,000,000; non-agricultural land whose land use right is assessed at from VND 1,000,000,000 to under VND 5,000,000,000;

c) The offender was disciplined for the same offence.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves an area of paddy land from 30,000 m^2 to under 70,000 m^2; specialized forest, protection forest, production forest land from 50,000 m^2 to under 100,000 m^2; farming land and non-agricultural land from 40,000 m^2 to under 80,000 m^2;

c) The offence involves an area of farming land whose land use right is assessed at from VND 2,000,000,000 to under VND 7,000,000,000; non-agricultural land whose land use right is assessed at from VND 5,000,000,000 to under VND 15,000,000,000;

d) The offence has a negative impact on social safety, order, and security.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 12 years' imprisonment:

a) The offence involves an area of paddy land of 70,000 m^2 or over; specialized forest, protection forest, production forest land of 100,000 m^2 or over; farming land and non-agricultural land of 80,000 m^2;

b) The offence involves an area of farming land whose land use right is assessed at VND 7,000,000,000 or over; non-agricultural land whose land use right is assessed at VND 5,000,000,000 or over.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 150,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 230. Offences against regulations on compensation, support, and relocation upon land withdrawal by the State

1. A person who abuses his/her position or power to commits any of the following acts and causes property damage of from VND 100,000,000 to under VND 300,000,000, or causes property damage of under VND 100,000,000 but was disciplined for the same offence, shall face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) Violations against regulations of law on compensation for loss of land, support, and relocation;

b) Violations against regulations of law on compensation for property damage and business operation.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 12 years' imprisonment:

a) The offence if committed for self-seeking purposes or other selfish motives;

b) The offence is committed by an organized group;

c) The offence involves the use of deceitful methods;

d) The offence has a negative impact on social safety, order, and security;

dd) The offence results in damage from VND 300,000,000 to under VND 1,000,000,000.

3. If offence results in damage of VND 1,000,000,000 to over, the offender shall face a penalty of 10 - 20 years' imprisonment.

4. The offender might also be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

Article 131. Offences against regulations on distribution of relief money or relief goods

1. Any person who abuses his/her position or power to act against regulations on distribution of relief money or relief goods and causes a loss of relief money or relief goods of from VND 100,000,000 to under VND 300,000,000 shall receive a warning, be liable to a fine of from VND 50,000,000 to VND 200,000,000 or face a penalty of up to 02 years' community sentence.

2. This offence committed in any of the following cases shall carry a fine of from VND 200,000,000 to VND 1,000,000,000 or a penalty of 01 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The loss of relief money or relief goods is VND 300,000,000 or over;

d) The offence has a negative impact on social safety, order, and security.

3. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 232. Offences against regulations on extraction and protection of forests and forest product management

1. A person who commits any of the following acts, except for the cases specified in Article 243 hereof, shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Illegal logging in a production forest with a volume of from 20 m^3 to under 40 m^3 of timber of common species; from 12.5 m^3 to under 25 m^3 of timber of endangered, rare species in Group IIA;

b) Illegal logging in a protection forest with a volume of from 15 m^3 to under 30 m^3 of timber of common species; from 10 m^3 to under 20 m^3 of timber of endangered, rare species in Group IIA;

c) Illegal logging in a specialized forest with a volume of from 15 m^3 to under 30 m^3 of timber of common species; from 5 m^3 to under 10 m^3 of timber of endangered, rare species in Group IIA; extraction of species in group IIA assessed at from VND 50,000,000 to under VND 100,000,000;

d) Illegal extraction of forest plants other than timber assessed at from VND 100,000,000 to under VND 200,000,000;

dd) Extraction of species in Group IA assessed at from VND 30,000,000 to under VND 60,000,000 or from 1 m^3 to under 2 m^3 of timber in a production forest, or from 0.5 m^3 to under 1.5 m^3 of timber in a protection forest, or from 0.5 m^3 to under 1 m^3 of timber in a specialized forest or a wildlife sanctuary;

e) Illegal storage, transport, processing, trading of from 1.5 m^3 to under 3 m^3 of timber of species in Group IA or alien species in Appendix I of CITES or List of endangered and rare species; from 10 m^3 to under 20 m^3 of timber of endangered, rare species in Group IIA or alien species in Appendix II of CITES; from 20 m^3 to under 40 m^3 of timber of common species;

g) Illegal storage, transport, processing, trading of other species of wild flora assessed at from VND 300,000,000 to under VND 600,000,000;

h) The volume or value of illegal goods is below the lower levels specified in Point a through e of this Clause but the offender previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged;

2. This offence committed in any of the following cases shall carry a fine of from VND 300,000,000 to VND 1,500,000,000 or a penalty of 02 - 07 years' imprisonment:

a) Illegal logging in a production forest with a volume of from 40 m^3 to under 80 m^3 of timber of common species; from 25 m^3 to under 50 m^3 of timber of endangered, rare species in Group IIA;

b) Illegal logging in a protection forest with a volume of from 30 m^3 to under 60 m^3 of timber of common species; from 20 m^3 to under 40 m^3 of timber of endangered, rare species in Group IIA;

c) Illegal logging in a specialized forest with a volume of from 30 m^3 to under 60 m^3 of timber of common species; from 10 m^3 to under 20 m^3 of timber of endangered, rare species in Group IIA;

d) Illegal extraction of forest plants other than timber assessed at from VND 200,000,000 to under VND 400,000,000;

dd) Illegal storage, transport, processing, trading of from 3 m^3 to under 6 m^3 of timber of species in Group IA or alien species in Appendix I of CITES or List of endangered and rare species; from 20 m^3 to under 40 m^3 of timber of endangered, rare species in Group IIA or alien species in Appendix II of CITES; from 40 m^3 to under 80 m^3 of timber of common species;

e) Illegal storage, transport, processing, trading of other species of wild flora assessed at from VND 600,000,000 to under VND 1,200,000,000;

g) The offence is committed across the border or between a free trade zone and the domestic market;

h) The offence is committed by an organized group;

i) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) Illegal logging in a production forest with a volume of 80 m^3 or over of timber of common species; 50 m^3 or over of timber of endangered, rare species in Group IIA;

b) Illegal logging in a protection forest with a volume of 60 m^3 or over of timber of common species; 40 m^3 or over of timber of endangered, rare species in Group IIA;

c) Illegal logging in a specialized forest with a volume of 60 m^3 or over of timber of common species; 20 m^3 or over of timber of endangered, rare species in Group IIA;

d) Illegal extraction of other forest plants assessed at VND 400,000,000 or over;

dd) Illegal storage, transport, processing, trading of 6 m^3 or over of timber of species in Group IA or alien species in Appendix I of CITES or List of endangered and rare species; 40 m^3 or over of timber of endangered, rare species in Group IIA or alien species in Appendix II of CITES; 80 m^3 of timber of common species;

e) Illegal storage, transport, processing, trading of other species of wild flora assessed at VND 1,200,000,000 or over.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in the cases specified in Clause 1 of this Article despite the fact that it previously incurred a civil penalty for the same offence, except for the case specified in Point g Clause 1 of this Article, shall be liable to a fine of from VND 300,000,000 to VND 1,000,000,000;

b) A corporate legal entity that commits this offence in any of the cases specified in Clause 2 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000 or has its operation suspended for 06 - 36 months;

c) A corporate legal entity that commits this offence in any of the cases specified in Clause 3 of this Article shall be liable to a fine of from VND 3,000,000,000 to VND 6,000,000,000 or has its operation suspended for 06 - 36 months;

d) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 500,000,000, be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 233. Offences against regulations on forest management

1. A person who abuses his/her position or power to commits any of the following acts shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Illegal allocation or withdrawal forest or afforestation land which involves an area of from 20,000 m^2 to under 25,000 m2 of production forest, from 15,000 m^2 to under 20,000 m^2 of protection forest, or from 10,000 m^2 to under 15,000 m^2 of specialized forest, except for the case in Article 229 hereof;

b) Permitting illegal repurposing of forest or afforestation land which involves an area of from 10,000 m^2 to under 12,500 m^2 of production forest, from 7,500 m^2 to under 10,000 m^2 of protection forests, or from 5,000 m^2 to under 7,500 m^2 of specialized forest, except for the case in Article 229 hereof;

c) Permitting illegal extraction or transport of forest products in any of the cases specified in Clause 1 Article 232 hereof;

d) The offender was disciplined for the same offence.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) Illegal allocation or withdrawal forest or afforestation land which involves an area of from 25,000 m^2 to under 40,000 m^2 of production forest, from 20,000 m^2 to under 30,000 m^2 of protection forest, or from 15,000 m^2 to under 25,000 m^2 of specialized forest;

d) Permitting illegal repurposing of forest or afforestation land which involves an area of from 12,500 m^2 to under 17,000 m^2 of production forest, from 10,000 m^2 to 15,000 m^2 of protection forest, or from 7,500 m^2 to 12,000 m^2 of specialized forest;

dd) Permitting illegal extraction or transport of forest products in any of the cases specified in Clause 2 Article 232 hereof.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 12 years' imprisonment:

a) Illegal allocation or withdrawal forest or afforestation land which involves an area 40,000 m^2 or over of production forest, 30,000 m^2 or over of protection forest, or 25,000 m^2 or over of specialized forest;

b) Permitting illegal repurposing of forest or afforestation land which involves an area 17,000 m^2 or over of production forest, 15,000 m^2 or over of protection forest, or 12,000 m^2 or over of specialized forest.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000 or prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 234. Offences against regulations on management and protection of wild animals

1. A person who commits any of the following acts, except for the cases specified in Article 242 and Article 244 hereof, shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Illegal hunting, killing, raising, imparking, trading of Endangered, rare animals in Group IIB or animals in Appendix II of CITES assessed at from VND 300,000,000 to under VND

1,000,000,000; other common wild animals assessed at from VND 500,000,000 to under VND 1,500,000,000;

b) Illegal storage, transport, trading of Endangered, rare animals in Group IIB or animals in Appendix II of CITES or body parts or products thereof assessed at from VND 300,000,000 to under VND 1,000,000,000; common wild animals or body parts thereof assessed at from VND 500,000,000 to under VND 1,500,000,000;

c) The value of animals or body parts or products thereof is below the lower levels specified in Point a and Point b of this Clause but the offender previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged.

2. This offence committed in any of the following cases shall carry a fine of from VND 300,000,000 to VND 1,500,000,000 or a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in the name of an agency or organization;

c) The offence is committed using banned hunting equipment;

d) Hunting in a no-hunting area or during a no-hunting period;

dd) The illegal goods are traded or transported across the border;

e) The quantity of Endangered, rare animals in Group IIB or animals in Appendix II of CITES is assessed at from VND 1,000,000,000 to under VND 2,000,000,000; the quantity of common wild animals or body parts or products thereof is assessed at VND 1,500,000,000 or over;

g) The illegal profit reaped is from VND 200,000,000 to under VND 500,000,000;

h) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 12 years' imprisonment:

a) The quantity of Endangered, rare animals in Group IIB or animals in Appendix II of CITES, body parts or products thereof is assessed at VND 2,000,000,000 or over;

b) The illegal profit reaped is VND 500,000,000 or over.

4. The offender might also be liable to a fine of from VND 50,000,000 to VND 200,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in any of the cases specified in Clause 1 of this Article shall be liable to a fine of from VND 300,000,000 to VND 1,000,000,000;

b) A corporate legal entity that commits this offence in any of the cases specified in Clause 2 of this Article shall be liable to fine of from VND 1,000,000,000 to VND 3,000,000,000;

c) A corporate legal entity that commits this offence in any of the cases specified in Clause 3 of this Article shall be liable to a fine of from VND 3,000,000,000 to VND 6,000,000,000 or has its operation suspended for 06 - 36 months;

d) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

dd) The violating corporate legal entity might also be liable to a fine of from VND 50,000,000 to VND 200,000,000 , be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Chapter XIX

ENVIRONMENTAL OFFENCES

Article 235. Causing environmental pollution

1. A person who commits any of the following acts shall be liable to a fine of from VND 100,000,000 to VND 1,000,000,000 or face a penalty of 01 - 05 years' imprisonment:

a) Burying, dumping, discharging into the environment from 3,000 kg to under 5,000 kg of hazardous wastes or persistent organic pollutants in Appendix A of Stockholm Convention on persistent organic pollutants against the law;

b) Discharging into the environment from 5,000 m^3/day to under 10,000 m^3/day of wastewater whose pollution indicators exceed the limits in technical regulations on wastes 10 times or more;

c) Discharging into the environment wastewater that contain radioactive substances that cause contamination from 02 - under 04 times above permissible limits in technical regulations;

d) Discharging into the environment from 5,000 m^3/day to under 10,000 m^3/day of wastewater whose pH is from 0 to under 2 or from 12.5 to 14;

dd) Discharging into the environment 300,000 m^3/day to under 500,000 m^3/day of dust or exhaust gas exceeding the limits in technical regulations 10 times or more;

e) Burying, dumping, discharging into the environment from 200,000 kg to under 500,000 kg of conventional solid wastes against the law;

g) Wastes contain radioactive substances that are radioactive sources of average danger according to National Technical Regulation on radiation safety and categorization of radioactive sources beyond permissible limits;

h) Dispersing radiation into the environment from 02 to under 04 times above the limits in technical regulations.

2. This offence committed in any of the following cases shall carry a fine of from VND 1,000,000,000 to VND 3,000,000,000 or a penalty of 03 - 07 years' imprisonment:

a) Burying, dumping, discharging into the environment 5,000 kg or over of hazardous wastes or persistent organic pollutants in Appendix A of Stockholm Convention on persistent organic pollutants against the law;

b) Discharging into the environment 10,000 m^3/day or over of wastewater with pollution indicators exceeding the limits in technical regulations on wastes 10 times or more;

c) Discharging into the environment wastewater that contain radioactive substances that cause contamination $\geq$ 04 times above permissible limits in technical regulations;

d) Discharging into the environment 10,000 m^3/day or over of wastewater whose pH is from 0 to under 2 or from 12.5 to 14;

dd) Discharging into the environment 500,000 m^3/day or more of dust or exhaust gas exceeding the limits in technical regulations 10 times or more;

e) Burying, dumping, discharging into the environment 500,000 kg or over of conventional solid wastes against the law;

g) Wastes contain radioactive substances that are radioactive sources of above average danger according to National Technical Regulation on radiation safety and categorization of radioactive sources beyond permissible limits;

h) Dispersing radiation into the environment ≥ 04 times above the limits in technical regulations.

3. A person that commits any of the following acts despite the fact that he/she previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged shall be liable to a fine of from VND 50,000,000 to VND 500,000,000 or face a penalty of 03 - 24 months' imprisonment:

a) Burying, dumping, discharging into the environment from 1,000 kg to under 3,000 kg of hazardous wastes or persistent organic pollutants in Appendix A of Stockholm Convention on persistent organic pollutants against the law;

b) Transferring, giving, buying, selling 2,000 kg or over of banned hazardous wastes or persistent organic pollutants against the law;

c) Discharging into the environment from 1,000 m^3/day to 10,000 m^3/day of wastewater whose pollution indicators exceed the limits in technical regulations on wastes from 05 to under 10 times;

d) Discharging into the environment wastewater that contain radioactive substances that cause contamination from 01 - under 02 times above permissible limits in technical regulations;

dd) Discharging into the environment from 1,000 m^3/day to under 10,000 m^3/day of wastewater whose pH is from 0 to under 2 or from 12.5 to 14;

e) Discharging into the environment from 150,000 m^3/day to under 300,000 m^3/day of dust or exhaust gas exceeding the limits in technical regulations 10 times or more;

g) Burying, dumping, discharging into the environment from 100,000 kg to under 200,000 kg of conventional solid wastes against the law;

h) Wastes contain radioactive substances that are radioactive sources of below average danger according to National Technical Regulation on radiation safety and categorization of radioactive sources beyond permissible limits;

i) Dispersing radiation into the environment from 01 to under 02 times above the limits in technical regulations.

4. The offender might also be liable to a fine of from VND 30,000,000 to VND 200,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in any of the cases specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 5,000,000,000;

b) A corporate legal entity that commits this offence in any of the cases specified in Clause 2 of this Article shall be liable to a fine of from VND 5,000,000,000 to VND 10,000,000,000 or has its operation suspended for 06 - 36 months;

c) A corporate legal entity that commits this offence in any of the cases specified in Clause 3 of this Article shall be liable to a fine of from VND 500,000,000 to VND 3,000,000,000;

d) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

dd) The violating corporate legal entity might also be liable to a fine of from VND 50,000,000 to VND 500,000,000, prohibited from operating in certain fields for 01 - 03 years.

Article 236. Offences against regulations on hazardous waste management

1. Any competent person who permits another entity to bury, dump, discharge from 3,000 kg to under 5,000 kg of hazardous wastes on the list of persistent organic pollutants in Appendix A of Stockholm Convention on persistent organic pollutants against the law, or wastes containing radioactive substances that are radioactive sources of below average danger according to National Technical Regulation on radiation safety and categorization of radioactive sources beyond permissible limits shall be liable to a fine of from VND 50,000,000 to VND 200,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment:

2. This offence committed in any of the following cases shall carry a fine of from VND 200,000,000 to VND 1,000,000,000 or a penalty of 02 - 05 years' imprisonment:

a) The offence involves from 5,000 kg to under 10,000 kg of hazardous wastes on the list of persistent organic pollutants in Appendix A of Stockholm Convention on persistent organic pollutants, or wastes containing radioactive substances that are radioactive sources of average danger according to National Technical Regulation on radiation safety and categorization of radioactive sources beyond permissible limits;

b) The offence is committed by an organized group;

c) The offence has been committed more than once;

d) Dangerous recidivism.

3. If the offence involves 10,000 kg or more of hazardous wastes on the list of persistent organic pollutants in Appendix A of Stockholm Convention on persistent organic pollutants, or wastes containing radioactive substances that are radioactive sources of above average danger according to National Technical Regulation on radiation safety and categorization of radioactive sources above permissible limits, the offender shall face a penalty of 05 - 10 years' imprisonment;

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 150,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 237. Offences against regulations on prevention, response, and relief of environmental emergencies

1. A person who commits any of the following acts shall be liable to a fine of from VND 50,000,000 to VND 500,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Violations against regulations on prevention of environmental emergencies that lead to an environmental emergency;

b) Violations against regulations on response to and relief of environmental emergencies that lead to serious pollution or 31% physical disability or more of another person or losses of from VND 1,000,000,000 to under VND 3,000,000,000.

2. This offence committed in any of the following cases shall carry a fine of from VND 500,000,000 to VND 2,000,000,000 or a penalty of 02 - 07 years' imprisonment:

a) The offence results in the death of a person;

b) The offence results in losses of from VND 3,000,000,000 to under VND 7,000,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence results in the death of 02 or more people;

b) The offence results in property damage of VND 7,000,000,000 or over.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in any of the cases specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000;

b) A corporate legal entity that commits this offence in any of the cases specified in Clause 2 of this Article shall be liable to fine of from VND 3,000,000,000 to VND 5,000,000,000;

c) A corporate legal entity that commits this offence in any of the cases specified in Clause 3 of this Article shall be liable to fine of from VND 5,000,000,000 to VND 10,000,000,000;

d) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

dd) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 500,000,000, prohibited from operating in certain fields for 01 - 03 years.

Article 238. Offences against regulations on protection of irrigation works, embankments, and disaster protection works; offences against regulations on protection of river banks

1. A person who commits any of the following violations and causes bodily harm to another person who suffers from ≥ 31% physical disability or causes losses of from VND 100,000,000 to under VND 300,000,000 shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of up to 03 years' community sentence or 03 - 24 months' imprisonment:

a) Illegally building houses or works within the perimeter of irrigation works, dykes, and disaster protection works;

b) Destroying or damaging irrigation works, dykes, and disaster protection works; works for protection, extraction, monitoring of water resources, works for protection and relief from harmful effects of water, except for the cases specified in Article 303 hereof;

c) Illegally drilling, surveying, extracting soil, stones, sand, gravel, minerals, groundwater against;

d) Using explosives, causing explosion or fire within the perimeter of irrigation works, dykes, and disaster protection works; works for protection, extraction, monitoring of water resources, works for protection and relief from harmful effects of water, unless there is a license or in an emergency prescribed by law;

dd) operating reservoirs, flood diversion works, or flood control works against the procedures or technical regulations, unless it is requested by a competent person.

2. This offence committed in any of the following cases shall carry a fine of from VND 300,000,000 to VND 2,000,000,000 or a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence results in the death of a person;

d) The offence results in losses of from VND 300,000,000 to under VND 1,000,000,000;

dd) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence results in the death of 02 or more people;

b) The offence results in losses of VND 1,000,000,000 or over.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000, be prohibited from holding certain positions or doing certain works for 02 - 05 years.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in any of the cases specified in Clause 1 of this Article shall be liable to a fine of from VND 300,000,000 to VND 1,000,000,000;

b) A corporate legal entity that commits this offence in any of the cases specified in Clause 2 of this Article shall be liable to fine of from VND 1,000,000,000 to VND 3,000,000,000;

c) A corporate legal entity that commits this offence in any of the cases specified in Clause 3 of this Article shall be liable to fine of from VND 3,000,000,000 to VND 5,000,000,000;

d) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

dd) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 500,000,000, prohibited from operating in certain fields for 01 - 03 years.

Article 239. Bringing wastes into Vietnam's territory

1. A person who commits any of the following acts shall be liable to a fine of from VND 200,000,000 to VND 1,000,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Bringing from 1,000 kg to 3,000 kg of hazardous wastes or persistent organic pollutants in Appendix A of Stockholm Convention into Vietnam's territory;

b) Bringing from 70,000 kg to under 170,000 kg of other wastes into Vietnam's territory.

2. This offence committed in any of the following cases shall carry a fine of from VND 1,000,000,000 to VND 2,000,000,000 or a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The quantity of hazardous wastes or persistent organic pollutants in Appendix A of Stockholm Convention is from 3,000 kg to under 5,000 kg;

c) The quantity of other wastes is from 170,000 kg to under 300,000 kg.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The quantity of hazardous wastes or persistent organic pollutants in Appendix A of Stockholm Convention is 5,000 kg or over;

c) The quantity of other wastes is 300,000 kg or over.

4. The offender might also be liable to a fine of from VND 50,000,000 to VND 200,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in any of the cases specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000;

b) A corporate legal entity that commits this offence in any of the cases specified in Clause 2 of this Article shall be liable to a fine of from VND 3,000,000,000 to VND 5,000,000,000 or has its operation suspended for 06 - 12 months;

c) A corporate legal entity that commits this offence in any of the cases specified in Clause 3 of this Article shall be liable to a fine of from VND 5,000,000,000 to VND 7,000,000,000 or has its operation suspended for 06 - 36 months;

d) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

dd) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 500,000,000, prohibited from operating in certain fields for 01 - 03 years.

Article 240. Spreading dangerous infectious diseases in human

1. A person who commits any of the following acts that spread dangerous infectious diseases in human shall be liable to a fine of from VND 50,000,000 to VND 200,000,000 or face a penalty of 01 - 05 years' imprisonment:

a) Bringing or allowing another entity to bring animals, plants or products thereof or other items that are likely to transmit dangerous infectious diseases in human out of the epidemic zone, unless otherwise prescribed by law;

b) Bringing or allowing another entity to bring animals, plants or products thereof or other products that are infected or carry dangerous pathogens that are likely to be transmitted to human into Vietnam's territory;

c) Other acts that spread dangerous infections in human.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence results in a declaration of an epidemic by the President of the People's Committee of a province or the Minister of Health;

b) The offence results in the death of a person.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 12 years' imprisonment:

a) The offence results in a declaration of an epidemic by the Prime Minister;

b) The offence results in the death of 02 or more people.

4. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 241. Spreading dangerous infectious diseases in animals or plants

1. A person who commits any of the following acts that spread dangerous infectious diseases in animals or plants and causes property damage of from VND 100,000,000 to under VND 500,000,000 or incurred an administrative penalty for the same offence shall be liable to a fine of from VND 50,000,000 to VND 200,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Bringing or allowing another entity to bring animals, plants or products thereof or other items that are infected or carry pathogens into or out of the epidemic zone, unless otherwise prescribed by law;

b) Bringing or allowing another entity to bring animals, plants or products thereof that are required to undergo quarantine into Vietnam's territory without following regulations of law on quarantine;

c) Other acts that spread dangerous infectious diseases in animals or plants.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 05 years' imprisonment:

a) The offence results in property damage of from VND 500,000,000 to under VND 1,000,000,000;

b) The offence results in a declaration of an epidemic by the President of the People's Committee of a district or province.

3. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence results in property damage of from VND 1,000,000,000 or over;

b) The offence results in a declaration of an epidemic by the Minister of Agriculture and Rural development.

3. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

Article 242. Destruction of aquatic resources

1. A person who violates regulations on protection of aquatic resources in any of the following cases and causes losses to aquatic resources of from VND 100,000,000 to under VND 500,000,000 or extracts a quantity of aquatic products assessed at from VND 50,000,000 to under VND 200,000,000 or previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Using poisons, explosives, other chemicals, electricity, or fishing equipment that is banned for fishing or destructing aquatic resources;

b) Fishing in a banned area or temporarily banned area as prescribed by law;

c) Extracting species banned from fishing as prescribed by law;

d) Destroying the habitat of aquatic species on the list of endangered species as prescribed by law;

dd) Causing bodily harm to another person who suffers from 31% - 61% physical disability.

e) Violations against other regulations on protection of aquatic resources.

2. This offence committed in any of the following cases shall carry a fine of from VND 300,000,000 to VND 1,000,000,000 or a penalty of 03 - 05 years' imprisonment:

a) The offence results in losses to aquatic resources of from VND 500,000,000 to under VND 1,500,000,000 the a quantity of aquatic products extracted is assessed at from VND 200,000,000 to under VND 500,000,000;

b) The offence results in bodily harm to 02 people, each of whom suffers ≥ 61% physical disability; or bodily harm to 04 people, each of whom suffers ≥ 31% physical disability;

c) The offence results in the death of a person.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence results in losses to aquatic resources of VND 1,500,000,000 or over, or the quantity of extracted aquatic products is assessed at VND 500,000,000 or over;

b) The offence results in the death of 02 or more people.

4. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in any of the cases specified in Clause 1 of this Article shall be liable to a fine of from VND 300,000,000 to VND 1,000,000,000;

b) A corporate legal entity that commits this offence in any of the cases specified in Clause 2 of this Article shall be liable to fine of from VND 1,000,000,000 to VND 3,000,000,000;

c) A corporate legal entity that commits this offence in any of the cases specified in Clause 3 of this Article shall be liable to a fine of from VND 3,000,000,000 to VND 5,000,000,000 or has its operation suspended for 06 - 36 months;

d) The violating corporate legal entity might also be liable to a fine of from VND 50,000,000 to VND 200,000,000, be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 243. Forest destruction

1. Any person who sets fire or destroys forests or otherwise inflicts damage to forests in any of the following cases shall be liable to a fine of from VND 50,000,000 to VND 500,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offence involves an area of from over 30,000 m^2 to under 50,000 m^2 of immature forests or contained cultivation site;

b) The offence involves an area of from over 5,000 m^2 to under 10,000 m^2 of production forest;

c) The offence involves an area of from over 3,000 m^2 to under 7,000 m^2 of protection forest;

d) The offence involves an area of from over 1,000 m^2 to under 3,000 m^2 of specialized forest;

dd) The offence results in losses of forest products assessed at from over VND 30,000,000 to under VND 60,000,000 for natural production forests; from over VND 50,000,000 to under VND 100,000,000 for planted production forests and forest restoration sites in case it is not possible to determine the area of destroyed forest because the offence is not committed within a limited area;

e) The destroyed forest area or volume of forest products is below the levels specified in Point a through dd Clause 1 of this Article but the offender previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in the name of an agency or organization;

c) Dangerous recidivism.

d) The offence involves an area of from over 50,000 m^2 to under 100,000 m^2 of non-forest planted trees or forest restoration site;

dd) The offence involves an area of from over 10,000 m^2 to under 50,000 m^2 of production forest;

e) The offence involves an area of from over 7,000 m^2 to under 10,000 m^2 of protection forest;

g) The offence involves an area of from over 3,000 m^2 to under 5,000 m^2 of specialized forest;

h) The offence results in losses of forest products assessed at from VND 60,000,000 to under VND 120,000,000 for natural production forests; from VND 100,000,000 to under VND 200,000,000 for planted production forests and forest restoration site in case it is not possible to determine the area of destroyed forest because the offence is not committed within a limited area;

i) The offence involves endangered, rare plants that need protection, other Group IA plants assessed at from over VND 60,000,000 to under VND 100,000,000; Group IIA plants assessed at from VND 100,000,000 to under VND 200,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence involves an area of 100,000 m^2 of non-forest planted trees or forest restoration site or over;

b) The offence involves an area of 50,000 m^2 of production forest or over;

c) The offence involves an area of 10,000 m^2 of protection forest or over;

d) The offence involves an area of 5,000 m^2 of specialized forest or over;

dd) The offence results in losses of forest products assessed at VND 120,000,000 or over for natural production forests; VND 100,000,000 or over for planted production forests and forest restoration site in case it is not possible to determine the area of destroyed forest because the offence is not committed within a limited area;

e) The offence involves endangered, rare plants that need protection, other Group IA plants assessed at VND 100,000,000 or over; Group IIA plants assessed at VND 200,000,000 or over.

4. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in any of the cases specified in Clause 1 of this Article shall be liable to a fine of from VND 500,000,000 to VND 2,000,000,000;

b) A corporate legal entity that commits this offence in any of the cases specified in Clause 2 of this Article shall be liable to fine of from VND 2,000,000,000 to VND 5,000,000,000;

c) A corporate legal entity that commits this offence in any of the cases specified in Clause 3 of this Article shall be liable to a fine of from VND 5,000,000,000 to VND 7,000,000,000 or has its operation suspended for 06 - 36 months;

d) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

dd) The violating corporate legal entity might also be liable to a fine of from VND 50,000,000 to VND 200,000,000 , be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 244. Offences against regulations on management and protection of endangered, rare animals

1. Any person who violates regulations on management and protection of animals on the List of endangered and rare species; endangered, rare animals of Group IB or in Appendix I of CITES in any of the following cases shall be liable to a fine of from VND 500,000,000 to VND 2,000,000,000 or face a penalty of 01 - 05 years' imprisonment:

a) Illegally hunting, killing, imparking, transporting, trading animals on the List of endangered and rare species;

b) Illegally storing, transporting, trading animals specified in Point a of this Clause or body parts thereof; from 02 kg to under 20 kg of elephant tusks; from 0.05 kg to under 01 kg of rhino horns;

c) Illegal hunting, killing, raising, imparking, trading of Group IB animals or animals in Appendix I of CITES other than those specified in Point a of this Clause involving 03 - 07 individuals of class mammalia, 03 - 07 individuals of class aves or class reptilia, or 10 - 15 individuals of other classes;

d) Illegally storing, transporting, trading 03 - 07 vital body parts of animals of class mammalia, vital body parts of 07 - 10 individuals of class aves or class reptilia, or 10 -15 individuals of other classes specified in Point c of this Clause;

dd) The quantity of animals illegally hunted, killed, imparked, transported; body parts of animals illegally stored, transported, traded is below the lower limit specified in Point b through d of his Clause but the offender previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in the name of an agency or organization;

c) The offence is committed using banned hunting equipment;

d) Hunting in a no-hunting area or during a no-hunting period;

dd) The illegal goods are traded or transported across the border;

e) The offence involves a quantity of animals on the List of endangered and rare species or a quantity of vital body parts of 07 - 10 individuals of class mammalia, 07 - 10 individuals of class aves or class reptilia, or 10 -15 individuals of other classes of animals on the List of endangered and rare species;

g) The offence involves a quantity of endangered, rare animals specified in Point c Clause 1 of this Article or a quantity of vital body parts of 08 - 11 individuals of class mammalia, 11 - 15 individuals of class aves or class reptilia, or 16 -20 individuals of other classes;

h) The offence involves 01 - 02 elephants or vital body parts thereof; 03 - 05 bears, tigers or vital body parts thereof; from 20 kg to under 90 kg of elephant tusks; from 01 kg to under 09 kg of rhino horns;

i) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The offence involves a quantity of animals on the List of endangered and rare species or a quantity of vital body parts of ≥ 08 individuals of class mammalia, ≥ 11 individuals of class aves or class reptilia, or ≥ 16 individuals of other classes of animals on the List of endangered and rare species;

b) The offence involves a quantity of endangered, rare animals specified in Point c Clause 1 of this Article or a quantity of vital body parts of ≥ 12 individuals of class mammalia, ≥ 16 individuals of class aves or class reptilia, or ≥ 21 individuals of other classes;

c) The offence involves ≥ 03 elephants or vital body parts thereof; ≥ 06 bears, tigers or vital body parts thereof; ≥ 90 kg of elephant tusks; ≥ 09 kg of rhino horns;

4. The offender might also be liable to a fine of from VND 50,000,000 to VND 200,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in any of the cases specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 5,000,000,000;

b) A corporate legal entity that commits this offence in any of the cases specified in Clause 2 of this Article shall be liable to fine of from VND 5,000,000,000 to VND 10,000,000,000;

c) A corporate legal entity that commits this offence in any of the cases specified in Clause 3 of this Article shall be liable to a fine of from VND 10,000,000,000 to VND 15,000,000,000 or has its operation suspended for 06 - 36 months;

d) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

dd) The violating corporate legal entity might also be liable to a fine of from VND 300,000,000 to VND 600,000,000, be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 245. Offences against regulations on management of wildlife sanctuaries

1. Any person who violates regulations on wildlife sanctuaries in any of the following cases shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offence results in property damage of from VND 50,000,000 to under VND 200,000,000;

b) The offence results in damage to the landscape, ecology in the strictly restricted area of the wildlife sanctuary with a total area of from 300 m^2 to under 500 m^2;

c) The offender previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence results in property damage of from VND 200,000,000 or over;

b) The offence results in damage to the landscape, ecology in the strictly restricted area of the wildlife sanctuary with a total area of ≥ 500 m^2;

c) The offence is committed by an organized group;

d) The offence involves the use of banned instruments or methods;

dd) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

4. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in any of the cases specified in Clause 1 of this Article shall be liable to a fine of from VND 300,000,000 to VND 1,000,000,000;

b) A corporate legal entity that commits this offence in any of the cases specified in Clause 2 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000 or has its operation suspended for 06 - 36 months;

c) A corporate legal entity that commits this offence in the case specified in Article 79 hereof shall be permanently shut down;

d) The violating corporate legal entity might also be liable to a fine of from VND 50,000,000 to VND 500,000,000, be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Article 246. Importing, spreading invasive species

1. A person who commits any of the following acts shall be liable to a fine of from VND 100,000,000 to VND 1,000,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) Illegally importing invasive species or potentially invasive species assessed at from VND 250,000,000 to under VND 500,000,000, or under VND 250,000,000 but the offender previously incurred a civil penalty for the same offence;

b) Spreading invasive species or potentially invasive species that result in property damage of from VND 150,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) Illegally importing invasive alien species or potentially invasive species assessed at ≥ VND 500,000,000;

c) Spreading invasive species or potentially invasive species that result in property damage of ≥ VND 500,000,000;

d) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 50,000,000 to VND 500,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

4. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in any of the cases specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000;

b) A corporate legal entity that commits this offence in any of the cases specified in Clause 2 of this Article shall be liable to a fine of from VND 3,000,000,000 to VND 5,000,000,000 or has its operation suspended for 06 - 36 months;

c) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 1,000,000,000, be prohibited from operating in certain fields or raising capital for 01 - 03 years.

Chapter XX

DRUG-RELATED OFFENCES

Article 247. Growing opium poppy plants, coca plants, cannabis plants, or other plants containing narcotic substances

1. Any person who grows opium poppy plants, coca plants, cannabis plants, or other plants containing narcotic substances in any of the following cases shall face a penalty of 06 - 36 months' imprisonment:

a) The offender has been reprimanded twice and enabled to earn decent living;

b) The offender previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged;

c) The offence involves a quantity of from 500 to under 3,000 plants.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves a quantity of ≥ 3,000 plants;

c) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 5,000,000 to VND 50,000,000.

4. The person who commits the offence specified in Clause 1 of this Article but voluntarily destroys the plants or submit them to a competent authority before harvesting might be exempt from criminal responsibility.

Article 248. Illegal manufacturing of narcotic substances

1. Any person who manufactures narcotic substances in any shape of form shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence involves the abuse of the offender's position or power;

d) The offence is committed in the name of an agency or organization;

dd) The offence involves a quantity of from 500 g to under 01 kg of opium poppy resin, cannabis resin, or coca glue;

e) The offence involves a quantity of from 05 g to under 30 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

g) The offence involves a quantity of from 20 g to under 100 g of other solid narcotic substances;

h) The offence involves a quantity of from 100 ml under 200 ml of other liquid narcotic substances;

i) Dangerous recidivism;

k) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point dd through h of this Clause.

3. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment:

a) The offence is committed in a professional manner;

b) The offence involves a quantity of from 01 kg to under 05 kg of opium poppy resin, cannabis resin, or coca glue;

c) The offence involves a quantity of from 30 g to under 100 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

d) The offence involves a quantity of from 100 g to under 300 g of other solid narcotic substances;

dd) The offence involves a quantity of from 200 ml under 750 ml of other liquid narcotic substances;

e) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point b through dd of this Clause.

4. This offence committed in any of the following cases shall carry a penalty of 20 years' imprisonment, life imprisonment or death:

a) The offence involves a quantity of ≥ 05 kg of opium poppy resin, cannabis resin, or coca glue;

b) The offence involves a quantity of ≥ 100 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

c) The offence involves a quantity of ≥ 300 g of other solid narcotic substances;

d) The offence involves a quantity of ≥ 750 ml of other liquid narcotic substances;

dd) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point a through d of this Clause.

5. The offender might also be liable to a fine of from VND 5,000,000 to VND 500,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

Article 249. Illegal storage of narcotic substances

1. Any person who stores narcotic substances for purposes other than trading, transporting, or manufacturing narcotic substances in any of the following cases shall face a penalty of 01 - 05 years' imprisonment:

a) The offender previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged;

b) The offence involves a quantity of from 01 g to under 500 g of opium poppy resin, cannabis resin, or coca glue;

c) The offence involves a quantity of from 0,1 g to under 05 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

d) The offence involves a quantity of from 10 kg to under 25 kg of cannabis leaves, roots, branches, flowers, fruits or coca leaves;

dd) The offence involves a quantity of from 05 kg to under 50 kg of dried opium poppy fruits;

e) The offence involves a quantity of from 01 kg to under 10 kg of fresh opium poppy fruits;

g) The offence involves a quantity of from 01 g to under 20 g of other solid narcotic substances;

h) The offence involves a quantity of from 10 ml under 100 ml of other liquid narcotic substances;

i) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point b through h of this Clause.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence involves the abuse of the offender's position or power;

d) The offence is committed in the name of an agency or organization;

dd) The offence involves employment of a person under 16 for commission of the offence;

e) The offence involves a quantity of from 500 g to under 01 kg of poppy resin, cannabis resin, or coca glue;

g) The offence involves a quantity of from 05 g to under 30 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

h) The offence involves a quantity of from 25 kg to under 75 kg of cannabis leaves, roots, branches, flowers, fruits or coca leaves;

i) The offence involves a quantity of from 50 kg to under 200 kg of dried opium poppy fruits;

k) The offence involves a quantity of from 10 kg to under 50 kg of fresh opium poppy fruits;

l) The offence involves a quantity of from 20 g to under 100 g of other solid narcotic substances;

m) The offence involves a quantity of from 100 ml under 250 ml of other liquid narcotic substances;

n) Dangerous recidivism;

o) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point e through m of this Clause.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The offence involves a quantity of from 01 kg to under 05 kg of poppy resin, cannabis resin, or coca glue;

b) The offence involves a quantity of from 30 g to under 100 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

c) The offence involves a quantity of from 25 kg to under 75 kg of cannabis leaves, roots, branches, flowers, fruits or coca leaves;

d) The offence involves a quantity of from 200 kg to under 600 kg of dried opium poppy fruits;

dd) The offence involves a quantity of from 50 kg to under 150 kg of fresh opium poppy fruits;

e) The offence involves a quantity of from 100 g to under 300 g of other solid narcotic substances;

g) The offence involves a quantity of from 250 ml under 750 ml of other liquid narcotic substances;

h) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point a through g of this Clause.

4. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment or life imprisonment:

a) The offence involves a quantity of ≥ 05 kg of poppy resin, cannabis resin, or coca glue;

b) The offence involves a quantity of ≥ 100 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

c) The offence involves a quantity of ≥ 75 kg of cannabis leaves, roots, branches, flowers, fruits or coca leaves;

d) The offence involves a quantity of ≥ 600 kg of dried opium poppy fruits;

dd) The offence involves a quantity of ≥ 150 kg of fresh opium poppy fruits;

e) The offence involves a quantity of ≥ 300 g of other solid narcotic substances;

g) The offence involves a quantity of ≥ 750 ml of other liquid narcotic substances;

h) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point a through g of this Clause.

5. The offender might also be liable to a fine of from VND 5,000,000 to VND 500,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

Article 250. Illegal transport of narcotic substances

1. Any person who transports narcotic substances for purposes other than trading, transporting, or manufacturing narcotic substances in any of the following cases shall face a penalty of 02 - 07 years' imprisonment:

a) The offender previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged;

b) The offence involves a quantity of from 01 g to under 500 g of poppy resin, cannabis resin, or coca glue;

c) The offence involves a quantity of from 0,1 g to under 05 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

d) The offence involves a quantity of from 10 kg to under 25 kg of cannabis leaves, roots, branches, flowers, fruits or coca leaves;

dd) The offence involves a quantity of from 05 kg to under 50 kg of dried opium poppy fruits;

e) The offence involves a quantity of from 01 kg to under 10 kg of fresh opium poppy fruits;

g) The offence involves a quantity of from 01 g to under 20 g of other solid narcotic substances;

h) The offence involves a quantity of from 10 ml under 100 ml of other liquid narcotic substances;

i) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point b through h of this Clause.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence involves the abuse of the offender's position or power;

d) The offence is committed in the name of an agency or organization;

dd) The offence involves employment of a person under 16 for commission of the offence;

e) Narcotic substances are transported across the border;

g) The offence involves a quantity of from 500 g to under 01 kg of poppy resin, cannabis resin, or coca glue;

h) The offence involves a quantity of from 05 g to under 30 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

i) The offence involves a quantity of from 10 kg to under 25 kg of cannabis leaves, roots, branches, flowers, fruits or coca leaves;

k) The offence involves a quantity of from 50 kg to under 200 kg of dried opium poppy fruits;

l) The offence involves a quantity of from 10 kg to under 50 kg of fresh opium poppy fruits;

m) The offence involves a quantity of from 20 g to under 100 g of other solid narcotic substances;

n) The offence involves a quantity of from 100 ml under 250 ml of other liquid narcotic substances;

o) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point g through n of this Clause.

p) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment:

a) The offence involves a quantity of from 01 kg to under 05 kg of poppy resin, cannabis resin, or coca glue;

b) The offence involves a quantity of from 30 g to under 100 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

c) The offence involves a quantity of from 25 kg to under 75 kg of cannabis leaves, roots, branches, flowers, fruits or coca leaves;

d) The offence involves a quantity of from 200 kg to under 600 kg of dried opium poppy fruits;

dd) The offence involves a quantity of from 50 kg to under 150 kg of fresh opium poppy fruits;

e) The offence involves a quantity of from 100 g to under 300 g of other solid narcotic substances;

g) The offence involves a quantity of from 250 ml under 750 ml of other liquid narcotic substances;

h) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point a through g of this Clause.

4. This offence committed in any of the following cases shall carry a penalty of 20 years' imprisonment, life imprisonment or death:

a) The offence involves a quantity of ≥ 05 kg of poppy resin, cannabis resin, or coca glue;

b) The offence involves a quantity of ≥ 100 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

c) The offence involves a quantity of ≥ 75 kg of cannabis leaves, roots, branches, flowers, fruits or coca leaves;

d) The offence involves a quantity of ≥ 600 kg of dried opium poppy fruits;

dd) The offence involves a quantity of ≥ 150 kg of fresh opium poppy fruits;

e) The offence involves a quantity of ≥ 300 g of other solid narcotic substances;

g) The offence involves a quantity of ≥ 750 ml of other liquid narcotic substances;

h) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point a through g of this Clause.

5. The offender might also be liable to a fine of from VND 5,000,000 to VND 500,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

Article 251. Illegal deal in narcotic substances

1. Any person who illegally deals in narcotic substances shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) Narcotic substances are traded with ≥ 02 people;

d) The offence involves the abuse of the offender's position or power;

dd) The offence is committed in the name of an agency or organization;

e) The offence involves employment of a person under 16 for commission of the offence;

g) The offence involves a quantity of from 500 g to under 01 kg of poppy resin, cannabis resin, or coca glue;

h) The offence involves a quantity of from 05 g to under 30 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

i) The offence involves a quantity of from 10 kg to under 25 kg of cannabis leaves, roots, branches, flowers, fruits or coca leaves;

k) The offence involves a quantity of from 50 kg to under 200 kg of dried opium poppy fruits;

l) The offence involves a quantity of from 10 kg to under 50 kg of fresh opium poppy fruits;

m) The offence involves a quantity of from 20 g to under 100 g of other solid narcotic substances;

n) The offence involves a quantity of from 100 ml under 250 ml of other liquid narcotic substances;

o) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point a through n of this Clause;

p) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment:

a) The offence involves a quantity of from 01 kg to under 05 kg of poppy resin, cannabis resin, or coca glue;

b) The offence involves a quantity of from 30 g to under 100 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

c) The offence involves a quantity of from 25 kg to under 75 kg of cannabis leaves, roots, branches, flowers, fruits or coca leaves;

d) The offence involves a quantity of from 200 kg to under 600 kg of dried opium poppy fruits;

dd) The offence involves a quantity of from 50 kg to under 150 kg of fresh opium poppy fruits;

e) The offence involves a quantity of from 100 g to under 300 g of other solid narcotic substances;

g) The offence involves a quantity of from 250 ml under 750 ml of other liquid narcotic substances;

h) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point a through g of this Clause.

4. This offence committed in any of the following cases shall carry a penalty of 20 years' imprisonment, life imprisonment or death:

a) The offence involves a quantity of ≥ 05 kg of poppy resin, cannabis resin, or coca glue;

b) The offence involves a quantity of ≥ 100 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

c) The offence involves a quantity of ≥ 75 kg of cannabis leaves, roots, branches, flowers, fruits or coca leaves;

d) The offence involves a quantity of ≥ 600 kg of dried opium poppy fruits;

dd) The offence involves a quantity of ≥ 150 kg of fresh opium poppy fruits;

e) The offence involves a quantity of ≥ 300 g of other solid narcotic substances;

g) The offence involves a quantity of ≥ 750 ml of other liquid narcotic substances;

h) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point a through g of this Clause.

5. The offender might also be liable to a fine of from VND 5,000,000 to VND 500,000,000 , be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

Article 252. Appropriation of narcotic substances

1. Any person who appropriates narcotic substances in any shape or form in any of the following cases shall face a penalty of 01 - 05 years' imprisonment:

a) The offender previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged;

b) The offence involves a quantity of from 01 g to under 500 g of poppy resin, cannabis resin, or coca glue;

c) The offence involves a quantity of from 0,1 g to under 05 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

d) The offence involves a quantity of from 10 kg to under 25 kg of cannabis leaves, roots, branches, flowers, fruits or coca leaves;

dd) The offence involves a quantity of from 05 kg to under 50 kg of dried opium poppy fruits;

e) The offence involves a quantity of from 01 kg to under 10 kg of fresh opium poppy fruits;

g) The offence involves a quantity of from 01 g to under 20 g of other solid narcotic substances;

h) The offence involves a quantity of from 10 ml under 100 ml of other liquid narcotic substances;

i) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point b through h of this Clause.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence involves the abuse of the offender's position or power;

d) The offence is committed in the name of an agency or organization;

dd) The offence involves employment of a person under 16 for commission of the offence;

e) The offence involves a quantity of from 500 g to under 01 kg of poppy resin, cannabis resin, or coca glue;

g) The offence involves a quantity of from 05 g to under 30 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

h) The offence involves a quantity of from 10 kg to under 25 kg of cannabis leaves, roots, branches, flowers, fruits or coca leaves;

i) The offence involves a quantity of from 50 kg to under 200 kg of dried opium poppy fruits;

k) The offence involves a quantity of from 10 kg to under 50 kg of fresh opium poppy fruits;

l) The offence involves a quantity of from 20 g to under 100 g of other solid narcotic substances;

m) The offence involves a quantity of from 100 ml under 250 ml of other liquid narcotic substances;

n) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point e through m of this Clause;

o) Dangerous recidivism;

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The offence involves a quantity of from 01 kg to under 05 kg of poppy resin, cannabis resin, or coca glue;

b) The offence involves a quantity of from 30 g to under 100 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

c) The offence involves a quantity of from 25 kg to under 75 kg of cannabis leaves, roots, branches, flowers, fruits or coca leaves;

d) The offence involves a quantity of from 200 kg to under 600 kg of dried opium poppy fruits;

dd) The offence involves a quantity of from 50 kg to under 150 kg of fresh opium poppy fruits;

e) The offence involves a quantity of from 100 g to under 300 g of other solid narcotic substances;

g) The offence involves a quantity of from 250 ml under 750 ml of other liquid narcotic substances;

h) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point a through g of this Clause.

4. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment or life imprisonment:

a) The offence involves a quantity of ≥ 05 kg of poppy resin, cannabis resin, or coca glue;

b) The offence involves a quantity of ≥ 100 g of heroin, cocaine, methamphetamine, amphetamine, or MDMA;

c) The offence involves a quantity of ≥ 75 kg of cannabis leaves, roots, branches, flowers, fruits or coca leaves;

d) The offence involves a quantity of ≥ 600 kg of dried opium poppy fruits;

dd) The offence involves a quantity of ≥ 150 kg of fresh opium poppy fruits;

e) The offence involves a quantity of ≥ 300 g of other solid narcotic substances;

g) The offence involves a quantity of ≥ 750 ml of other liquid narcotic substances;

h) The offence involves ≥ 02 narcotic substances the total quantity is equivalent to the quantity of narcotic substances specified in Point a through g of this Clause.

5. The offender might also be liable to a fine of from VND 5,000,000 to VND 500,000,000 , be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

Article 253. Storage, transport, trading, or appropriation of precursors for illegal manufacturing of narcotic substances

1. Any person who stores, transports, deals in, or appropriates precursors for illegal manufacturing of narcotic substances in any of the following cases shall face a penalty of 01 - 06 years' imprisonment:

a) The offender previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged;

b) The offence involves a quantity of from 50 g to under 200 g of solid precursors, or from 75 ml to under 300 ml of liquid precursors.

2. This offence committed in any of the following cases shall carry a penalty of 06 - 13 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence involves the abuse of the offender's position or power;

d) The offence is committed in the name of an agency or organization;

dd) The offence involves a quantity of from 200 g to under 500 g of solid precursors;

e) The offence involves a quantity of from 300 ml under 750 ml of liquid precursors;

g) The offence involves employment of a person under 16 for commission of the offence;

h) Precursors are transported or traded across the border;

i) Dangerous recidivism.

3. If the quantity of solid precursors is from 500 g to under 1,200 g, or liquid precursors from 750 ml to under 1,850 ml, the offender shall face a penalty of 13 - 20 years' imprisonment.

4. If the quantity of solid precursors is ≥ ,200 g, or liquid precursors ≥ 1,850 ml, the offender shall face a penalty of 20 years' imprisonment or life imprisonment.

5. If the offence involves both solid precursors and liquid precursors, 01 g of solid precursor shall be equivalent to 1.5 ml of liquid precursor. After conversion, the offender shall be prosecuted accordingly.

6. The offender might also be liable to a fine of from VND 5,000,000 to VND 50,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

Article 254. Manufacturing, storage, transport, trading of instruments and equipment serving illegal manufacturing or use of narcotic substances

1. Any person who manufactures, stores, transports, or deals in instruments and equipment serving illegal manufacturing or use of narcotic substances in any of the following cases shall face a penalty of 01 - 05 years' imprisonment:

a) The offender previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged;

b) The offence involves 06 - 19 pieces of instruments or equipment of the same type or various types.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence involves the abuse of the offender's position or power;

d) The offence is committed in the name of an agency or organization;

dd) The offence involves the transport of ≥ 20 pieces of instruments or equipment of the same type or various types;

e) The instruments or equipment are transported across the border;

g) The offence involves employment of a person under 16 for commission of the offence;

h) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 5,000,000 to VND 500,000,000 , be prohibited from holding certain positions or doing certain works for 01 - 05 years, or have all or part of his/her property confiscated.

Article 255. Facilitation of illegal use of narcotic substances

1. Any person who facilitates the use of narcotic substances in any shape of form shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence has been committed more than once;

b) The offence involves ≥ 02 users;

c) The offence involves a user aged from 13 to under 18;

d) The offence involves a female user whose pregnancy is known by the offender;

dd) The offence involves a user undergoing rehabilitation;

e) The offence results in 31% - 60% physical disability of a person;

g) The offence results in infection of a dangerous disease of another person;

h) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment:

a) The offence results in ≥ 61% physical disability or death of a person;

b) The offence results in bodily harm to ≥ 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in infection of a dangerous disease of ≥ 02 people;

d) The offence involves a user aged under 13.

4. This offence committed in any of the following cases shall carry a penalty of 20 years' imprisonment or life imprisonment:

a) The offence results in bodily harm to ≥ 02 people, each of whom suffers from ≥ 61% physical disability;

b) The offence results in the death of 02 or more people.

5. The offender might also be liable to a fine of from VND 50,000,000 to VND 500,000,000, put under o mandatory supervision, prohibited from residence for 01 - 05 years, or have all or part of his/her property confiscated.

Article 256. Concealment of illegal use of narcotic substances

1. Any person who leases out, lends premises or otherwise conceals the illegal use of narcotic substances, except for the cases in Article 255 hereof, shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence involves the abuse of the offender's position or power;

b) The offence has been committed more than once;

c) The offence involves a user aged under 16;

d) The offence involves ≥ 02 users;

dd) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 50,000,000 to VND 200,000,000 or have all or part of his/her property confiscated.

Article 257. Forcing others to use narcotic substances

1. Any person who uses violence or threatens to use violence or mental intimidation to force another person to illegally use narcotic substances against that person's will shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence is committed by despicable motives or self-seeking purpose;

d) The offence is committed against a person aged from 13 to under 18;

dd) The offence is committed against a female whose pregnancy is known by the offender;

e) The offence is committed against ≥ 02 people;

g) The offence is committed against a person undergoing rehabilitation;

h) The offence results in 31% - 60% physical disability of a person;

i) The offence results in infection of a dangerous disease of a person;

k) Dangerous recidivism;

3. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment:

a) The offence results in ≥ 61% physical disability or death of a person;

b) The offence results in infection of a dangerous disease of ≥ 02 people;

c) The offence is committed against a person under 13;

4. If this offence results in the death of ≥ 02 people, the offender shall face a penalty of 20 years' imprisonment or life imprisonment.

5. The offender might also be liable to a fine of from VND 5,000,000 to VND 100,000,000.

Article 258. Persuading or inciting others to use narcotic substances

1. Any person who persuades or incites or uses other tricks to persuade another person to illegally use narcotic substances shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence is committed by despicable motives or self-seeking purpose;

d) The offence is committed against a person aged from 13 to under 18;

dd) The offence is committed against a female whose pregnancy is known by the offender;

e) The offence is committed against ≥ 02 people;

g) The offence is committed against a person undergoing rehabilitation;

h) The offence results in 31% - 60% physical disability of a person;

i) The offence results in infection of a dangerous disease of a person;

k) Dangerous recidivism;

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The offence results in ≥ 61% physical disability or death of a person;

b) The offence results in infection of a dangerous disease of ≥ 02 people;

c) The offence is committed against a person under 13;

4. If this offence results in the death of ≥ 02 people, the offender shall face a penalty of 15 - 20 years' imprisonment or life imprisonment.

5. The offender might also be liable to a fine of from VND 5,000,000 to VND 100,000,000.

Article 259. Offences against regulations on management, use of narcotic substances, precursors, narcotic drugs, and psychotropic drugs

1. A person who is responsible for manufacturing, transport, preservation, storage, trading, distribution, use, processing, exchange, export, import, transit through Vietnam's territory, prescription, sale, analysis, research of narcotic substances, precursors, narcotic drugs, or psychotropic drugs but commits any of the following acts despite the fact that he/she was disciplined or previously incurred a civil penalty any of the aforementioned offences or has a previous conviction for a drug-related crime which has not been expunged shall be liable to a fine of from VND 10,000,000 to VND 100,000,000 or face a penalty of 01 - 05 years' imprisonment:

a) Violations against regulations on export, import, temporary import, transit through Vietnam's territory substances containing narcotic substances, narcotic drug, psychotropic drug, and precursors;

b) Violations against regulations on research, analysis, manufacturing, preservation of narcotic substances and/or precursors;

c) Violations against regulations on delivery, storage, transport of narcotic substances and/or precursors;

d) Violations against regulations on distribution, trading, use, exchange of narcotic substances and/or precursors;

dd) Violations against regulations on management, control storage of narcotic substances and/or precursors in the border checkpoint area or at sea;

e) Allowing an unqualified person to keep or use narcotic substances or psychotropic substances or other narcotic substances.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.

Chapter XXI

OFFENCES AGAINST PUBLIC ORDER AND PUBLIC SAFETY

Section 1. TRAFIC OFFENCES

Article 260. Offences against regulations on road traffic

1. Any person who violates regulations on road traffic safety in any of the following cases shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offender does not have a driving license as prescribed;

b) The offender is under the influence of alcohol and with blood or breath alcohol content above the limit, or under the influence of drugs or other strong stimulants banned by law;

c) The offender leaves the site after the accident to evade responsibility or fails to help the victim;

d) The offender fails to comply with the traffic controller's commands;

dd) The offence results in the death of 02 people;

e) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

g) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

h) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000;

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%.

d) The offence results in property damage of ≥ VND 1,500,000,000;

4. If the offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability, or bodily harm to 02 or more people who suffer from a total physical disability of 31% - 60%, the offender shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence.

5. If a road traffic offence poses a threat to life, health or property of other people and is not promptly prevented, the offender shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 01 year's community sentence or 03 - 12 months' imprisonment.

6. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 261. Obstruction of road traffic

1. Any person who illegally digs, drills, cuts, buries road traffic works; illegally places or spills materials, wastes, garbage, slippery substances, sharp items, or other obstacles that obstruct road traffic; illegally removes, moves, blocks, or destroys road signs, traffic lights, milestones, road mirrors, median strip, or other road safety equipment; opens illegal crossing; illegally uses sidewalks, carriageway; illegally uses road safety corridors or commits violations against regulations on road traffic safety during construction on public roads in any of the following cases shall be liable to a fine of from VND 30,000,000 to VND 100,000,000, up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a fine of from VND 100,000,000 to VND 300,000,000 or a penalty of 02 - 07 years' imprisonment:

a) The offence is committed on a mountain pass, freeway, or dangerous road;

b) The offence results in the death of 02 people;

c) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

d) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

dd) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to ≥ 03 people, each of whom suffers from ≥ 61% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%.

d) The offence results in property damage of ≥ VND 1,500,000,000;

4. Any person who illegally digs, drills, cuts, buries road traffic works; illegally places or spills materials, wastes, garbage, slippery substances, sharp items, or other obstacles that obstruct road traffic; illegally removes, moves, blocks, or destroys road signs, traffic lights, milestones, road mirrors, median strip, or other road safety equipment; opens illegal crossing; illegally uses sidewalks, carriageway; illegally uses road safety corridors or commits violations against regulations on road traffic safety during construction on public roads and as a result causes bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffers from a total physical disability of 31% - 60% shall be liable to a fine of from VND 30,000,000 to VND 100,000,000, up to 03 years' community sentence.

5. If this offence poses a threat to life, health or property of other people and is not promptly prevented, the offender shall be liable to a fine of from VND 5,000,000 to VND 20,000,000 or face a penalty of up to 01 year's community sentence.

Article 262. Allowing the use of unroadworthy road vehicles, special-use vehicles on public roads

1. Any person who is responsible for operation or operating conditions of vehicles but allows the use of unroadworthy road vehicles or heavy-duty vehicles on public roads in any of the following cases shall be liable to a fine of from VND 20,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%.

d) The offence results in property damage of ≥ VND 1,500,000,000;

4. Any person who is responsible for operation or operating conditions of vehicles but allows the use of unroadworthy road vehicles or heavy-duty vehicles on public roads and as a results causes bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60% shall be liable to a fine of from VND 20,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 263. Requesting an unqualified person to operate a vehicle on public roads

1. Any person who makes use of his/her power to request another person to operate a vehicle on public roads in the knowledge that he/she does not have a driver license, capable health, or is under the minimum driving age, is under the influence of alcohol and with blood or breath alcohol content above the limit, or under the influence of drugs or other strong stimulants and as a results causes any of the following consequences shall be liable to a fine of from VND

20,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 03 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000;

3. This offence committed in any of the following cases shall carry a penalty of 05 - 12 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%.

d) The offence results in property damage of ≥ VND 1,500,000,000;

4. Any person who makes use of his/her power to request another person to operate a vehicle on public roads in the knowledge that he/she does not have a driver license, capable health, or is under the minimum driving age, is under the influence of alcohol and with blood or breath alcohol content above the limit, or under the influence of drugs or other strong stimulants and as a results causes bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60% shall be liable to a fine of from VND 20,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence:

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 30,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 264. Allowing an unqualified person to operate a vehicle on public roads

1. Any person who owns or manages a road vehicle and allows another person who does not have a driver license or is under the minimum driving age or under the influence of alcohol and with blood or breath alcohol content above the limit or under the influence of drugs or other strong stimulants or otherwise unqualified and as a results causes any of the following consequences shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 03 years' community sentence:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a fine of from VND 50,000,000 to VND 200,000,000 or a penalty of 06 - 36 months' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%.

d) The offence results in property damage of ≥ VND 1,500,000,000;

4. Any person who owns or manages a road vehicle and allows another person who does not have a driver license or is under the minimum driving age or under the influence of alcohol and with blood or breath alcohol content above the limit or under the influence of drugs or other strong stimulants or otherwise unqualified and as a results causes bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60% shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 02 years' community sentence.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 30,000,000.

Article 265. Organizing illegal street races

1. Any person who illegally organizes a street race which involves cars, motorbikes, or other motor vehicles shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a fine of from VND 100,000,000 to VND 500,000,000 or a penalty of 03 - 07 years' imprisonment:

a) The street race is participated by ≥ 10 vehicles or the offender organizes ≥ street races at the same time;

b) The street race involves betting;

c) The offender organizes resistance to people in charge of road traffic safety and order or people in charge of dismissing the street race;

d) The street race is held in a crowded area;

dd) Safety equipment is removed from the racing vehicles;

e) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

g) The offence results in bodily harm to ≥02 people, each of whom suffers from 31% - 60% physical disability;

h) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

i) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000;

k) This offence or street racing is recommitted.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000;

dd) Dangerous recidivism.

4. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment or life imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%.

d) The offence results in property damage of ≥ VND 1,500,000,000;

5. If the offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability, or bodily harm to ≥ 02 who suffer from a total physical disability of 31% - 60%, the offender shall face a penalty of 01 - 06 years' imprisonment.

6. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000.

Article 266. Illegal street racing

1. Any person who participates in an illegal street race which involves cars, motorbikes, or other motor vehicles in any of the following cases shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment:

a) The offence results in bodily harm to 01 people who suffers from 31% - 60% physical disability;

b) The offence results in bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%;

c) The offender previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged.

2. This offence committed in any of the following cases shall carry a fine of from VND 50,000,000 to VND 150,000,000 or a penalty of 01 - 05 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000;

dd) The offender causes an accident and leaves the site to evade responsibility or fails to help the victim;

e) The offender participates in betting;

g) The offender resists people in charge of road traffic safety and order or people in charge of dismissing the street race;

h) The street race is held in a crowded area;

i) Safety equipment is removed from the racing vehicles;

k) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000.

Article 267. Offences against regulations on control of railway vehicles

1. Any person who commands or control a railway vehicle and violates regulations on railway safety in any of the following cases shall be liable to a fine of from VND 50,000,000 to VND 200,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offender does not have a license, qualification, or certificate suitable for his/her duties;

b) The offender commits the offence under the influence of alcohol and with blood or breath alcohol content above the limit, or under the influence of drugs or other strong stimulants banned by law;

c) The offender leaves the site after causing the accident to evade responsibility or fails to help the victim;

d) The offender fails to comply with the commands of commander or person in charge of railway safety;

dd) The offence results in the death of 02 people;

e) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

g) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

h) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence poses a threat to life, health or property of other people and is not promptly prevented, the offender shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

5. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability, or bodily harm to 02 or more people who suffer from a total physical disability of 31% - 60%, the offender shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or up to 03 years' community sentence or 03 - 24 months' imprisonment.

6. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 268. Obstruction of rail traffic

1. Any person who places obstacles on the railway; moves the rail or sleepers; illegally drills, digs, cuts the railway ground, opens crossing, builds drains or other illegal works across the railway; breaks, changes, moves, blocks railway signals, signs, milestones; lets animals cross the railway against the rules or allows animals pulling a vehicle across the railway without a rider; illegally uses a self-made vehicle or vehicle banned from railway; damages railway vehicles or illegally occupies railway safety corridors or perimeters in any of the following cases shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 03 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000;

dd) The offender previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability, or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, the offender shall be liable to a fine of from VND 10,000,000 to VND 100,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment:

5. If this offence poses a threat to life, health or property of other people and is not promptly prevented, the offender shall be liable to a fine of from VND 10,000,000 to VND 100,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

Article 269. Allowing the use of unsafe railway vehicles or equipment into operation

1. Any person who is responsible for operation or operating conditions of railway vehicles but allows the use of a vehicle or piece of equipment that does not have the certificate of registration, inspection, or that does not satisfy technical standards or safety standards and as a result causes any of the following consequences, or was disciplined for the same offence, shall be liable to a fine of from VND 20,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, the offender shall be liable to a fine of from VND 20,000,000 to VND 100,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 270. Requesting an unqualified person to operate railway vehicles

1. Any person requests or allows a person who does not have a license for train operation or a person under the influence of alcohol and with blood or breath alcohol content above the limit or under the influence of drugs or other strong stimulants or otherwise unqualified to operate a railway vehicle and as a results causes any of the following consequences, or was disciplined for the same offence, shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60% or the offender was disciplined for the same offence, the offender shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 03 - 24 months' imprisonment.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 271. Allowing an unqualified person to operate railway vehicles

1. Any person allows a person who does not have a license for train operation or a person under the influence of alcohol and with blood or breath alcohol content above the limit or under the influence of drugs or other strong stimulants or otherwise unqualified to operate a railway vehicle and as a results causes any of the following consequences, or was disciplined for the same offence, shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 12 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60% or the offender was be disciplined for the same offence, the offender shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 272. Offences against regulations on control of water-borne vehicles

1. Any water-borne vehicle operator who violates regulations on waterway traffic safety and as a result causes any of the following consequences shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offender does not have a license or qualification suitable for his/her position or the vehicle as prescribed;

b) The offender is under the influence of alcohol and with blood or breath alcohol content above the limit, or under the influence of drugs or other strong stimulants;

c) The offender leaves the site after causing the accident to evade responsibility or fails to help the victim;

d) The offender fails to comply with the commands of commander or person in charge of waterway traffic safety;

dd) The offence results in the death of 02 people;

e) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

g) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

h) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence poses a threat to life, health or property of other people and is not promptly prevented, the offender shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

5. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability, or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, the offender shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 03 - 24 months' imprisonment.

6. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 273. Obstruction of waterway traffic

1. Any person who illegally drills or digs and as a result damages the structure of waterway traffic works; placing obstacles that obstruct waterway traffic without putting up and signs; moves the signs; remove the signs or destroy waterway traffic works; occupies channels or safety corridor of waterway traffic or otherwise obstructs waterway traffic and causes any of the following consequences shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability, or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, the offender shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

5. If this offence poses a threat to life, health or property of other people and is not promptly prevented, the offender shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

Article 274. Allowing the use of unsafe water-borne vehicles

1. Any person who is responsible for operation or operating conditions of water-borne vehicles but allows the use of a water-borne vehicle that is obviously unsafe and as a result causes any of the following consequences, or was disciplined or previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged, shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, or the offender was disciplined or previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged, the offender shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 03 - 24 months' imprisonment.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 275. Requesting an unqualified person to operate water-borne vehicles

1. Any person requests a person who does not have an appropriate license, certificate, or qualification or is otherwise unqualified to operate a water-borne vehicles and as a result causes any of the following consequences, or was disciplined or previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged, shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, or the offender was disciplined or previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged, the offender

shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 03 - 24 months' imprisonment.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 276. Allowing an unqualified person to operate water-borne vehicles

1. Any person allows a person who does not have an appropriate license, certificate, or qualification or is otherwise unqualified to operate a water-borne vehicles and as a result causes any of the following consequences, or was disciplined or previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged, shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, or the offender was disciplined or previously incurred a civil penalty for the same offence

or has a previous conviction for the same offence which has not been expunged, the offender shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 277. Offences against regulations on airplane operation

1. An airplane commander or operator who commits a violation against regulations on air traffic safety which poses a threat to life, health or property of other people and is not promptly prevented, the offender shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 -05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 278. Obstruction of air traffic

1. A person who commits any of the following acts which obstruct air traffic and causes the death of 01 person or bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability or bodily harm to ≥ 03 people who suffer from a total physical disability of 62% - 121%, or causes property damage of from VND 100,000,000 to under VND 500,000,000, or was disciplined or previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged, shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment.

a) Placing obstacles that obstruct air traffic;

b) Illegally moving, blocking, or destroying air traffic signs or signals;

c) Incorrectly using or jamming communication frequencies;

d) Deliberately providing false information to an extent that threatens the safety of the flying airplane or on the ground, safety of passengers, flight crew, ground crew, people at the airport/airfield, or civil aviation equipment;

dd) Damaging airport equipment or other ancillary equipment serving flight safety;

e) Other acts obstructing air traffic.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000;

e) The offender is in charge of air traffic safety assurance or air traffic safety equipment.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability, or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, or the offender was disciplined or previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged, the offender shall be liable to a fine of from VND 10,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

5. If this offence poses a threat to life, health or property of other people and is not promptly prevented, the offender shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

6. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 279. Allowing the use of unsafe air transport vehicles

1. Any person who is responsible for operation or operating conditions of air transport vehicles but allows the use of a vehicle that is obviously unsafe shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 08 - 15 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

5. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, the offender shall face a penalty of 06 - 36 months' imprisonment.

6. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 280. Requesting or allowing an unqualified person to operate air transport vehicles

1. Any person requests or allows a person who does not have a license for airplane operation is otherwise unqualified as prescribed by regulations of law on operation of air transport vehicles shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

5. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, the offender shall face a penalty of 06 - 36 months' imprisonment.

6. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 281. Offences against regulations of maintenance, repair, management of traffic works

1. A person who is in charge of maintenance, repair, or management of road traffic, rail traffic, waterway traffic, or air traffic works and commits any of the following acts which results in bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60% shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence.

a) Failure to comply with or correctly comply with regulations on maintenance, repair, management of traffic works which make them fail to assure technical safety and satisfy technical standards of works related to traffic safety;

b) Failure to repair damaged traffic works that threaten traffic safety;

c) Failure to follow or correctly follow instructions on traffic control, placement of signs, milestones, fences for prevention of accidents when a traffic work is damaged or under repair or maintenance;

d) Failure to frequently check and take measures for assurance of traffic safety on a dangerous mountain pass, road segments where landslide, stone fall, or flood is likely, or unsafe road segments;

dd) Failure to promptly take measures for prevention of accidents when receiving information about a damaged traffic works under the offender's management;

e) Failure to place or adequately place warning signals according to regulations on construction and repair of traffic works;

g) Failure to clean up warning signs, fences, equipment, and materials after the construction is complete;

h) Other violations against regulations on maintenance, repair, management of traffic works.

2. This offence committed in any of the following cases shall carry a penalty of 06 - 36 months' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 282. Hijacking of an airplane or ship

1. Any person who uses violence or threat of violence or other methods to hijack an airplane or ship shall face a penalty of 07 - 15 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves the use of dangerous weapons or equipment;

c) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

d) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

dd) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

e) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000;

g) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 20 years' imprisonment or life imprisonment:

a) The offence results in the death of 02 or more people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 122%;

d) The offence results in property damage of ≥ VND 500,000,000.

4. The offender might also be put under mandatory supervision or prohibition from residence for 01 - 05 years.

Article 283. Operating airplanes against aviation laws of Socialist Republic of Vietnam

1. Any person who operates an airplane to or from Vietnam against regulations of law on aviation of Socialist Republic of Vietnam, except for the cases in Article 110 and Article 110 hereof, shall be liable to a fine of from VND 100,000,000 to VND 300,000,000 or face a penalty of 03 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a fine of from VND 300,000,000 to VND 500,000,000 or a penalty of 01 - 05 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

3. This offence committed in any of the following cases shall carry a fine of from VND 500,000,000 to VND 1,500,000,000 or a penalty of 03 - 07 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following cases shall carry a fine of from VND 1,500,000,000 to VND 3,000,000,000 or a penalty of 05 - 12 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

5. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, the offender shall be liable to a fine of from VND 100,000,000 to VND 300,000,000 or face a penalty of up to 03 years' community sentence.

Article 284. Operating maritime vehicles against aviation laws of Socialist Republic of Vietnam

1. If a person who operates a ship or another maritime vehicle to or from Vietnam or across Vietnam's territorial sea and commits any of the following acts which results in bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, or such person previously incurred a civil penalty for the same offence, except for the cases in Article 110 and Article 111 hereof, the offender shall be liable to a fine of from VND 50,000,000 to VND 200,000,000 or face a penalty of up to 03 years' community sentence.

a) Exceeding speed limit in port waters;

b) Failure to operate within permissible areas;

c) Failure to follow or fully follow procedures for entering, leaving the port, pilotage regulation, procedures for anchoring, docking, side-by-side docking, regulations on order and hygiene, fire safety, prevention of environmental pollution by maritime vehicles;

d) Failure to comply with or correctly comply with regulations on operating, evading, overtaking, yielding in maritime traffic, or the maritime vehicle does not have honks, bells, gongs or the volume of which is not conformable;

dd) Failure to adhere to the route or comply with signals as prescribed; failure to comply with or correctly comply with regulations on making sound or light signals.

2. This offence committed in any of the following cases shall carry a fine of from VND 50,000,000 to VND 200,000,000 or a penalty of 03 - 24 months' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

3. This offence committed in any of the following cases shall carry a fine of from VND 200,000,000 to VND 500,000,000 or a penalty of 01 - 03 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a fine of from VND 500,000,000 to VND 1,500,000,000 or a penalty of 03 - 07 years' imprisonment:

a) The offence results in the death of 03 or more people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

Section 2. OFFENCES AGAINST REGULATIONS ON INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS NETWORK

Article 285. Manufacturing, trading, exchanging, giving instruments, equipment, software serving illegal purposes

1. Any person who manufactures, deals in, exchanges, gives out instruments, equipment, or software meant to attack a computer network, telecommunications network, or an electronic device serving illegal purposes shall be liable to a fine of from VND 20,000,000 to VND 100,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

2. This offence committed in any of the following cases shall carry a fine of from VND 100,000,000 to VND 500,000,000 or a penalty of 01 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence is committed in a professional manner;

d) The illegal profit earned is from VND 50,000,000 to under VND 500,000,000;

dd) The offence results in property damage of from VND 100,000,000 to under VND 1,000,000,000;

e) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a fine of from VND 500,000,000 to VND 1,000,000,000 or a penalty of 03 - 07 years' imprisonment:

e) The illegal profit earned is ≥ VND 500,000,000;

b) The offence results in property damage of ≥ VND 1,000,000,000.

4. The offender might also be liable to a fine of from VND 5,000,000 to VND 100,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years or have part or all of his/her property confiscated.

Article 286. Spreading software programs harmful for computer networks, telecommunications networks, or electronic devices

1. Any person who deliberately spreads a software program that is harmful for a computer network, telecommunications network, or an electronic device in any of the following cases shall be liable to a fine of from VND 50,000,000 to VND 200,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The illegal profit earned is from VND 50,000,000 to under VND 200,000,000;

b) The offence results in property damage of from VND 50,000,000 to under VND 300,000,000;

c) The harmful program is infected by 50 - 199 electronic devices or by an information system with 50 - 199 users;

d) The offender previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged.

2. This offence committed in any of the following cases shall carry a fine of from VND 200,000,000 to VND 500,000,000 or a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The illegal profit earned is from VND 200,000,000 to under VND 500,000,000;

c) The offence results in property damage of from VND 300,000,000 to under VND 1,000,000,000;

d) The harmful program is infected by 200 - 499 electronic devices or by an information system with 200 - 499 users;

dd) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 12 years' imprisonment:

a) The offence is committed against a system of data which is classified information or an information system serving national defense and security;

b) The offence is committed against national information infrastructure; national grid control information system; banking or finance information system; traffic control information system;

c) The illegal profit earned is ≥ VND 500,000,000;

d) The offence results in property damage of ≥ VND 1,000,000,000;

dd) The harmful program is infected by ≥ 500 electronic devices or by an information system with ≥ 500 users.

4. The offender might also be liable to a fine of from VND 30,000,000 to VND 200,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 287. Obstruction or disturbance of computer networks, telecommunications networks, or electronic devices

1. Any person who deletes, damages, or changes a software program or electronic data, or illegally obstructs the transmission of data of a computer network, telecommunications network, or an electronic device, or otherwise obstructs or disturbs a computer network, telecommunications network, or an electronic device in any of the following cases, except for the cases in Article 286 and Article 289 hereof, shall be liable to a fine of from VND 30,000,000 to VND 200,000,000 or face a penalty of 06 - 36 months' imprisonment:

a) The illegal profit earned is from VND 50,000,000 to under VND 200,000,000;

b) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000;

c) The offence results in shutdown or suspension or the computer network, telecommunications network, or electronic device for a period from 30 minutes to under 24 hours or from 03 to under 10 times within 24 hours;

d) The offence results in suspension of operation of an organization for a period from 24 hours to under 72 hours;

dd) The offender previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged.

2. This offence committed in any of the following cases shall carry a fine of from VND 200,000,000 to VND 1,000,000,000 or a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offender abuses his/her position as the administrator of the computer network or telecommunications network;

c) Dangerous recidivism;

d) The illegal profit earned is from VND 200,000,000 to under VND 1,000,000,000;

dd) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000;

e) The offence results in suspension or the computer network, telecommunications network, or electronic device for a period from 24 hours to under 168 hours or from 10 to under 50 times within 24 hours;

g) The offence results in suspension of operation of an organization for a period from 72 hours to under 168 hours.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 12 years' imprisonment:

a) The offence is committed against a system of data which is classified information or an information system serving national defense and security;

b) The offence is committed against national information infrastructure; national grid control information system; banking or finance information system; traffic control information system;

c) The illegal profit earned is ≥ VND 1,000,000,000;

d) The offence results in property damage of ≥ VND 1,500,000,000;

dd) The offence results in suspension or the computer network, telecommunications network, or electronic device for ≥ 168 hours or ≥ 50 times within 24 hours;

e) The offence results in suspension of operation of an organization for ≥ 168 hours.

4. The offender might also be liable to a fine of from VND 30,000,000 to VND 200,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 288. Illegal provision or use of information on computer networks or telecommunications networks

1. Any person who commits any of the following acts and earns an illegal profit of from VND 50,000,000 to under VND 200,000,000 or causes property damage of from VND 100,000,000 to under VND 500,000,000 or damages reputation of an organization or individual shall be liable to a fine of from VND 30,000,000 to VND 200,000,000 or face a penalty of up to 03 years' community sentence or 03 - 36 months' imprisonment:

a) Uploading information on a computer or telecommunications network against regulations of law, except for the cases specified in Article 117, 155, 156, and 326 hereof;

b) Trading, exchanging, giving, changing, or publishing lawfully private information of an organization or individual on the computer or telecommunications network without the consent of the information owner;

c) Other acts that involve illegal use of information on the computer or telecommunications network.

2. This offence committed in any of the following cases shall carry a fine of from VND 200,000,000 to VND 1,000,000,000 or a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offender abuses his/her position as the administrator of the computer or telecommunications network;

c) The illegal profit earned is ≥ VND 200,000,000;

d) The offence results in property damage of ≥ VND 500,000,000;

dd) The offence involves infringement of privacy which results in the suicide of the victim;

e) The offence has a negative impact on social security, order, or safety, or Vietnam's diplomatic relationship;

g) The offence results in a demonstration.

3. The offender might also be liable to a fine of from VND 20,000,000 to VND 200,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 289. Illegal infiltration into the computer network, telecommunications network, or electronic device of another person

1. Any person who deliberately bypasses the warning, hacks the password or firewall, or uses the administrator's right of another person to infiltrate another person's computer network, telecommunications network, or electronic device in order to take control, interfere the operation of the electronic device; steal, change, destroy, fabricate data or illegally use services shall be

liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a fine of from VND 300,000,000 to VND 1,000,000,000 or a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offender abuses his/her position or power to commit the offence;

c) The illegal profit earned is from VND 200,000,000 to under VND 500,000,000;

d) The offence results in property damage of from VND 300,000,000 to under VND 1,000,000,000;

dd) The offence is committed against a national Internet exchange point, domain name database system, or national domain name server system;

e) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 12 years' imprisonment:

a) The offence is committed against a system of data which is classified information or an information system serving national defense and security;

b) The offence is committed against a national information infrastructure; national grid control information system; banking or finance information system; traffic control information system;

c) The illegal profit earned is ≥ VND 500,000,000;

d) The offence results in property damage of ≥ VND 1,000,000,000.

4. The offender might also be liable to a fine of from VND 5,000,000 to VND 50,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 290. Appropriation of property using a computer network, telecommunications network, or electronic device

1. Any person who uses a computer network, telecommunications network, or electronic device to commit any of the following acts, except for the cases in Article 173 and Article 174 hereof, shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Using information about another organization's or individual's bank account or card to appropriate the account holder's or card holder's property, or illegally pay for the offender's purchases;

b) Making, storing, trading, using fake bank cards to steal money of card holders or illegally pay for the offenders' purchases;

c) Illegally accessing the account of an organization or individual in order to appropriate their property;

d) Commit frauds in electronic commerce, electronic payment, online currency trading, online capital raising, online multi-level marketing, or online securities trading for the purpose of property appropriation;

dd) Illegally establishing or providing telecommunications or Internet services for the purpose of property appropriation;

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence is committed in a professional manner;

d) The offence involves 50 - 199 fake cards;

dd) The property appropriated is assessed at from VND 50,000,000 to under VND 200,000,000;

e) The offence results in property damage of from VND 50,000,000 to under VND 300,000,000;

g) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The property appropriated is assessed at from VND 200,000,000 to under VND 500,000,000;

b) The offence results in property damage of from VND 300,000,000 to under VND 500,000,000;

c) The offence involves 200 - 499 fake cards.

4. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment:

a) The property appropriated is assessed at ≥ VND 500,000,000;

b) The offence results in property damage of ≥ VND 500,000,000;

c) The offence involves ≥ 500 fake cards.

5. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years or have part or all of his/her property confiscated.

Article 291. Illegal collection, storage, exchanging, trading, publishing of information about bank accounts

1. Any person who illegally collects, stores, exchanges, trades, publishes information about other people's bank accounts with a quantity of 20 - 49 accounts or earns an illegal profit of from VND 20,000,000 to under VND 50,000,000 shall be liable to a fine of from VND 20,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence.

2. This offence committed in any of the following cases shall carry a fine of from VND 1000,000,000 to VND 200,000,000 or a penalty of 03 - 24 months' imprisonment:

a) The offence involves information about 50 - 199 accounts of other people;

b) The offence is committed by an organized group;

c) The offence is committed in a professional manner;

d) The illegal profit earned is from VND 50,000,000 to under VND 200,000,000;

dd) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a fine of from VND 200,000,000 to VND 500,000,000 or a penalty of 02 - 07 years' imprisonment:

a) The offence involves information about ≥ 200 accounts of other people;

b) The illegal profit earned is ≥ VND 200,000,000;

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years or have part or all of his/her property confiscated.

Article 292. Illegal provision of services on computer network or telecommunications network

1. A person who provides any of the following services on a computer network or telecommunications network without a license or against the license and earns a profit of from VND 50,000,000 to under VND 200,000,000 or a revenue of from VND 500,000,000 to under VND 2,000,000,000 shall be liable to a fine of from VND 200,000,000 to VND 500,000,000 or face a penalty of up to 02 years' community sentence:

a) Trading gold on accounts;

b) Electronic commerce exchange;

c) Multi-level marketing;

d) Payment services;

dd) Online video games;

e) Other services on computer networks or telecommunications networks as prescribed by law.

2. This offence committed in any of the following cases shall carry a fine of from VND 500,000,000 to VND 1,500,000,000 or a penalty of 03 - 24 months' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence is committed in a professional manner;

d) Dangerous recidivism.

dd) The illegal profit earned is from VND 200,000,000 to under VND 500,000,000 or illegal revenue of from VND 2,000,000,000 to under VND 5,000,000,000.

3. If the illegal profit is ≥ 500,000,000 or revenue ≥ VND 5,000,000,000, the offender shall be liable to a fine of from VND 1,500,000,000 to VND 5000,000,000 or face a penalty of 02 - 05 years' imprisonment.

4. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years or have part or all of his/her property confiscated.

Article 293. Illegal use of radio frequencies dedicated to emergency services, safety services, search and rescue, or national defense and security

1. Any person who illegally uses radio frequencies dedicated to emergency services, safety services, search and rescue, or national defense and security and as a result causes property damage of from VND 200,000,000 to under VND 500,000,000, or previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged, shall be liable to a fine of from VND 50,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence results in property damage of ≥ VND 500,000,000;

c) Dangerous recidivism.

Article 294. Deliberate harmful interference of radio frequencies

1. Any person who deliberately causes harmful interference or obstructs the normal operation of the radio information system and as a result causes property damage of from VND 200,000,000 to under VND 500,000,000, or previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged, shall be liable to a fine of from VND 50,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence results in property damage of ≥ VND 500,000,000;

c) Dangerous recidivism.

Section 3. OTHER OFFENCES AGAINST PUBLIC SAFETY

Article 295. Violations against regulations of law on occupational safety, occupational hygiene, and safety in crowded areas

1. Any person who violates regulations of law on occupational safety, occupational hygiene, or safety in crowded areas in any of the following cases shall be liable to a fine of from VND 20,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from ≥ 61% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000;

dd) The offender is the person in charge of occupational safety, occupational hygiene, or safety in crowded areas.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 12 years' imprisonment:

a) The offence results in the death of ≥ 03 people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability, or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, the offender shall be liable to a fine of from VND 20,000,000 to VND 100,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

5. If this offence is likely to cause harm to life, health or property of other people and is not promptly prevented, the offender shall face a penalty of up to 03 year's community sentence or 06 - 36 months' imprisonment.

6. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 296. Violations against regulations of law on employment of workers under 16

1. Any person employs a person under 16 to do hard or dangerous works or works that involve contact with harmful substances on the list compiled by the State in any of the following cases shall be liable to a fine of from VND 30,000,000 to VND 200,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offender previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged;

b) The offence results in bodily harm to 01 people who suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence has been committed more than once;

b) The offence involves ≥ 02 workers under 16;

c) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

d) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

dd) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 61%.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence results in the death of ≥ 02 people;

b) The offence results in bodily harm to ≥ 02 people, each of whom suffers from ≥ 61% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 122%.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000.

Article 297. Coercive labor

1. Any person that uses violence or threat of violence or other methods to force a person to work against his/her will in any of the following cases shall be liable to a fine of from VND 50,000,000 to VND 200,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offender previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged;

b) The offence results in bodily harm to 01 people who suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves ≥ 02 workers under 16;

c) The offence is committed against a person under 16, a woman whose pregnancy is known by the offender, an old and weak person, a person suffering for severe or extremely severe physical disability;

d) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

dd) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

e) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 61%;

g) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 12 years' imprisonment:

a) The offence results in the death of ≥ 02 people;

b) The offence results in bodily harm to ≥ 02 people, each of whom suffers from ≥ 61% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 122%.

4. The offender might also be liable to a fine of from VND 30,000,000 to VND 100,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 298. Offences against regulations of law on construction that lead to serious consequences

1. Any person who violates regulations of law on construction in terms of survey, design, construction, use of materials, machinery, construction supervision, acceptance, or other issues in any of the following cases, except for the cases in Article 224 or 281 hereof, shall be liable to a fine of from VND 50,000,000 to VND 500,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 62% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offender is the person in charge;

b) The offence results in the death of 02 people;

c) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

d) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

dd) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 08 - 20 years' imprisonment:

a) The offence results in the death of ≥ 03 people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, the offender shall be liable to a fine of from VND 50,000,000 to VND 200,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

5. The offender might also be liable to a fine of from VND 30,000,000 to VND 100,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 299. Terrorism

1. Any person who harms other people's life or destroy property of another organization or individual to bring terror to the public shall face a penalty of 10 - 20 years' imprisonment, life imprisonment, or death.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 15 years' imprisonment:

a) Establishing or participating in a terrorist organization or terrorism-financing organization;

b) Forcing, persuading, recruiting, training terrorists; manufacturing or providing weapons for terrorists;

c) Infringing upon bodily integrity, health or appropriating, damaging property of another organization or individual.

3. A person that threatens to commit any of the acts specified in Clause 1 of this Article or uses other methods to cause mental intimidation shall face a penalty of 02 - 07 years' imprisonment.

4. A person that prepares for the commission of this offence shall face a penalty of 01 - 05 years' imprisonment.

5. The offender might also have some citizenship rights deprived of, be put under mandatory supervision or prohibition from residence for 01 - 05 years, or have all or part of his/her property confiscated.

Article 300. Terrorism financing

1. Any person who raises or provides money or property in any shape or form to a terrorist or terrorist organization shall face a penalty of 05 - 10 years' imprisonment.

2. A person that prepares for the commission of this offence shall face a penalty of 01 - 05 years' imprisonment.

3. The offender might also be put under mandatory supervision or prohibition from residence for 01 - 05 years or have all or part of his/her property confiscated.

Article 301. Taking hostages

1. Any person who takes another person hostage and threatens to kill, hurt the hostage or detains the hostage to force a nation, territory, international organization, or another organization or individual to act or not to act as a condition for releasing the hostage, except for the cases in Article 113 and Article 299 hereof, shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offender abuses his/her position or power to commit the offence;

c) The offence is committed against a person under 18, a woman whose pregnancy is known by the offender, or a person aged ≥ 70;

d) The offence is committed against a law enforcement officer in performance of his/her official duties;

dd) The offence is committed against ≥ 02 people;

e) The offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability, or bodily harm to ≥ 02 who suffer from a total physical disability of 31% - 60%;

g) The victim suffers from 11% - 45% mental and behavioral disability because of the offence.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000;

e) The victim suffers from ≥ 46% mental and behavioral disability because of the offence.

4. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of ≥ 02 people;

b) The offence results in bodily harm to ≥ 02 people, each of whom suffers from ≥ 61% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 122%;

d) The offence results in property damage of ≥ VND 500,000,000.

5. A person that prepares for the commission of this offence shall face a penalty of 06 - 36 months' imprisonment.

Article 302. Piracy

1. A person who commits any of the following acts shall face a penalty of 05 - 10 years' imprisonment:

a) Attacking a ship, aircraft, or another maritime vehicle at sea or in an area which is not under any nation's jurisdiction;

b) Attacking or capturing people on a ship, aircraft, or another maritime vehicle specified in Point a of this Clause;

c) Robbing or destroying property on a ship, aircraft, or another maritime vehicle specified in Point a of this Clause.

2. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

c) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

d) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

dd) The property appropriated is assessed at from VND 50,000,000 to under VND 300,000,000;

e) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The property appropriated is assessed at from VND 300,000,000 to under VND 1,000,000,000;

dd) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following cases shall carry a penalty of 20 years' imprisonment or life imprisonment:

a) The offence results in the death of ≥ 03 people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The property appropriated is assessed at ≥ VND 1,000,000,000;

dd) The offence results in property damage of ≥ VND 1,500,000,000.

5. A person that prepares for the commission of this offence shall face a penalty of 01 - 05 years' imprisonment.

Article 303. Destruction of work, facility, equipment important for national security

1. Any person who destroys a work, facility, means of transport, means of communications, electricity work, fuel transport work, irrigation work, or another work that is important for national security, of economic, technological, or cultural and social importance, except for the cases in Article 114 hereof, shall face a penalty of 03 - 12 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 10 - 20 years' imprisonment or life imprisonment:

a) The offence is committed by an organized group;

b) The offence results in damage or breakdown of the work, facility, or equipment important for national security;

c) The offence results in the death of ≥ 03 people;

d) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

dd) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 200%;

e) The offence results in property damage of ≥ VND 1,500,000,000;

g) The offence has a negative impact of socio-economic situation;

h) Dangerous recidivism.

3. A person that prepares for the commission of this offence shall face a penalty of 01 - 05 years' imprisonment.

4. The offender might also be put under mandatory supervision for 01 - 05 years.

Article 304. Illegal manufacture, storage, transport, use, or appropriation of military weapons or devices

1. Any person who illegally manufactures, stores, transports, uses, or appropriates a military weapon or device shall face a penalty of 01 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 12 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves: 03 - 10 pistols, rifles, or sub machine guns; 01 - 05 infantry guns of other types such as light machine guns, machine guns, 12.7 mm - 25 mm anti-aircraft guns, B40 or B41 guns; 05 - 15 mines or grenades; 03 - 10 mortar bombs or mortar shells; 300 - 1,000 bullets ≤ 11.43 mm; 200 - 600 bullets of 12.7 mm - 25 mm anti-aircraft guns; 10 kg - 30 kg of explosives or 1,000 - 3,000 detonators; from 1,000 m to under 10,000 m of delay fuse.

c) Illegal goods are transported or traded across the border;

d) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

dd) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

e) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

g) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000;

h) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

dd) The offence involves: 11 - 30 pistols, rifles, or sub machine guns; 06 - 20 infantry guns of other types such as light machine guns, machine guns, 12.7 mm - 25 mm anti-aircraft guns, B40 or B41 guns; 16 - 45 mines or grenades; 11 - 30 mortar bombs or mortar shells; 1,001 - 3,000 bullets ≤ 11.43 mm; 601 - 2,000 bullets of 12.7 mm - 25 mm anti-aircraft guns; 31 kg - 100 kg of explosives or 3,001 - 10,000 detonators; from 10,000 m to under 30,000 m of delay fuse.

4. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment or life imprisonment:

a) The offence involves: ≥ 31 pistols, rifles, or sub machine guns; ≥ 21 guns of other types such as light machine guns, machine guns, 12.7 mm - 25 mm anti-aircraft guns, B40 or B41 guns; ≥ 46 mines or grenades; ≥ 31 mortar bombs or mortar shells; ≥ 3,001 bullets ≤ 11.43 mm; ≥ 2,001

bullets of 12.7 mm - 25 mm anti-aircraft guns; ≥ 101 kg of explosives or ≥ 10,001 detonators; ≥ 30,000 m of delay fuse.

b) The offence results in the death of ≥ 03 people;

c) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

d) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

dd) The offence results in property damage of ≥ VND 1,500,000,000.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000, put under mandatory supervision or prohibited from residence for 01 - 05 years.

Article 305. Illegal manufacture, storage, transport, use, trading or appropriation of explosive materials

1. Any person who illegally manufactures, stores, transports, uses, deals in, or appropriates explosive materials shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves 10 kg - 30 kg of explosive or 1,000 - 3,000 detonators or from 3,000 m to under 10,000 m of delay fuse;

c) Illegal goods are transported or traded across the border;

d) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

dd) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

e) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

g) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000;

h) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence involves 31 kg - 100 kg of explosive or 3,001 - 10,000 detonators or from 10,000 m to under 30,000 m of delay fuse;

b) The offence results in the death of 02 people;

c) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

d) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

dd) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment or life imprisonment:

b) The offence involves ≥ 101 kg of explosive or ≥ 10,001 detonators or ≥ 30,000 m of delay fuse;

b) The offence results in the death of ≥ 03 people;

c) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

d) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

dd) The offence results in property damage of ≥ VND 1,500,000,000.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000, put under mandatory supervision or prohibited from residence for 01 - 05 years.

Article 306. Illegal manufacture, storage, transport, use, trading or appropriation of hunting rifles, cold weapons, sporting weapons, combat gears, and other weapons with similar functions

1. Any person who illegally manufactures, stores, transports, uses, deals in, or appropriates a hunting rifle, cold weapon, sporting weapon, combat gear, or another weapon with similar functions despite the fact that he/she previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged shall face a penalty of 03 - 24 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves ≥ 11 hunting rifles, cold weapons, sporting weapons, combat gears, or other weapons that are not on the list of weapons compiled by the Government but have similar functions as military weapons;

c) Illegal goods are transported or traded across the border;

d) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

dd) The offence results in bodily harm to ≥ 02 people, each of whom suffers from 31% - 60% physical disability;

e) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

g) The offence results in property damage of ≥ VND 100,000,000;

h) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000, put under mandatory supervision or prohibited from residence for 01 - 05 years.

Article 307. Offences against regulations of law on management of weapons, explosive materials, and combat gears

1. Any person who violates regulations of law on management of the manufacture, repair, provision, use, preservation, storage, transport, trading of military weapons, hunting rifles, sporting weapons, explosive materials, and combat gears in any of the following cases shall face a penalty of 01 - 05 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The offence results in the death of ≥ 03 people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability, or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, the offender shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

5. If this offence poses a threat to life, health or property of other people and is not promptly prevented, the offender shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

6. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 308. Negligence in management of weapons, explosive materials, and combat gears that results in serious consequences

1. Any person who is responsible for management of military weapons, hunting rifles, sporting weapons, explosive materials, or combat gears but negligently allows another person to use them in any of the following cases shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence results in the death of ≥ 03 people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability, or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% -

60%, the offender shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 309. Illegal manufacture, storage, transport, use, spreading, trading or appropriation of radioactive substances or nuclear materials

1. Any person who illegally manufactures, stores, transports, uses, spreads, deals in, or appropriates radioactive substances or nuclear materials shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 12 years' imprisonment:

a) The offence is committed by an organized group;

b) Illegal goods are transported or traded across the border;

c) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

d) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

dd) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

e) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000;

g) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment or life imprisonment:

a) The offence results in the death of ≥ 03 people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

5. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability, or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, the offender shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

6. The offender might also be liable to a fine of from VND 5,000,000 to VND 50,000,000, put under mandatory supervision or prohibited from residence for 01 - 05 years.

Article 310. Offences against regulations of law on management of radioactive substances and nuclear materials

1. Any person who violates regulations of law on manufacture, provision, use, preservation, storage, transport, trading of radioactive substances or nuclear materials in any of the following cases shall face a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment:

a) The offence results in the death of ≥ 03 people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability, or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, the offender shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of 01 - 05 years' imprisonment.

5. If this offence is likely to cause harm to life, health or property of other people and is not promptly prevented, the offender shall face a penalty of up to 03 year's community sentence or 06 - 36 months' imprisonment.

6. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 311. Illegal manufacture, storage, transport, use, or trading of flammable or toxic substances

1. Any person who illegally manufactures, stores, transports, uses, or deals in flammable or toxic substances shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence results in bodily harm to 01 people who suffers from 31% - 60% physical disability;

b) The offence results in bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%.

3. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) Illegal goods are transported or traded across the border;

c) The offence involves Schedule 3 chemicals of Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction;

d) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

dd) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

e) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

g) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000;

h) Dangerous recidivism.

4. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence involves Schedule 2 chemicals of Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction;

b) The offence results in the death of 02 people;

c) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

d) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

dd) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

5. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment or life imprisonment:

a) The offence involves Schedule 1 chemicals of Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction;

b) The offence results in the death of ≥ 03 people;

c) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

d) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

dd) The offence results in property damage of ≥ VND 1,500,000,000.

6. The offender might also be liable to a fine of from VND 5,000,000 to VND 50,000,000, put under mandatory supervision or prohibited from residence for 01 - 05 years.

Article 312. Offences against regulations of law on management of flammable substances and toxic substances

1. Any person who violates regulations of law on manufacture, provision, use, preservation, storage, transport, trading of flammable substances or toxic substances in any of the following cases shall face a penalty of 01 - 05 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The offence results in the death of ≥ 03 people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability, or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, the offender shall face a penalty of up to 02 year's community sentence or 03 - 24 months' imprisonment.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 313. Offences against regulations of law on fire safety and fire fighting

1. Any person who violates regulations of law on fire safety or fire fighting in any of the following cases shall face a penalty of up to 03 years' community sentence or 02 - 05 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 08 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 12 years' imprisonment:

a) The offence results in the death of ≥ 03 people;

b) The offence results in bodily harm to 03 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability, or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, the offender shall face a penalty of up to 02 year's community sentence or 03 - 24 months' imprisonment.

5. If this offence is likely to cause harm to life, health or property of other people and is not promptly prevented, the offender shall face a penalty of up to 01 year's community sentence or 03 - 24 months' imprisonment.

6. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 314. Offences against regulations of law on electricity work safety

1. A person who commits any of the following acts which result in bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60% or property damage of from VND 100,000,000 to under VND 500,000,000, or was disciplined or previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged, shall be liable to a fine of from VND 20,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Allowing the construction of a house, work, or building a house or work within the safety corridor of the electricity work;

b) Negligence that results in explosion, fire, slash-and-burn, or falling trees affecting electricity work safety;

c) Digging, driving piles, building houses on the safety corridor of underground electric cables;

d) Anchoring a ship in the safety corridor of underground electric cables under the river bed or sea bed despite the warning sign;

dd) Installing electrical equipment or building electrical line unsafely.

2. This offence committed in any of the following cases shall carry a fine of from VND 100,000,000 to VND 300,000,000 or a penalty of 02 - 07 years' imprisonment:

a) The offence results in the death of a person;

b) The offence results in bodily harm to 01 person who suffers from ≥ 61% physical disability, or bodily harm to ≥ 02 who suffer from a total physical disability of 61% - 121%;

c) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence results in the death of ≥ 02 people;

b) The offence results in bodily harm to ≥ 02 people, each of whom suffers from ≥ 61% physical disability, or bodily harm to ≥ 02 who suffer from a total physical disability of ≥ 122%;

c) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence poses a threat to life, health or property of other people and is not promptly prevented, the offender shall be liable to a fine of from VND 20,000,000 to VND 100,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 315. Offences against regulations on medical examination, medical treatment, manufacture, concoction, dispense of medicines, selling medicines, or other medical services

1. Any person who violates regulations of law on medical examination, medical treatment, manufacture, concoction, dispense of medicines, selling medicines, or other medical services in any of the following cases, except for the cases in Article 259 hereof, and was disciplined or previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged shall face a penalty of 01 - 05 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from ≥ 61% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of ≥ 03 people;

b) The offence results in bodily harm to 03 people, each of whom suffers from ≥ 61% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 200%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability, or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, or the offender was disciplined or previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged, the offender shall face a penalty of up to 02 year's community sentence or 03 - 24 months' imprisonment.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 316. Illegal abortion

1. Any person illegally performs an abortion on another person in any of the following cases shall face a penalty of up to 03 years' community sentence or 01 - 03 years' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offender was disciplined or previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from ≥ 61% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of ≥ 03 people;

b) The offence results in bodily harm to 03 people, each of whom suffers from ≥ 61% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%.

4. The offender might also be liable to a fine of from VND 5,000,000 to VND 50,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 317. Offences against regulations of law on food safety and hygiene

1. Any person who commits any of the following violations against regulations of law on food safety shall be liable to a fine of from VND 50,000,000 to VND 200,000,000 or a penalty of 01 - 05 years' imprisonment:

a) Using banned substances in manufacture, preparation, processing, preservation of food, or selling, providing food in the knowledge that it contains banned substances;

b) Using chemicals, antibiotics, veterinary medicines, pesticides banned from farming, breeding, aquaculture, salt production, preparation, processing, preservation of agricultural, forestry, aquaculture products, and salt creating an amount of residue beyond permissible limit in products;

c) Using chemicals, antibiotics, veterinary medicines, pesticides, environment recovery substances that are not on the list of permissible substances or of unknown origins or against regulations on preparation, processing, preservation of agricultural, forestry, aquaculture products creating an amount of residue beyond permissible limit in products; or the offender previously incurred a civil penalty for any of the offences specified in this Point or Point a of this Clause;

d) Processing, providing, or selling food in the knowledge that it does not comply with technical regulations or regulations on food safety; using chemicals, additives, processing agents that are not on the list of permissible substances or of unknown origins for manufacture, preparation, processing, or preservation of food causing bodily harm to 01 person who suffers from 31% - 60% physical disability or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60% or earning an illegal profit of from 50,000,000 - VND 100,000,000.

2. This offence committed in any of the following cases shall carry a fine of from VND 200,000,000 to VND 500,000,000 or a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

c) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

d) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%.

dd) The illegal profit earned is from VND 100,000,000 to under VND 500,000,000;

e) The offence has been committed more than once;

g) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from ≥ 61% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The illegal profit earned is from VND 500,000,000 to under VND 1,000,000,000.

4. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment:

a) The offence results in the death of ≥ 03 people;

b) The offence results in bodily harm to ≥ 03 people, each of whom suffers from ≥ 61% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 200%;

d) The illegal profit earned is ≥ VND 1,000,000,000.

5. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Section 4. OTHER OFFENCES AGAINST PUBLIC ORDER

Article 318. Disturbance or public order

1. Any person who causes disturbance of public order which negatively impacts social safety, order, or security, or previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged, shall be liable to a fine of from VND 5,000,000 to VND 50,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves use of weapons or vandalism;

c) The offence results in serious traffic congestion or suspension of public activities;

d) The offender incites other people to cause disturbance;

dd) The offender attacks the person who intervenes to maintain public order;

e) Dangerous recidivism.

Article 319. Infringement upon human bodies, graves, or remains

1. Any person who commits grave robbery or otherwise infringes upon a dead body, grave, or human remains shall face a penalty of up to 02 years' community sentence or 03 - 02 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence has a negative impact on social security, order, or safety;

b) The offence involves appropriation or destruction of historically or culturally valuable items;

c) The offender is committed by despicable motives;

d) The offence is for the purpose of taking part of the body or remains.

Article 320. Practicing superstitions

1. Any person who practices fortune-telling, witchcraft, or other types of superstitions despite the fact that he/she previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged shall be liable to a fine of from VND 10,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of a person;

b) The illegal profit earned is ≥ VND 200,000,000;

c) The offence has a negative impact on social security, order, or safety.

3. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000.

Article 321. Illegal gambling

1. Any person who illegally gambles in any shape or form with the stakes (in cash or kind) assessed at from VND 5,000,000 to under VND 50,000,000, or with the stakes under VND 5,000,000 but previously incurred a civil penalty or has a previous conviction for the same offence or any of the offences specified in Article 322 hereof which has not been expunged, shall face a penalty of up to 03 year's community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence is committed in a professional manner;

b) The stake is assessed at VND ≥ 50,000,000;

c) The offence is committed using the Internet, a computer network, telecommunications network, or electronic device;

d) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000.

Article 322. Organizing gambling or running gambling-dens

1. Any person who organizes gambling or runs a gambling den in any of the following cases shall carry a fine of from VND 50,000,000 to VND 300,000,000 or a penalty of 01 - 05 years' imprisonment:

a) The offender uses a place under his/her ownership or management for ≥ 10 people to gamble at the same time or for ≥ 02 gambling mats with the stakes of ≥ VND 5,000,000;

b) The total value of stakes at a time is ≥ VND 20,000,000;

c) The offender provides pawnbroker services for gamblers; installs equipment serving the gambling; appoint people to guard or serve; prepares escape in case of raid; uses equipment for assisting the gambling;

d) The offender previously incurred a civil penalty or has a previous conviction for the same offence or any of the offences specified in Article 321 hereof which has not been expunged.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence is committed in a professional manner;

b) The illegal profit earned is ≥ VND 50,000,000;

c) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000 or have part or all of his/her property confiscated.

Article 323. Storing or buying property obtained by crime

1. Any person who, without prior promise, stores or buys a piece of property in the knowledge that it is obtained through another person's commission of a crime shall be liable to a fine of from VND 10,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The illegal piece of property is assessed at from VND 100,000,000 to under VND 300,000,000;

d) The illegal profit earned is from VND 20,000,000 to under VND 100,000,000;

dd) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 10 years' imprisonment:

a) The illegal piece of property is assessed at from VND 300,000,000 to under VND 1,000,000,000;

b) The illegal profit earned is from VND 100,000,000 to under VND 300,000,000.

4. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The illegal piece of property is assessed at ≥ VND 1,000,000,000;

b) The illegal profit earned is ≥ VND 300,000,000;

5. The offender might also be liable to a fine of from VND 5,000,000 to VND 50,000,000 or have all or part of his/her property confiscated.

Article 324. Money laundering

1. A person who commits any of the following acts shall face a penalty of 01 - 05 years' imprisonment:

a) Directly or indirectly participating in finance transactions, banking transactions, or other transactions to conceal the illegal origin of the money or property obtained through his/her commission of a crime, or obtained through another person's commission of a crime to his/her knowledge;

b) Using money or property obtained through his/her commission of a crime or obtained through another person's commission of a crime to his/her knowledge for doing business or other activities;

c) Concealing information about the true origin, nature, location, movement, or ownership of money or property obtained through his/her or commission of a crime or obtained through another person's commission of a crime to his/her knowledge, or obstructing the verification of such information;

d) Committing any of the offences specified in Point a through c of this Clause while knowing that the money or property is obtained through transfer, conversion of money or property obtained through another person's commission of a crime.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offender abuses his/her position or power to commit the offence;

c) The offence has been committed more than once;

d) The offence is committed in a professional manner;

dd) The offence involves deceitful methods;

e) The illegal money or property is assessed at from VND 200,000,000 to under VND 500,000,000;

g) The illegal profit earned is from VND 50,000,000 to under VND 100,000,000;

h) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The illegal money or property is assessed at ≥ VND 500,000,000;

b) The illegal profit earned is ≥ VND 100,000,000;

c) The offence has a negative impact on security of the national currency or finance system.

4. A person that prepares for the commission of this offence shall face a penalty of 01 - 05 years' imprisonment.

5. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years or have part or all of his/her property confiscated.

Article 325. Persuading, forcing a person under 18 to commit an offence, or harboring a person under 18 who committed a offence

1. Any person aged 18 or over who commits any of the following violations against a person under 18 shall face a penalty of 01 - 05 years' imprisonment:

a) Persuading, inciting a person under 18 to commit an offence or indulge in debauchery;

b) Threatening, using violence or other methods to force a person under 18 to commit a criminal offence;

c) Harboring a person under 18 who committed a offence.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves more than one person under 18;

c) The offence involves a user person under 13;

d) The offence involves very serious crime or extremely serious crime;

dd) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000.

The person who commits this offence in the case in Point dd Clause 2 of this Article might also be put under mandatory supervision for 01 - 05 years.

Article 326. Distribution pornographic materials

1. Any person who makes, duplicates, publishes, transports, deals in, or stores books, magazines, pictures, films, music, or other items that contain pornographic contents for the purpose of distributing them or distributes pornographic materials in any of the following cases shall be a fine of from VND 10,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offence involves an amount of digital data from 01 GB to under 05 GB in size;

b) The offence involves 50 - 100 physical books or magazines;

c) The offence involves 100 - 200 physical pictures;

d) Pornographic materials are distributed among 10 - 20 people;

dd) The offender incurred an administrative penalty or has a previous conviction for the same offence which has not been expunged.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves an amount of digital data from 05 GB to under 10 GB in size;

c) The offence involves 51 - 100 physical books or magazines;

d) The offence involves 201 - 500 physical pictures;

d) Pornographic materials are distributed among 21 - 100 people;

e) Pornographic materials are distributed to people under 18;

g) The offence is committed using the Internet, a computer network, telecommunications network, or electronic device;

h) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence involves an amount of digital data ≥ 10 GB;

b) The offence involves ≥ 101 physical books or magazines;

c) The offence involves ≥ 501 physical pictures;

d) Pornographic materials are distributed among ≥ 101 people;

4. The offender might also be liable to a fine of from VND 5,000,000 to VND 30,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 327. Harboring prostitutes

1. Any person who harbors prostitutes shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) Forced prostitution;

c) The offence has been committed more than once;

d) The offence involves ≥ 04 people engaged in prostitution;

dd) The offence involves a person aged from 16 to under 18 engaged in prostitution;

e) The offence results in 11% - 45% mental and behavioral disability of the aged from 16 to under 18;

g) The illegal profit earned is from VND 50,000,000 to under VND 200,000,000;

h) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The offence involves a person aged from 13 to under 16 engaged in prostitution;

b) The illegal profit earned is from VND 200,000,000 to under VND 500,000,000;

c) The offence results in ≥ 46% mental and behavioral disability of the person engaged in prostitution.

4. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment or life imprisonment:

a) The offence involves ≥ 02 people aged from 13 to under 16engaged in prostitution;

b) The illegal profit earned is ≥ VND 500,000,000;

c) Forced prostitution that results in the victim's death or suicide.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000 or put under mandatory supervision for 01 - 05 years or have part or all of his/her property confiscated.

Article 328. Procuring

1. Any person who encourages or assists the prostitution of others shall face a penalty of 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence involves a person aged from 16 to under 18 engaged in prostitution;

b) The offence is committed by an organized group;

c) The offence is committed in a professional manner;

d) The offence has been committed more than once;

dd) The offence involves ≥ 02 people;

e) The illegal profit earned is from VND 100,000,000 to under VND 500,000,000;

g) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence involves a person aged from 13 to under 16 engaged in prostitution;

b) The illegal profit earned is ≥ VND 500,000,000;

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000.

Article 329. Engaging in prostitution with a person under 18

1. Any person aged ≥ 18 who engages in prostitution with a person under 18, except for the case in Point b Clause 1 Article 142 hereof, shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence has been committed more than once;

b) The person engaged in prostitution is from 13 to under 16 years of age;

c) The offence results in 31% - 60% physical disability of the victim.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence has been committed more than once and the person engaged in prostitution is from 13 to under 16 years of age;

b) The offence results in ≥ 61% physical disability of the victim.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000.

Chapter XXII

OFFENCES AGAINST ADMINISTRATIVE MANAGEMENT ORDER

Article 330. Resisting a law enforcement officer in performance of his/her official duties

1. Any person who uses violence or threat of violence or other methods to obstruct a law enforcement officer from performing his/her official duties or forces a law enforcement officer to act against the law shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offender persuades or incites another person to commit the offence;

d) The offence results in property damage of ≥ VND 50,000,000;

dd) Dangerous recidivism.

Article 331. Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens

1. Any person who abuses the freedom of speech, freedom of the press, freedom of religion, freedom of association, and other democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens shall receive a warning or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. If the offence has a negative impact on social security, order, or safety, the offender shall face a penalty of 02 - 07 years' imprisonment.

Article 332. Avoiding conscription

1. Any person who fails to comply with regulations of law on conscription, defies an enlistment order or military training order despite the fact that he/she previously incurred a civil penalty or has a previous conviction for the same offence which has not been expunged shall face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 05 years' imprisonment:

a) The offender injures himself/herself to avoid conscription;

b) The offence is committed in wartime;

c) The offender drags another person into committing the offence.

Article 333. Defying order for enlistment of military reserve force members

1. Any person who is a member of a military reserve force but defies the enlistment order in case of a general mobilization order or local mobilization order, war, or necessary enhancement of the standing army to protect the local territory or the nation's sovereignty shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offender injures himself/herself to avoid enlistment;

b) The offender drags another person into committing the offence.

Article 334. Violation against regulations of law on conscription

1. Any person who abuses his/her position to commit a violation against regulations of law on conscription, enlistment, military training order shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. If this offence is committed in wartime, the offender shall face a penalty of 02 - 07 years' imprisonment.

3. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 335. Obstruction of conscription

1. Any person who deliberately obstructs conscription, enlistment, military training order shall receive a warning or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

2. If this offence involves the offender's abuse of his/her power or position or is committed in wartime, the offender shall face a penalty of 02 - 05 years' imprisonment.

Article 336. Illegal civil registration

1. Any person who abuses his/her position or power to register or issue civil registration documents against the law despite the fact that he/she was disciplined for the same offence shall receive a warning or face a penalty of up to 03 years' community sentence.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 24 months' imprisonment:

a) Registering or issuing civil registration documents to ≥ 02 people;

b) The civil registration documents issued or registered against the law are used for commission of illegal acts.

3. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 337. Deliberate disclosure of classified information; appropriation, trading, destruction of classified documents

1. Any person who deliberately discloses or deals in classified information, except for the cases specified in Article 110 hereof, shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The information is classified as top secret;

b) The offender misuses his/her position or power to commit the offence;

c) The offence causes losses in terms of national defense and security or results in diplomatic, economic, or cultural damage.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The offence is committed by an organized group;

b) The information is classified as top secret;

c) The offence has been committed more than once;

d) The offence infringes upon the political regime, independence, sovereignty, and territorial integrity.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 338. Involuntary disclosure of classified information; loss of classified documents or items

1. Any person who involuntarily discloses classified information or loses a classified document or item shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The information is classified as top secret;

b) The offence results in losses in terms of national defense and security; causes diplomatic, economic, or cultural damages; infringes upon the political regime, independence, sovereignty, and territorial integrity.

3. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 339. Criminal impersonation

Any person who assumes a false position or rank to commit illegal acts other than appropriation of property shall face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

Article 340. Falsification and use of certificates or documents of organizations

1. Any person who falsifies the content of a passport, visa, household registration book, civil registration document, certificate, or another document of an agency or organization, and uses it to commits a criminal offence, or previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged, shall receive a warning, be liable to a fine of from VND 10,000,000 to VND 50,000,000, or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 05 years' imprisonment:

a) The offence has been committed more than once;

b) The falsified document is used to commit a very serious crime or extremely serious crime.

3. The offender might also be liable to a fine of from VND 5,000,000 to VND 20,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 341. Fabricating an organization's seal or documents and use thereof

1. Any person fabricates an organization's seal or document or use it to commit an illegal act shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 03 - 36 months' imprisonment:

2. This offence committed in any of the following cases shall carry a penalty of 02 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence involves 02 - 05 fabricated seals or documents;

d) The fabricated seal or document is used to commit a criminal offence;

dd) The illegal profit earned is from VND 10,000,000 to under VND 50,000,000;

e) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence involves ≥ 6 fabricated seals or documents;

b) The fabricated seal or document is used to commit a very serious crime or extremely serious crime;

c) The illegal profit earned is ≥ VND 50,000,000

4. The offender might also be liable to a fine of from VND 5,000,000 to VND 50,000,000.

Article 342. Appropriation, trading, destruction of an organization's seal or document

1. Any person who appropriates, sells, buys, or illegally destroys an organization's seal or document which is not a classified information or work secret shall be liable to a fine of from VND 5,000,000 to VND 50,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The illegal profit earned is ≥ VND 10,000,000;

c) The offence is meant to commit an illegal act;

d) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 5,000,000 to VND 20,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 343. Offences against regulations of law on housing management

1. Any person illegally occupies a residence or builds a house despite the fact that he/she previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged shall face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

The house or work illegally built might be demolished, requisitioned, or confiscated.

2. The offender might also be liable to a fine of from VND 5,000,000 to VND 50,000,000.

Article 344. Offences against regulations of law on publishing

1. Any person who violates regulations of law on publishing in any of the following cases shall receive a warning, be liable to a fine of from VND 20,000,000 to VND 200,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment:

a) The offender fails to comply with regulations on editing and approving drafts but still allows the publishing of the work despite the fact that he/she previously incurred a civil penalty for the same offence;

b) The offender has 2,000 copies of each work printed without certification of publishing registration, publishing decision, or license for publishing of non-business documents; without an approved draft bearing the editor's signature as prescribed by law;

c) The offender has a work which has been suspended from publishing, recalled, confiscated, banned, destroyed or illegally imported ≥ 500 copies of each of such works;

d) The offender posts on electronic media a work which is banned or does not have a certification of publishing registration, publishing decision, or license for publishing of non-business documents, or does not an approved draft bearing the editor's signature as prescribed by law;

dd) The quantity of copies published is below the levels specified in Point b or Point c of this Clause but the offender previously incurred a civil penalty for any of the offences specified in therein or has a previous conviction for the same offence which has not been expunged;

e) The offender has a work published without submitting its deposit despite the fact that he/she previously incurred a civil penalty for the same offence.

2. This offence committed in any of the following cases, except for the cases specified in Article 117 hereof, shall face a penalty of 02 - 05 years' imprisonment:

a) The offence is committed by an organized group;

b) The offender falsifies the approved draft or draft of a non-business document bearing the seal of the issuer of the license for publishing in order to publish banned contents according to the law on publishing;

c) Publishing a work having banned contents according to the Law on Publishing.

3. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 345. Offences against regulations on protection and use of historic - cultural sites or famous landscapes that lead to serious consequences

1. Any person who violates regulations of law on protection and use of historic - cultural sites or famous landscapes and cause damage assessed at from VND 100,000,000 to under VND 500,000,000 to the site or landscape, destroys or changes the contributing factors of the site or landscape classified as provincial heritage, or previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged, shall receive a warning, be liable to a fine of from VND 10,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. If the damage inflicted is assessed at ≥ VND 500,000,000 or the site or landscape is classified as national heritage or special national heritage, the offender shall face 03 - 07 years' imprisonment.

Article 346. Offences against regulations of law on bordering area

1. Any person who commits violations against regulations on residence, travel or other regulations on bordering areas despite the fact that he/she previously incurred a civil penalty for the same offence or has a previous conviction for the same offence which has not been expunged shall be liable to a fine of from VND 10,000,000 to VND 100,000,000 or face a penalty of 06 - 36 months' imprisonment.

2. In case of recidivism or the offence has a negative impact on social safety, order security of the bordering area, the offender shall face a penalty of 02 - 07 years' imprisonment.

3. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000 or prohibited from residence for 01 - 05 years.

Article 347. Offences against regulations of law on immigration; illegal stay in Vietnam

Any person who illegally enters, exits Vietnam or stays in Vietnam despite the fact that he/she previously incurred a civil penalty for the same offence shall be liable to a fine of from VND 5,000,000 to VND 50,000,000 or face a penalty of 06 - 36 months' imprisonment.

Article 348. Brokering illegal entry, exit, or stay in Vietnam

1. Any person who, for self-seeking purposes, brokers the illegal entry, exit, or stay in Vietnam of another person shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offender abuses his/her position or power to commit the offence;

b) The offence has been committed more than once;

c) The offence involves 05 - 10 people;

d) The offence is committed in a professional manner;

dd) The illegal profit earned is from VND 100,000,000 to under VND 500,000,000;

e) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence involves ≥ 11 people;

b) The illegal profit earned is ≥ VND 500,000,000;

c) The offence results in the death of a person.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 349. Organizing, brokering illegal emigration

1. Any person who organizes or brokers illegal emigration of another person, except for the case in Article 120 hereof, shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offender abuses his/her position or power to commit the offence;

b) The offence has been committed more than once;

c) The offence involves 05 - 10 people;

d) The offence is committed in a professional manner;

dd) The illegal profit earned is from VND 100,000,000 to under VND 500,000,000;

e) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence involves ≥ 11 people;

b) The illegal profit earned is ≥ VND 500,000,000;

c) The offence results in the death of a person.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 350. Forcing another person to illegally emigrate

1. Any person who forces another person to illegally emigrate, except for the case in Article 120 hereof, shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 12 years' imprisonment:

a) The offence has been committed more than once;

b) The offence involves 05 - 10 people;

c) The offence is committed in a professional manner;

d) The offender is committed by despicable motives;

dd) Dangerous recidivism.

3. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment:

a) The offence involves ≥ 11 people;

b) The offence results in the death a person.

Article 351. Desecration of national flag, national emblem, national anthem

Any person who deliberately desecrates the national flag, national emblem, national anthem shall receive a warning or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

Chapter XXIII

OFFENCES RELATED TO ABUSE OF POWER

Article 352. Concept

1. Abuse of power means acts of infringement upon rightful activities of an agency or organization committed by an officer-holder in performance of his/her official duties.

2. An office-holder means a person who is given certain duties and power through appointment, election, contract conclusion, or another method. An office-holder might or might not receive salaries.

Section 1. CORRUPTION-RELATED CRIMES

Article 353. Embezzlement

1. Any person who abuses his/her position or power to embezzle property under his/her management assessed at from VND 2,000,000 to under VND 100,000,000 or under VND 2,000,000 in any of the following cases shall face a penalty of 02 - 07 years' imprisonment:

a) The offender was disciplined for the same offence;

b) The offender has a previous conviction for any of the offences specified in Section 1 of this Chapter which has not been expunged.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves deceitful or dangerous methods;

c) The offence has been committed more than once;

d) The property appropriated is assessed at from VND 100,000,000 to under VND 500,000,000;

dd) The money or property embezzled was meant for poverty reduction, provision of benefits for wartime contributors, contribution to reserve funds, provision of emergency aid for people in areas suffering from a natural disaster or epidemic or extremely disadvantaged areas;

e) The offence results in property damage of from VND 1,000,000,000 to under VND 3,000,000,000;

g) The offence has a negative impact on life of officials, public employees, and workers of an agency or organization.

3. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment:

a) The property embezzled is assessed at from VND 500,000,000 to under VND 1,000,000,000;

b) The offence results in property damage of from VND 3,000,000,000 to under VND 5,000,000,000;

c) The offence has a negative impact on social security, order, or safety;

d) The offence results in bankruptcy or shutdown of another enterprise or organization.

4. This offence committed in any of the following cases shall carry a penalty of 20 years' imprisonment, life imprisonment, or death:

a) The property embezzled is assessed at ≥ VND 1,000,000,000;

b) The offence results in property damage of ≥ VND 5,000,000,000.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years, liable to a fine of from VND 30,000,000 to VND 100,000,000 or have part or all of his/her property confiscated.

6. Officer-holders in enterprises and organizations other than state organizations who take bribes shall be dealt with in accordance with this Article.

Article 354. Taking bribes

1. Any person who abuses his/her power to directly or through an intermediary receive or promise to receive any of the following benefits for himself/herself or for another person or organization as a condition to act or not to act in the interests of or at the request of the bribe giver shall face a penalty of 02 - 07 years' imprisonment:

a) Money, property, or other tangible benefit assessed at from VND 2,000,000 to under VND 100,000,000, or under VND 2,000,000 but the bribe recipient was disciplined for the same offence or has a previous conviction for any of the offences specified in Section 1 of this Chapter which has not been expunged;

b) Intangible benefits.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence is committed by an organized group;

b) The offender abuses his/her position or power to commit the offence;

c) The bribe is money, property, or other tangible benefits assessed at from VND 100,000,000 to under VND 500,000,000;

d) The offence results in property damage of from VND 1,000,000,000 to under VND 3,000,000,000;

dd) The offence has been committed more than once;

e) The offender knows that the bribe is state property;

g) The offender solicits bribes, or employs a deceitful method to take bribes.

3. This offence committed in any of the following cases shall carry a penalty of 15 - 20 years' imprisonment:

a) The bribe is money, property, or other tangible benefits assessed at from VND 500,000,000 to under VND 1,000,000,000;

b) The offence results in property damage of from VND 3,000,000,000 to under VND 5,000,000,000.

4. This offence committed in any of the following cases shall carry a penalty of 20 years' imprisonment, life imprisonment, or death:

a) The bribe is money, property, or other tangible benefits assessed at ≥ VND 1,000,000,000;

b) The offence results in property damage of ≥ VND 5,000,000,000.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years, liable to a fine of from VND 30,000,000 to VND 100,000,000 or have part or all of his/her property confiscated.

6. Officer-holders in enterprises and organizations other than state organizations who take bribes shall be dealt with in accordance with this Article.

Article 355. Abuse of power or position for appropriation of property

1. Any person who abuses his/her position or power to appropriate another person's property assessed at from VND 2,000,000 to under VND 100,000,000 or under VND 2,000,000 in any of the following cases shall face a penalty of 01 - 06 years' imprisonment:

a) The offender was disciplined for the same offence;

b) The offender has a previous conviction for any of the offences specified in Section 1 of this Chapter which has not been expunged.

2. This offence committed in any of the following cases shall carry a penalty of 06 - 13 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves deceitful or dangerous methods;

c) The offence has been committed more than once;

d) The property appropriated is assessed at from VND 100,000,000 to under VND 500,000,000;

dd) The offence results in property damage of from VND 1,000,000,000 to under VND 3,000,000,000;

e) The money or property appropriated was meant for poverty reduction, provision of benefits for wartime contributors, contribution to reserve funds, provision of emergency aid for people in areas suffering from a natural disaster or epidemic or extremely disadvantaged areas.

3. This offence committed in any of the following cases shall carry a penalty of 13 - 20 years' imprisonment:

a) The property embezzled is assessed at from VND 500,000,000 to under VND 1,000,000,000;

b) The offence results in property damage of from VND 3,000,000,000 to under VND 5,000,000,000;

c) The offence results in bankruptcy or shutdown of another enterprise or organization;

d) The offence has a negative impact on social security, order, or safety.

4. This offence committed in any of the following cases shall carry a penalty of 20 years' imprisonment or life imprisonment:

a) The property embezzled is assessed at ≥ VND 1,000,000,000;

b) The offence results in property damage of ≥ VND 5,000,000,000.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years, liable to a fine of from VND 30,000,000 to VND 100,000,000 or have part or all of his/her property confiscated.

Article 356. Abuse of power or position in performance of official duties

1. Any person who, for personal gain or other self-seeking purposes, abuses his/her power or position in performance of official duties to act against his/her official duties and as a result causes property damage of from VND 10,000,000 to under VND 200,000,000 or infringes upon state interests, lawful rights and interests of another organization or individual shall face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence results in property damage of from VND 200,000,000 to under VND 1,000,000,000.

3. If the offence results in property damage of ≥ VND 1,000,000,000, the offender shall face a penalty of 10 - 15 years' imprisonment.

4. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years, liable to a fine of from VND 10,000,000 to VND 100,000,000.

Article 357. Acting beyond authority in performance of official duties

1. Any person who, for personal gain or other self-seeking purposes, acts against his/her official duties beyond his/her authority and as a result causes property damage of from VND 10,000,000 to under VND 100,000,000 or infringes upon state interests, lawful rights and interests of another organization or individual shall face a penalty of 01 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

3. If the offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000, the offender shall face a penalty of 10 - 15 years' imprisonment.

4. If the offence results in property damage of ≥ VND 1,500,000,000, the offender shall face a penalty of 15 - 20 years' imprisonment.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years, liable to a fine of from VND 10,000,000 to VND 100,000,000.

Article 358. Abuse of power or position to influence another person for personal gain

1. Any person who abuses his/her position or power to directly or through an intermediary request, receive or promise to receive any of the following benefits in order to influence an office-holder to perform or not to perform certain duties or tasks or to commit a prohibited act shall face a penalty of 01 - 06 years' imprisonment:

a) Money, property, or other tangible benefits assessed at from VND 2,000,000 to under VND 100,000,000 or under VND 2,000,000 but the offender was disciplined for the same offence;

b) Intangible benefits.

2. This offence committed in any of the following cases shall carry a penalty of 06 - 13 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The money, property or other tangible benefits are assessed at from VND 100,000,000 to under VND 500,000,000;

d) The offence results in property damage of from VND 1,000,000,000 to under VND 3,000,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 13 - 20 years' imprisonment:

a) The money, property or other tangible benefits are assessed at from VND 500,000,000 to under VND 1,000,000,000;

b) The offence results in property damage of from VND 3,000,000,000 to under VND 5,000,000,000.

4. This offence committed in any of the following cases shall carry a penalty of 20 years' imprisonment or life imprisonment:

a) The money, property or other tangible benefits are assessed at ≥ VND 1,000,000,000;

b) The offence results in property damage of ≥ VND 5,000,000,000.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years, liable to a fine of from VND 30,000,000 to VND 100,000,000.

Article 359. Commission of fraud in performance of duties

1. Any person who, for personal gain or other self-seeking purposes, abuses his/her position or power to commit any of the following acts shall face a penalty of 01 - 05 years' imprisonment:

a) Falsifying a document;

b) Fabricating a document or issuing a fabricated document;

c) Forging an office holder's signature.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offender is the person in charge of making or issuing documents;

c) The offence involves 02 - 05 fabricated documents.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence involves 05 - 10 fabricated documents;

b) The offence is meant to serve the commission of a less serious crime or serious crime.

4. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment:

a) The offence involves ≥ 11 fabricated documents;

b) The offence is meant to serve the commission of very serious crime or extremely serious crime.

5. The offender might also be liable to a fine of VND 10,000,000 - VND 100,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Section 2. OTHER OFFENCES RELATED TO ABUSE OF POWER

Article 360. Negligence that results in serious consequences

1. Any person who negligently fails to perform or correctly perform his/her in any of the following cases, except for the cases in Article 179, Article 308, and Article 376 hereof, shall face a penalty of up to 03 years' community sentence or 06 - 60 months' imprisonment:

a) The offence results in the death of 01 person or bodily harm to 01 person who suffers from ≥ 61% physical disability;

b) The offence results in bodily harm to 02 people, each of whom suffers from 31% - 60% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 61% - 121%;

d) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence results in bodily harm to 02 people, each of whom suffers from 61% physical disability or more;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of 122% - 200%;

d) The offence results in property damage of from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 12 years' imprisonment:

a) The offence results in the death of ≥ 03 people;

b) The offence results in bodily harm to ≥ 03 people, each of whom suffers from ≥ 61% physical disability;

c) The offence results in bodily harm to ≥ 03 people who suffer from a total physical disability of ≥ 201%;

d) The offence results in property damage of ≥ VND 1,500,000,000.

4. If this offence results in bodily harm to 01 person who suffers from 31% - 60% physical disability, or bodily harm to ≥ 02 people who suffer from a total physical disability of 31% - 60%, except for the cases in Article 179, 308, and 376 hereof, the offender shall face a penalty of up to 02 year's community sentence or 03 - 24 months' imprisonment.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 361. Deliberate revelation of work secrets; appropriation, trading, destruction of work secret documents

1. Any person who deliberately discloses, appropriates, buys, sells, or destroys work secrets, except for the cases specified in Article 110, 337, and 342 hereof, shall face a penalty of up to 03 years' community sentence or 06 - 35 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The illegal profit earned is ≥ VND 50,000,000;

d) The offence results in property damage of ≥ VND 100,000,000;

dd) The offence has a negative impact on the operation of an agency or organization;

e) The secrets are used by another person to commit violations of law.

3. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 362. Involuntary revelation of work secrets; loss of work secret documents

1. Any person who involuntarily discloses work secrets or loses work secret documents in any of the following cases, except for the cases specified in Article 338 hereof, shall receive a warning or face a penalty of up to 03 years' community sentence:

a) The offence has a negative impact on the operation of an agency or organization;

b) The offence results in property damage of from VND 100,000,000 to under VND 500,000,000;

c) The secrets are used by another person to serve the commission of a less serious crime or serious crime.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 24 months' imprisonment:

a) The offence results in property damage of ≥ VND 500,000,000;

b) The secrets are used by another person to serve the commission of very serious crime or extremely serious crime.

3. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 363. Abandonment of duties

1. Any official or public employee who abandons his/her duties in any of the following cases shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offence results in ≥ 31% physical disability of another person;

b) The offence results in property damage of from VND 300,000,000 to under VND 1,000,000,000;

c) The offender was disciplined for the same offence.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence results in the death of a person;

b) The offender persuades another person to abandon his/her duty;

c) The offence results in property damage of ≥ VND 1,000,000,000;

d) The offence is committed in wartime, occurrence of a natural disaster, epidemic, or hardship of society.

3. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 364. Giving bribes

1. Any person who directly or through an intermediary gives or promises to give any of the following benefits to an office holder or another person or organization in order to influence him/her to perform or not to perform certain tasks in the interests of or at the request of the bribe giver shall be liable to a fine of from VND 20,000,000 to VND 200,000,000 or face a penalty of up to 30 years' community sentence or 06 - 36 months' imprisonment:

a) Money, property or other tangible benefits assessed at from VND 2,000,000 to under VND 100,000,000;

b) Intangible benefits.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves deceitful methods;

c) The bribe is state property;

d) The offender abuses his/her position or power to commit the offence;

dd) The offence has been committed more than once;

e) The bribe is money, property or other tangible benefits assessed at from VND 100,000,000 to under VND 500,000,000.

3. If the bribe is money, property or other tangible benefits assessed at from VND 500,000,000 to under VND 1,000,000,000, the offender shall face a penalty of 07 - 12 years' imprisonment.

4. If the bribe is money, property or other tangible benefits assessed at ≥ VND 1,000,000,000, the offender shall face a penalty of 12 - 20 years' imprisonment.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000.

6. Any person who promises to bribe a foreign official, an official of a public international organization, or an office holder in an enterprise or organization other than state organizations shall be dealt with in accordance with this Article.

7. Any person who is forced to give bribes but voluntarily reports the bribery before being discovered shall be acquitted and have the money or property used as bribe returned. Any person who is not forced to give bribes but voluntarily report the bribery before being discovered might be exempt from criminal responsibility and have all or part of the money or property used as bribe returned.

Article 365. Brokering bribery

1. Any person who brokers bribery in any of the following cases shall be liable to a fine of from VND 20,000,000 to under VND 200,000,000 or face a penalty of up to 0 years' community sentence or 06 - 36 months' imprisonment:

a) The bribe is money, property, or other tangible benefits assessed at from VND 2,000,000 to under VND 100,000,000;

b) The bribe is intangible benefits.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The offence involves deceitful methods;

d) The offender knows that the bribe is state property;

dd) The offender abuses his/her position or power to commit the offence;

e) The offence has been committed more than once;

g) The bribe is assessed at from VND 100,000,000 to under VND 500,000,000.

3. If the bribe is assessed at from VND 500,000,000 to under VND 1,000,000,000, the offender shall face a penalty of 05 - 10 years' imprisonment.

4. If the bribe is assessed at ≥ VND 1,000,000,000, the offender shall face a penalty of 08 - 15 years' imprisonment.

5. The offender might also be liable to a fine of from VND 20,000,000 to VND 200,000,000.

6. The bribe broker who voluntarily reports the bribery before being discovered might be exempt from criminal responsibility.

7. Any person who brokers bribery in an enterprise or organization other than state organizations shall be dealt with in accordance with this Article.

Article 366. Abuse of influence over an office holder for personal gain

1. Any person who directly or through an intermediary receives any of the following benefits and in order abuse his/her influence over an office-holder to urge him/her to perform or not to perform certain duties or tasks or to commit a prohibited act, or any person who was disciplined for this offence but still recommits it, shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Money, property or other tangible benefits assessed at from VND 2,000,000 to under VND 100,000,000;

b) Intangible benefits.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence has been committed more than once;

b) The bribe is money, property or other tangible benefits assessed at from VND 100,000,000 to under VND 500,000,000;

c) Dangerous recidivism.

3. If the bribe is money, property or other tangible benefits assessed at ≥ VND 500,000,000, the offender shall face a penalty of 05 - 10 years' imprisonment.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000.

Chapter XXIV

PUBLIC JUSTICE OFFENCES

Article 367. Concept

Public justice offences are acts of infringement upon the righteousness of proceedings and enforcement of judgments.

Article 368. Bringing criminal prosecution against an innocent person

1. Any competent person who brings criminal prosecution against a person in the knowledge that the person is innocent shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The innocent person is prosecuted for an offence against national security or another extremely serious crime;

b) The offence is committed against 02 - 05 people;

c) The offence is committed against a person under 18, a woman whose pregnancy is known by the offender, or an old and weak person;

d) The offence results in 11% - 45% mental and behavioral disability of the victim;

dd) The offence results in a wrongful conviction of an innocent person for a less serious crime or serious crime;

e) The offence has a negative impact on social security, order, or safety.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The offence is committed against ≥ 06 people;

b) The offence results in a wrongful conviction of an innocent person for a very serious crime or extremely serious crime;

c) The offence results in ≥ 46% mental and behavioral disability of the victim;

d) The offence results in the suicide of the person wrongly prosecuted.

4. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 369. Failure to bring criminal prosecution against a guilty person

1. Any competent person who fails to bring criminal prosecution against a person in the knowledge that the person is guilty shall face a penalty of 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The person who escapes criminal prosecution committed a very serious crime;

b) The offence involves 02 - 05 people who escape criminal prosecution;

c) The person who escapes criminal prosecution has fled or obstructs the process of investigation, prosecution, trial, or continues to commit another less serious crime or serious crime;

d) The offence results in the person who escapes criminal prosecution taking revenge on the person(s) who reported the crime, the victim or witness;

dd) The offence has a negative impact on social security, order, or safety.3. This offence committed in any of the following cases shall carry a penalty of 07 - 12 years' imprisonment:

a) The offence involves ≥ 05 people who escape criminal prosecution;

b) The person who escapes criminal prosecution committed an offence against national security or another extremely serious crime;

c) The person who escapes criminal prosecution continues to commit another very serious crime or extremely serious crime;

d) The offence results in the suicide of the victim.

4. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 370. Passing an illegal judgment

1. Any judge or jury member who passes a judgment in the knowledge that it is illegal shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence has been committed more than once;

b) The offence is committed against a person under 18, a woman whose pregnancy is known by the offender, or an old and weak person;

c) The offence results in a wrongful conviction of an innocent person for a serious crime or very serious crime;

d) The offence results in omission of a serious crime or very serious crime or a perpetrator of a serious crime or very serious crime;

dd) The offence results in 11% - 45% mental and behavioral disorder of the defendant, victim, or plaintiff;

e) The offence results in property damage of VND 500,000,000 - VND 1,000,000,000;

g) The offence has a negative impact on social security, order, or safety.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The offence results in a wrongful conviction of an innocent person for an extremely serious crime;

b) The offence results in omission of an extremely serious crime or a perpetrator of an extremely serious crime;

c) The offence results in ≥ 46% mental and behavioral disorder of the defendant, victim, or plaintiff;

d) The offence results in the suicide of the defendant, victim, or plaintiff;

dd) The offence results in property damage of ≥ VND 1,000,000,000.

4. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 371. Issuing an illegal decision

1. Any competent person who, in the course of proceedings or enforcement of judgment, issues a decision in the knowledge that it is illegal and as a result causes property damage of from VND 50,000,000 to under VND 200,000,000 or infringes upon lawful rights and interests of the State or another organization or individual, except for the cases in Article 368, 369, 370, 377, and 378 hereof, shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence is committed against a person under 18, a woman whose pregnancy is known by the offender, or an old and weak person;

d) The offence results in 11% - 45% mental and behavioral disorder of the person who is arrested, taken into police custody, the suspect, the defendant, the convict, the person required to serve the judgment, the victim, or the plaintiff;

dd) The offence results in property damage of from VND 200,000,000 to under VND 1,000,000,000;

e) The offence has a negative impact on social security, order, or safety.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 12 years' imprisonment:

a) The offence results in ≥ 46% mental and behavioral disorder of the person who is arrested, taken into police custody, the suspect, the defendant, the convict, the person required to serve the judgment, the victim, or the plaintiff;

b) The offence results in the suicide of the person who is arrested, taken into police custody, the suspect, the defendant, the convict, the person required to serve the judgment, the victim, or the plaintiff;

c) The offence results in property damage of ≥ VND 1,000,000,000.

4. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 372. Forcing a judicial officer to act against the law

1. Any person who abuses his/her position or power to force a judicial officer to act against the law and as a results infringes upon the interest of the State, or the lawful rights and interests or another organization or individual or causes property damage of from VND 50,000,000 to under VND 200,000,000 shall face a penalty of 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 05 years' imprisonment:

b) The offence has been committed more than once;

b) The offence results in an illegal judgment or decision;

c) The offence involves the use of violence, threat of violence, or other dangerous or deceitful methods;

d) The offence results in property damage of from VND 200,000,000 to under VND 1,000,000,000;

dd) The offence has a negative impact on social security, order, or safety.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence results in wrongful conviction of an innocent person or omission of a crime;

b) The offence results in property damage of ≥ VND 1,000,000,000.

4. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 373. Use of torture

1. Any person who, in the course of proceedings, trial, or implementation of measures including mandatory attendance at a correctional institution or rehabilitation center, uses torture or brutally treats or insults another person in any shape or form shall face a penalty of 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence has been committed more than once;

b) The offence is committed against ≥ 02 people;

c) The offence involves deceitful methods;

d) The offence is committed against a person under 18, a woman whose pregnancy is known by the offender, an old and weak person, or a person having a serious physical disability or extremely serious physical disability;

dd) The offence results in 11% - 60% physical disability of another person.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 12 years' imprisonment:

a) The offence results in ≥ 61% physical disability of another person;

b) The offence results in the suicide of the tortured person.

4. If the offence results in the death of the tortured person, the offender shall face a penalty of 12 - 20 years' imprisonment or life imprisonment.

5. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 374. Obtainment of testimony by duress

1. Any person who, in the course of proceedings, employs illegal methods to force an interrogated person to provide information about the case shall face a penalty of 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence has been committed more than once;

b) The offence is committed against ≥ 02 people;

c) The offence is committed against a person under 18, a woman whose pregnancy is known by the offender, an old and weak person, or a person having a serious physical disability or extremely serious physical disability;

d) The offender uses torture, maltreats, or insults the interrogated person;

dd) The offence involves deceitful methods;

e) The offence results in falsification of the result of accusation, investigation, prosecution, or trial;

g) The interrogated person is forced to provide false statements.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 12 years' imprisonment:

a) The offence results in the suicide of the interrogated person;

b) The offence results in omission of a less serious crime or serious crime.

4. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment or life imprisonment:

a) The offence results in the suicide of the interrogated person;

b) The offence results in wrongful conviction of an innocent person;

c) The offence results in omission of a very serious crime or extremely serious crime.

5. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 375. Falsification of case files

1. Any investigator, prosecutor, judge, jury member, court clerk, or any other judicial officer, advocates of litigant who falsify, swap, destroy, or damage documents or evidence of the case, or uses other methods to falsify the content of the case shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence results in wrong result of the case;

c) The offence results in property damage of from VND 500,000,000 to under VND 1,000,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 10 - 15 years' imprisonment:

a) The offence results in wrongful conviction of an innocent person or omission of a crime;

b) The offence results in the suicide of the person who is arrested, taken into police custody, the suspect, the defendant, the convict, the person required to serve the judgment, the victim, or the plaintiff;

c) The offence results in property damage of ≥ VND 1,000,000,000.

4. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 376. Negligence resulting in escape of a detainee or prisoner

1. Any person who is responsible for guarding or escorting a detainee or prisoner but negligently lets him/her escape in any of the following cases shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offence results in the suspension of the case;

b) The escapee takes revenge on the proceeding officer or participant;

c) The escapee continues to commit another less serious crime or serious crime.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence results in the termination of the case;

b) The escapee continues to commit another very serious crime;

c) The offence involves 02 - 05 escapees;

d) The escapee committed a very serious crime;

dd) The offence has a negative impact on social security, order, or safety.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The escapee continues to commit another extremely serious crime;

b) The offence involves ≥ 06 escapees;

c) The escapee committed an extremely serious crime.

4. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 377. Abuse of position or power to hold a person in detention or custody against the law

1. Any person who abuses his/her position or power to commit any of the following acts shall face a penalty of 06 - 36 months' imprisonment:

a) Failure to issue a decision to release a person who is released as prescribed by law;

b) Issuing a decision to arrest or hold a person in detention or custody without any basis as prescribed by law;

c) Failure to implement the decision to release a person who is released as prescribed by law;

d) Arresting, holding a person in detention or custody without an order or decision as prescribed by law or under an order or decision which has not taken effect;

dd) Failure to issue an order or decision to extend the period of detention or custody; changing, cancelling the temporary detention method at the end of the temporary detention period causing the detainees to be held in detention behind schedule.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence involves 02 - 05 people held in detention or custody against the law;

b) The offence results in 31% - 60% physical disability of the person held in detention or custody against the law;

c) The offence results in extreme hardship of the detainee or his/her family;

d) The offence is committed against a person under 18, a woman whose pregnancy is known by the offender, an old and weak person, or a person having a serious physical disability or extremely serious physical disability.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 12 years' imprisonment:

a) The offence involves ≥ 06 people held in detention or custody against the law;

b) The offence results in ≥ 61% physical disability or death of the person held in detention or custody against the law;

c) The offence results in the suicide of the detainee;

d) The offence results in separation of the detainee's family.

4. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 378. Illegally releasing a person under arrest, a person held in temporary detention, or a prisoner

1. Any person who abuses his/her position or power to illegally release a person under arrest, a person held in temporary detention, or a prisoner shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment;

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) Illegally releasing a person under arrest, a person held in temporary detention, or a prisoner who committed a very serious crime or extremely serious crime;

b) The illegally released person escapes or obstructs the process of investigation, prosecution, trial, or continues to commit another less serious crime or serious crime;

c) The illegally released person takes revenge on the proceeding officer or participant;

dd) The offence involves 02 - 05 people illegally released.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence involves ≥ 06 people illegally released;

b) The illegally released person committed a very serious crime or extremely serious crime.

4. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 379. Failure to execute a judgment

1. Any competent person who deliberately omits to issue a decision to execute a judgment or fails to execute a judgment or decision of a court in any of the following cases shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offender was disciplined for the same offence;

b) The offence results in the escape of the convict;

c) The time limit for judgment execution expires;

d) The offence gives an opportunity for the convict to liquidate or hide his/her property and thus fails to implement the judgment with an amount of from VND 50,000,000 to under VND 200,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence has been committed more than once;

b) The convict continues to commit another less serious crime or serious crime;

c) The offence gives an opportunity for the convict to liquidate or hide his/her property and thus fails to implement the judgment with an amount of from VND 200,000,000 to under VND 1,000,000,000.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The convict continues to commit another very serious crime or extremely serious crime;

b) The offence gives an opportunity for the convict to liquidate or hide his/her property and thus fails to implement the judgment with an amount of ≥ VND 1,000,000,000.

4. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 380. Failure to serve a judgment

1. If a person who is capable of but fails to serve a judgment or decision of the court which has taken effect despite the fact that enforcement measures have been taken as prescribed by law or an administrative penalty for the same offence has been imposed, such person shall face a penalty of 03 - 24 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 05 years' imprisonment:

a) The offender resists the bailiff or a law enforcement officer;

b) The offence involves deceitful methods;

c) The offender liquidates or hides his/her property.

3. The offender might also be liable to a fine of from VND 5,000,000 to VND 50,000,000.

Article 381. Obstruction of judgment execution

1. Any person who abuses his/her position or power to obstruct the execution of a judgment in any of the following cases shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offence results in the escape of the convict;

b) The time limit for judgment execution expires;

c) The offence gives an opportunity for the convict to liquidate or hide his/her property and thus fails to implement the judgment with an amount of from VND 50,000,000 to under VND 200,000,000;

d) The offence results in property damage of from VND 50,000,000 to under VND 200,000,000.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 05 years' imprisonment:

a) The offence has been committed more than once;

b) The convict continues to commit another crime;

c) The offence gives an opportunity for the convict to liquidate or hide his/her property and thus fails to implement the judgment with an amount of ≥ VND 200,000,000;

d) The offence results in property damage of ≥ VND 200,000,000.

3. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 382. Providing false documents or giving false statements

1. A witness, expert, valuator, translator, interpreter, advocate who gives a false conclusion, makes a false translation, or provides documents in the knowledge that they are untruthful shall receive a warning or face a penalty of up to 01 year's community sentence or 03 - 12 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 03 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence results in misjudgment of the case.

3. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence has been committed more than once;

b) The offence results in wrongful conviction of an innocent person or omission of a crime.

4. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 383. Refusal to give testimony, expert's conclusion, valuator's conclusion, or refusal to provide documents

1. A witness other than those specified in Clause 2 Article 19 hereof, an expert, valuator, translator or interpreter who refuses to or avoid giving expert's conclusion or valuator's conclusion or refuses to provide documents without acceptable reasons shall receive a warning or face a penalty of up to 01 year's community sentence or 03 - 12 months' imprisonment.

2. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 384. Bribing or forcing another person to give testimony or provide documents

1. Any person who bribes or forces the witness, victim, litigant in a criminal, administrative, or civil case to give false testimony or provide untruthful documents or not to give testimony or provide documents; bribes or forces the expert or valuator to give a false conclusion, or the translator or interpreter to make incorrect translation shall face a penalty of up to 03 years' community sentence or 03 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence involves the use of violence, threat of violence, or other dangerous methods;

b) The offender abuses his/her position or power to commit the offence;

c) The offence results in misjudgment of the case.

Article 385. Offenses against regulations on sealing, foreclosing property, freezing accounts

1. Any person who is responsible for management of foreclosed property, sealed property, sealed exhibits, or frozen accounts but commits any of the following acts shall face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment:

a) Breaking the seal or unfreezing the account without a decision of a competent person;

b) Using, transferring, swapping, hiding, or destroying foreclosed property.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence results in misjudgment of the case;

b) The offence results in the failure of the suspect, the convict, or the person responsible for executing the judgment to execute the judgment with an amount of ≥ VND 100,000,000.

3. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

Article 386. Escape from detention facility or during escort or trial

1. Any person who escapes while being kept in detention, escorted, tried, or serving an imprisonment shall face a penalty of 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offender uses violence against the guards of escorters.

Article 387. Swapping a person under arrest, a person held in temporary detention, or a prisoner

1. Any person swaps a person under arrest, a person held in temporary detention, or a prisoner, except for the cases specified in Article 119 hereof, shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 12 years' imprisonment:

a) The offence is committed by an organized group;

b) The offender abuses his/her position or power to commit the offence;

c) The offender uses violence against the guards of escorters;

d) The person swap committed an offence against national security or is sentenced to death.

3. The offender might also be prohibited from holding certain positions for 01 - 05 years.

Article 388. Violations against regulations on detention

1. A person who commits any of the following violations against regulations of law on detention despite the fact that he/she was disciplined or incurred administrative penalties for the same offence or has a previous conviction for the same offence which has not been expunged, except for the cases in Article 119, 170, 252, 253, 254 and 255 hereof, shall face a penalty of 06 - 36 months' imprisonment:

a) Causing disruption or defying orders of the competent person in detention management;

b) Destroying or deliberately damaging property;

c) Extortion of property;

d) Bringing in, storing, appropriating, or organizing the use of narcotic substances, narcotic drugs, or psychotropic drugs;

dd) Bringing in, storing, or using personal communications devices.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offender abuses his/her position or power to commit the offence;

c) The offence involves deceitful methods;

d) Dangerous recidivism.

3. The offender might also be prohibited residence for 01 - 03 years, prohibited from holding certain positions for 01 - 03 years.

Article 389. Concealment of crimes

1. Any person who, without prior promises, conceals any of the following crimes, except for the cases in Clause 2 Article 18 hereof, shall face a penalty of up to 03 years' community sentence or 06 - 60 months' imprisonment:

a) The crimes against national security specified in Article 108 through 121;

b) Article 123 (Murder); Article 141, Clause 2 through 4 (Rape); Article 142 (Rape of a person under 16); Article 144 (Forcible sexual intercourse with a person aged from 13 to under 16) Article 146, Clause 2 and 3 (Obscenity towards a person under 16); Article 150, Clause 2 and 3 (Human trafficking);

c) Article 151 (Trafficking of a person under 16); Article 152 (Swapping a person under 01 year of age); Article 153 (Abduction of a person under 16); Article 154 (Trading, appropriation of human tissues or body parts);

d) Article 168 (Robbery); Article 169 (Kidnapping for ransom); Article 174, Clause 2 through 4 (Theft); Article 174, Clause 2 through 4 (Obtaining property by fraud); Article 175, Clause 2 through 4 (Abuse of trust to appropriate property); Article 178, Clause 2 through 4 (Deliberate destruction of property);

dd) Article 188, Clause 3 and 4 (Smuggling); Article 189, Clause 3 (Illegal transport of goods or money across the border); Article 190, Clause 2 and 3 (Manufacturing and trading of banned goods); Article 191, Clause 2 and 3 (Storage, transport of banned goods); Article 192, Clause 2 and 3 (producing and trading counterfeit goods); Article 193 (Manufacturing and trading of counterfeit food or food additives); Article 194 (Manufacturing and trading of counterfeit medicines for treatment or prevention of diseases); Article 195, Clause 2 and 3 (Manufacturing and trading of counterfeit animal feeds, fertilizers, veterinary medicines, pesticides, plant varieties, animal breeds); Article 196, Clause 2 and 3 (Hoarding); Article 205, Clause 3 and 4 (Establishing illegal funds); Article 206, Clause 2 and 3 (Violations against regulations on operation of credit institutions and branches of foreign banks); Article 207 (Production, storage, transport of counterfeit money); Article 208 (Production, storage, transport, circulation of counterfeit negotiable instruments or other valuable papers); Article 219, Clause 2 and 3 (Offences against regulations on the management and use of State-owned property that lead to losses or wastefulness); Article 220, Clause 2 and 3 (Offences against regulations on the management and use public capital that lead to serious consequences); Article 221, Clause 2 and 3 (Offences against regulations of law on accounting that lead to serious consequences); Article 222, Clause 2 and 3 (Offences against regulations of law on bidding that lead to serious consequences); Article 223, Clause 2 and 3 (Collusion with taxpayer that lead to serious consequences); Article 224, Clause 2 and 3 (Offences against regulations of law on investment in construction that lead to serious consequences); Article 243, Clause 2 and 3 (Forest destruction);

e) Article 248 (Illegal manufacturing of narcotic substances); Article 249 (Illegal storage of narcotic substances); Article 250 (Illegal transport of narcotic substances); Article 251 (Illegal trading of narcotic substances); Article 252 (Appropriation of narcotic substances); Article 253. Storage, transport, trading, or appropriation of precursors for illegal manufacturing of narcotic substances); Article 254, Clause 2 (Manufacturing, storage, transport, trading of instruments and equipment serving illegal manufacturing or use of narcotic substances); Article 255 (Illegal organization of use of narcotic substances); Article 256 (Concealment of illegal use of narcotic substances); Article 257 (Forcing others to use narcotic substances); Article 258. (Persuading or inciting others to use narcotic substances); Article 259, Clause 2 (Offences against regulations on management, use of narcotic substances, precursors, narcotic drugs, and psychotropic drugs);

g) Article 265, Clause 2 through 4 (Organizing illegal street races); Article 282 (Hijacking of an airplane or ship); Article 304 (Illegal manufacture, storage, transport, use, or appropriation of military weapons or devices); Article 299 (Terrorism); Article 301 (Taking hostages); Article 302 (Piracy); Article 303 (Destruction of work, facility, equipment important for national security); Article 304 (Illegal manufacture, storage, transport, use, or appropriation of military weapons or devices); Article 305, Clause 2 through 4 (Illegal manufacture, storage, transport, use, trading or appropriation of explosive materials); Article 309, Clause 2 through 4 (Illegal manufacture, storage, transport, use, spreading, trading or appropriation of radioactive substances or nuclear materials); Article 311, Clause 2 through 4 (Illegal manufacture, storage, transport, use, or trading of flammable or toxic substances);

h) Article 329, Clause 2 and 3 (Procuring a minor for prostitution);

i) Article 353, Clause 2 through 4 (Embezzlement); Article 354, Clause 2 through 4 (Taking bribes); Article 355, Clause 2 through 4 (Abuse of power or position for appropriation of property); Article 356, Clause 2 and 3 (Abuse of power or position in performance of official duties); Article 357, Clause 2 and 3 (Acting beyond authority in performance of duties); Article 358, Clause 2 through 4 (Abuse of power or position to influence another person for personal gain); Article 359, Clause 2 through 4 (Commission of fraud in performance of duties); Article 364, Clause 2 through 4 (Giving bribes); Article 365, Clause 2 through 4 (Brokering bribery);

k) Article 373, Clause 3 and 4 (Use of torture); Article 374, Clause 3 and 4 (Obtainment of testimony by force); Article 386, Clause 2 (Escape from detention facility or during escort or trial);

l) Disruption of peace, crimes against humanity, and war crimes specified in Article 421 through 425.

2. If the offence involves the offender's abuse of power or other acts of protecting the criminal, the offender shall face a penalty of 02 - 07 years' imprisonment.

Article 390. Misprision

1. Any person who knows about the preparation or commission of any of the crimes specified in Article 389 hereof but fails to report it, except for the cases in Clause 2 Article 19 hereof, shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. The person who fails to report the crime but does try to stop the criminal or reduce the consequences of the crime might be exempt from criminal responsibility or punishment.

Article 391. Disruption in court

1. Any person who insults jury members or other people present at the court or damages property shall be liable to a fine of from VND 10,000,000 to VND 100,000,000, face a penalty of up to 01 year's community sentence, or 03 - 12 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 03 years' imprisonment:

a) The court session has to be suspended;

b) A member of the trial panel is attacked.

Chapter XXV

INFRINGEMENTS UPON DUTIES AND RESPONSIBILITIES OF SERVICEMEN AND COOPERATORS WITH THE ARMY IN WARTIME

Article 392. People having criminal responsibility for infringement upon duties and responsibilities of servicemen

1. Servicemen, military workers and employees.

2. Reserve servicemen during training period.

3. Militia members in cooperation with the army in wartime.

4. Citizens recruited to the army.

Article 393. Giving orders against the law

1. Any person who abuses his/her position to give order against the law and as a result causes serious consequences shall face a penalty of up to 03 years' community sentence or 06 - 60 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence is committed in battle;

b) The offence is committed in a warzone;

c) The offence is committed during a rescue mission;

d) The offence is committed in time of emergency;

dd) The offence results in very serious consequences.

3. If the offence results in extremely serious consequences or in other extremely serious cases, the offender shall face a penalty of 07 - 15 years' imprisonment.

Article 394. Insubordination

1. Any person who defies or deliberately fails to follow an order given by a competent person shall face a penalty of 06 - 60 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offender is a commander or commissioned officer;

b) The offender drags another person into committing the offence;

c) The offence involves the use of violence;

d) The offence results in very serious consequences.

3. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offence is committed in battle;

b) The offence is committed in a warzone;

c) The offence is committed during a rescue mission;

d) The offence is committed in time of emergency;

dd) The offence results in very serious consequences.

4. If the offence results in extremely serious consequences, the offender shall face a penalty of 12 - 20 years' imprisonment or life imprisonment.

Article 395. Failure to strictly follow orders

1. Any person follows an order given by a competent person in an inattentive, tardy, or arbitrary manner and as a result causes serious consequences shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence is committed in battle;

b) The offence is committed in a warzone;

c) The offence is committed during a rescue mission;

d) The offence is committed in time of emergency;

dd) The offence results in very serious consequences or extremely serious consequences.

Article 396. Obstruction of companions from carrying out their duties

1. Any person who obstructs a companion from carrying out his/her mission and causes him/her to fail to accomplish or fully accomplish the mission shall face a penalty of up to 03 years' community sentence or 03 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offender is a commander or commissioned officer;

b) The offender drags another person into committing the offence;

c) The offence involves the use of violence;

d) The offence results in serious consequences or very serious consequences.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The offence is committed in battle;

b) The offence is committed in a warzone;

c) The offence is committed during a rescue mission;

d) The offence is committed in time of emergency;

dd) The offence results in extremely serious consequences.

Article 397. Insulting companions

1. Any person who seriously insults his/her companion in their working relationship shall face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 05 years' imprisonment:

a) The offender is a commander or commissioned officer;

b) The offence is committed against a commander or superior officer;

c) The offence is committed because of the victim's official duties;

dd) The offence is committed in a warzone;

dd) The offence has been committed more than once;

e) The offence is committed against ≥ 02 people;

g) The offence results in ≥ 46% mental and behavioral disability of the victim;

h) The offence results in the suicide of the victim.

Article 398. Assaulting companions

1. Any person who deliberately inflicts bodily harm to his/her companion in working relationship, except for the cases in Article 135 hereof, shall face a penalty of up to 03 years' community sentence or 03 - 24 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offender is a commander or commissioned officer;

b) The offence is committed against a commander or superior officer;

c) The offence is committed because of the insulted person's official duties;

dd) The offence is committed in a warzone;

dd) The offence results in serious consequences, very serious consequences or extremely serious consequences.

Article 399. Surrendering to enemy

1. Any person surrenders himself/herself to the enemy shall face a penalty of 03 - 10 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 15 years' imprisonment:

a) The offender is a commander or commissioned officer;

b) The offender surrenders a weapon or military equipment to the enemy;

c) The offender provides important documents or discloses military secrets to the enemy;

d) The offender drags another person into committing the offence;

dd) The offence results in serious consequences or very serious consequences.

3. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment or life imprisonment:

a) The offender provides or classified documents or items, or discloses classified information to the enemy;

b) The offence results in extremely serious consequences.

Article 400. Providing information or voluntarily working for the enemy as a prisoner of war

1. Any person who provides secret military information or voluntarily works for the enemy while being captured as a prisoner of war shall face a penalty of 01 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 12 years' imprisonment:

a) The offender is a commander or commissioned officer;

b) The offender treats other prisoners cruelly;

c) The offender persuades another person to commit this offence;

d) The offence results in serious consequences or very serious consequences.

3. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment:

a) The offender provides or classified documents or items, or discloses classified information to the enemy;

b) The offence results in extremely serious consequences.

Article 401. Abandonment of combat position or failure to discharge duties in battle

1. Any person who abandons his/her combat position or fails to discharge his/her duties in battle shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 05 - 12 years' imprisonment:

a) The offender is a commander or commissioned officer;

b) The offender abandons military equipment or military secret documents;

c) The offender drags another person into committing the offence;

d) The offence results in serious consequences or very serious consequences.

3. If the offence results in extremely serious consequences, the offender shall face a penalty of 10 - 20 years' imprisonment.

Article 402. Desertion

1. Any person who leaves the unit to evade military service whether in wartime or does so despite the fact that he/she was disciplined for the same offence or causes serious consequences shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offender is a commander or commissioned officer;

b) The offender drags another person into committing the offence;

c) The offender carries, abandons military weapons or equipment or secret documents;

d) The offence results in very serious consequences.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 12 years' imprisonment:

a) The offence is committed in battle;

b) The offence is committed in a warzone;

c) The offence is committed during a rescue mission;

d) The offence is committed in time of emergency;

dd) The offence results in extremely serious consequences.

Article 403. Breaches of duty

1. Any person who injures himself/herself or employs other deceitful methods to evade discharging his/her duties shall face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offender is a commander or commissioned officer;

b) The offender drags another person into committing the offence;

c) The offence is committed in wartime;

d) The offence is committed during a rescue mission;

dd) The offence is committed in time of emergency;

e) The offence results in very serious consequences.

3. If the offence results in very serious consequences or extremely serious consequences, the offender shall face a penalty of 05 - 10 years' imprisonment.

Article 404. Deliberate disclosure of military secrets

1. Any person who deliberately discloses military secrets, except for the cases specified in Article 110, 337, and 361 hereof, shall face a penalty of 06 - 60 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offender is a commander or commissioned officer;

b) The offence is committed in a warzone;

c) The offence is committed in battle;

d) The offence results in serious consequences, very serious consequences or extremely serious consequences.

Article 405. Appropriation, trading, or destruction of military secret documents

1. Any person who appropriates, buys, sells, or destroys military secret documents, except for the cases specified in Article 110, 337, and 361 hereof, shall face a penalty of 06 - 60 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offender is a commander or commissioned officer;

b) The offence is committed in a warzone;

c) The offence is committed in battle;

d) The offence results in serious consequences, very serious consequences or extremely serious consequences.

Article 406. Involuntary disclosure of military secrets

1. Any person who involuntarily discloses military secrets, except for the cases specified in Article 338 and 362 hereof, shall face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 05 years' imprisonment:

a) The offender is a commander or commissioned officer;

b) The offence is committed in a warzone;

c) The offence is committed in battle;

d) The offence results in serious consequences, very serious consequences or extremely serious consequences.

Article 407. Loss of military secret documents

1. Any person who loses military secret documents, except for the cases specified in Article 338 and 362 hereof, shall face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 01 - 05 years' imprisonment:

a) The offender is a commander or commissioned officer;

b) The offence is committed in a warzone;

c) The offence is committed in battle;

d) The offence results in serious consequences, very serious consequences or extremely serious consequences.

Article 408. Making false records

1. Any person who deliberately makes false records on military operations and causes serious consequences shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence is committed in battle;

b) The offence is committed in a warzone;

c) The offence is committed in time of emergency;

d) The offence results in very serious consequences or extremely serious consequences.

Article 409. Breaches of guard duty

1. Any person who fails to strictly discharge his guard duty and causes serious consequences shall face a penalty of up to 03 years' community sentence or 06 - 60 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence is committed in battle;

b) The offence is committed in a warzone;

c) The offence is committed during a rescue mission;

d) The offence is committed in time of emergency;

dd) The offence results in very serious consequences or extremely serious consequences.

Article 410. Offences against regulations of law on protection

1. Any person who fails to strictly comply with regulations on patrol, guard, escort in any of the following cases shall face a penalty of up to 03 years' community sentence or 06 - 60 months' imprisonment:

a) The guarded or escorted person is injured;

b) The offence results in damage of military equipment;

c) The offence results in property damage of from VND 100,000,000 to VND 500,000,000;

d) The offence results in very serious consequences.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offence results in the death of the guarded or escorted person;

b) The offence results in loss of military equipment;

c) The offence is committed in battle;

dd) The offence is committed in a warzone;

dd) The offender persuades another person to commit the offence;

e) The offence results in very serious consequences or extremely serious consequences.

Article 411. Offences against regulations of law on safety in battle or training

1. Any person who fails to strictly comply with regulations on safety in battle or training and causes serious consequences shall face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment.

2. If the offence results in very serious consequences or extremely serious consequences, the offender shall face a penalty of 03 - 10 years' imprisonment.

Article 412. Offences against regulations of law on use of military weapons or equipment

1. Any person who violates regulations on use of military weapons or equipment and causes serious consequences shall face a penalty of up to 03 years' community sentence or 06 - 60 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offence is committed in battle;

b) The offence is committed in a warzone;

c) The offence results in very serious consequences or extremely serious consequences.

Article 413. Infliction of damage or deliberate destruction of military weapons or equipment

1. Any person who damages or deliberately destroys a military weapon or a piece of military equipment, except for the cases specified in Article 114 and 303 hereof, shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 07 - 12 years' imprisonment:

a) The offence is committed in battle;

b) The offence is committed in a warzone;

c) The offender drags another person into committing the offence;

d) The offence results in very serious consequences.

3. If the offence results in very serious consequences or extremely serious consequences, the offender shall face a penalty of 12 - 20 years' imprisonment or life imprisonment.

Article 414. Loss or involuntary destruction of military weapons or equipment

1. Any person who is responsible for management of military weapons or equipment but loses or involuntary damages them and causes serious consequences shall face a penalty of up to 03 years' community sentence or 06 - 60 months' imprisonment.

2. If the offence results in very serious consequences or extremely serious consequences, the offender shall face a penalty of 03 - 07 years' imprisonment.

Article 415. Harassment of the people

1. Any person who harasses the people despite the fact that he/she was disciplined for the same offence or causing serious consequences shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offender is a commander or commissioned officer;

b) The offender drags another person into committing the offence;

c) The offence is committed in a warzone;

d) The offence is committed in an area where state of emergency is declared;

dd) The offence results in very serious consequences or extremely serious consequences.

Article 416. Abuse of military authority in performance of duties

1. Any person who, in performance of his/her official duties, abuses military authority and causes property damage of from VND 100,000,000 to under VND 500,000,000 to the State or an organization or individual shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. If the offence results in property damage of ≥ VND 500,000,000, the offender shall face a penalty of 03 - 07 years' imprisonment.

Article 417. Abandonment of wounded or dead soldiers or failure to treat wounded soldiers

1. Any person who is responsible but deliberately abandons a wounded or dead soldier in the battlefield or fails to treat a wounded soldier and causes the missing or death of such soldier shall face a penalty of up to 03 years' community sentence or 06 - 60 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 10 years' imprisonment:

a) The offender is a commander or commissioned officer;

b) The offence involves ≥ 02 wounded or dead soldiers.

Article 418. Appropriation or destruction of dead soldiers' mementos

1. Any person who appropriates or destroys a dead soldier's memento shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offender is a commander or commissioned officer;

b) The offence involves mementos of ≥ dead soldiers.

Article 419. Appropriation or destruction of war trophies

1. Any person who appropriates or destroys war trophies in battle or during battlefield clean-up shall face a penalty of up to 03 years' community sentence or 06 - 60 months' imprisonment.

2. This offence committed in any of the following cases shall carry a penalty of 03 - 07 years' imprisonment:

a) The offender is a commander or commissioned officer;

b) The war trophies are assessed at from VND 100,000,000 to under VND 500,000,000;

c) The offence had a negative impact on the army's reputation;

d) The war trophies have military value;

dd) The offence results in serious consequences or very serious consequences.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 10 years' imprisonment:

a) The war trophies are assessed at ≥ VND 500,000,000;

b) The war trophies have special military value;

c) The offence results in extremely serious consequences.

Article 420. Maltreatment of prisoners of war

Any person who maltreats a prisoner of war shall face a penalty of up to 01 year's community sentence or 03 - 24 months' imprisonment.

Chapter XXVI

DISRUPTION OF PEACE, CRIMES AGAINST HUMANITY, AND WAR CRIMES

Article 421. Disruption of peace, provocation of war of aggression

1. Any person who advocates or provokes a war of aggression or prepares, carries out, or participates in a war of aggression against the independence, sovereignty and territorial integrity of a nation or sovereign territory shall face a penalty of 12 - 20 years' imprisonment, life imprisonment, or death.

2. This offence is committed under pressure or order given by superior officers, the offender shall face a penalty of 10 - 20 years' imprisonment.

Article 422. Crimes against humanity

1. Any person who, whether in peacetime or wartime, commits genocide against population of an area, destroys sources of living, cultural or spiritual life of a nation or sovereign territory, upsets the foundation of a society in order to sabotage it, or commits other acts of genocide, or destroys of the environment shall face a penalty of 10 - 20 years' imprisonment, life imprisonment, or death.

2. This offence is committed under pressure or order given by superior officers, the offender shall face a penalty of 10 - 20 years' imprisonment.

Article 423. War crimes

1. Any person in wartime who orders or directly commits the murder of civilians, wounded people, or prisoner of wars; pillages; destroys residential areas; uses banned war instruments or methods or commits other acts that seriously violate international law or an international agreement to which Socialist Republic of Vietnam is a signatory shall face a penalty of 10 - 20 years' imprisonment, life imprisonment, or death

2. This offence is committed under pressure or order given by superior officers, the offender shall face a penalty of 10 - 20 years' imprisonment.

Article 424. Recruiting, training, or employing mercenaries

Any person who recruits, trains, or employs mercenaries to fight against a nation or sovereign territory shall face a penalty of 10 - 20 years' imprisonment or life imprisonment.

Article 425. Working as a mercenary

Any person who works as a mercenary to fight against a nation or sovereign territory shall face a penalty of 05 - 15 years' imprisonment.

Part Three

IMPLEMENTATION

Article 426. Effect

This Code comes into force from July 01, 2016.

Criminal Code No. 15/1999/QH10 and Law No. 37/2009/QH12 on amendment to Criminal Code are null and void from the effective date of this Code.

This Code was passed by the 13th National Assembly of the Socialist Republic of Vietnam, at its 6th session on November 27, 2015.

CHAIRMAN OF THE NATIONAL ASSEMBLY

Nguyen Sinh Hung

Unofficial translated by LPVN