

Extracts from the Criminal Code

Act No. 40/2009 Coll., the Criminal Code

HEADING VI

ECONOMIC CRIMINAL OFFENCES

Part 1

Criminal offences against the currency and payment instruments

Article 233

Money counterfeiting and alteration

(1) Anyone who supplies themselves or anybody else with counterfeit or altered money or anti-counterfeiting elements of money or who keeps such money or elements shall be punished by imprisonment for a term of one to five years.

(2) Anyone who counterfeits or alters money with the intention to pass it on as genuine or valid or as money of higher value or anyone who passes on counterfeit or altered money as genuine or valid or as money of higher value shall be punished by imprisonment for a term of three to eight years.

(3) An offender shall be punished by imprisonment for a term of five to ten years or by forfeiture of property:

a) if he or she commits an offence referred to in paragraph 1 or 2 as a member of an organised group, or

b) if he or she commits such an offence on a significant scale.

(4) An offender shall be punished by imprisonment for a term of eight to twelve years or by forfeiture of property:

a) if he or she commits an offence referred to in paragraph 1 or 2 as a member of an organised group operating in more than one country, or

b) if he or she commits such an offence on a large scale.

(5) Preparation shall be punishable.

Article 234

Unauthorised supply, counterfeiting and alteration of a payment instrument

(1) Anyone who supplies themselves or anybody else with anybody else's payment instrument, in particular a non-transferable payment card identifiable by name or number, electronic money, an order to clear, a traveller's cheque or a cheque guarantee card, or who makes available, accepts or keeps such an instrument without the consent of the authorised holder, shall be punished by imprisonment for a term of up to two years, by a prohibition of activity or by forfeiture of a thing or other property value.

(2) Anyone who supplies themselves or anybody else with a counterfeit or altered payment instrument or who makes available, accepts or keeps such an instrument shall be punished by imprisonment for a term of one to five years.

(3) Anyone who counterfeits or alters a payment instrument with the intention to use it as genuine or valid or who uses a counterfeit or altered payment instrument as genuine or valid shall be punished by imprisonment for a term of three to eight years.

(4) An offender shall be punished by imprisonment for a term of five to ten years or by forfeiture of property:

a) if he or she commits an offence referred to in paragraph 1, 2 or 3 as a member of an organised group, or

b) if he or she commits such an offence on a significant scale.

(5) An offender shall be punished by imprisonment for a term of eight to twelve years or by forfeiture of property:

a) if he or she commits an offence referred to in paragraph 1, 2 or 3 as a member of an organised group operating in more than one country, or

b) if he or she commits such an offence on a large scale.

(6) Preparation shall be punishable.

Article 235

Passing on counterfeit and altered money

Anyone who passes on as genuine counterfeit or altered money paid to them as genuine shall be punished by imprisonment for a term of up to two years, by a prohibition of activity or by forfeiture of a thing or other property value.

Article 236

Manufacture and keeping of forger's tools

(1) Anyone who manufactures, offers, sells, procures or otherwise makes available, supplies themselves or anybody else or keeps a tool, device or part thereof, process, aid or any other means, including a computer program, created or modified for counterfeiting or altering money or anti-counterfeiting elements of money or created or modified for counterfeiting or altering payment instruments shall be punished by imprisonment for a term of up to two years, by a prohibition of activity or by forfeiture of a thing or other property value.

(2) If an offender commits an offence referred to in paragraph 1 in the execution of his job he or she shall be punished by imprisonment for a term of one to five years or with a fine.

Article 237

Unauthorised manufacture of money

(1) Anyone who manufactures money or anti-counterfeiting elements of money unlawfully using equipment or materials for manufacturing money designated and held in accordance with the law, or who supplies themselves or anybody else with unlawfully manufactured money or anti-counterfeiting elements of money or who puts into circulation or keeps such money or elements shall be punished by imprisonment for a term of one to five years.

(2) An offender shall be punished by imprisonment for a term of three to eight years:

a) if he or she commits an offence referred to in paragraph 1 as a member of an organised group, or

b) if he or she commits such an offence on a significant scale.

(3) An offender shall be punished by imprisonment for a term of five to ten years:

a) if he or she commits an offence referred to in paragraph 1 as a member of an organised group operating in more than one country, or

b) if he or she commits such an offence on a large scale.

(4) Preparation shall be punishable.

Article 238

Common provisions

Protection under Articles 233–237 shall be provided also to non-domestic money and payment instruments and to domestic and foreign securities.

Article 239

Jeopardising the circulation of domestic money

(1) Anyone who unlawfully manufactures or issues substitutes of domestic money or who unlawfully puts such substitutes into circulation shall be punished by imprisonment for a term of up to six months, by a prohibition of activity or by forfeiture of a thing or other property value.

(2) The same punishment shall be applied to anyone who:

a) refuses domestic money without legal reason, or

b) mutilates domestic money.

Part 4

Criminal offences against industrial property rights and against copyright

Article 270

Violation of copyright, rights related to copyright and database rights

(1) Anyone who unlawfully encroaches upon the legally protected rights pertaining to an author's work, an artist's performance, an audio or audio-visual recording, a radio or television broadcast or a database in a non-negligible manner shall be punished by imprisonment for a term of up to two years, by a prohibition of activity or by forfeiture of a thing or other property value.

(2) An offender shall be punished by imprisonment for a term of six months to five years, with a fine or by forfeiture of a thing or other property value:

a) if the offence referred to in paragraph 1 displays the features of commercial or other business activity,

b) if he or she gains significant profit for themselves or for anybody else by committing such an offence or thereby causes significant damage to anybody else, or

c) if he or she commits such an offence on a significant scale.

(3) An offender shall be punished by imprisonment for a term of three to eight years:

a) if he or she gains large-scale profit for themselves or for anybody else by committing an offence referred to in paragraph 1 or thereby causes large-scale damage to anybody else, or

b) if he or she commits such an offence on a large scale.