

Penal Law

Liberian Codes Revised

Volume IV, Title 26

TITLE 26

Penal Law

Approved July 19, 1976

Published April 3, 1978

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PART I

General Provisions

Chapter 1. Preliminary Provisions

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§ 1.1. Purposes.

The general purposes of this title are to establish a system of prohibitions and penalties to deal with conduct that unjustifiably and inexcusably causes or threatens to harm those individual or public interests for which government protection of this kind is appropriate. To this end, the provisions of this title are intended to achieve the following objectives:

- (a) To define adequately the act and mental state which constitute each offense;
- (b) To safeguard conduct that is without guilt from condemnation as criminal;
- (c) To prevent arbitrary or oppressive treatment of persons accused or convicted of crime;
- (d) To insure the public safety through (i) the deterrent influence of the penalties hereinafter provided; (ii) insofar as feasible, the rehabilitation of those convicted of offenses; and (iii) such confinement as may be necessary to prevent likely recurrence of serious criminal behavior;
- (e) To prescribe the penalties which are appropriate to the seriousness of offenses and which are appropriate on applying the different methods of insuring public safety as named in paragraph (d).

§ 1.2. Construction of title.

The rule that a penal statute is to be strictly construed does not apply to this title, but the provisions herein shall be construed according to the fair import of their terms and when the language is susceptible of differing constructions it shall be interpreted to further the general purposes stated in Section 1.1 and the special purposes of the particular provisions involved.

§ 1.3. Application of title to offenses committed before and after effective date.

The provisions of this title shall apply to all offenses defined in this title and committed after the effective date thereof. The provisions of this title shall apply to all offenses defined outside this title

and committed after the effective date thereof, unless the context otherwise requires. Offenses committed prior to the effective date of this title shall be governed by the law, statutory or non-statutory, existing at the time of the commission thereof, except that a defense or limitation on any penalty available under this title shall be available to any defendant tried or retried after the effective date. For the purposes of this section an offense has been committed prior to the effective date only if all elements of the offense occurred prior thereto.

§ 1.4. Territorial applicability.

1. *Extraterritorial jurisdiction.* Except as otherwise expressly provided, extraterritorial jurisdiction over an offense exists when:

- (a) The offense is treason, or is espionage or sabotage by a national of Liberia;
- (b) The offense consists of forgery or counterfeiting, or an uttering of forged copies or counterfeits, of the seals, currency, stamps, passports, or public documents issued by the Government of Liberia;
- (c) The accused participates outside Liberia in an offense against the laws of Liberia committed in whole or in part within Liberia or the offense constitutes an attempt, solicitation, or conspiracy to commit an offense within Liberia;
- (d) The offense involves entry of a person or property into Liberia;
- (e) The offense is committed by a public officer or employee who is outside the territory of Liberia because of his official duties or by a member of his household residing abroad; or
- (f) Jurisdiction is conferred upon Liberia by treaty.

2. *Offenses committed partly within Liberia.* A person is subject to prosecution in Liberia for an offense which he commits partly within Liberia. An offense is committed partly in Liberia if either the conduct which is an element of the offense or the result which is such an element, occurs within Liberia. In homicide, the "result" is either the physical contact which causes death or the death itself; and if the body of the homicide victim is found within Liberia, the death is presumed to have occurred within Liberia.

§ 1.5. All offenses defined by statute; application of general provisions of title.

1. *All offenses statutory.* No conduct constitutes an offense unless it is a crime or infraction under this title or another statute of Liberia.

2. *Application of general provisions of title.* The provisions of part I of this title are applicable to offenses defined by other titles, unless otherwise provided by law.

§ 1.6. Affirmative defenses.

1. *Affirmative defenses specified.* A ground for defense is affirmative when:

- (a) It arises under a section of this title which so provides; or
- (b) It relates to an offense defined by a statute other than this title and such statute so provides; or
- (c) It involves a matter of excuse of justification peculiarly within the knowledge of the defendant on which he can fairly be required to adduce supporting evidence.

2. *Raising of the issue.* Unless the prosecution's evidence raises the issue involved in an affirmative defense, the defendant, in order to raise the issue, must present some evidence of such defense.

3. *Burden of proof.* If the issue involved in an affirmative defense is raised, then the prosecution must sustain the burden of proving the defendant guilty beyond a reasonable doubt as to that issue together with all the other elements of the defense.

§ 1.7. General Definitions.

In this title, unless a different meaning is plainly required:

- (a) "act" or "action" means a bodily movement whether voluntary or involuntary;
- (b) "actor" means any natural person and, where relevant, an organization;
- (c) "bodily injury" means physical pain, illness or any impairment of physical function;
- (d) "deadly weapon" means any firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner is used or is intended to be used is known to be capable of producing death or serious bodily injury;
- (e) "element of an offense" means (i) the forbidden conduct, including attendant circumstance; (ii) the required culpability; (iii) any required result; and (iv) the non-existence of a defense as to which there is evidence in the case sufficient to give rise to a reasonable doubt on the issue;
- (f) "force" means physical action;
- (g) "human being" means a person who has been born and is alive;
- (h) "intentionally" or "with intent" means purposely;
- (i) "knowingly" or "with knowledge" has the meaning specified in section 2.2;
- (j) "negligently" has the meaning specified in Section 2.2
- (k) "person" means a human being, and where relevant, an organization;
- (l) "public servant" means an officer or employee of the Government or a person authorized to act for or on behalf of the Government or serving the Government as an adviser or consultant. The term includes members of the Legislature, judges, and jurors;
- (m) "purposely" or "with purpose" has the meaning specified in Section 2.2;
- (n) "reasonably believes" means a belief which the actor is not reckless or negligent in holding;
- (o) "recklessly" or "with recklessness" has the meaning specified in Section 2.2;
- (p) "serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ;
- (q) "thing of value" means a gain or advantage or anything regarded, or which might reasonably be regarded, by the beneficiary as a gain or advantage, including a gain or advantage to any other person;
- (r) "thing of pecuniary value" means a thing of value in the form of money, tangible or intangible property, commercial interests or anything else the primary significance of which is economic gain;
- (s) "willfully" has the meaning specified in Section 2.2.

Chapter 2. Basis of Criminal Liability

- § 2.1. Requirement of voluntary conduct.
- § 2.2. Kinds of culpability.
- § 2.3. Requirement of culpability.
- § 2.4. Ignorance or mistake negating culpability.

§ 2.1. Requirement of voluntary conduct.

A person commits an offense only if he voluntarily engages in conduct, including an act, an omission or possession in violation of a statute which provides that the conduct is an offense.

§ 2.2. Kinds of culpability.

A person engages in conduct:

- (a) “purposely” if, when he engages in the conduct, it is his conscious object to engage in conduct of that nature or to cause the result of that conduct
- (b) “knowingly” if when he engages in the conduct he knows or has a firm belief unaccompanied by substantial doubt that he is doing so, whether or not it is his purpose to do so;
- (c) “recklessly” if he engages in the conduct in conscious and clearly unjustifiable disregard of a substantial likelihood of the existence of the relevant facts or risks;
- (d) “negligently” if he engages in the conduct in unreasonable disregard of a substantial likelihood of the existence of the relevant facts or risks;
- (e) “willfully” if he engages in the conduct purposely or knowingly unless further requirements appear from the definition of the offense;
- (f) “culpability” if he engages in the conduct purposely, knowingly, recklessly or negligently.

§ 2.3. Requirement of culpability.

1. *Culpability generally required.* Except as provided in paragraph 5, a person is not guilty of an offense unless he acted purposely, knowingly, recklessly, or negligently as the law may require, with respect to each material element of the offense.

2. *Degree of culpability required when not specified.* If a statute or regulation thereunder defining a felony or misdemeanor does not specify any culpability, the culpability that is required is established if the person acts purposely, knowingly, or recklessly with respect thereto.

3. *Specified culpability requirement satisfied by higher culpability.* If conduct is an offense if a person engages in it negligently, the conduct is an offense also if a person engages in it recklessly; the conduct is an offense also if a person engages in it purposely or knowingly. If conduct is an offense if a person engages in it knowingly, the conduct is an offense also if a person engages in it purposely.

4. *Knowledge or belief that conduct is an offense not required.* Except as otherwise expressly provided or unless the context otherwise requires, knowledge or belief that conduct is an offense, is not an element of the conduct constituting the offense.

5. *No requirement of culpability for infraction.* The requirement of culpability prescribed by paragraph 1 does not apply to offenses which constitute infractions unless the requirement involved is included in the definition of the offense or the court determines that its application is consistent with effective enforcement of the law defining the offense.

§ 2.4. Ignorance or mistake negating culpability.

Ignorance or mistake as a matter of law or fact is a defense if the ignorance or mistake negates the purpose, knowledge, belief, recklessness or negligence required to establish a material element of the offense. Although ignorance or mistake would otherwise afford a defense to the offense charged, the defense is not available if the defendant would be guilty of another offense had the situation been as he supposed. In such case, however, the ignorance or mistake of the defendant shall reduce the grade and degree of the offense of which he may be convicted to those of the offense of which he would be guilty had the situation been as he supposed.

Chapter 3. Complicity

§ 3.1. Accomplices.

§ 3.2. Corporate criminal liability.

§ 3.3. Criminal liability of associations other than corporations.

§ 3.4. Individual criminal liability for conduct on behalf of organizations.

§ 3.5. Exemption of foreign ambassadors and public ministers from criminal liability.

§ 3.1. Accomplices.

1. *Liability defined.* A person is guilty of an offense committed by the conduct of another person when:

- (a) Acting with the kind of culpability required for the offense, he causes or aids an innocent or irresponsible person to engage in such conduct; or
- (b) With the purpose that an offense be committed, he commands, induces, procures, or aids such other person to commit it or having a legal duty to prevent its commission, he fails to make proper effort to do so. A person is liable under this paragraph by the effort for the conduct of another person when he is either expressly or by implication made not accountable for such conduct by the statute defining the offense or related provisions, because he is a victim of the offense or because the offense is so defined that his conduct is inevitably incident to its commission.

2. *Defense precluded.* Except as otherwise provided, in any prosecution in which liability of the defendant is based upon the conduct of another person, it is no defense that:

- (a) The defendant does not belong to the class of persons who, because of their official status or other capacity or characteristic are by definition of the offense the only persons capable of directly committing it; or

- (b) The person for whose conduct the defendant is being held liable has been acquitted, has not been prosecuted or convicted or has been convicted of a different offense, or is immune from prosecution, or for some other reason cannot be brought to justice.

3. *Affirmative defense of renunciation and withdrawal.* It is an affirmative defense in a prosecution under paragraph (1) that, under circumstances manifesting a voluntary and complete renunciation of his culpable intent, the defendant attempted to prevent the commission of the offense by taking affirmative steps which substantially reduced the likelihood of the commission thereof. A renunciation is not “voluntary and complete” if it is motivated in whole or in part by (a) a belief that circumstances exist which increase the probability of detection or apprehension of the defendant or an accomplice or which make more difficult the consummation of the offense, or (b) a decision to postpone the offense until another time or to substitute another victim or another but similar objective.

§ 3.2. Corporate criminal liability.

1. *Liability defined.* A corporation may be convicted of the commission of the offense if:

- (a) The conduct constituting the offense is engaged in by an agent of the corporation while acting within the scope of his employment and on behalf of the corporation unless the offense is one defined by a statute which indicates a legislative purpose not to impose criminal liability on corporations. If the law governing the offense designates the agents for whose conduct the corporation is accountable or the circumstances under which it is accountable, such provisions shall apply.
- (b) The offense consists of an omission to discharge a specific duty of affirmative performance imposed on corporations by law, or
- (c) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or recklessly tolerated by the board of directors or by a high managerial agent acting within the scope of his employment and in behalf of the corporation.

2. *Definition.* As used in this section:

- (a) “corporation” does not include an entity organized as or by a governmental agency for the execution of a governmental program;
- (b) “agent” means any director, officer, servant, employee or other person authorized to act in behalf of the corporation;
- (c) “high managerial agent” means an officer of a corporation or any other agent of a corporation having duties of such responsibility that his conduct may fairly be assumed to represent the policy of the corporation.

3. *Defense.* In any prosecution of a corporation for the commission of an offense included within the terms of paragraph (1) (a) of this section other than an offense for which absolute liability has been imposed, it shall be a defense if the defendant proves by a preponderance of evidence that the high managerial agent having supervisory responsibility over the subject matter of the offense employed due diligence to prevent its commission. This paragraph shall not apply if it is plainly inconsistent with the legislative purpose in defining the particular offense.

§ 3.3. Criminal liability of associations other than corporations.

A partnership, joint stock company or unincorporated association, including a cooperative association, may be convicted under circumstances corresponding to those set forth in section 3.2 with respect to corporations.

§ 3.4. Individual criminal liability for conduct on behalf of organizations.

1. *Definition of "organization"*. As used in this section, "organization" means a corporation, partnership, joint stock company, or unincorporated association, including a cooperative association.

2. *Conduct on behalf of organization*. A person is criminally liable for any conduct he performs or causes to be performed in the name of any organization or in its behalf to the same extent as if the conduct were performed in his own name or behalf.

3. *Omission*. Except as otherwise expressly provided, whenever a duty to act is imposed upon an organization by a statute or regulation thereunder any agent of the organization having primary responsibility for the subject matter of the duty is criminally liable for an omission to perform the required act to the same extent as if the duty were imposed directly upon himself.

4. *Accomplice of organization*. When an individual is convicted of an offense as an accomplice of an organization, he is subject to the sentence authorized when a natural person is convicted of that offense.

5. *Default in supervision*. A person responsible for supervising relevant activities of an organization is guilty of an offense if his willful default in supervision within the range of that responsibility contributes to the occurrence of an offense for which the organization may be convicted, except that if the latter offense is a felony, conviction under this paragraph shall be a misdemeanor of the first degree.

§ 3.5. Exemption of foreign ambassadors and public ministers from criminal liability.

Ambassadors and public ministers of any foreign state or other persons enjoying diplomatic immunity together with members of the households and families shall not be subject to arrest, trial, service of criminal process, or conviction for offenses committed within Liberia, but the foregoing exemption shall not apply to any person who is a citizen of Liberia in the service of an ambassador, public minister or other person enjoying diplomatic immunity.

Chapter 4. Defenses Based on Lack of Criminal Responsibility

§ 4.1. Immaturity.

§ 4.2. Intoxication.

§ 4.3. Mental disease or defect.

§ 4.1. Immaturity.

A person is not criminally responsible for his behavior when he was less than sixteen years of age. In any prosecution for an offense, lack of criminal responsibility by reason of immaturity is an

affirmative defense. A person under eighteen years of age commits an act which would be an offense if committed by a person over eighteen shall be subject to the provisions of the Juvenile Court Procedural Code (Judiciary Law, Ch. 11).

§ 4.2. Intoxication.

1. *Defense precluded.* Except as provided in paragraph 4, intoxication is not, in itself a defense to a criminal charge; but in any prosecution for an offense, evidence of intoxication of the defendant may be offered by the defendant whenever it is relevant to negate an element of the offense charged, except as provided in paragraph 2.

2. *Recklessness.* When recklessness establishes an element of the offense, if the actor is unaware of a risk because of self-induced intoxication, such unawareness is immaterial.

3. *Not mental disease.* Intoxication does not in itself, constitute mental disease within the meaning of Section 4.3.

4. *When a defense.* Intoxication, by reason of which the actor at the time of his conduct lacks substantial capacity either to appreciate its criminality or to conform his conduct to the requirements of law, is an affirmative defense if

- (a) it is not self-induced, or
- (b) it is caused by substances which the actor has introduced into his body under duress.

5. *Definitions.* In this section:

- (a) "intoxication" means a disturbance of mental or physical capacities resulting from the introduction of alcohol, drugs, or other substances into the body;
- (b) "self-induced" means intoxication caused by substances which the actor knowingly introduces into his body, the tendency of which is to cause intoxication he knows or ought to know.

§ 4.3. Mental disease or defect.

A person is not criminally responsible for his conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity to form a rational judgment with regard to the criminality of such conduct or to conform his conduct to the requirements of law.

Chapter 5. Defense Involving Lack of Culpability

Subchapter A. Justification

§ 5.1. General provisions.

§ 5.2. Execution of public duty.

§ 5.3. Self-defense.

§ 5.4. Defense of others.

- § 5.5. Defense of property.
- § 5.6. Use of force in effecting arrest or preventing escape from custody.
- § 5.7. Prevention of suicide or commission of a crime.
- § 5.8. Use of force by persons with special responsibility for care, discipline or safety of others.
- § 5.9. Mistake of law as to unlawfulness of force or legality of arrest.
- § 5.10. Conduct which avoids greater harm.
- § 5.11. Definitions for subchapter A.

Subchapter B. Other defenses

- § 5.20. Duress.
- § 5.21. Entrapment.

Subchapter A. Justification

§ 5.1. General Provisions.

1. *Defense.* Except as otherwise expressly provided, justification under this chapter is an affirmative defense.

2. *Danger to innocent persons.* If a person is justified in using force against another, but he recklessly or negligently injures or creates a risk of injury to innocent persons, the justification afforded by this chapter is unavailable in a prosecution for such recklessness or negligence, as the case may be.

3. *When recklessness or negligence renders defense of justification unavailable.* When the person using force believes that the use of such force upon or toward the person of another is necessary for any of the purposes for which such belief would establish a justification under Section 5.2 through 5.8 but the person using force is reckless or negligent in having such belief, or in acquiring or failing to acquire any knowledge or belief, which is material to the justifiability of his use of force, the justification afforded by those sections is unavailable in a prosecution for an offense for which recklessness or negligence, as the case may be, suffices to establish culpability.

4. *Civil remedy unimpaired.* That conduct may be justified within the meaning of this subchapter does not abolish or impair any remedy for such conduct which is available in any civil action.

5. *Excessive force.* A person is not justified in using more force than he believes to be necessary and appropriate under the circumstances.

§ 5.2. Execution of public duty.

1. *Authority by law.* Subject to the other provisions of this title, conduct is justifiable when it is required or authorized by:

- (a) The law defining the duties or functions of a public officer or the assistance to be rendered to such officer in the performance of his duties or
- (b) The law governing the execution of legal process; or
- (c) The judgment or order of a competent court or tribunal; or
- (d) The law governing the armed services in the lawful conduct of war; or
- (e) Any other provisions of law imposing a public duty.

2. *Use of force by persons assisting public officer.* A person who has been directed by a public officer to assist that public officer is justified in using force to carry out the public officer's direction unless action taken by the public officer is plainly unlawful.

3. *Belief in unlawfulness of authority.* The justification afforded by paragraph 1 applies when the actor believes his conduct to be required or authorized by the judgment or direction of a competent court or tribunal or in the lawful execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process.

4. *Deadly force.* The use of deadly force in execution of a public duty is not justified unless the use of such force is otherwise expressly authorized by law or occurs in the lawful conduct of war.

§ 5.3. Self-defense.

1. *Use of force justifiable in self-defense.* Subject to the provisions of this section and of section 5.9 the use of force upon or toward another person is justifiable when the actor believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion.

2. *When use of force not justifiable.* The use of force is not justifiable under this section:

- (a) To assist an arrest, execution of process, or other performance of duty by a person whom the person using force knows to be a public officer acting under color of law, but excessive force may be resisted; or
- (b) If the person using force has intentionally provoked unlawful action by another person in order to cause bodily injury or death to such person, or has entered into mutual combat with another person or is the initial aggressor; but a person's use of defensive force after he withdraws from an encounter and indicates to the other person that he has done so is justified if the latter nevertheless continues or menaces unlawful action; or
- (c) To resist force used by the occupier or possessor of property or by another person on his behalf, where the person using force is doing so under a claim of right to protect the property, except that the use of force is justifiable if;
 - (i) The person using force is a public officer acting in the performance of his duties or a person lawfully assisting him therein or a person making or assisting in a lawful arrest; or
 - (ii) The person using force has been unlawfully dispossessed of the property and is making a re-entry or reaction justified by Section 5.5; or
 - (iii) The person using such force believes it necessary to protect himself against death or serious bodily harm.

3. *Deadly force.* The use of deadly force is not justifiable under this section unless the person using force believes that such force is necessary to defend himself against death, serious bodily harm, kidnapping, rape or sodomy compelled by force or threat; nor is it justifiable if the person using force knows that he can avoid the necessity of using such force with complete safety by retreating or by surrendering possession of a thing to a person asserting a claim of right thereto or by complying with a demand that he abstain from any action which he has no duty to take, except that:

- (a) The person using force is not obliged to retreat from his dwelling or place of work, unless he is the initial aggressor or is assailed in his place of work by another person whose place of work the person using force knows it to be; and
- (b) A public officer justified in using force in the performance of his duties, or a person justified in using force in his assistance, or a person justified in using force in making an arrest or preventing an escape, is not obliged to desist from efforts to perform such duty, effect such arrest, or prevent such escape, because of resistance or threatened resistance by or on behalf of the person against whom such action is directed.

4. *Use of force justifiable without abstaining from unlawful action.* Except as required by paragraph 2 and 3 of this section, a person employing defensive force may estimate the necessity thereof under the circumstances as he believes them to be when the force is used without retreating, surrendering possession, doing any other act which he has no legal duty to do or abstaining from any lawful action.

5. *Use of confinement as defensive force.* The justification afforded by this section extends to the use of confinement as defensive force only if the person using such force takes all reasonable measure to terminate the confinement as soon as he knows that he safely can, unless the person confined has been arrested on a charge of crime.

§ 5.4. Defense of others.

1. *Use of force justifiable for defense of other persons.* Subject to the provisions of this section and of section 5, the use of force upon or toward the person of another is justifiable to defend a third person when:

- (a) The person using force would be justified under Section 5.3 using such force to protect himself against the injury he believes to be threatened to the person whom he seeks to defend; and
- (b) Under the circumstances as the person using force believes them to be, the person whom he seeks to defend would be justified in using such protective force, and
- (c) The person using force believes that his intervention is necessary for the protection of such other person.

2. *When use of force conditional on retreat or other action.* Notwithstanding paragraph 1 of this section:

- (a) When the person using force would be obliged under section 5.3 to retreat, to surrender the possession of a thing or to comply with a demand before using force in self-defense, he is not obliged to do so before using force in defense of another, unless he knows that he can thereby secure the complete safety of such other person; and

- (b) When the person whom the person using force seeks to protect would be obliged under section 5.3. to retreat, to surrender the possession of a thing or to comply with a demand if he knew that he could obtain complete safety by so doing, the person using force is obliged to try to cause him to do so before using force in his defense if the person using force knows that he can obtain complete safety in that way, and
- (c) Neither the person using force nor the person whom he seeks to defend is obliged to retreat when in the other's dwelling or place of work to any extent than in his own.

§ 5.5. Defense of property.

1. *Use of force justifiable.* Subject to the provisions of this section and Section 5.9, the use of force upon or toward the person of another is justifiable when the person using force believes that such force is immediately necessary:

- (a) To prevent or terminate an unlawful entry or other trespass upon land or a trespass against or the unlawful carrying away of tangible, movable property, provided that such land or moveable property is, or is believed by the person using force to be, in his possession or in the possession of another person for whose protection he acts; or
- (b) To effect a re-entry upon land or to retake tangible movable property, provided that the person using force believes that he or the person by whose authority he acts or a person from whom such other person derives title was unlawfully dispossessed of such land or movable property and is entitled to possession, and provided, further, that:
 - (i) the force is used immediately or on the fresh pursuit after such dispossession; or
 - (ii) in the case of movable property, the person using force believes that the person against whom he uses force has the claim of right to the possession of the property.

2. *When request to desist necessary.* Except in those situations where the use of force by means of a device or instrumentality is allowable under paragraph 3, the use of force is justifiable under this section only if the person using force first requests the person whom such force is used to desist his interference with the property, unless the person using force believes that:

- (a) Such request would be useless; or
- (b) It would be dangerous to himself or another person to make the request; or
- (c) Substantial damage would be done to the property protected before the request could effectively be made.

3. *Use of device or instrumentality to protect property.* The justification afforded by this section extends to the use of a device or instrumentality for the purpose of protecting property only if:

- (a) The use of the particular device or instrumentality to protect the property is reasonable under the circumstances as the actor believes them to be; and
- (b) The device or instrumentality is one customarily used for such a purpose or reasonable care is taken to make known to probable intruders the fact that it is used.

4. *Use of confinement as protective force.* The justification afforded by this section extends to the use of confinement as protective force only if the person using such force takes all reasonable measures to terminate the confinement as soon as he knows that he can do so with safety to the property, unless the person confined has been arrested on a charge of crime.

5. *Use of force to pass wrongful obstructor.* The use of force to pass a person whom the person using force believes to be purposely or knowingly and unjustifiably obstructing the person using force from going to a place to which he may lawfully go is justifiable, provided that:

- (a) The person using force believes that the person against whom he uses force has no claim of right to obstruct the person using force; and
- (b) The person using force is not being obstructed from entry or movement on land which he knows to be in the possession or custody of the persons obstructing him, or in the possession or custody of another person by whose authority the obstructor acts unless force may be used justifiably under paragraph 1(b)(i); and
- (c) The force used is not greater than would be justifiable if the obstructor were using force against him to prevent his passage. The provisions of this paragraph do not, however, derogate from the right of a person to use force to enter premises declared justifiable under Section 5.2 of this title or Section 5.6 of this title or Section 10.3(3) of the Criminal Procedure Law (method of making an arrest).

5. *Deadly force.* The use of deadly force is not Justifiable under this section unless the person using force believes that:

- (a) The person against whom the force is used is attempting to dispossess him of his dwelling otherwise than under a claim of right to its possession; or
- (b) The person against whom the force is used is attempting to commit or consummate arson, burglary, robbery or other felonious theft or property destruction and either:
 - (i) has employed or threatened deadly force against or in the presence of the person claiming justification for using force; or
 - (ii) the use of force other than deadly force to prevent the commission of the crime would expose the person charged with using deadly force on another in his presence to substantial danger of serious bodily harm.

§ 5.6. Use of force in effecting arrest or preventing escape from custody.

1. *Force justifiable in effecting arrest.* Subject to the provision of this section and Section 5.9, the use of force upon or toward the person of another is justifiable when the actor is making or assisting in making arrest and the actor believes that such force is immediately necessary to effect a lawful arrest.

2. *Limitations on the use of force.* The use of force is not justifiable under paragraph (1) unless:

- (a) The actor makes known the purpose of the arrest, as required by Section 10.8 and 10.10 of the Criminal Procedure Law; and
- (b) When the arrest is made under a warrant, the warrant is valid or is believed by the actor to be valid.

3. *Use of deadly force to effect arrest.* The use of deadly force is not justifiable to effect an arrest unless all the following circumstances are present:

- (a) The arrest is for a felony; and
- (b) The person effecting the arrest is authorized to act as a peace officer or is assisting a person whom he believed to be authorized to act as peace officer; and
- (c) The actor believes that the force employed creates no substantial risk of injury to innocent persons; and
- (d) The actor believes that the crime for which the arrest is made involved conduct including the use or threatened use of deadly force; or there is a substantial risk that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed.

4. *Force justifiable in preventing escape from custody.* The use of force to prevent the escape of an arrested person from custody is justifiable when the force could justifiably have been employed to effect the arrest under which the person is in custody. A guard or other person authorized to act as a peace officer is justified in using any force, including deadly force, which he believes to be immediately necessary to prevent the escape of a person from a jail, prison, or other institution for the detention of persons charged with or convicted of a crime.

§ 5.7. Prevention of suicide or commission of a crime.

1. *When force justifiable.* The use of force upon or toward the person of another is justifiable when the person using force believes that such force is immediately necessary to prevent such other person from committing suicide or inflicting serious bodily harm upon himself, or committing or consummating the commission of a felony against the internal security of the Republic, or a crime involving or threatening bodily harm, damage to or loss of property, or a breach of the peace, except that any limitations imposed by the other provisions of this chapter on the justifiable use of force in self-defense, for the defense of others, the protection of property, the effectuation of an arrest or the prevention of an escape from custody shall apply notwithstanding the criminality of the conduct against which such force is used.

2. *Deadly force.* The use of deadly force is not in any event justifiable under this section unless:

- (a) The person using force believes that there is a substantial risk that the person whom he seeks to prevent from committing a crime will cause death or serious bodily harm to another unless this commission or the consummation of the crime is prevented and that the use of such force presents no substantial risk of injury to innocent persons; or
- (b) The person using force is authorized by law to suppress riots or mutinies and believes that the use of such force is necessary to suppress a riot or mutiny after the rioters or mutineers have been ordered to disperse and warned, in any particular manner that the law may require, that such force will be used if they do not obey.

3. *Confinement.* The justification afforded by this section extends to the use of confinement as preventive force only if the person using such force takes all reasonable measures to terminate the confinement as soon as he knows that he safely can, unless the person confined has been arrested on a charge of crime.

§ 5.8. Use of force by persons with special responsibility for care, discipline, or safety of others.

1. *Parent, guardian or teachers.* The use of force upon or toward the person of another is justifiable if the actor is the parent, guardian, or other person responsible for the care and supervision of a minor under eighteen years old or teacher or other person responsible for the care and supervision of such a minor for a special purpose, or a person acting at the direction of any of the foregoing persons, if the force is used for the purpose of safeguarding or promoting his welfare including prevention and punishment of his misconduct, and the maintenance of proper discipline. The force used for these purposes must not be designed to cause or known to create a substantial risk of causing death, serious bodily injury, disfigurement or degradation.

2. *Guardian of incompetent.* The use of force upon or toward the person of another is justifiable if the actor is the guardian or other person similarly responsible for the general care and supervision of an incompetent person and the force is used for the purpose of safeguarding or promoting his welfare, including the prevention of his misconduct or when he is in a hospital or other situation for this care and custody, for the purpose of maintaining reasonable discipline in the institution. The force used for these purposes must not be designed to cause or known to create a substantial risk of causing death, serious bodily injury, disfigurement or degradation

3. *Doctor or other therapist.* The use of force upon or toward the person of another is justifiable if the actor is a doctor or other therapist or a person assisting him at his direction and the force is used for the purpose of administering a recognized form of treatment which the person using force believes to be adapted to promoting the physical or mental health of the patient if the treatment is administered (a) in an emergency or (b) with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of his parent, guardian, or other person entrusted with his care and supervision.

4. *Official or employee of correctional institution.* The use of force upon or toward the person of another is justifiable if the actor is a warden or other authorized official or employee of a correctional institution and the force is used for the purpose of enforcing the lawful rules or procedures of the institution. The force used for these purposes must not be of a nature or degree forbidden by Chapter 34 (Imprisonment) of the Criminal Procedure Law, and deadly force may be used only when otherwise justifiable under this chapter.

5. *Person responsible for safety and order of vessel or aircraft.* The use of force upon or toward the person of another is justifiable if the actor is responsible for the safety and order of a vessel or an aircraft or a person acting at his direction and the force is used to prevent interference with the operation of the vessel or aircraft, or obstruction of the execution of a lawful order. Deadly force may be used only when otherwise justifiable under this chapter.

6. *Persons maintaining safety and order in vehicle or place of assembly.* The use of force upon or toward the person of another is justifiable if the actor is authorized or required by law to maintain safety and order in a vehicle, train, or other carrier or in a place where others are assembled and the force is used for such purpose. Deadly force may be used only when otherwise justifiable under this chapter.

§ 5.9. Mistake of law as to unlawfulness of force or legality of arrest.

The justification afforded by Section 5.3 through 5.7 is unavailable when:

- (a) The belief of the actor in the unlawfulness of the force or conduct against which he employs protective force on his behalf in the lawfulness of an arrest which he endeavors to affect by force is erroneous; and
- (b) His error is due to ignorance or mistake as to the provision of this title, any other provision of the Criminal Law or the law governing the legality of an arrest or search.

§ 5.10. Conduct which avoids greater harm.

Conduct is justified if the actor believes it is necessary to avoid harm clearly greater than the harm which might result from such conduct and the situation developed through no fault of the actor; provided that neither this title nor other law defining the offense provides exceptions or defenses dealing with the specific situation involved; and a legislative purpose to exclude the justification claimed does not otherwise plainly appear. The necessity and justifiability of such conduct may not rest upon considerations pertaining only to the morality and advisability of the penal statute defining the offense; either in its general application or with respect to its application to a particular class of cases arising thereunder.

§ 5.11. Definitions for subchapter A.

In this chapter:

- (a) “force” means physical action, threat or menace against another and includes confinement;
- (b) “deadly force” means force which a person uses with the purpose of causing, or which he knows to create a substantial risk of causing death or serious bodily injury. Purposely firing a firearm in the direction of another person or at a moving vehicle in which another person is believed to be, constitutes deadly force. A threat to cause death or serious bodily injury by the production of a weapon or otherwise, so long as the actor’s purpose is limited to creating an apprehension that he will use deadly force if necessary, does not constitute deadly force;
- (c) “dwelling” means any building or structure, though movable or temporary, or a portion thereof, which is for the time being a person’s home, or place of lodging.

Subchapter B. Other Defenses

§ 5.20. Duress.

1. *Defense to prosecution.* In a prosecution for any offense it is an affirmative defense that the actor engaged in the prescribed conduct because he was coerced to do so by the use of, or a threat to use, unlawful force against his person or the person of another, which a person of reasonable firmness in his situation would have been unable to resist.

2. *When defense precluded.* The defense defined in this section is not available to a person who by voluntarily entering into a criminal enterprise, or otherwise, willfully or recklessly placed himself in a situation in which it was foreseeable that he would be subjected to duress. The defense is also unavailable if he was negligent in placing himself in such a situation, whenever negligence suffices to establish culpability for the offense charged.

3. *Women acting on command of husband.* It is not a defense that a woman acted on the command or in the presence of her husband, unless she acted under such coercion as would establish a defense under this section.

4. *Conduct justifiable under Section 5.10.* When the conduct of the actor would otherwise be justifiable under section 5.10, this section does not preclude such defense.

§ 5.21. Entrapment.

1. *Definition.* A public law enforcement official or a person acting in cooperation with such an official perpetrates an entrapment if for the purpose of obtaining evidence of the commission of an offense he solicits, encourages or otherwise induces another person to engage in conduct constituting such offense when he is not otherwise disposed to do. Conduct merely affording a person an opportunity to commit an offense does not constitute entrapment.

2. *Entrapment a defense.* Except as provided in paragraph 3 of this section, a person prosecuted for an offense shall be acquitted if he proves by a preponderance of the evidence that this conduct occurred in response to an entrapment.

3. *When defense unavailable.* The defense afforded by this section is unavailable when causing or threatening bodily injury is an element of the offense charged and the prosecution is based on conduct causing or threatening such injury to a person other than the person perpetrating the entrapment.

PART II.

SPECIFIC OFFENSES

Chapter 10. Inchoate Offenses

- § 10.1. Criminal attempt.
- § 10.2. Criminal facilitation.
- § 10.3. Criminal solicitation.
- § 10.4. Criminal conspiracy.
- § 10.5. Multiple convictions.

§ 10.1. Criminal attempt.

1. *Offense.* A person is guilty of criminal attempt if, acting with the kind of culpability otherwise required for commission of an offense, he purposely engages in conduct constituting a substantial step toward commission of the offense. A substantial step is any conduct, whether act, commission, or possession, which is strongly corroborative of the firmness of the actor's intent to complete the commission of the offense. Factual or legal impossibility of commission of the offense is not a

defense if the offense could have been committed had the attendant circumstances been as the actor believed them to be.

2. *Conduct designed to aid another to commit a crime.* A person who engages in conduct intending to aid another to commit an offense is guilty of criminal attempt if the conduct would establish his complicity under Section 3.1 were the offenses committed by the other person, even if the other is not guilty of committing or attempting the offense.

3. *Renunciation.* It is a defense to prosecution under this section that, under circumstances manifesting a voluntary and complete renunciation of his culpable intent, the defendant avoided the commission of the offense attempted by abandoning his culpable effort and, if where abandonment was insufficient to accomplish such avoidance, by taking further steps which prevented the commission thereof. A renunciation is not "voluntary and complete" if it is motivated in whole or in part by (a) a belief that a circumstance exists which increases the probability of detection or apprehension of the defendant or an accomplice or which makes more difficult the consummation of the offense or (b) a decision to postpone the offense until another time or to substitute another victim or another but similar objective.

4. *Grading.* Criminal attempt is an offense of the same class as the offense attempted, except that (a) an attempt to commit a felony of the first degree shall be a felony of the second degree, and (b) whenever it is established by the preponderance of the evidence at sentencing that the conduct constituting the attempt did not come dangerously close to commission of the offense, an attempt to commit a felony of the second degree shall be felony of the third degree and an attempt to commit a felony of the third degree shall be a misdemeanor of the first degree.

§ 10.2. Criminal facilitation.

1. *Offense.* A person is guilty of criminal facilitation who, believing it probable that he is rendering aid to a person who intends to commit a crime, engages in conduct which provides such person with means or opportunity for the commission thereof and which in fact aids such person to commit a felony. This section does not apply to a person who is either expressly or by implication, made not accountable by the statute defining the felony facilitated or related statutes.

2. *Defense precluded.* It is no defense to a prosecution under this section that the person whose conduct the defendant facilitated has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense, is immune from prosecution, or for some other reason cannot be brought to justice.

3. *Grading.* Facilitation of a felony of the first degree is a felony of the third degree. Facilitation of a felony of the second degree or felony of the third degree is misdemeanor of the first degree.

§ 10.3. Criminal solicitation.

1. *Offense.* A person is guilty of criminal solicitation if he commands, induces, entreats, or otherwise attempts to persuade another person to engage in conduct which if committed would be a felony, whether as principal or accomplice, with the purpose of promoting or facilitating the commission of that crime, and under circumstances strongly corroborative of that purpose.

2. *Defense.* It is an affirmative defense to a prosecution under this section that, if the criminal objectives were achieved, the defendant would be a victim of the offense or the offense is so defined that his conduct would be inevitably incident to its commission or he otherwise would not be guilty under the statute defining the offense or as an accomplice under section 3.1.

3. *Defense precluded.* It is no defense to a prosecution under this section that the person solicited could not be guilty of the offense because of lack of responsibility or culpability, or other incapacity or defense.

4. *Renunciation and withdrawal.* It is an affirmative defense to a prosecution under this section that the defendant after soliciting another person to commit a felony persuaded him not to do so or otherwise prevented the commission of the felony, under circumstances manifesting a complete and voluntary renunciation of the defendant's criminal intent. A renunciation is not "voluntary and complete" if it is motivated in whole or in part by (a) a belief that a circumstance exists which increases the probability of detection or apprehension of the defendant or another or which makes more difficult the consummation of the crime, or (b) a decision to postpone the crime until another time or to substitute another victim or another but similar objective.

5. *Grading.* Criminal solicitation shall be subject to the penalties provided for attempt in Section 10.1(4).

§ 10.4. Criminal conspiracy.

1. *Offense.* A person is guilty of conspiracy to commit a crime if, with the purpose of promoting or facilitating its commission, he agrees with one or more persons to engage in or cause the performance of conduct which constitutes the crime, and any one or more of such persons does an act to effect the object of the conspiracy.

2. *Scope of conspiratorial relationship.* If a person knows that one with whom he agrees has agreed or will agree with another to effect the same objective, he shall be deemed to have agreed with the other, whether or not he knows the other's identity.

3. *Conspiracy with multiple criminal objectives.* If a person conspires to commit a number of crimes, he is guilty of only one conspiracy so long as such multiple crimes are the object of the same agreement or continuous conspiratorial relationship.

4. *Duration of conspiracy.* A conspiracy shall be deemed to continue until the crime which is its object is committed or the agreement that it be committed is abandoned by the defendant and by those with whom he conspired. A conspiracy shall be deemed to have been abandoned if no overt act to effect its objectives has been committed by any conspirator during the applicable period of limitations. If an individual abandons the agreement, the conspiracy is terminated as to him only if and when he timely advises those with whom he has agreed of his abandonment or by timely informing a law enforcement officer of the existence of the conspiracy.

5. *Defense.* It is an affirmative defense to a prosecution under this section that, if the criminal object were achieved, the defendant would not be guilty under the statute defining the offense or as an accomplice under section 3.1.

6. *Defense precluded.* It is no defense to a prosecution under this section that the person with whom such person is alleged to have conspired has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense, is immune from prosecution, or for some other reason cannot be brought to justice.

7. *Renunciation and withdrawal.* It is an affirmative defense to a prosecution under this section that the defendant after agreeing with another that one or more of the conspirators will engage in criminal conduct, persuaded him or them not to engage in such conduct or otherwise prevented the commission of the crime under circumstances manifesting a voluntary and complete renunciation of his criminal intent. A renunciation is not “voluntary and complete” if it is motivated in whole or in part by (a) a belief that a circumstance exists which increases the probability of detection or apprehension of the defendant or another conspirator or which makes more difficult the consummation of the crime, or (b) a decision to postpone the crime until another time or to substitute another victim or another but similar objective.

8. *Liability as accomplice.* Accomplice liability for offenses committed in furtherance of the conspiracy is to be determined as provided in section 3.1.

9. *Grading.* The penalties provided for criminal attempt in section 10.1 (4) shall be applicable to persons convicted of conspiracy.

§ 10.5. Multiple Convictions.

A person may not be convicted of more than one offense defined by this chapter for conduct designed to commit or to culminate in the commission of the same crime.

Chapter 11. Offenses Against Internal Security

- § 11.1. Treason.
- § 11.2. Penalty for treason.
- § 11.3. Armed insurrection.
- § 11.4. Advocating armed insurrection.
- § 11.5. Para-military activities.
- § 11.6. Sabotage.
- § 11.7. Recklessly impairing military effectiveness.
- § 11.8. Espionage.
- § 11.9. Mishandling sensitive information.
- § 11.10. Avoiding military service obligations.
- § 11.11. Criminal libel against the President.
- § 11.12. Seditious.
- § 11.13. Mercenarism.
- § 11.14. Criminal malevolence.

§ 11.1. Treason.

Treason against the Republic shall consist of:

- (a) levying war against the Republic;
- (b) aligning oneself with or aiding and abetting another nation or people with whom Liberia is at war or in a state of war;
- (c) acts of espionage for an enemy state;
- (d) attempting by overt act to overthrow the Government, rebellion against the Republic; insurrection and mutiny; and
- (e) abrogating or attempting to abrogate, subverting or attempting to or conspiring to subvert the Constitution by use of force, show of force or by any other means which attempts to undermine the Constitution of Liberia.

§ 11.2. Penalty for treason.

Any person who is convicted of treason shall:

- (a) Be sentenced to a term of imprisonment for not more than 20 years nor less than 10 years where no death or property damage ensues from the acts of the offender or offenders;
- (b) Be sentenced to a term of imprisonment for not more than 25 years nor less than 20 years where no death ensues from the acts of the offender or offenders but substantial property damage is destroyed growing out of the acts of the offender or offenders;
- (c) Be sentenced to death where death ensues from the acts of the offender or offenders;
- (d) Forfeit any public office he holds and shall be disqualified from any or a specified public office or category thereof for a period not longer than five years following the completion of the sentence imposed. The fruits of the crime so committed shall be confiscated.

§ 11.3. Armed insurrection.

1. Engaging in armed insurrection. A person has committed a second degree felony if he engages in an armed insurrection with the purpose of overthrowing, supplanting or changing the form of the Government of Liberia.

2. Leading armed insurrection. A person has committed a first degree felony if he organizes, directs, leads or provides a substantial portion of the resources of an armed insurrection within paragraph 1 hereof or any part of such insurrection.

3. Attempting, conspiracy; facilitation; solicitation. A person may be convicted of an attempt or conspiracy to violate this section or of facilitating or soliciting a violating of this section, only if he engages in such conduct when the armed insurrection is in progress or is impending.

§ 11.4. Advocating armed insurrection.

A person has committed a third degree felony if, with the purpose of inducing or otherwise causing others to engage in armed insurrection in violation of Section 11.3, he

- (a) Advocates the desirability or necessity of armed insurrection under circumstances in which there is substantial likelihood his advocacy will imminently produce a violation of section 11.3; or
- (b) Organizes an association which engages in the advocacy prohibited subparagraph (a), or as an active member of such association, facilitates such advocacy.

§ 11.5. Para-military activities.

A person has committed a second degree felony if he knowingly engages in or purposely facilitates para-military activities not authorized by law. "Para-military activities" means acquisition, caching, use or training in the use of weapons for political purposely by or on behalf of an organization.

§ 11.6. Sabotage.

1. *Wartime sabotage.* A person, other than a member of the armed services of the enemy acting in accordance with the rules of war, is guilty of sabotage, a first degree felony, if, in time of war and with the purpose of impairing the military effectiveness of Liberia, he

- (a) Damages or tampers with anything of direct military significance; or
- (b) Defectively makes or repairs anything of direct military significance; or
- (c) Delays or obstructs transportation, communication or power service furnished to the defense establishment.

2. *Peacetime sabotage.* A person has committed a second degree felony if at a time not of war, with the purpose of impairing the military effectiveness of Liberia, he impairs the efficacy of the means of defense or retaliation against enemy attack by the defense establishment.

3. *Definitions.* In this section:

- (a) "Defense establishment" means the defense establishment of Liberia or of a nation at war with any nation with which Liberia is at war;
- (b) "Anything of direct military significance" means armament or anything else peculiarly suited for military use, and includes such a thing in course of manufacture, transport, or other servicing or preparation for the defense establishment.

§ 11.7. Recklessly impairing military effectiveness.

A person has committed a third degree felony if, in a time of war, in reckless disregard of a substantial risk of seriously impairing the military effectiveness of Liberia, he causes such serious impairment of military effectiveness.

§ 11.8. Espionage.

1. *Offense.* A person has committed espionage, a first degree felony if, he purposely reveals national defense information to a foreign power with the purpose of injuring Liberia or of benefiting a foreign power in the event of military or diplomatic confrontation with Liberia.

2. *Attempted espionage.* Without limiting the applicability of the law of criminal attempt, any of the following acts is sufficient to constitute a substantial step toward commission of espionage

thereunder: obtaining, collecting, or publishing information directly related to the military establishment or entering a restricted area to obtain such information.

3. *Definitions.* In this section:

- (a) "National defense information" means information regarding
 - (i) The military capability of Liberia or of a nation at war with a nation with which Liberia is at war;
 - (ii) Military or defense planning or operations;
 - (iii) Military communication, intelligence, research or development;
 - (iv) Military or diplomatic codes;
 - (v) Any other information which is likely to be diplomatically or militarily useful to the enemy;
- (b) "Foreign power" includes any foreign faction, party, military or naval force, whether or not the government thereof is recognized by Liberia and any international organization.

§ 11.9. Mishandling sensitive information.

A person has committed a third degree felony if, in reckless disregard of potential injury to the national security of Liberia, he

- (a) Knowingly reveals national defense information to anyone not authorized to receive it;
- (b) Violates a known duty, to which he is subject as a public servant, as to custody, care or disposition of national defense information or as to reporting an unlawful removal, delivery, loss, destruction, or compromise of the security of such information; or
- (c) Knowingly having possession of a document or thing containing national defense information, fails to deliver it on demand to a public servant to Liberia entitled to receive it.

"National defense information" has the meaning prescribed in Section 11.8.

§ 11.10. Avoiding military service obligations.

A person has committed a first degree misdemeanor if, with the purpose of avoiding service in the armed forces of Liberia, he

- (a) Unlawfully fails to report for induction into the armed forces; or
- (b) Unlawfully refuses induction into the armed forces.

§ 11.11. Criminal libel against the President.

1. *Offense.* A person has committed a first degree misdemeanor if he exposes to the public any writing, or makes any public broadcast, in which he has accused the incumbent President of the Republic of Liberia of conduct which constitutes the commission of a crime, provided, that at the time of such publication:

- (a) The conduct charged is untrue and the actor knows it to be untrue; and
- (b) The purpose of the actor is to thereby injure the President in his reputation.

2. *Definitions.* As used in this section,

- (a) "Writing" means any writing, written production, engraving, drawing, or effigy of the President; and
- (b) "Public broadcast" means any dissemination through public channels, by sound or picture.

§ 11.12. Sedition.

1. *Offense.* A person owing allegiance to Liberia, has committed sedition, a felony of the second degree, if

- (a) He advocates by word-of-mouth, writing or otherwise, sectionalism, countyism, tribalism, parochialism or the like, with the intent in so doing to incite the people to hostility, create disunity among the people and divide the Nation; or
- (b) He advocates rebellion, incites or in any way promotes insurrection against the authority of the Republic; or
- (c) He writes or inspires the writing of any document to a foreign government or concern or any official thereof, making representation on any matter or matters properly the subject of internal inquiry and adjustment; or
- (d) He accuses the incumbent President of the Republic of Liberia of conduct which constitutes a violation of his oath of office, provided, that at the time of such accusation; (1) The conduct charged is untrue; and (2) The purpose of the actor is to thereby injure the President in his reputation and create contempt for the Presidency.

2. *Grading.* Any person convicted of sedition may be sentenced to imprisonment as provided in Sections 50.5 and 51.3.

§ 11.13. Mercenarism.

1. *Offense.* The crime of mercenarism is committed, a felony of the first degree, by an individual, a group, an association, representative or representatives of a State and the State itself with the intent of opposing by armed violence a process of self-determination or the territorial integrity of another State when the following acts are perpetrated:

- (a) The sheltering, organizing, financing, assisting, equipping, training, promoting, supporting or employing armed forces partially or wholly and consisting of persons not nationals of the country being invaded or attempting to invade and merely or solely for money, personal gain, material or other reward; or
- (b) The enlisting, enrolling or attempting to enroll in the said armed forces; or
- (c) The allowing of the activities referred in sub-section (1) (a) to be carried out in any territory under the jurisdiction of another State or in any place under its control; or
- (d) The affording of facilities for transit, transportation or other operations for the armed forces and activities referred to be in Sub-section (1) (a).

2. *Grading.* Mercenaries shall not in this Republic enjoy the status of combatants and shall not be entitled to the prisoners of the status. Assuming command over or giving orders to mercenaries shall be considered as an aggravating circumstance.

If the act of mercenarism results in the death of any non-participant in such mercenarism, other than a mercenary, the person convicted may be sentenced to death or life imprisonment as

provided in Section 50.5 and 51.3. In the case of a State, such act of mercenarism shall be regarded as a declaration of war against the Republic of Liberia (d).

§ 11.14. Criminal Malevolence.

1. *Offense.* A person has committed a first degree misdemeanor if he accuses any executive authority, judicial authority, member of the Legislature or any other public authority either by word-of-mouth, writing or by public broadcast, of conduct which constitutes the commission of a crime; provided, that at the time of such accusation:

- (a) The conduct charged is untrue and
- (b) The purpose of the actor is to thereby injure the official in his reputation and undermine his official status.
- (c) "Word-of-mouth" means spreading or making known by verbal communication;
- (d) "Writing" means any writing, written production, engraving, drawing or effigy of a government official; and
- (e) "Public broadcast" means any dissemination through public channels, by sound or picture.

Chapter 12. Offenses Against Government Integrity

Subchapter A: Obstructing Government Operations.

- § 12.1. Physical obstruction of government function.
- § 12.2. Preventing arrest or discharge of other duties.
- § 12.3. Obstruction of government function by public servant.
- § 12.4. Hindering law enforcement.
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- § 12.6. Failure to appear after release; bail jumping.
- § 12.7. Escape.
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- § 12.30. Perjury.
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§ 12.50. Bribery.

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§ 12.70. Official oppression.

§ 12.71. Unlawful disclosure of confidential information.

§ 12.72. Speculating or wagering on official action or information.

Subchapter A: Obstructing Government Operations

§ 12.1. Physical obstruction of government function.

1. *Offense.* A person has committed a first degree misdemeanor if, by physical interference or obstacle, he purposely obstructs, impairs or perverts the administration of law or other government function.

2. *Applicability to obstructing arrest or discharge by a public servant of any official duty.* This section does not apply to the conduct of a person obstructing arrest of himself or another on the discharge by a public servant of any other official duty, but such conduct is subject to Section 12.2 of this chapter.

§ 12.2. Preventing arrest or discharge of other duties.

1. *Offense.* A person has committed a first degree misdemeanor if, with the purpose of preventing a public servant from lawfully effecting an arrest of himself or another, or from discharging any other official duty, he creates a substantial risk of bodily injury to the public servant or to anyone except himself, or employs means justifying or requiring substantial force to overcome resistance to effecting the arrest or discharging the duty.

2. *Acting lawfully.* A public servant executing a warrant or other process in good faith and under color of law shall be deemed to be acting lawfully.

§ 12.3. Obstruction of government function by public servant.

A public servant commits a misdemeanor of the first degree if he purposely obstructs, impairs or perverts the administration of law or other governmental function by committing any breach of official duty.

§ 12.4. Hindering law enforcement.

1. *Offense.* A person is guilty of hindering law enforcement if he purposely interferes with, hinders, delays, or prevents the discovering, apprehension, prosecution, conviction or punishment of another for an offense by:

- (a) Harboring or concealing the other;
- (b) Providing the other with a weapon, money, transportation, disguise or other means of avoiding discovery or apprehension;
- (c) Concealing, altering, mutilating or destroying a document or thing, regardless of its admissibility in evidence; or
- (d) Warning the other of impending discovery or apprehension.

2. *Grading.* Hindering law enforcement is a third degree felony if the actor:

- (a) Knows of the conduct of the other and such conduct constitutes a first or second degree felony; or
- (b) Knows that the other has been charged with or convicted of a crime and such crime is a first or second degree felony.

Otherwise, hindering law enforcement is a first degree misdemeanor.

§ 12.5. Aiding consummation of crime.

1. *Offense.* A person is guilty of aiding consummation of a crime if he purposely aids another to secrete, disguise, or convert the proceeds of a crime or otherwise profit from a crime.

2. *Grading.* Aiding consummation of crime is a third degree felony if the principal crime is a first or second degree felony, and a first degree misdemeanor if the principal crime is a third degree felony or first degree misdemeanor. Otherwise, aiding consummation of a crime is a second degree misdemeanor.

§ 12.6. Failure to appear after release; bail jumping.

1. *Offense.* A person has committed an offense if, after having been released on bail, upon condition or undertaking that he will subsequently appear at a specified time and place, he fails to appear at that time and place without justifiable excuse.

2. *Grading.* The offense is a third degree felony if the actor was released on bail in connection with a felony charge or while awaiting sentence or pending appeal after conviction of any crime and he purposely fails to appear. Otherwise, it is a first degree misdemeanor.

§ 12.7. Escape.

1. *Offense.* A person is guilty of escape if, without lawful authority, he removes himself from official detention or fails to return to official detention following temporary leave granted for a specified purpose or limited period.

2. *Grading.* Escape is a second degree felony if the actor uses a firearm, destructive device or other dangerous weapon in effecting or attempting to effect escape from official detention. Escape is a third degree felony if (a) the actor uses any other force or threat of force against another in effecting or attempting to effect escape from official detention, or (b) the person escaping was in official detention by virtue of his arrest for, or on charge of, felony or pursuant to his conviction of any offense. Otherwise, escape is a first degree misdemeanor.

3. *Definitions.* In this section:

(a) "Official detention" means arrest, custody following surrender in lieu of arrest, detention in any facility for custody of persons under charge or conviction of an offense or alleged or found to be delinquent, detention under a law authorizing such detention while criminal proceedings are held in abeyance, detention for extradition or deportation, or custody for purposes incident to the foregoing, including transportation, medical diagnosis or treatment, a court appearance, work and recreation; but "official detention" does not include supervision on probation or parole or constraint incidental to release on bail.

(b) "Conviction of an offense" does not include an adjudication of juvenile delinquency.

4. *Defenses.* Irregularity in bringing about or maintaining detention, or lack of jurisdiction of the committing or detaining authority shall not be a defense to a prosecution under this section if the escape is from a facility used for official detention or from detention pursuant to commitment by an official proceeding. In the case of other detentions, irregularity or lack of jurisdiction shall be an affirmative defense if (a) the escape involved no substantial risk of harm to the person or property of anyone other than the detainee, and (b) the detaining authority did not act in good faith under color of law.

§ 12.8. Public servants permitting escape.

A public servant concerned in official detention pursuant to process issued by a court, judge or magistrate is guilty of a first degree misdemeanor if he recklessly permits an escape and is guilty of a second degree misdemeanor if he negligently permits an escape.

"Official detention" has the meaning prescribed in Section 12.7(3).

§ 12.9. Introducing or possessing contraband useful for escape.

1. *Introducing contraband.* A person has committed a third degree felony if he unlawfully provides an inmate of an official detention facility with any tool, weapon or other object which may be useful for escape. Such person has committed a second degree felony if the object provided is a firearm, destructive device or other dangerous weapon.

2. *Possession contraband.* An inmate of an official detention facility has committed a third degree felony if he unlawfully procures, makes or otherwise provides himself with, or has in his possession,

any tool, weapon or object which may be useful for escape. Such person has committed a second degree felony if the object above described is a firearm, destructive device or other dangerous weapon.

3. *Definitions.* In this section:

- (a) "Unlawfully" means surreptitiously or contrary to a statute or regulation, rule or order issued pursuant thereto;
- (b) "Official detention" has the meaning prescribed in Section 12.7(3).

§ 12.10. Inciting or leading riot in detention facilities.

1. *Offense.* A person has committed a second degree felony if, with the purpose of causing, continuing or enlarging a riot, he solicits a group of five or more persons to engage in a riot in a facility used for official detention or engages in conduct intended to serve as the beginning of or signal for such riot, or participates in planning such riot, or, in the course of such riot, issues commands or instructions in furtherance thereof.

2. *Definitions.* In this section:

- (a) "riot" has the meaning prescribed in Section 17.1;
- (b) "official detention" has the meaning prescribed in Section 12.7.(3).

§ 12.11. Smuggling.

1. *Offense.* A person is guilty of smuggling if he:

- (a) Knowingly evades examination by the Government of an object being introduced into Liberia;
- (b) Knowingly deceives the Government as to a matter material to an examination by the Government of an object being introduced into Liberia;
- (c) Knowingly evades assessment or payment when due, of the customs duty upon an object being introduced into Liberia.
- (d) Knowingly introduces an object into Liberia the introduction of which is prohibited pursuant to statute or regulation;
- (e) Receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment or sale of an object the assessment or payment of the duty upon which is being evaded or the introduction of which is prohibited pursuant to statute or regulation, knowing that the object was unlawfully introduced into Liberia.
- (f) Knowingly removes or exports an object from Liberia, the removal or exportation of which is prohibited by statute or regulation, or knowingly evades the payment of duty or other charges imposed by law on any object exported from Liberia.

2. *Grading.* Smuggling is a felony of the third degree if:

- (a) The highest value of the object determined by any reasonable standard exceeds \$500;
- (b) The duty which would have been due on the object exceeds \$100;
- (c) The actor knows that the introduction, removal, or exportation is prohibited because the object may cause serious bodily injury or substantial property damage.

Otherwise smuggling is a misdemeanor of the first degree.

3. *Terms defined.* In this section:

- (a) “introduces” and variants thereof mean importing or transporting or bringing into, or landing in, Liberia from outside Liberia or from customs custody or control;
- (b) “object” includes articles, goods, wares and merchandise and an animate as well as inanimate things.

4. *Act of smuggling is one offense.* Acts of smuggling committed pursuant to one scheme or course of conduct may be charged as one offense, and the value of, or the duty owing on, the objects introduced may be aggregated in determining the grade of offense.

§ 12.12. Refusal to testify before, or hindering, certain official bodies.

A person has committed a first degree misdemeanor if without lawful privilege or excuse, in the course of an official proceeding before the Legislature, an administrative body of the government, or any lawfully constituted body of government, he

- (a) Refuses, after lawful process, to appear or to produce the material required of him, or be sworn or makes equivalent affirmation as a witness, or answer a pertinent question and continues in such refusal after the person presiding thereat directs him to answer and advises him that his continuing refusal may subject him to criminal prosecution; or
- (b) Purposely hinders such official proceeding by noise or violent or tumultuous behavior.

Subchapter B. Perjury and Other Falsification in Official Matters

§ 12.30. Perjury.

1. *Offense.* A person has committed perjury, a third degree felony, if, in official proceeding, he makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of a false statement previously made, when the statement is material and he does not believe it to be true.

2. *Corroboration.* No person shall be convicted of perjury where proof of falsity rests solely upon contradiction by the testimony of one person.

3. *Inconsistent statements.* Where in the course of one or more official proceedings, the defendant made manifestly inconsistent statements under oath or equivalent affirmation, both having been made within the period of the statute of limitations, the prosecution may set forth the statements in a single count, alleging in the alternative that one or the other was false and not believed by the defendant to be true. Proof that the defendant made such statements shall constitute a prime facie case that one or the other of the statements was false; but in the absence of sufficient proof of which statement was false, the defendant may be convicted under this section only if each of such statements was material to the official proceeding in which it was made.

4. *Definitions.* As used in this section:

- (a) "official proceeding" means a proceeding heard or which may be heard before any legislative, judicial, administrative or other governmental agency or official authorized to take evidence under oath, including any referee, hearing examiner, commissioner, notary or other person taking testimony of deposition in connection with any such proceeding;
- (b) "statement" means any representation, but includes a representation of opinion, belief or other state of mind only if the representation clearly relates to the state of mind apart from or in addition to any facts which are the subject of the representation.

§ 12.31. False statements.

1. *False swearing in official proceedings.* A person has committed a first degree misdemeanor if, in an official proceeding, he makes a false statement, whether or not material, under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, if he does not believe the statement to be true.

2. *Other falsity in governmental matters.* A person has committed a first degree misdemeanor if, in a governmental matter, he

- (a) Makes a false statement, when the statement is material and he does not believe it to be true;
- (b) Purposely creates a false impression in a written application for pecuniary or other benefit, by omitting information necessary to prevent a material statement therein from being misleading;
- (c) Submits or invites reliance on any material writing which he knows to be forged, altered or otherwise lacking in authenticity; or
- (d) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false in a material respect.

3. *Statement in criminal investigation.* This section does not apply to information given during the course of an investigation into possible commission of an offense unless the information is given in an official proceeding or the declarant is otherwise under a legal duty to give the information.

4. *Definitions.* A matter is a "governmental matter" if a branch of government, whether executive, legislative or judicial, or government agency has the power to adjudicate rights, establish binding regulations, make monetary awards or contracts, or grant governmental privilege with respect to the matter. "Official proceeding" and "statement" are defined as stated in paragraph 4 of Section 12.30.

§ 12.32. General provisions for perjury and false statements.

1. *Materiality.* Falsification is material regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the official proceeding or the disposition of the matter in which the statement is made. Whether a falsification is material in a given factual situation is a question of law. It is no defense that the declarant mistakenly believed the falsification to be immaterial.

2. *Irregularities no defense.* It is no defense to a prosecution under Section 12.30 or 12.31 that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not

competent to make the statement. A document purporting to be made upon oath or affirmation at a time when the actor represents it as being so verified shall be deemed to have been duly verified or affirmed.

3. *Defense or retraction.* It is an affirmative defense to prosecution under Section 12.30 or 12.31 that the actor retracted the falsification in the course of the official proceeding or matter in which it was made, if he did so before it became manifest that the falsification was or would be exposed and before the falsification substantially affected the proceeding or matter.

§ 12.33. False reports to law enforcement officials.

1. *Offense.* A person has committed an offense if he:

- (a) Gives false information to a law enforcement officer with the purpose of falsely implicating another; or
- (b) Falsely reports to a law enforcement officer or other security official the occurrence of a crime of violence or other incident calling for an emergency response when he knows that the incident did not occur. "Security official" means firearm or other public servant responsible for averting or dealing with emergencies involving public safety.

2. *Grading.* An offense under paragraph 1(a) is a first degree misdemeanor; an offense under paragraph 1(b) is a second degree misdemeanor.

§ 12.34. Tampering with public records.

1. *Offense.* A person has committed a first degree misdemeanor if he:

- (a) Knowingly makes a false entry in or false alteration of a government record; or
- (b) Knowingly and without lawful authority destroys, conceals, removes or otherwise impairs the verity or availability of a government record.

2. *Definition.* In this section "government record" means:

- (a) Any record, document or thing belonging to, or received or kept by the government for information or record;
- (b) Any other record, document or thing required to be kept by other under a statute which expressly invokes the sanctions of this section.

§ 12.35. Impersonating officials.

1. *Offense.* A person has committed an offense if he falsely pretends to be:

- (a) a public servant or foreign official and acts as if he were exercising the authority of such public servant or foreign official; or
- (b) a public servant or a former public servant or a foreign official and thereby obtains a thing of value.

2. *Defense precluded.* It is not a defense to prosecution under this section that the pretended capacity did not exist or the pretended authority could not legally or otherwise have been exercised or conferred.

3. *Definition.* In this section “foreign official” means an official of a foreign government of a character which is customarily accredited as such to Liberia, the United Nations or other international organizations, and includes diplomatic and consular officials.

4. *Grading.* An offense under paragraph 1(a) is a first degree misdemeanor; and offense under paragraph 1(b) is a second degree misdemeanor.

Subchapter C. Obstruction of Justice

§ 12.40. Tampering with witnesses and informants in proceedings.

1. *Tampering.* A person has committed a third degree felony if he uses force or threat against another or engages in deception or bribery of another:

- (a) with the purpose of influencing the other’s testimony in an official proceeding; or
- (b) with the purpose of inducing or otherwise causing the other;
 - (i) to withhold any testimony, information, document or thing from an official proceeding, whether or not the other person would be legally privileged to do so;
 - (ii) to violate Section 12.42 of this chapter, relating to tampering with physical evidence;
 - (iii) to elude legal process summoning him to testify in an official proceeding; or
 - (iv) to absent himself from an official proceeding to which he has been summoned under color of law.

2. *Soliciting or accepting bribe.* A person has committed a third degree felony if he solicits, accepts or agrees to accept from another a thing of pecuniary value as consideration for:

- (a) Changing his testimony in an official proceeding; or
- (b) Engaging in the conduct described in clauses (i) through (iv) of subchapter (1) (b).

3. *Defenses.*

- (a) It is an affirmative defense to a prosecution under this section for use of threat with intent to influence another’s testimony that the defendant did not threaten unlawful harm, and sought thereby to influence the other to testify truthfully.
- (b) This section does not apply to the offer, giving or agreeing to give, or the solicitation, acceptance or agreement to accept, a thing of value as consideration for a person’s refraining from initiating the prosecution or investigation of an offense as a good faith attempt to pay or obtain what either one of the parties believes due the recipient or proposed recipient as restitution or indemnification for harm caused by the offense. Inapplicability under this paragraph is an affirmative defense.
- (c) It is no defense to a prosecution under this section that an official proceeding was not pending or about to be instituted.

4. *Definitions.* In this section

- (a) “uses force or threat directed against another or deception or bribery of another” includes the use of force or threat directed against and deception or bribery of the other’s spouse, guardian or relative residing in the same household with him;
- (b) a person engages in bribery of the person whose conduct he intends to influence, induce or cause, if he offers, gives or agrees to give such other person a thing of value as consideration for the conduct sought.
- (c) “official proceeding” is defined as stated in Section 12.30(4)(a).

5. *Witness fees and expenses.* This section shall not be construed to prohibit the payment or receipt of witness fees provided by statute or the payment by the party upon whose behalf a witness is called, and receipt by a witness, of the reasonable cost of travel and subsistence incurred and the reasonable value of time lost in attendance at an official proceeding or, in the case of expert witnesses a reasonable fee for preparing and presenting an expert opinion.

§ 12.41. Tampering in criminal investigation.

1. *Tampering.* A person has committed a third degree felony if, believing another may have information relating to an offense, he deceives such other person or employs force, threat or bribery with intent to hinder, delay or prevent communication of such information to a law enforcement officer.

2. *Soliciting bribe.* A person has committed a third degree felony if, having information relating to an offense, he solicits, accepts or agrees to accept from another a thing of pecuniary value, other than restitution to him of his own property or its equivalent, as consideration for delaying or withholding communication of such information to law enforcement officers.

3. *Definitions.* The definitions in Section 12.40 (4) (a), (b) apply to this section.

§ 12.42. Tampering with physical evidence.

1. *Offense.* A person is guilty of an offense if, believing an official proceeding is pending or about to be instituted or believing process, demand or order has been issued or is about to be issued, he alters, destroys, mutilates, conceals, or removes a record, document or thing with the purpose of impairing its verity or availability in such official proceeding or for the purposes of such process, demand or order.

2. *Solicitation.* A person is guilty of an offense if he solicits another to commit the offense defined in paragraph (1) of this section.

3. *Grading.* The offense is a third degree felony if the actor purposely and subsequently obstructs, impairs or perverts prosecution for a felony. Otherwise, it is a first degree misdemeanor.

4. *Definition.* In this section “process, demand, or order” means process, demand or order authorized by law for the seizure, production, copying, discovery or examination of a record, document or thing.

§ 12.43. Harassment of and communication with jurors.

1. *Offense.* A person has committed a first degree misdemeanor if, with the purpose of influencing the official action of another as a juror, he communicates with him other than as part of the proceedings in a case, or harasses or alarms him. Conduct directed against the juror's spouse or other relative residing in the same household with the juror shall be deemed conduct directed against the juror.

2. *Definitions.* In this section "juror" means a grand juror or a petit juror and includes a person who has been drawn or summoned to attend as a prospective juror.

Subchapter D. Bribery and Intimidation

§ 12.50. Bribery.

1. *Offense.* A person has committed bribery, a second degree felony if he knowingly offers, gives or agrees to give to another, or solicits, accepts or agrees to accept from another, a thing of value as consideration for:

- (a) The recipient's official action as a public servant; or
- (b) The recipient's violation of a known duty as a public servant.

2. *Defense precluding.* It is no defense to a prosecution under this section that a recipient was not qualified to act in the desired way whether because he had not yet assumed office, or lack jurisdiction, or for any other reason.

3. *Prima facie case.* A prima facie case is established under this section upon proof that the thing of value was offered, given, or agreed to be given, or solicited, accepted or agreed to be accepted, as consideration for the recipient's official action or violation of a known legal duty as a public servant if:

- (a) The consideration was a thing of pecuniary value; and
- (b) The actor knew that he was offered, given or agreed to be given by, or solicited, accepted from a person having an interest in an imminent or pending
 - (i) investigation, arrest, or judicial or administrative proceeding, or
 - (ii) bid, contract, claim or application, and that interest could be affected by the recipient's performance or non-performance of his official action or violation of his known legal duty as a public servant.

§ 12.51. Unlawful rewarding of public servants.

1. *Receiving unlawful reward.* A public servant has committed a first degree misdemeanor if he solicits, accepts or agrees to accept a thing or pecuniary value for:

- (a) Having engaged in official action as a public servant; or
- (b) Having violated a legal duty as a public servant

2. *Giving unlawful reward.* A person has committed a first degree misdemeanor if he knowingly offers, gives or agrees to give a thing of pecuniary value, receipt of which is prohibited by this section, as amended by the interim National Assembly, July 9, 1985.

§ 12.52. Unlawful compensation for assistance in government matters.

1. *Receiving unlawful compensation.* A public servant has committed a first degree misdemeanor if he solicits, accepts or agrees to accept a thing of pecuniary value as compensation for advice or other assistance in preparing or promoting a bill, contract, claim or other matter which is or is likely to be subject to his official action.

2. *Giving unlawful compensation.* A person has committed a first degree misdemeanor if he knowingly offers, gives or agrees to give a thing of pecuniary value to a public servant, receipt of which is prohibited by this section.

§ 12.53. Trading in public office and political endorsement.

1. *Offense.* A person has committed a first degree misdemeanor if he solicits, accepts or agrees to accept or offers, gives or agrees to give a thing of pecuniary value as consideration for approval or disapproval by a public servant or party official of a person for:

- (a) Appointment, employment, advancement or retention as a public servant; or
- (b) Designation or nomination as a candidate for elective office.

2. *Definitions.* In this section:

- (a) "approval" includes recommendation, failure to disapprove, or any other manifestation of favor or acquiescence;
- (b) "disapproval" includes failure to approve or any other manifestation of disfavor or nonacquiescence;
- (c) "party official" means a person who holds a position or office in a political party, whether by election, appointment, or otherwise.

§ 12.54. Threatening public servants.

1. *Threats relating to official proceedings or to secure breach of duty.* A person has committed a third degree felony if he threatens harm to another with the purpose of influencing his official action as a public servant in a pending or prospective judicial or administrative proceeding held before him, or with the purpose of influencing him to violate his duty as a public servant.

2. *Other threats.* A person has committed a third degree felony if, with the purpose of influencing another's official action as a public servant, he threatens:

- (a) To commit any crime or to do anything unlawful;
- (b) To accuse anyone of a crime; or
- (c) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person, living or dead, to hatred, contempt or ridicule or impair another's credit or business reputation.

3. *Defense precluded.* It is no defense to a prosecution under this section that a person whom the actor sought to influence was not qualified to act in the way desired whether because he had not yet assumed office or lacked jurisdiction or for any other reason.

Subchapter E. Abuse of Office

§ 12.70. Official Oppression.

A person acting or purporting to act in an official capacity of taking advantage of such actual or purported capacity commits a first degree misdemeanor if he knowingly:

- (a) Subjects another to unlawful arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien, or other infringement or personal or property rights; or
- (b) Denies, or impedes another in the exercise or enjoyment of any right, privilege, power or immunity.

§ 12.71. Unlawful disclosure of confidential information.

A person has committed a first degree misdemeanor if, in knowing violation of a duty imposed on him as a public servant, he discloses or makes known in any manner any confidential information which he has acquired as a public servant. "Confidential information" means information made available to the government under governmental assurance or confidence.

§ 12.72. Speculating or wagering on official action or information.

1. *Speculating during and after employment.* A person has committed a first degree misdemeanor if, during employment as a public servant or within one year thereafter, in contemplation of official action by himself as a public servant or by an agency of the government with which he is or has been associated as a public servant, or in reliance on information to which he has or had access only in his capacity as a public servant, he:

- (a) Acquires a pecuniary interest in any property, transaction or enterprise which may be affected by such information or official action;
- (b) Speculates or wagers on the basis of such information or official action; or
- (c) Aids another to do any of the foregoing.

2. *Taking official action after speculation.* A person has committed a first degree misdemeanor if as public servant he takes official action which is likely to benefit him as a result of an acquisition of a pecuniary interest in any property, transaction or enterprise, or of a speculation or wager, which he made or caused or aided another to make in contemplation of such official action.

Chapter 13. Offenses Against Civil Rights

§ 13.1. Criminal discrimination.

1. *Offense.* Except insofar as otherwise expressly required or permitted by law, any public servant or other person who in the conduct of the government or of any educational enterprise, place of worship, labor union, hospital, café, hotel, restaurant, transportation facility, housing facility, or business or public accommodation generally, either commits or omits doing an act or threatens to do an act to the prejudice of another person which discriminates against such person because of his or his spouse's race, color, clan, tribe, national origin or religion, is guilty of a first degree misdemeanor.

2. *Presumption.* Termination of the services of an employee within sixty days after his marriage to a person of a different race shall give rise to a presumption that the termination of services was discriminatory against him because of the race of his spouse.

3. *Deportation.* Any alien convicted of a second offense under paragraph 1 is subject to deportation.

4. *Dissolution of corporation.* Any corporation convicted of a second offense under paragraph 1 is subject to dissolution at the suit of the Minister of Justice under Chapter 16 of the Civil Procedure Law.

Chapter 14. Offenses Involving Danger to the Person

Subchapter A. Criminal Homicide

- § 14.1. Murder.
- § 14.2. Manslaughter.
- § 14.3. Negligent homicide.
- § 14.4. Causing or aiding suicide.

Subchapter B. Assaults, Endangering Behavior and Threats.

- § 14.20. Aggravated assault.
- § 14.21. Simple assault.
- § 14.22. Offensive touching.
- § 14.23. Recklessly endangering another person.
- § 14.24. Terroristic threats.
- § 14.25. Menacing.
- § 14.26. Threats against the President and successors to the Presidency.
- § 14.27. Criminal coercion.
- § 14.28. Harassment.
- § 14.29. Consent as a defense.

Subchapter C. Kidnapping and Related Offenses.

- § 14.50. Kidnapping.

- § 14.51. Felonious restraint.
- § 14.52. False imprisonment.
- § 14.53. Interference with custody.

Subchapter D. Sexual Offenses

- § 14.70. Rape.
- § 14.71. Gross sexual imposition.
- § 14.72. Aggravated involuntary sodomy.
- § 14.73. Involuntary sodomy.
- § 14.74. Voluntary sodomy.
- § 14.75. Corruption of minors.
- § 14.76. Sexual abuse of wards.
- § 14.77. Sexual assault.
- § 14.78. General provisions relating to sections on sexual crimes against the person.
- § 14.79. Definitions relating to sections on sexual crimes against the person.

Subchapter A. Criminal Homicide

§ 14.1. Murder

A person is guilty of murder if he:

- (a) Purposely or knowingly causes the death of another human being; or
- (b) Causes the death of another human being under circumstances manifesting extreme indifference to the value of human life. A rebuttable presumption that such indifference exists arises if the defendant is engaged or is an accomplice in the commission of, or an attempt to commit, or flight after committing or attempting to commit, treason, offenses defined in Sections 11.2 or 11.3 of this title, espionage, sabotage, robbery, burglary, kidnapping, felonious restraint, arson, rape, aggravated involuntary sodomy, escape, piracy, or other felony involving force or danger to human life.

Murder is a felony of the first degree but a person convicted of murder may be sentenced to death or life imprisonment as provided in Sections 50.5 and 51.3

§ 14.2. Manslaughter.

A person is guilty of manslaughter if he:

- (a) Recklessly causes the death of another human being; or
- (b) Causes the death of another human being under circumstances which would be murder except that he causes the death under the influence of extreme emotional disturbance for which there is reasonable excuse. The reasonableness of the excuse shall be determined

from the viewpoint of a person in his situation under the circumstances as he believes them to be. An emotional disturbance is excusable, within the meaning of this section if it is occasioned by provocation, event or situation for which the offender was not culpably responsible.

Manslaughter is a felony of the second degree.

§ 14.3. Negligent homicide.

A person is guilty of negligent homicide if he causes the death of another human being negligently. Negligent homicide is a felony of the third degree.

§ 14.4. Causing and aiding suicide.

1. *Causing suicide.* A person may be convicted of murder for causing another to commit suicide if he purposely causes suicide by force, duress or deception.

2. *Aiding or soliciting suicide.* A person who purposely aids or solicits another to commit suicide is guilty of a felony of the second degree if his conduct causes such suicide or attempted suicide and otherwise of a misdemeanor of the first degree.

Subchapter B. Assaults, Endangering Behavior and Threats

§ 14.20. Aggravated assault.

A person is guilty of aggravated assault if he:

- (a) Causes serious bodily injury to another purposely, knowingly or recklessly; or
- (b) Purposely or knowingly causes bodily injury to another with a deadly weapon.

Aggravated assault is a felony of the second degree

§ 14.21. Simple assault.

A person is guilty of a simple assault if he:

- (a) Purposely, knowingly or recklessly causes bodily injury to another; or
- (b) Negligently causes bodily injury to another with a deadly weapon.

Simple assault is a misdemeanor of the first degree unless committed in an unarmed fight or scuffle entered into by mutual consent, in which case it is a misdemeanor of the second degree.

§ 14.22. Offensive touching.

A person who, with the purpose of offending another person not a member of his household, by any means strikes or touched such other person, is guilty of an infraction, for which the maximum fine shall be \$25.

§ 14.23. Recklessly endangering another person.

A person commits a misdemeanor of the first degree if he recklessly engages in conduct which creates a substantial risk of death or serious bodily injury to another. There is risk within the meaning of this section if the potential for harm exists, whether or not a particular person's safety is actually jeopardized. Recklessness and a substantial risk shall be presumed where a person knowingly points a firearm at or in the direction of another, whether or not the actor believes the firearm to be loaded.

§ 14.24. Terroristic threats.

A person is guilty of a felony of the third degree if he threatens to commit any crime of violence with the purpose to terrorize another or to cause evacuation of a building, place of assembly, or facility of public transportation, or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience.

§ 14.25. Menacing.

A person is guilty of a misdemeanor of the first degree if he knowingly places or attempts to place another human being in fear by menacing him with imminent serious bodily harm.

§ 14.26. Threats against the President and successors to the Presidency.

A person is guilty of a felony of the third degree if he threatens to commit any crime of violence against the President of the Republic of Liberia, the President-elect, the Vice President or, if there is no Vice President, the officer next in order of succession to the office of President of the Republic of Liberia, the Vice President-elect, or any person who is acting as President under the Constitution and laws of Liberia:

- (a) By a communication addressed to or intended to come to the attention of such official or his staff; or
- (b) Under any circumstances in which the threat is likely to be taken seriously as an expression of settled purpose.

"Threat" includes any knowingly false report that such violence is threatened or imminent.

§ 14.27. Criminal coercion.

1. *Offense.* A person is guilty of criminal coercion if, with the purpose unlawfully to compel another to engage in or refrain from conduct, he threatens to:

- (a) Commit any criminal offense; or
- (b) Accuse anyone of a criminal offense; or
- (c) Expose any secret or publicize an asserted fact tending to subject any person to hatred, contempt or ridicule, or to impair his credit or business repute.

2. *Defense.* It is an affirmative defense to prosecution based on paragraphs (b) or (c) of paragraph 1 that the actor believed the accusation or secret or asserted fact to be true and that his purpose was limited to compelling the other to behave in a way of the accusation or exposure as by desisting from further misbehavior, making good a wrong done, or refraining from taking any action or responsibility for which the actor believes the other disqualified.

3. *Grading.* Criminal coercion is a misdemeanor of the first degree unless the threat is to commit a felony, in which case the offense is a felony of the third degree.

§ 14.28. Harassment.

A person is guilty of a misdemeanor of the second degree if, with intent to frighten or harass another, he:

- (a) Communicates in writing a threat to commit any violent felony;
- (b) Makes a telephone call anonymously or in offensively coarse language; or
- (c) Makes repeated telephone calls, whether or not a conversation ensues, with no purpose of legitimate communication.

§ 14.29. Consent as a defense.

1. *When a defense.* When conduct is an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury by all persons injured or threatened by the conduct is an affirmative defense if:

- (a) Neither the injury inflicted nor the injury threatened is serious bodily injury;
- (b) The conduct and the injury are reasonable foreseeable hazards of joint participation in a lawful athletic contest or competitive sports;
- (c) The conduct and the injury are reasonably foreseeable hazards of an occupation or profession or of medical or scientific experimentation conducted by recognized methods, and the persons subjected to such conduct or injury having been made aware of the risks involved, consent to the performance of the conduct or the infliction of the injury.

2. *Ineffective consent.* Assent does not constitute consent, within the meaning of this section, if:

- (a) It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor;
- (b) It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
- (c) It is induced by force, duress or deception

Subchapter C. Kidnapping and Related Offenses

§ 14.50. Kidnapping.

1. *Offense.* A person is guilty of kidnapping if he unlawfully removes another from his place of residence or business, or a substantial distance from the vicinity where he is found, or if he unlawfully confines another for substantial period in a place of isolation, with any of the following purposes:

- (a) To hold for ransom or reward;
- (b) To use him as a shield or hostage;

- (c) To hold him in a condition of involuntary servitude;
- (d) To facilitate commission of any felony or flight thereafter;
- (e) To inflict bodily injury on or to terrorize the victim or another; or
- (f) To interfere with the performance of any governmental or political function.

2. *Grading.* Kidnapping is a felony of the first degree unless the actor voluntarily releases the victim alive and in a safe place prior to trial, in which case it is a felony of the second degree.

3. *When removal or confinement is unlawful.* A removal or confinement is unlawful within the meaning of this section if it is accomplished by force, threat, or deception, or in the case of a person who is under the age of 14 or incompetent, if it is accomplished without the consent of a parent, guardian or other person responsible for general supervision of his welfare.

§ 14.51. Felonious restraint.

A person commits a felony of the third degree if he knowingly:

- (a) Restrains another unlawfully in circumstances exposing him to risk of serious bodily injury;
or
- (b) Restrains another with the purpose of holding him in a condition of involuntary servitude.

§ 14.52. False imprisonment.

A person commits a misdemeanor of the first degree if he knowingly restrains another unlawfully so as to interfere substantially with his liberty.

§ 14.53. Interference with custody.

1. *Custody of children.* A person commits an offense if he knowingly or recklessly takes or entices any child under the age of 18 from the custody of its parents, guardian or other lawful custodian, when he has no privilege to do so. It is an affirmative defense that:

- (a) The actor believed that his action was necessary to preserve the child from danger to his welfare; or
- (b) The child, being at the time not less than 14 years old, was taken away at his own instigation without enticement and without purpose to commit a criminal offense with or against the child.

Proof that the child was below the critical age gives rise to a presumption that the actor knew the child's age or acted in reckless disregard thereof. The offense is a misdemeanor of the first degree unless the actor, not being a parent or person in equivalent relation to the child, acted with knowledge that his conduct would cause serious alarm for the child's safety, or in reckless disregard of a likelihood of causing such alarm, in which case the offense is a felony of the third degree

2. *Custody of committed person.* A person is guilty of a misdemeanor of the second degree if he knowingly or recklessly takes or entices any committed person away from lawful custody when he is not privileged to do so. "Committed person" means, in addition to anyone committed under judicial warrant as an incompetent person, any orphan, neglected or delinquent child, mentally defective or

insane person or other dependent or incompetent person entrusted to another's custody by or through a recognized social agency or otherwise by authority of law.

§ 14.54. Terrorism. (Effective December 6, 1994)

A person has committed a felony of the first degree, a capital offense, if he unlawfully, deliberately or intentionally attempts to discharge, or discharges fire-arm, grenades, bombs, time-bombs, missiles, explosives, or other lethal devices which are likely to cause bodily injury, or place such person or group of persons in a building, outdoors or in the open space, or in a vehicle, whether or not such explosive causes bodily injury or death to another.

Subchapter D. Sexual Offenses

§ 14.70. Rape. (ONLY FOR OFFENSES COMMITTED ON OR AFTER JAN 17, 2006.)

1. *Offense.* A person who has sexual intercourse with another person (male or female) has committed rape if:

- (a)
 - (i) He intentionally penetrates the vagina, anus, mouth or any other opening of another person (male or female) with his penis, without the victim's consent; or
 - (ii) He/She intentionally penetrates the vagina or anus of another person with a foreign object or with any other part of the body (other than the penis), without the victim's consent.
- (b) The victim is less than eighteen years old, provided the actor is eighteen years of age or older.

2. *Gang Rape.* A person has committed Gang Rape, a first degree felony, if:

He or she purposely promotes or facilitates rape or agrees with one or more persons to engage in or cause the performance of conduct which shall constitute rape.

3. *Definitions:*

- (a) Sexual Intercourse
 - (i) Penetration, however slight, of the vagina, anus, mouth, or any other opening of another person by the penis; or
 - (ii) Penetration, however slight, of the vagina or anus of another person by a foreign object or any other part of the body (other than the penis).
- (b) Consent
 - (i) For the purposes of this felony, a person consents if he/she agrees by choice and has freedom and capacity to make that choice.
 - (ii) There shall be a presumption of lack of consent in the following circumstances :
 - a. Any person, at the time of the relevant act or immediately before it began, was using violence against the victim or causing the victim to fear that immediate violence would be used against him/her.

- b. Any person, at the time of the relevant act or immediately before it began, was causing the victim to fear that violence was being used, or that violence would be used, against another person;
- c. The victim was detained at the time of the relevant act;
- d. The victim was asleep or otherwise unconscious at the time of the relevant act;
- e. Because of the victim's physical disability, he or she could not have been able at the time of the relevant act to communicate to the perpetrator whether he or she consented;
- f. Where the victim had been administered or caused to take without his or her consent, a substance which, having regard to when it was administered or taken, was capable of causing or enabling him or her to be stupefied or overpowered at the time of the relevant act;
- g. The defendant intentionally induced the victim to consent to the relevant act by impersonating a person known personally to the victim.

4. *Grading and Sentencing.*

- (a) Rape is a felony of the first degree where:
 - (i) The victim was less than 18 years of age at the time the offense was committed; or,
 - (ii) The offense involves gang rape as defined in sub-paragraph 2 above, or
 - (iii) The act of rape complained of results in either permanent disability or serious bodily injury to the victim; or
 - (iv) At the time of the relevant act or immediately before it began the defendant threatened the victim with a firearm or other deadly weapon.
- (b) The maximum sentence for first-degree rape shall be life imprisonment, and for the purposes of bail it shall be treated as per capital offenses under section 13.1.1: Capital Offenses of the Criminal Procedure Law.
- (c) Rape is a second-degree felony where the conditions set out in section 4(a)(i)-(iv) above are not met. The maximum sentence for second-degree rape shall be ten (10) years imprisonment.

5. *Other Miscellaneous Provision*

- (a) The trial of all cases under section 14.70 shall be heard in camera.
- (b) Section 14.78(3) and 14.78(4) of the New Penal Code are hereby repealed.

§ 14.70. Rape. (ONLY FOR OFFENSES ON OR BEFORE JAN. 16, 2006.)

1. *Offense.* A male who has sexual intercourse with a female not his wife has committed rape if:

- (a) He compels her to submit by force, or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being;
- (b) Has substantially impaired her power to appraise or control her conduct by administering or employing without her knowledge intoxicants or other means with the purpose of preventing resistance; or
- (c) The female is less than sixteen years old, provided the actor is sixteen years of age or older.

2. *Grading.* Rape is a first degree felony if in the course of the rape the actor inflicts serious bodily injury upon the female, or if his conduct violates paragraph (1) (c) of this section, or if the female is not voluntary companion of the actor and has not previously permitted his sexual liberties. Otherwise, rape is a second degree felony.

§ 14.71. Gross sexual imposition. (ONLY FOR OFFENSES COMMITTED ON OR BEFORE JAN. 16, 2006.)

A male who has sexual intercourse with a female not his wife has committed a third degree felony if:

- (a) He knows that she suffers from a mental disease or defect which renders her incapable of understanding the nature or her conduct;
- (b) He knows that she is unaware that a sexual act is being committed upon her or knows that she submits because of a mistaken belief in his identity;
- (c) He compels her to submit by any threat that would render a female of reasonable firmness incapable of resisting.

§ 14.72. Aggravated involuntary sodomy.

1. *Offense.* A person who engages in deviate sexual intercourse with another, or who causes another to engage in deviate sexual intercourse, has committed an offense if:

- (a) He compels the other person to submit by force or by threats of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being;
- (b) He has substantially impaired the other person's power to appraise or control his or her conduct by administering or employing without his or her knowledge intoxicants or other means with intent to prevent resistance; or
- (c) The other person is less than sixteen years of age, provided the actor is sixteen years of age or older.

2. *Grading.* The offense is a first degree felony if in the course of the offense the actor inflicts serious bodily injury upon the other person, or if his conduct violates paragraph (1) (c) of this section, or if the other person is not a voluntary companion of the actor and has not previously permitted his sexual liberties. Otherwise, the offense is a second degree felony.

§ 14.73. Involuntary sodomy.

A person who engages in deviate sexual intercourse with another person, or who causes another to engage in deviate sexual intercourse, has committed a third degree felony if:

- (a) He knows that the other person suffers from a mental disease or defect which renders him or her incapable of understanding the nature of his or her conduct;
- (b) He knows that the other person is unaware that a sexual act is being committed upon him or her; or
- (c) He compels the other person to submit by any threat that would render a person of reasonable firmness incapable or resisting.

§ 14.74. Voluntary sodomy.

A person who engages in deviate sexual intercourse under circumstance not stated in Section 14.72 or 14.73 has committed a first degree misdemeanor.

§ 14.75. Corruption of minors.

1. *Offense.* A male who has sexual intercourse with a female not his wife or any person who engaged in deviate sexual intercourse with another has committed an offense if the other person is under sixteen years and the actor is at least five years older than the other person.

2. *Grading.* The offense is a third degree felony, except when the actor is less than twenty-one years old, in which event it is a first degree misdemeanor.

§ 14.76. Sexual abuse of ward.

A person who has sexual intercourse with another or any person who engages in deviate sexual intercourse with another or causes another to engage in deviate sexual intercourse, when the parties to the sex act are not married to each other, has committed a first degree misdemeanor if:

- (a) The other person is in official custody or detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over the other person; or and the actor is his or her guardian or acts as a guardian;
- (b) The other person is less that twenty-one years of age and the actor is his or her guardian or acts as a guardian.

§ 14.77. Sexual assault.

A person who knowingly has sexual contact with another person or causes such other to have sexual contact with him or her, when they are not married to each other, has committed a second degree misdemeanor if:

- (a) The actor knows that the contact is offensive to the other person when such other person is not a voluntary social companion or has not previously permitted sexual liberties to be taken;
- (b) The actor knows that the other person suffers from a mental disease or defect which renders such person incapable of understanding the nature of such conduct;
- (c) The other person is less than twelve years of age, provided the actor is sixteen years of age or older;
- (d) The actor has substantially impaired the other person's power to appraise or control his or her conduct by administering or employing without the other's knowledge intoxicants or other means for the purpose of preventing resistance;
- (e) The other person is in official custody or detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over him or her;
- (f) The other is less than twenty-one years of age and the actor is his or her parent, guardian or acts as his guardian; or
- (g) The other person is less than sixteen years of age and the actor is at least five years older than the other person.

§ 14.78. General provisions relating to sections on sexual crimes against the person.

1. *Mistake as to age.* In Section 14.70 through 14.77:

- (a) When the criminality of conduct depends on child being below the age of sixteen, it is no defense that the actor did not know the child's age, or actually believed the child to be older than sixteen.
- (b) When criminality depends on the child being below a critical age, older than sixteen, it is affirmative defense that the actor actually believed, with good reason therefore, that the child was of the critical age or older.

2. *Spouse relationships.* In Section 14.70 through 14.77, when the definition of an offense excludes contact with a spouse, the exclusion shall be deemed to extend to persons living as man and wife, regardless of the legal status of their relationship. The exclusion shall be inoperative with respect to spouses, or those who lived as man and wife though not legally married, living apart. Where the definitions of an offense excludes conduct with a spouse or conduct by a female, this shall not preclude conviction of a spouse or female as accomplice in an offense which he or she causes another person, not within the exclusion to perform.

3. *Sexually promiscuous complainants.* It is an affirmative defense to prosecution under Sections 14.70 through 14.77 where force, coercion or incapacity of the victim is not an alleged element of the offense, that the alleged victim had, prior to the time of the offense charged, engaged promiscuously in sexual relations with others.

4. *Prompt complaint.* It is an affirmative defense to prosecution under the sections enumerated above that the offense alleged was not brought to the notice of public authority within a time which is clearly reasonable under all the circumstances surrounding the alleged offense.

5. *Testimony of complainants.* No person shall be convicted of any felony under Sections 14.70 through 14.74 upon the uncorroborated testimony of the alleged victim.

§ 14.79. Definitions relating to sections on sexual crimes against the person.

In this subchapter:

- (a) "sexual intercourse" occurs upon penetration, however slight; ejaculation is not required; (But, see Section 14.70.)
- (b) "deviate sexual intercourse" means sexual contact between human beings who are not husband and wife or living together as man and wife though not legally married, consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and vulva;
- (c) "sexual contact" means any touching of the sexual or other intimate parts of a person for the purpose of arousing or gratifying sexual desire.

Chapter 15. Offenses Against Property

Subchapter A. Destruction of Property.

- § 15.1. Arson.
- § 15.2. Reckless burning or exploding.
- § 15.3. Failure to control or report dangerous fire.
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- § 15.80. Fraud on the internal revenue of Liberia.
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- § 15.85. Bad checks/forged checks.
- § 15.86. Bail bond.
- § 15.87. Fine and restitution.

Subchapter A. Destruction of Property

§ 15.1. Arson.

A person is guilty of arson, a felony of the second degree, if he starts a fire or causes an explosion with the purposes of:

- (a) Destroying a building or occupied structure of another;
- (b) Destroying a vital public facility.

§ 15.2. Reckless burning or exploding.

A person commits a felony of the third degree if he purposely starts a fire or causes an explosion, whether on his own property or another's and thereby recklessly:

- (a) Places another person in danger of death or bodily injury; or
- (b) Places a building or occupied structure of another or a vital public facility in danger of destruction.

§ 15.3. Failure to control or report dangerous fire.

A person who knows that a fire which was started, albeit lawfully, by him or with his assent, is endangering life or a substantial amount of property of another is guilty of a misdemeanor of the first degree if he fails either to take reasonable measures to put out or control the fire when he can do so without substantial risk to himself, or to give a prompt fire alarm.

§ 15.4. Release of destructive forces.

1. *Causing catastrophe.* A person who causes a catastrophe by explosion, fire flood, collapse of a building, release of poison gas, radioactive material or other dangerous and difficult-to-confine force or substance, commits a felony of the second degree if he does so purposely or knowingly, or a felony of the third degree if he does so recklessly.

2. *Risking catastrophe.* A person is guilty of a misdemeanor of the first degree if he recklessly creates a risk of catastrophe in the employment of fire, explosive or other dangerous means listed in paragraph 1.

3. *Failure to prevent catastrophe.* A person who knowingly does an act which causes or which he knows is likely to cause the release of any dangerous or difficult-to-confine force or substance or assents to the doing of such act is guilty of a misdemeanor of the first degree if he knowingly or recklessly fails to take reasonable measure to prevent the catastrophe.

4. *Definitions of "catastrophe".* Catastrophe as used in this section means serious bodily injury to ten or more persons or substantial damage to ten or more separate habitations or structures, or property loss in excess of \$50,000.

§ 15.5. Criminal mischief.

1. *Offense.* A person is guilty of criminal mischief if he:

- (a) Damages tangible property of another purposely or recklessly;
- (b) Damages tangible property of another negligently in the employment of fire, explosives or other dangerous means listed in Section 15.4 (1);
- (c) Purposely or recklessly tampers with tangible property of another so as to endanger person or property.

2. *Grading.* Criminal mischief is a felony of the third degree if the actor purposely causes pecuniary loss of \$5,000 or over, or a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service. Criminal mischief is a misdemeanor of the first degree if the actor recklessly causes any such loss, interruption, impairment or damage, or he purposely causes pecuniary loss in excess of \$500 and under \$5000 otherwise criminal mischief is a misdemeanor of the second degree.

§ 15.6. Definitions.

As used in this subchapter:

- (a) "Occupied structure" includes a ship, trailer, sleeping car, airplane, or other vehicle, structure, or place, adapted for overnight accommodation of persons or for carrying on business therein, whether or not a person is actually present.
- (b) Property is that "of another" if anyone other than the actor has a possessory or proprietary interest therein. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an occupied structure of another;
- (c) "Vital public facility" includes a facility maintained for use as a bridge, whether over land or water, dam, tunnel, wharf, communications or radar installation, power station, and airfield.

Subchapter B. Criminal Intrusion

§ 15.20. Burglary.

1. *Offense.* A person is guilty of burglary if he enters or surreptitiously remains in a building or occupied structure, or a separately secured or occupied portion thereof, with purpose to commit a crime therein, unless the premises are at the time open to the public and the actor is licensed, invited or otherwise privileged to enter or remain. It is an affirmative defense to prosecution for burglary that the building or structure was abandoned.

2. *Grading.* Burglary is a felony of the second degree if:

- (a) The offense is committed at night in the dwelling of another; or
- (b) In effecting entry or while in the premises or in immediate flight therefrom, the actor inflicts or attempts to inflict bodily injury or physical restraint on another, or menaces another with imminent serious bodily injury, or is armed with explosives or a deadly weapon. Otherwise burglary is a felony of the third degree.

3. *Multiple convictions.* A person may not be convicted both for burglary and for the offense which it was his purpose to commit after the burglarious entry or for an attempt to commit that offense, unless the additional offense constitutes a felony of the first or second degree.

§ 15.21. Criminal trespass.

1. *Buildings and occupied structures.* A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters, or surreptitiously remains in any building or occupied structure, or separately secured or occupied portion thereof. An offense under this paragraph is a misdemeanor of the first degree if it is committed in a dwelling at night. Otherwise it is a misdemeanor of the second degree.

2. *Property posted against trespass.* A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given by:

- (a) Actual communication to the actor; or
- (b) Posting in a manner prescribed by law of notice reasonably likely to come to the attention of intruders; or
- (c) Fencing or other enclosure manifestly designed to exclude intruders.

An offense under this paragraph constitutes a misdemeanor of the second degree if the offender defies an order to leave personally communicated to him by the owner of the premises or other authorized person. Otherwise it is an infraction.

3. *Defense.* It is an affirmative defense to prosecution under this section that:

- (a) A building or occupied structure involved in an offense under paragraph (1) was abandoned; or
- (b) The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or

- (c) The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.

4. *Unauthorized occupation, possession, sale or other conveyance of property.* A person commits an offense if, knowing that he is not licensed or privileged to do so;

- (a) enters upon, occupies and improves real property not having fee simple title thereto, or permission of the owner;
- (b) disposes of real property by sale, mortgaged or otherwise without having proper and valid ownership to the same; or
- (c) leases, rents, mortgages or otherwise conveys real property to another without a deed or other instrument of conveyance establishing ownership thereof in himself .

An offense under this paragraph constitutes a felony of the third degree. In cases where the said property thus illegally entered upon, occupied and improved, leased, mortgaged or otherwise disposed of is part of the public domain no damages shall be assessable, but in case of private property the rightful owner of said property shall be entitled to redress in damages for trespass recoverable from him. In each such case, evidence of ownership must be shown by the proffer of a title deed or other proper instrument of conveyance.

The judgment in every such case shall include the vesting of all improvements in the true owner; or where the property is public domain the vesting of all improvements shall be in the Republic.

§ 15.22. Definitions.

As used in this subchapter:

- (a) "Occupied structure" means any structure, vessel, vehicle or place adapted for overnight accommodation of persons, or for carrying on business therein, whether or not a person is actually present.
- (b) "Night" means the period between six o'clock in the evening and six o'clock in the morning.

Subchapter C. Robbery

§ 15.30. Robbery.

1. *Offense.* A person is guilty of robbery if, in the course of committing a theft, he inflicts or attempts to inflict bodily injury upon another, or threatens another with imminent bodily injury. An act shall be deemed "in the course of committing a theft" if it occurs in an attempt to commit theft, whether or not the theft is successfully completed, or in immediate flight from the commission of, or an unsuccessful effort to commit, the theft.

2. *Grading.* Robbery is a felony of the second degree, except that it is a felony of the first degree if in the course of committing the theft the actor attempts to kill anyone, or purposely inflicts or attempts to inflict serious bodily injury.

§ 15.31. Piracy.

1. *Offense.* Piracy is any illegal act of violence or detention or any act of depredation committed for private ends by the crew or passengers of a private ship or private aircraft, or committed by the crew of a warship or government ship or government aircraft, and is directed:

- (a) On the high seas, against another ship or aircraft or against person or persons or property on board another ship or aircraft; or
- (b) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any nation or government.

“High seas” means all parts of the sea that are not included in the territorial sea or in the internal waters of any nation or government.

2. *Jurisdiction.* Piracy is an offense against the law of nations and any person charged with piracy may be tried in a court of appropriate jurisdiction in Liberia.

3. *Grading.* Piracy is a felony of the first degree if, in the course of committing the piracy the actor attempts to kill anyone, or purposely inflicts or attempts to inflict serious bodily injury. Otherwise piracy is a felony of the second degree. An act shall be deemed “in the course of committing piracy”, if it occurs in an attempt to commit piracy, whether or not the piracy is successfully completed, or in immediate flight from the commission of, or an unsuccessful effort to commit piracy.

4. *Seizure of vessels.* The President of the Republic of Liberia is authorized to instruct the commander of any armed vessel of the Republic to subdue, seize and take into any part of Liberia any vessel the crew or passengers of which have attempted to commit or have committed any act of piracy, and to retake any Liberian vessel which been captured by pirates upon high seas. The commander of any armed vessel of the Republic, knowing any vessel has committed an act of piracy, may pursue, capture and hold such vessel and the crew thereof and cause them to be taken into a port of Liberia to be dealt with according to law.

5. *Sale and distribution of proceeds.* Whenever any vessel has been captured and brought into any port of the Republic under authority of paragraph 4, and has been condemned by trial in a court of admiralty, the vessel shall be adjudged to be sold and the proceeds of such sale distributed one half to the Republic and the other half to the captor. The court condemning such vessel shall decree such sale and distribution.

§ 15.32. Armed Robbery.

A person has committed a capital offense of armed robbery which is a felony of the first degree if, in the process or course of committing theft, he threatens to kill, kills, or inflicts bodily injury upon a person or group of persons, or places such person or group of persons in imminent danger or peril of life under gun point, or by means of explosives, weapons or other lethal devices or instruments.

§ 15.33. Highjacking.

1. *Offense.* Any person or group of person who threatens, or attempts to threaten any person or group of persons or any operator of an aircraft, train, automobile or other vehicles with a deadly weapon, whether or not such aircraft, train, automobile or vehicle is stationary or in locomotion, or who diverts the normal course of such aircraft, train, automobile or other vehicles, or holds such

person or group of persons as hostage for reward, hope of reward, or makes unlawful demand, have committed the capital offense of highjacking, a felony of the first degree.

2. *Jurisdiction.* Highjacking is an offense repugnant to international law and any person or group of persons charged with the capital offense of highjacking are triable in the courts of competent jurisdiction in Liberia.

§ 15.34. Penalties for Armed Robbery, Terrorism and Highjacking.

Any person or group of persons who shall be convicted of the capital offenses of armed robbery, highjacking or terrorism, shall be sentenced in the following manner:

1. Following a conviction of the crime of armed robbery or highjacking under Sections 14.54 and 15.32 of this Act, the felons shall be sentenced to a term of imprisonment for a period of not less than ten (10) calendar years, nor more than fifteen (15) calendar years where no property damage or personal injury ensues from the acts of the offender or offenders;

2. Any person or group of persons convicted of the crime of armed robbery or highjacking under Sections 14.54 and 15.32 of this Act, shall be sentenced to a term of imprisonment of not less than fifteen (15) calendar years, nor more than twenty (20) calendar years where personal injury is sustained and/or valuables taken away as a result of the act of the felon or felons.

In the event death ensues, the accused convicted under Sections 14.52 and 15.32 of this Act shall be sentenced to death by hanging in a public place designated by the trial court; and

3. Any person or group of persons convicted under Section 15.33 of this Act shall be sentenced to death by hanging in a public place designated by the trial court, regardless of whether or not death ensues, personal injury is sustained, property is damaged, or valuables are received by the convicted person or group of persons.

Subchapter D. Theft and Related Offenses

§ 15.50. Consolidation of theft offenses.

1. *Construction of sections.* Conduct denominated theft in Sections 15.51, 15.52 and 15.53 constitutes a single offense designed to include the separate offenses heretofore known as larceny, defrauding and cheating, obtaining money under false pretense, embezzlement, extortion, blackmailing, receiving stolen goods, and the like.

2. *Charging theft.* An indictment or information charging theft under Sections 15.51, 15.52 and 15.53 which contains enough information about the events alleged to have taken place, fairly to appraise the defendant of the nature of the charges against him shall be sufficient without further specifying the precise legal category of theft of which the defendant may be convicted. The defendant may be found guilty of theft under such an indictment or information if his conduct falls under any of Sections 15.51, 15.52, 15.53, so long as the conduct proved is sufficiently related to the conduct charged that the accused is not unfairly surprised by the case he must meet.

§ 15.51. Theft of property.

A person is guilty of theft if he:

- (a) Knowingly takes, misappropriates, converts or exercises unauthorized control over, or makes an unauthorized transfer of an interest in, the property of another with the purpose of depriving the owner thereof;
- (b) Knowingly obtains the property of another by deception or by threat with the purpose of depriving the owner thereof or purposely deprives another of his property by deception or by threat, or
- (c) Knowingly receives, retains or disposes of property of another which has been stolen, with the purpose of depriving the owner thereof.

§ 15.52. Theft of services.

A person is guilty of theft if:

- (a) He obtains services, known by him to be available only for compensation, by deception, threat, false token or other means to avoid payment for the services; or
- (b) Having control over the disposition of services of another to which he is not entitled, he diverts those services to his own benefit or to the benefit of another not entitled thereto.

Where compensation for services is ordinarily paid immediately upon their rendition, as in the case of hotels, restaurants, and comparable establishments, absconding without payment or making provision to pay is prima facie evidence that the services were obtained by deception.

§ 15.53. Theft of property lost, mislaid or delivered by mistake.

A person is guilty of theft if he:

- (a) Retains or disposes of property of another when he knows it has been lost or mislaid; or
- (b) Retains or disposes of property of another when he knows it has been delivered under a mistake as to the identity of the recipient or as to the nature or amount of the property, and with the purpose of depriving the owner of it, he fails to take reasonable measures to restore the property to a person entitled to have it.

§ 15.54. Grading of theft offenses.

1. *Felony of second degree.* Theft under Section 15.51 through 15.53 is a felony of the second degree if the property or services stolen are of the value of \$50,000 or over or are acquired or retained by a threat to commit a crime which is a felony of the first or second degree or to inflict serious bodily injury on the person threatened or on any other person.

2. *Felony of third degree.* Theft under Sections 15.51 through 15.53 which is not a felony of the second degree under paragraph 1, is a felony of the third degree if:

- (a) The property or services stolen are of the value of \$300 or over;

- (b) The property or services stolen are acquired or retained by threat and (i) are acquired or retained by a public officer by a threat to take or withhold official action, or (ii) are of the value of \$50 or over;
- (c) The property or services stolen are of the value of \$50 or over and are acquired or retained by a public officer in the course of his duties;
- (d) The property stolen is a firearm, ammunition, explosive, or destructive device or an automobile, aircraft or other motor propelled vehicle;
- (e) The property consists of any government file, record, document or other government paper stolen from any government office or from any public servant;
- (f) The defendant is in the business of buying or selling stolen property and he receives, retains or disposes of the property in the course of that business;
- (g) The property is stolen from the Liberian mail and is first class mail or air mail.

3. *Misdemeanor of the first degree.* All other theft under Sections 15.51 through 15.53 is a misdemeanor of the first degree, unless the requirements of paragraph 4 are met.

4. *Misdemeanor of the second degree.* Theft under sections 15.51 through 15.53 of property or services of a value less than \$50 is a misdemeanor of the second degree if:

- (a) The theft was not committed by threat;
- (b) The theft was not committed by deception by one who stood in a confidential or fiduciary relationship to the victim of the theft; and
- (c) The defendant was not a public servant or an officer or employee of a financial institution who committed the theft in the course of his official duties.

5. *Definition of "petit larceny".* Unless the context otherwise requires, all references to "petit larceny" in the statutes of the Republic shall be deemed to mean any theft penalized as a misdemeanor of the second degree.

6. *Valuation.* For purposes of grading, the amount involved in a theft, under sections 15.51 through 15.53, shall be the highest value by any reasonable standard, regardless of the actor's knowledge of such value, of the property or services which are stolen by the actor. Theft committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be charged as one offense, and the amounts proved to have been stolen may be aggregated in determining the grade of the offense.

§ 15.55. Unauthorized use of vehicle.

1. *Offense.* A person is guilty of a misdemeanor of the first degree, if knowing that he does not have the consent of the owner, he takes, operates, or exercises control over an automobile, aircraft, motorcycle, motorboat, or other motor-propelled vehicle of another.

2. *Defense.* It is an affirmative defense to a prosecution under this section that the actor reasonably believed that the owner would have consented had he known of the conduct on which the prosecution was based.

§ 15.56. Misapplication of entrusted property.

A person is guilty of a misdemeanor of the first degree if he disposes of, uses or transfers any interest in property which has been entrusted to him as a fiduciary, or in his capacity as a public servant or an officer of a financial institution, in a manner that he knows is not authorized and that he knows to involve a risk of loss or detriment to the owner of the property or to the government or other person whose benefit the property was entrusted.

§ 15.57. Defrauding secured creditors.

1. *Offense.* A person is guilty of an offense if he destroys, removes, conceals, and encumbers, transfers or otherwise deals with property subject to a security interest with the purpose of preventing collection of the debt represented by the security interest.

2. *Grading.* The offense is a misdemeanor of the first degree if the property has a value of at least \$300 and a misdemeanor of the second degree if the property has a value of at least \$50 and less than \$300. Otherwise it is an infraction.

Value is to be determined as provided in Section 15.54(c).

§ 15.58. Bad checks.

A person who issues or passes a check or similar sight order for the payment of money knowing that it will not be honored by the drawee, commits a misdemeanor of the first degree. For the purpose of this section as well as in any prosecution for theft committed by means of bad check, an issuer is presumed to know that the check or order (other than a postdated check or order issued in faith) would not be paid if:

- (a) The issuer had no account with the drawee at the time the check or order was issued; or
- (b) Payment was refused by the drawee for lack of funds, upon presentation within thirty days after issue and the issuer failed to make good within ten days after receiving written notice of that refusal.

§ 15.59. Defenses.

1. *Claim of right.* It is an affirmative defense to a prosecution under sections 15.51 through 15.75 that the actor honestly believed that he had a claim to the property or services involved which he was entitled to assert in the manner which forms the basis for the charge against him.

2. *Theft from spouse.* It is an affirmative defense to a prosecution, under Sections 15.51 through 15.57 that the victim is the actor's spouse, but only when the property involved constitutes household or personal effects or other property normally assessable to both spouses and the parties involved are living together.

§ 15.60. Proof.

1. *Property entrusted to public servant or officer of financial institution.* It shall be a prima facie case of theft under Sections 15.51 through 15.53 if it is shown that an officer or employee of the government or of a financial institution has failed to pay or account upon lawful demand for money or property entrusted to him as part of his official duties or if an audit reveals a shortage or falsification of his accounts.

2. *Dealer acquiring stolen property.* It shall be prima facie evidence that the actor knows that property has been stolen if it is shown that, being a dealer, he has acquired it for a consideration which he knew to be far below its reasonable value.

“Dealer” means a person, whether licensed or not, who has repeatedly engaged in transaction in the type of property involved.

§ 15.61. Definitions.

In this subchapter:

(a) “Deception” means:

- (i) creating or reinforcing false impression. Including false impressions as to fact, law, status, value, intention or other state of mind; but deception as to a person’s intention to perform a promise shall not be inferred from the fact alone that he did not substantially perform the promise; or
- (ii) preventing another from acquiring information which would affect his judgment of a transaction; or
- (iii) failing to correct a false impression which the actor previously created or reinforced, or which he knows to be influencing another to whom he stands in a fiduciary or confidential relationship; or
- (iv) failing to correct an impression which the actor previously created or reinforced and which the actor knows to have become false due to subsequent events; or
- (v) failing to disclose to known lien, adverse claim or other impediment to the enjoyment of property which he transfers or encumbers in consideration for the property obtained or in order to continue to deprive another of his property, whether such impediment is or is not valid, or is or is not a matter of official record; or
- (vi) using a credit card or any other instrument which purports to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer (a) where such instrument has been stolen, forged, revoked or cancelled, or where for any other reason its use by the actor is unauthorized, and (b) where the actor does not have the intention and ability to meet all obligations to the issuer arising out of his use of the instrument; or
- (vii) any other scheme or artifice to defraud. The term “deception” does not, however include falsifications as to matters having no pecuniary significance or puffing by statements unlikely to deceive ordinary persons in the group addressed. “Puffing” means an exaggerated commendation of wares in communications addressed to the public or to a class or group;

(b) “deprive” means:

- (i) to withhold property or cause it to be withheld either permanently or under such circumstances that a major portion of its economic value, or its use and benefit, has in fact, been appropriated; or
- (ii) to withhold property or to cause it to be withheld with the intent to restore it only upon payment of a reward or other compensation; or

- (iii) to dispose of property or use it or transfer any interest in it under circumstance that make its restoration unlikely;
- (c) “fiduciary” means a trustee, guardian, executor, administrator, receiver or any other person acting in a fiduciary capacity, or any other person carrying on fiduciary functions on behalf of a corporation or other organization which is a fiduciary;
- (d) “financial institution” means a bank, insurance company or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment;
- (e) “obtain” means:
 - (i) in relation to property, to bring about a transfer or purported transfer of an interest in the property, whether to the actor or another; or
 - (ii) in relation to services, to secure performance thereof;
- (f) “property” means any money, tangible or intangible personal property, property (whether real or personal) the location of which can be changed (including things growing on, affixed to, or found inland and documents although the rights represented thereby have no physical location), contract right, chose-in-action, interest on or claim to wealth, credit, or any other article or thing of value of any kind. “Property” also means real property the location of which cannot be moved if the offense involves transfer or attempted transfer of an interest in the property;
- (g) “property of another” means property in which a person other than the actor or in which a government has an interest which the actor is not privileged to infringe without consent, regardless of the fact that the actor also has an interest in the property and regardless of the fact that the other person or government might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in possession of the actor shall not be deemed property of another who has a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security agreement. “Owner” means any person or government with an interest in property such that it is “property of another” as far as the actor is concerned;
- (h) “receiving” means acquiring possession, control or title or lending on the security of the property;
- (i) “services” means labor, professional service, transportation, telephone, mail or other public services, gas, electricity and other public utility services, accommodations in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles or other property;
- (j) “stolen” means property which has been the subject of theft or robbery or a vehicle which is received from a person who is then in violation of Section 15.55;
- (k) “threat” means an expressed purpose, however communicated, to
 - (i) cause bodily injury in the future to the person threatened or to any other person threatened; or
 - (ii) cause damage to property; or
 - (iii) subject the person threatened or any other person to physical confinement or restraint; or
 - (iv) engage in other conduct constituting a crime; or
 - (v) accuse anyone of a crime, or
 - (vi) expose a secret or publicize an asserted fact, whether true or false, tending to subject a person living or deceased to hatred, contempt, or ridicule or impair another’s credit or business repute; or

- (vii) reveal any information sought to be concealed by the person threatened; or
- (viii) testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
- (ix) take or withhold official action; or
- (x) bring about or continue a strike, boycott, or other similar collective action to obtain property or deprive another of his property which is not demanded or received from the benefit or the group which the actor purports to represent; or
- (xi) cause anyone to be dismissed from his employment, unless the property is demanded or obtained for lawful union purposes; or
- (xii) do any other act which would not in itself substantially benefit the actor or a group he represents but which is calculated to harm another person in a substantial manner with respect to his health, safety, business, employment calling, career, financial condition, reputation, or personal relationships.

Subchapter E. Forgery or Counterfeiting

§ 15.70. Forgery or counterfeiting.

1. Definition. A person has committed forgery or counterfeiting, if, with the purpose of deceiving or harming the government or another person, or with knowledge that he is facilitating such deception or harm by another person, he

- (a) Knowingly and falsely makes, completes or alters any writing or subject; or
- (b) Knowingly utters a forged or counterfeited writing or object.

2. Grading. Forgery or counterfeiting is:

- (a) A second degree felony if:
 - (i) The actor forges or counterfeits money which is legal tender in Liberia or postage or revenue stamps or any obligation or other security of Liberia; or
 - (ii) The offense is committed pursuant to a scheme to defraud another of money or property of a value of \$50,000 or over;
- (b) A third degree felony if it is not a second degree felony within paragraph 2(a) and if:
 - (i) The actor is a public servant or an officer or employee of a financial institution and the offense is committed under color of officer or is made possible by his office; or
 - (ii) The actor forges or counterfeits foreign money not used as legal tender in Liberia or utters money which is legal tender in Liberia or abroad or utters postage or revenue stamps or any obligation or other security of Liberia; or
 - (iii) The actor forges or counterfeits any writing from plates, dies, molds, photographs, or other similar instruments designed for multiple reproduction; or
 - (iv) The actor forges or counterfeits a writing which purports to have been made by the government except a writing covered by subparagraph (a) of this paragraph; or
 - (v) The offense is committed pursuant to a scheme to defraud another of money or property of value of \$300 or over.
- (c) A first degree misdemeanor in all other cases.

§ 15.71. Facilitation of counterfeiting.

1. *Counterfeiting implements.* A person has committed an offense, if, except as authorized by statute or regulation, he knowingly makes, executes, sells, buys, imports, possess or otherwise has within his control any plate, stone, paper, tool, die, mold, or other implement or thing uniquely associated with or fitted for the preparation of any forged or counterfeited security or tax stamp or any writing or object which purports to be made by Liberia or any foreign government.

2. *Counterfeiting impressions.* A person has committed an offense if, except as authorized by statute or regulation, he:

- (a) Knowingly photographs or otherwise makes a copy of:
 - (i) Money or other obligation or security of Liberia or a foreign government, or any part thereof; or
 - (ii) Any plate, stone, tool, die, mold, or other implement or things uniquely associated with or fitted for the preparation of any writing or object described in paragraph one; or
- (b) Knowingly sells, buys, imports, possesses or otherwise has within his control any paragraph or copy, the making of which is prohibited by paragraph 2(a).

3. *Grading.* An offense defined in this section is a second degree felony if the implement of the impression relates to the forging or counterfeiting of money or other obligation or security of Liberia. Otherwise, it is a third degree felony.

§ 15.72. Obtaining or issuing deceptive writings.

1. *Offense.* A person has committed an offense if:

- (a) By deception he causes another to execute any instrument affecting or likely to affect the pecuniary interest of any person; or
- (b) With the purpose of deceiving or harming the government or another person, or with knowledge that he facilitated such a deception or harm by another person, he knowingly issues a writing without authority to issue it or knowingly utters a writing which has been procured by deception or has been issued without authority.

2. *Grading.* The offense is a third degree felony if the actor is a public officer or an officer or employee of a financial institution and the offense is committed under color of office or is made possible by his office. Otherwise, it is a first degree misdemeanor.

§ 15.73. Definitions for sections relating to false documents and counterfeiting.

As used in sections 15.70 through 15.72:

- (a) "Deception" means
 - (i) creating or reinforcing false impressions as to fact, law, status, value, intention or other state of mind; but deception as to a person's intention to perform a promise shall not be inferred from the fact alone that he did not substantially perform the promise;
- (b) "Writing" or "object":

- (i) any paper, document or other instrument containing written or printed matter or its equivalent including money, a money order, bond, judgment, public record, affidavit, certificate, passport, visa, contract, security, or obligation, and
 - (ii) any coin or any gold or silver bar official coined or stamped or any signature, credit card, token, stamp, seal, badge, decoration, medal, trademark, or other symbol evidence of value, right, privilege, or identification which is capable of being used to the advantage or disadvantage of the government or any person.
- (c) “without authority” includes conduct that, on the specific occasion called into question, is beyond any authority given by statute, regulation or agreement;
 - (d) “falsely makes” means to make a writing which purports to be made by the government or another person, or a copy thereof, but which is not because the apparent maker is fictitious or because the writing was made without authority;
 - (e) “falsely completes” means to make an addition to or insert in writing, without authority, so that the writing appears to have been by, or fully authorized by, its apparent maker;
 - (f) “falsely alters” means to make a change in a writing, without authority, so that the writing appears to have been made by or fully authorized by, its apparent maker;
 - (g) to “forge” or to “counterfeit” a writing means to falsely make, complete or alter the writing and a “forged” or “counterfeited” writing is a writing which has been falsely made, completed or altered. The terms “forgery and counterfeiting” and their variants are intended to be synonymous in legal effect;
 - (h) “utters” means to issue, authenticate, transfer, publish, sell, transmit, present, use or otherwise give currency to;
 - (i) “possess” means to receive, conceal, hold or otherwise exercise control over;
 - (j) the term “obligation or other security of Liberia” means a bond, certificate of indebtedness, or other representation of value of whatever denomination, issued pursuant to government authority and a cancelled Liberian stamp;
 - (k) “security” other than as provided in subparagraph (j) of this section includes any note, stock certificate, bond, debenture, check, draft, warrant, traveler’s check, letter of credit warehouse receipt, negotiable bill of lading, evidence of indebtedness or any certificate or document commonly known as a security;
 - (l) “tax stamp” includes any tax stamp, tax token, tax meter imprint, or any other form of evidence of an obligation running to the Government, or evidence of the discharge thereof.

Subchapter F. Economic Sabotage

§ 15.80. Fraud on the internal revenue of Liberia.

A person is guilty of a first degree felony, if he:

- (a) Knowingly conspires or colludes to defraud the Government of Liberia;
- (b) Knowing makes an opportunity for any person to defraud the Government of Liberia or another;
- (c) Does or omits to do any act with intent to enable another to defraud the Government of Liberia;

- (d) Makes or signs any fraudulent entry in any book or record of any Ministry or Agency of Government or signs any fraudulent certificate, return or statement;
- (e) Demands greater sums than authorized by law or receives any fee, compensation or reward for the performance of any duty except compensation from the Government of Liberia;
- (f) With intent to defeat the application of any provision of the Revenue and Finance Law of Liberia, fails to perform any of the duties of his office or employment;
- (g) Having knowledge of a violation of any Revenue and Finance Law of Liberia, or any fraud, fails to report in writing such information to the Commissioner of Internal Revenues or the Minister of Finance of Liberia;
- (h) Demands, accepts, attempts to collect, directly or indirectly, as a payment, gift or otherwise of sum or thing of value for compromise, adjustment or settlement of any charge or complaint.

§ 15.81. Misuse of public money, property or record.

A person is guilty of a first degree felony, if he:

- (a) Knowingly steals, takes, purloins, or converts to his own use and benefit or the use of another; or without authority, sells, conveys or disposes of any record, voucher, money or thing of value of the Government of Liberia or any Ministry, or Agency thereof, or public corporation, or any property made or being made under contract for the Government of Liberia or any Ministry, Agency thereof or public corporation;
- (b) Receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been stolen, purloined or converted;
- (c) Disposes of, uses or transfers any interest in property which has been entrusted to him as a fiduciary, and in his capacity as a public servant or any officer of an institution, in a manner he knows is not authorized and that he knows to involve risk of loss or detriment to the owner of the property or to the Government of Liberia or other person for whose benefit the property was entrusted.

§ 15.82. Theft and/or illegal disbursement and expenditure of public money.

A person is guilty of a first degree felony, if he:

- (a) Knowingly fails to render his account or accounts for public money or property as provided by law, said person being an officer, employee or agent of the Government of Liberia or of any Ministry or Agency thereof or public corporation, having received public money which he is not authorized to retain as salary, pay or emolument;
- (b) Knowing takes, misappropriates, converts, or exercises unauthorized control over, or makes unauthorized transfer of an interest in the property of another or the Government of Liberia, with the purpose of depriving the owner thereof or purposely deprives another of his property by deception, or by threat; or
- (c) Knowingly receives, retains or disposes of property of another or the Government of Liberia which has been stolen, with the purpose of depriving the owner thereof or the Government of Liberia [of such property].

§ 15.83. Possession, distribution, transportation and/or use of tools and materials for counterfeiting purposes.

A person is guilty of a first degree felony, if he:

- (a) Knowingly and without any authority from the Government of Liberia, secrets within, or embezzles, or takes and carries away from any building, room, office, apartment, vault, safe, or other place where the same is kept, employed, used and placed, logged or deposited by authority of the Government of Liberia, any tool, implement, or thing used or fitted to be used in stamping or printing any kind or description of bond, bill, note, certificate, coupon, postage stamp, factional currency note, or other paper, instrument, obligation, device, or document, authorized by law to be printed, stamped, sealed, prepared, issued, uttered or put in circulation on behalf of the Government of Liberia;
- (b) Knowingly and without such authority, so secrets, steals, or takes and carries away paper, parchment, or other material printed or stamped, in whole or in part, and intended to be prepared, issued, or put in circulation on behalf of the Government of Liberia as one of such papers, instruments or obligations, or printed or stamped, in whole or in part, in the similitude of any such paper, instrument, obligation, whether intended to issue or put the same in circulation or not;
- (c) Knowingly and without such authority, so secrets, steals, or takes and carries away any paper, parchment, or other material prepared and intended to be used in the making of any such papers, instruments, obligations, devices or documents;
- (d) With the purpose of deceiving or harming the Government of Liberia or another person, or with knowledge that he is facilitating such deception or harm by another person, he knowingly and falsely makes, completes or alters a forged or counterfeited writing or object;
- (e) Knowingly sells, buys, imports, processes or otherwise has within his control any plate, stone, paper, tool, die, mild or other implement or thing uniquely associated with or fitted for the preparation of any forged or counterfeited security or tax stamp or any writing or object which purports to be made by the Government of Liberia, its agent or any foreign government or its agent.

§ 15.84. Banker receiving unauthorized deposits or public money; individual unauthorizedly making deposit of public money.

A person is guilty of a first degree felony, if he:

- (a) Knowingly and unauthorizedly, not being an authorized depository of public moneys, receives from any Disbursing Officer, or Collector of Internal Revenues or other Agent of the Government of Liberia, any public money on deposit, or by way of loan or accommodation, with or without interest, or otherwise than in payment of a debt against the Government of Liberia, or uses, transfers, converts, appropriates or applies any portion of the public money for any purpose not prescribed by law.

§ 15.85. Bad checks/forged checks.

A person commits a third degree felony if he issues or passes a check or similar sight order for the payment of money knowing that it will not be honoured by the drawer. For the purpose of this

section as well as in any prosecution for theft committed by means of a bad check, an issuer is presumed to know that the check or order would not be paid if:

- (a) The issuer had no account with the drawee at the time the check or order was issued;
- (b) Payment was refused by the drawee for lack of funds, upon presentation within thirty days after issue and the issuer failed to make good within ten days after receiving written notice of that refusal.
- (c) Issuer forged or know it to be a forged check and yet have said check encashed or attempt to encash the same.

§ 15.86. Bail bond.

A person charged under this sub-chapter "F" shall be required to post a cash bond in the amount equivalent to the amount charged, but shall not be less than the amount of the fine of \$10,000.00 as prescribed herein.

§ 15.87. Fine and Restitution

A person tried and convicted under this sub-chapter "F" shall be made to retribute the amount stolen and shall be fined an amount not less than \$10,000.00 or be imprisoned for not less than ten (10) years or both if the amount involved is \$1,000.00. He shall pay a fine of \$5,000.00 or be imprisoned for not less than five (5) years, or both.

Chapter 16. Offense Against the Family

- § 16.1. Bigamy and polygamy.
- § 16.2. Incest or deviate sexual intercourse within family relationships.
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- § 16.5. Persistent non-support.
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§ 16.1. Bigamy and polygamy.

1. *Bigamy.* A married person is guilty of bigamy, a misdemeanor of the first degree, if he contracts or purports to contract another marriage, unless at the time of the subsequent marriage:

- (a) The actor believes that the prior spouse is dead; or
- (b) The actor and the prior spouse have been living apart for five consecutive years throughout which the prior spouse was not known by the actor to be alive; or
- (c) A court has entered a judgment purporting to terminate or annul any prior disqualifying marriage, and the actor does not know that judgment to be invalid; or
- (d) The actor reasonable believes that he is legally eligible to remarry.

The provisions of this paragraph do not apply to a person when customary laws are applicable exclusively.

2. *Bigamous cohabitation.* A person who lives in Liberia with another under the appearance or representation of being man and wife, after contracting a marriage elsewhere which was bigamous in the jurisdiction where it was contracted and which would be bigamous if contracted in Liberia, commits a misdemeanor of the first degree. The statute of limitations on the offense defined in this paragraph runs from the date of the marriage.

3. *Polygamy.* A person is guilty of polygamy, a felony of the third degree, if he cohabits with more than one spouse at a time in purported exercise of the right of plural marriage. The offense is a continuing one until all cohabitation and claim of marriage with more than one spouse terminates. This section does not apply to parties to a polygamous marriage, lawful in the country of which they are residents or nationals, while they are in transit through or temporarily visiting the Republic of Liberia or to persons when customary laws are applicable exclusively.

4. *Other party to bigamous or polygamous marriage.* A person is guilty of bigamy or polygamy, as the case may be, if he contracts or purports to contract marriage with another knowing that the other is thereby committing bigamy or polygamy.

§ 16.2. Incest or deviate sexual intercourse within family relationships.

A person is guilty of a felony of the third degree if he knowingly marries or cohabits or has sexual intercourse or deviate sexual intercourse with an ancestor or descendant, a brother or sister of the whole or half blood, or an uncle, aunt, nephew or niece of the whole blood. The relationship referred to herein include blood relationships without regard to legitimacy, and relationships of parent and child by adoption and stepparent and stepchild during the existence of the marriage giving rise to such relationship.

§ 16.3. Abortion.

1. *Unjustified abortion.* A person who purposely and unjustifiably terminates the pregnancy of another otherwise than by a live birth commits a felony of the third degree or, where the pregnancy has continued beyond the twenty-fourth week a felony of the second degree.

2. *Justifiable abortion.* A licensed physician is justified in terminating a pregnancy if he believes there is substantial risk that continuance of the pregnancy would gravely impair the physical or mental health of the mother or that the child would be born with grave physical or mental defect, or that the pregnancy resulted from rape, incest, or other felonious intercourse. An illicit intercourse with a girl below the age of sixteen shall be deemed felonious for purpose of this paragraph.

3. *Physicians' certificate: presumption from non-compliance.* No abortion shall be performed unless two physicians, one of whom may be the person performing the abortion, shall have certified in writing the circumstances which they believe to justify the abortion. Such certificate shall be submitted before the abortion (a) to the hospital where it is to be performed, or if the abortion is not performed in a hospital, to the Minister of Health, and (b) in the case of abortion following felonious intercourse, to the County Attorney or the police. Failure to comply with any of the requirements of this paragraph gives rise to a presumption that the abortion was unjustified.

4. *Self-abortion.* A woman whose pregnancy has continued beyond the twenty-fourth week commits a felony of the third degree if she purposely terminates her own pregnancy otherwise than by a live birth, or if she uses instrument, drugs, or violence upon herself for that purpose. Except as justified under paragraph (2), a person who induces or knowingly aids a woman to use instruments, drugs or violence upon herself for the purpose of terminating her pregnancy otherwise than by a live birth commits a felony of the third degree whether or not the pregnancy has continued beyond the twenty-fourth week.

5. *Pretended abortion.* A person commits a felony of the third degree, if, representing that it is his purpose to perform an abortion, he does an act adapted to cause abortion in a pregnant woman although the woman is in fact not pregnant, or the actor does not believe she is.

A person charged with unjustified abortion under paragraph (1) or an attempt to commit that offense may be convicted thereof upon proof of conduct prohibited by this paragraph.

6. *Section inapplicable to preventing of pregnancy.* Nothing in this section shall be deemed applicable to the prescription, administration or distribution of drugs or other substances for avoiding pregnancy, whether by preventing implantation of a fertilized ovum or by any other method that operates before, at or immediately after fertilization

§ 16.4. Endangering welfare of children.

A parent, guardian, or other person supervising the welfare of a child under eighteen commits a misdemeanor of the first degree if he knowingly endangers the child's welfare by violating a legal duty of care, protection or support, as specified in Section 11.11 (d) of the Judiciary Law.

§ 16.5. Persistent non-support.

A person commits a misdemeanor of the first degree if he persistently fails to provide support which he can provide and which he knows he is legally obliged to provide to a spouse, child or other dependent, as specified in section 5.4 of the Domestic Relations Law.

§ 16.6. Sale or serving of alcoholic beverages to children; employment in sale.

Any person who sells or serves alcoholic beverages to any person under the age of eighteen years in the sale of such beverages is guilty of a misdemeanor of the second degree, except that this section shall not apply to a parent or guardian who serves an alcoholic beverage to his child or ward. The term "alcoholic beverage" as used in this section means a beverage containing any percentage of alcohol.

Chapter 17. Offense Against Public Order

§ 17.1. Riot; failure to disperse.

§ 17.2. Mutiny on a vessel.

§ 17.3. Disorderly conduct.

§ 17.4. False public alarm.

- § 17.5. Public drunkenness; drug incapacitation.
- § 17.6. Loitering or prowling.
- § 17.7. Obstructing highways and other public passages.
- § 17.8. Disrupting meetings and processions.
- § 17.9. Persons precluded from receiving, possessing, or supplying firearms, destructive devices and ammunition.
- § 17.10. Supplying firearms, destructive devices and ammunition for criminal activity and to ineligible persons.
- § 17.11. Possession and sale of physical objects for lethal use.

§ 17.1. Riot; failure to disperse.

1. *Offense.* A person is guilty of riot, a third degree felony, if he participates with two or more other persons in a public disturbance which by tumultuous and violent conduct creates grave danger or damage or injury to property or persons or substantially obstructs law enforcement or other government functions.

2. *Failure to disperse upon official order.* Where three or more persons are participating in a public disturbance likely to cause substantial harm or serious inconvenience, annoyance or alarm, a peace officer or other public servant engaged in executing or enforcing the law may order the participants and others in the immediate vicinity to disperse. A person who refuses or knowingly fails to obey such an order commits a second degree misdemeanor.

3. *Definition.* "Public" means affecting or likely to affect persons in a place to which the public or a substantial group has access; among the places included are highways, transport facilities, schools, prisons, apartment houses, places of business or amusement or any neighborhood.

§ 17.2. Mutiny on a vessel.

A person has committed an offense if by force, threat of force or deception, he usurps command of a vessel. The offense or attempt to commit the offense is a second degree felony if the vessel is on high seas; otherwise, it is a third degree felony.

§ 17.3. Disorderly conduct.

1. *Offense.* A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof, he:

- (a) Engages in fighting or threatening, or in violent or tumultuous behavior; or
- (b) Makes unreasonable noise or offensively coarse utterance; gesture, or display, or addresses abusive language to any person present; or
- (c) Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

"Public" has the meaning defined in section 17.1(3)

2. *Grading.* An offense under this section is a second degree misdemeanor if the actor's purpose is to cause substantial harm or serious inconvenience, or if he persists in disorderly conduct after reasonable warning or request to desist. Otherwise disorderly conduct is an infraction.

§ 17.4. False public alarm.

A person is guilty of a first degree misdemeanor if he initiates or circulates a report or warning of an impending bombing or other crime or catastrophe, knowing that the report or warning is false or baseless and that it is likely to cause evacuation of a building, place of assembly, or facility of public transport, or to cause public inconvenience or alarm.

§ 17.5. Public drunkenness; drug incapacitation.

A person is guilty of an infraction if he appears in any public place manifestly under the influence of alcohol, narcotics or other drug, not therapeutically administered, to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity.

§ 17.6. Loitering or prowling.

A person commits an infraction if he loiters or prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstance makes it impracticable, a peace officer shall prior to any arrest for an offense under this section afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and if believed by the peace officer at the time, would have dispelled the alarm.

§ 17.7. Obstructing highways and other public passages.

1. *Obstructing highways.* A person who having no legal privilege to do so, purposely or recklessly obstructs any highway or other public passage, whether alone or with others, commits an infraction, or in case he persists after warning by a peace officer, a second degree misdemeanor. "Obstruct" means renders impassable without unreasonable inconvenience or hazard. No person shall be deemed guilty or recklessly obstructing in violation of this paragraph solely because of a gathering of persons to hear him speak or otherwise communicate, or solely because of being a member of such a gathering.

2. *Refusal of person in gathering to move on official request.* A person in a gathering commits an infraction if he refuses to obey a reasonable official request or order to move:

- (a) To prevent obstruction of a highway or other public passage; or
- (b) To maintain public safety by dispersing those gathered in dangerous proximity to a fire or other hazard.

§ 17.8. Disrupting meetings and processions.

A person commits a second degree misdemeanor if, with purpose to prevent or disrupt a lawful meeting, procession, gathering, or religious congregation, he does any act tending to obstruct or interfere with it physically, or makes any utterance, gesture or display designed to outrage the sensibilities of the group.

§ 17.9. Persons precluded from receiving, possessing, or supplying firearms, destructive devices or ammunition.

1. *Offense.* A person in any of the categories set forth below has committed a third degree felony if he receives, possesses or supplies a firearm, destructive device or ammunition:

- (a) A person who is under a charge of a felony, or who has been convicted by any court of a felony for which he was not subsequently pardoned or otherwise relieved from the disability of his conviction;
- (b) A fugitive from justice;
- (c) A person who is in the custody, care or supervision of a mental institution or facility;
- (d) A person who is under any court adjudication declaring him to be an unlawful user of or to be addicted to any dangerous or abusable drug or in the custody, care or supervision of any medication or mental institution or facility for the care, correction or cure of such use or addiction;
- (e) An alien who is unlawfully in Liberia;
- (f) A person acting in the course of his employment for a person in any of the aforementioned categories.

2. *Definitions.* In this section:

- (a) "ammunition" means every and any explosive compound or substance used in procuring the discharge of firearms or ordinance;
- (b) "dangerous" or "abusable drug" means a drug whose propensity is to substantially impair the judgment of the user;
- (c) "destructive device" means any physical object possessed of lethal use under circumstances not remotely appropriate to the lawful uses which such object may have;
- (d) "firearm" means all arms of precision of any nature;
- (e) "fugitive from justice" means a person who is fleeing or concealing himself to avoid prosecution for a crime, or to avoid contempt proceedings for alleged disobedience of any lawful process requiring his attendance before any court.

§ 17.10. Supplying firearms, destructive devices and ammunition for criminal activity and to ineligible persons.

1. *Supplying for criminal activities.* A person has committed a third degree felony if he:

- (a) Knowingly supplies a firearm, destructive device or ammunition to a person who intends to commit a crime with the aid thereof or while armed therewith; or
- (b) Procures or receives such matter with like intent.

2. *Supplying to ineligible persons.* A person has committed a third degree felony if he supplies a firearm, destructive device or ammunition to any person who, under Section 17.9, is ineligible to

possess it, or to a person who under any court adjudication declaring him to be a mental defective or mentally incompetent.

3. *Definitions.* The definitions prescribed in paragraph (2) of Section 17.9 apply to this section.

§ 17.11. Possession and sale of physical objects for lethal use.

A person not legally authorized to do so by the military or paramilitary nature of his service has committed a third degree felony if he is found to be knowingly in possession of or has sold, transferred, given or loaned to another any physical object possessed of lethal use, under circumstances not remotely appropriate to the lawful uses which such physical object may have.

Chapter 18. Offenses Against Public Morality

- § 18.1. Promoting prostitution.
- § 18.2. Facilitating prostitution.
- § 18.3. When facilitation or promoting prostitution constitutes a felony.
- § 18.4. Prostitution.
- § 18.5. Patronizing prostitutes.
- § 18.6. Definitions for sections relating to prostitution.
- § 18.7. Disseminating obscene material.
- § 18.8. Indecent exposure.
- § 18.9. Loitering to solicit sexual activity.
- § 18.10. Illegal gambling business.
- § 18.11. Desecration of venerated objects.
- § 18.12. Abuse of corpse.
- § 18.13. Cruelty to animals.

§ 18.1. Promoting prostitution.

A person has committed a first degree misdemeanor if he:

- (a) Operates a prostitution business or a house of prostitution;
- (b) Induces or otherwise purposely causes another to become engaged in sexual activity as a business; or
- (c) Knowingly procures a prostitute for a prostitution business or a house of prostitution.

§ 18.2. Facilitating prostitution.

A person has committed a second degree misdemeanor if he:

- (a) Knowingly solicits a person to patronize a prostitute;

- (b) Knowingly procures a prostitute for a patron;
- (c) Knowingly leases or otherwise permits a place controlled by the actor, alone or in association with others, to be regularly used for prostitution, promoting prostitution or facilitating prostitution;
- (d) Knowingly induces or otherwise purposely causes another to remain a prostitute. A person who is supported in whole or part by the proceeds of prostitution, other than the prostitute or the prostitute's minor children or a person whom the prostitute is required by law to support, is presumed to be knowingly inducing or purposely causing another to remain a prostitute.

§ 18.3. When facilitation or promoting prostitution constitutes a felony.

A person who facilitates or promotes prostitution has committed a third degree felony if he or she purposely causes another to become or remain a prostitute by force or threat, or the prostitute is the actor's wife, child, or ward or a person for whose care protection or support the actor is responsible, or the prostitute is in fact less than sixteen years of age.

§ 18.4. Prostitution.

A person has committed prostitution, an infraction, if he or she:

- (a) Is a resident in a house of prostitution, or engages in sexual activity therein or otherwise as a business; or
- (b) Solicits another person with the purpose of being hired to engage in sexual activity.

§ 18.5. Patronizing prostitutes.

A person has committed an infraction if he or she hires a prostitute to engage in sexual activity with him or her, or if he or she enters or remains in a house of prostitution for the purpose or engaging in sexual activity.

§ 18.6. Definitions for sections relating to prostitution.

In Sections 18.1 through 18.5:

- (a) "Sexual activity" means sexual intercourse, deviate sexual intercourse or sexual contact as defined in Section 14.78;
- (b) A "prostitution business" means any business which derives funds from prostitution regularly carried on by a person or persons under the control, management or supervision of another;
- (c) A "house of prostitution" means any place where prostitution is regularly carried on by a person or persons under the control, management or supervision of another;
- (d) A "prostitute" means a person who engages in sexual activity for hire;
- (e) A "resident" means a prostitute who acts as such regularly in or through the agency of a house of prostitution.

§ 18.7. Disseminating obscene material.

A person has committed a first degree misdemeanor if he disseminates obscene material, or such person produces, transports, or sends obscene material, with the purpose that it be disseminated, unless the dissemination is carried on in such a manner as to minimize risk of exposure to children under sixteen years of age and to persons who had no effective opportunity to choose not to be so exposed. "Disseminate" means sell, lease, advertise, broadcast, exhibit, or distribute. Material is "obscene" if, taken as a whole, it:

- (a) Has as its exclusive theme an appeal to prurient interest in sex of the average person, or in the case of material designed for or disseminated to special groups, to the prurient interest in sex of the members of that group; and
- (b) Is utterly without social value to the persons to whom the dissemination is addressed.

Advertising and manner of distribution may be considered, where relevant, in determining the social value of the material.

§ 18.8. Indecent exposure.

A person has committed a second degree misdemeanor if, with a purpose to arouse or gratify the sexual desire of any person including the actor, he exposes his genitals or performs any other lewd act under circumstances in which he knows his conduct is likely to be observed by a person who would be offended or alarmed thereby.

§ 18.9. Loitering to solicit sexual activity.

A person has committed an infraction if, under circumstances in which his or her conduct is likely to cause offense or alarm to others, he or she loiters in any public place with the purpose of soliciting another or offering himself or herself for engaging in sexual activity.

§ 18.10. Illegal gambling business

1. *Offense.* A person has committed an offense if he engages or participates in the business of gambling, unless lawfully authorized. Without limitation, a person shall be deemed to be engaged in the business of gambling if he:

- (a) Conducts a wagering pool or lottery;
- (b) Receives wagers for or on behalf of another person;
- (c) Alone or with others owns, controls, manages, or finances a gambling business;
- (d) Knowingly leases or otherwise permits a place to be regularly used to carry on a gambling business;
- (e) Maintains for use by others on any place or premises occupied by him a coin-operated gaming device; or
- (f) Is a public servant who shares in the proceeds of a gambling business whether by way of bribe or otherwise.

2. *Grading.* The offense is a first degree misdemeanor if:

- (a) The defendant employed or utilized three or more persons to carry on the gambling business;

- (b) The defendant, or the gambling business, or part thereof which he owned, controlled, managed or financed, accepted wagers averaging in excess of \$100 a day in any given week;
- (c) The defendant engaged in wholesaling functions in relation to persons engaged in a gambling business; or
- (d) A public servant was bribed in connection with the gambling business.

Otherwise the offense is a second degree misdemeanor.

§ 18.11. Desecration of venerated objects.

A person commits a first degree misdemeanor if he purposely desecrates any public monument or structure, or place of worship or burial, or if he purposely desecrates the national flag or any other object of veneration by the public or a substantial segment thereof in any public place. "Desecrate" means defacing, damaging, polluting or otherwise physically mistreating in a way that the actor knows will outrage the sensibilities of persons likely to observe or discover his action.

§ 18.12. Abuse of corpse.

Except as authorized by law, a person who treats a corpse in a way that he knows would outrage ordinary family sensibilities commits a first degree misdemeanor.

§ 18.13. Cruelty to animals.

A person commits a second degree misdemeanor if he purposely or recklessly:

- (a) Subjects any animal to cruel mistreatment; or
- (b) Subjects any animal in his custody to cruel neglect.

This section shall not be deemed applicable to accepted veterinary practices and activities carried on for scientific research.

Chapter 19. Offenses Against Right to Privacy

§ 19.1. Violation of Privacy.

1. *Unlawful eavesdropping or surveillance.* A person commits a first degree misdemeanor if, except if authorized by law, he:

- (a) Trespasses on property with the purpose of subjecting anyone to eavesdropping or other surveillance in a private place; or
- (b) Installs in any private place without the consent of the person or persons entitled to privacy there, any device for observing photographing, recording, amplifying or broadcasting sounds or events in such place, or uses any such unauthorized installation; or
- (c) Installs or uses outside a private place any device for hearing, recording, amplifying or broadcasting sounds originating in such place which would not ordinarily be audible or comprehensible outside, without the consent of the person or persons entitled to privacy there.

“Private place” means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance.

2. *Other breach of privacy of messages.* A person commits a first degree misdemeanor if, except if authorized by law, he:

- (a) Intercepts without the consent of the sender and receiver a message by telephone, telegraph, letter or other means of communicating privately; but this paragraph does not extend to
 - (i) overhearing of messages through a regularly installed instrument on a telephone party line or on an extension, or
 - (ii) interception by the telephone company or subscriber incident to enforcement or regulations limiting use of the facilities or to other normal operation and use; or
- (b) Divulges without the consent of the sender and receiver the existence or contents of such message if the actor knows that the message was illegally intercepted or if he learned of the message in the course of employment with an agency engaged in transmitting it.

PART III.

The Sentencing System

Chapter 50. Authorized Disposition of Offenders

- § 50.1. Definitions of grades of offenses.
- § 50.2. Classification of offenses.
- § 50.3. Grade of offense when not indicated by statute.
- § 50.4. Classification of offense to be uniform.
- § 50.5. Sentence to death or imprisonment for felony.
- § 50.6. Extended terms for felony convictions.
- § 50.7. Sentence to imprisonment for misdemeanor.
- § 50.8. Sentence for repeated misdemeanors or infractions.
- § 50.9. Authorized fines; restitution.
- § 50.10. Imposition of fines.
- § 50.11. Response to nonpayment.
- § 50.12. Disqualification from and forfeiture of public office.

§ 50.1. Definitions of grades of offenses.

As used in this title:

- (a) "Offense" means conduct for which a sentence of death or a term of imprisonment or a fine is authorized.
- (b) "Crime" means a felony or misdemeanor.
- (c) "Infraction" means an offense for which a sentence of imprisonment is not authorized. An infraction is not a crime and conviction of infraction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.
- (d) "Felony" means an offense for which a sentence of death or a term of imprisonment of more than one year is authorized.
- (e) "Misdemeanor" means an offense for which a term of imprisonment of one year or less is authorized.
- (f) "Petty offense" means a misdemeanor of the second degree or an infraction.

§ 50.2. Classification of offenses.

1. *Felonies.* Felonies are classified for the purpose of sentence into the following three categories:

- (a) Felonies of the first degree;
- (b) Felonies of the second degree;
- (c) Felonies of the third degree.

2. *Misdemeanors.* Misdemeanors are classified for the purpose of sentence into the following two categories:

- (a) Misdemeanors of the first degree;
- (b) Misdemeanors of the second degree.

3. *Infractions.* Infractions are not further classified.

§ 50.3. Grade of offense when not indicated by statute.

1. *Offense declared a felony.* Any offense declared by statute to be a felony without specification of degree or penalty, is a felony of the third degree.

2. *Offense declared a misdemeanor.* Any offense declared by statute to be a misdemeanor without specification of degree or penalty is a misdemeanor of the second degree.

3. *Offense declared crime.* Any offense declared by statute to constitute a crime, without specification of class or penalty, is a misdemeanor of the first degree.

§ 50.4. Classification of offense to be uniform.

All offenses defined in this title or any other statute shall be classified according to the maximum term of imprisonment provided by sections 50.5 and 50.7. An offense for which the maximum term of imprisonment specified by statute does not coincide with any of the maximum provided in Sections 50.5 and 50.7 shall be classified at the level for which the maximum term provided in those sections is next higher than the maximum term specified in the statute for the particular offense, but the penalty fixed by statute for the particular offense shall continue in effect.

§ 50.5. Sentence to death or imprisonment for felony.

1. *Sentence before Parole Board established.* Until a Parole Board is established in accordance with the provisions of Chapter 35 of the Criminal Procedure Law, a person who has been convicted of a felony may be sentenced as follows:

- (a) For a felony of the first degree to death or life imprisonment where such penalty is specified by statute, or where not so specified, to a definite term of imprisonment to be fixed by the court, the maximum of which shall be ten years.
- (b) For a felony of the second degree, to a definite term of imprisonment to be fixed by the court, the maximum of which shall be five years.
- (c) For a felony of the third degree, to a definite term of imprisonment to be fixed by the court, the maximum of which shall be three years.

2. *Sentence after Parole Board established.* After a Parole Board has been established in accordance with the provisions of chapter 35 of the Criminal Procedure Law, a person who has been convicted of a felony may be sentenced as follows:

- (a) For a felony of the first degree, to death or life imprisonment where such penalty is specified by statute, or where not so specified, to an indefinite term of imprisonment, the maximum of which shall be fixed by the court at not more than ten years;
- (b) For a felony of the second degree, to an indefinite term of imprisonment, the maximum of which shall be fixed by the court at not more than five years.
- (c) For a felony of the third degree, to an indefinite term of imprisonment, the maximum of which shall be fixed by the court at not more than three years.

3. *Basis for decision of court as to form of sentence.* In deciding whether to sentence an offender to imprisonment under this section or to impose one of the alternative forms of sentence allowable under Section 31.1 (3) of the Criminal Procedure Law, the court shall apply the criteria stated in Section 33.1 of that title and of Section 50.10 of this title.

4. *Eligibility for parole.* In applying the provisions of this section for purpose of determining eligibility for parole under Section 35.2 of the Criminal Procedure Law, the minimum sentence shall be deemed to be six months after commitment.

§ 50.6 Extended terms for felony convictions.

1. *Length of term; grounds.* An extended sentence term of up to twenty years may be imposed by the court on a defendant convicted of a felony if the court finds that because of the dangerousness of the defendant, his incarceration and incapacitation is required for the protection of the public, and it further finds that one of the following grounds exists:

- (a) The defendant is suffering from a severe personality disorder indicating a propensity toward criminal activity and
 - (i) is being sentenced for a crime in which there was serious bodily harm inflicted or attempted or
 - (ii) is being sentenced for a crime which seriously endangered the life or safety of another; or
- (b) The defendant is purported to be a “professional criminal” and

- (i) the crime is proved to have been committed as part of a continuing illegal business in which the convicted offender occupied a supervisory or management position; or
- (ii) he has engaged in criminal activity as his major source of livelihood and has been previously convicted of two felonies which either involved serious bodily harm or an attempt to inflict serious bodily harm.

2. *Findings of fact required.* The findings of fact described in the preceding paragraph shall be proved in a hearing before the court consistent with the requirements of Section 51.1. Each element of the allegation shall be proved in open court beyond a reasonable doubt, based upon competent evidence.

3. *Parole.* Any offender sentenced under the provisions of this section shall be eligible for parole after a period of one year's incarceration, and shall then be entitled to annual review of his sentence by the Board of Parole.

4. *Hospitalization of mentally disabled person.* If it appears to the court that the offender is a mentally disabled person as defined in Section 16.81 of the Civil Procedure Law, it shall sentence him as herein provided, but rather than committing him to a penal institution, it may initiate proceedings under section 16.84 of that title to have him hospitalized. If the Probate Court conducting that proceeding shall determine that the offender is not mentally disabled and therefore is not to be hospitalized, the court shall resume jurisdiction and commit the offender to a penal institution to serve his sentence. Any time passed by the offender in a mental hospital in accordance with proceedings under this paragraph shall be credited as time served on his sentence. On a determination prior to the expiration of his sentence that an offender no longer requires hospitalization, as authorized by Section 16.86 or 16.87 of the Civil Procedure Law, he shall not be released but shall be returned to the jurisdiction of the correctional system to serve the remainder of his sentence.

§ 50.7. Sentence to imprisonment for misdemeanor.

A person who has been convicted of a misdemeanor may be sentenced to imprisonment for the following terms:

- (a) For a misdemeanor of the first degree, to a definite term of imprisonment to be fixed by the court at no more than one year;
- (b) For a misdemeanor of the second degree, to a definite term of imprisonment to be fixed by the court at no more than thirty days.

§ 50.8. Sentence for repeated misdemeanors or infractions.

1. *First degree misdemeanor.* A defendant convicted of a misdemeanor of the first degree may be sentenced as for a felony of the third degree if the court is satisfied that there is an exceptional need for rehabilitative or incapacitative measures for the protection of the public in view of the fact that this is the third conviction against the defendant within five years for misdemeanors of the first degree or more serious crimes.

2. *Second degree misdemeanors.* A defendant convicted of a misdemeanor of the second degree may be sentenced as for a misdemeanor of the first degree if the court is satisfied that there is an

exceptional need for rehabilitative or incapacitative measures for the protection of the public in view of the fact that this is the third conviction against the defendant within five years for misdemeanors of the second degree or more serious crimes.

3. *Infractions.* In imposing sentence for an infraction on a defendant convicted twice within one year of infractions or infraction and a more serious crime, the court may impose an alternative sentence of a fine for the infraction, or if it is not paid, imprisonment for a period not to exceed thirty days. The court shall provide in its order that payment of the fine at any time will entitle the defendant to his release from such imprisonment.

4. *Notice of increased or alternative penalty.* The increased penalty authorized by paragraphs 1 and 2 and the alternative penalty authorized by paragraph 3 may be imposed only on condition that the defendant has been notified of the intention by the prosecuting attorney at the time of charging the offense that the more severe sanctions or, in the case of the charge of infraction, the alternative penalty will be requested on conviction.

§ 50.9. Authorized fines; restitution.

1. *As to individuals.* Except as otherwise expressly provided, and subject to the limitation contained in paragraph 3, an individual who has been convicted of an offense may be sentenced to pay a fine which does not exceed:

- (a) For a felony of the first or second degree, the commission of which has resulted in gain for the defendant, an amount double the gain realized by the defendant, but if such crime has not resulted in gain for the defendant, only sentence of imprisonment without a fine may be imposed;
- (b) For a felony of the third degree, \$5,000, or double the gain realized by the defendant;
- (c) For a misdemeanor of the first degree, \$1,000, or double the gain realized by the defendant;
- (d) For a misdemeanor of the second degree, \$500, or double the gain realized by the defendant;
- (e) For an infraction, \$500, or double the gain realized by the defendant.

2. *As to corporations.* Except as otherwise expressly provided and subject to the limitation contained in paragraph 3, a corporation which has been convicted of an offense may be sentenced to pay a fine which does not exceed:

- (a) For a felony of the first or second degree, \$10,000, or double the gain realized by the defendant;
- (b) For a felony of the third degree, \$5,000, or double the gain realized by the defendant;
- (c) For a misdemeanor of the second degree, \$1,000, or double the gain realized by the defendant;
- (d) For a misdemeanor of the second degree, \$500.00 or double the gain realized by the defendant;
- (e) For an infraction, \$500, or double the gain realized by the defendant.

3. *Limitation on amount of fine in case of restitution.* If the defendant at the time of sentencing has made restitution, or is directed by order of the court as authorized by paragraph 5 to make restitution to the victim of the crime, the amount of the maximum fine which may be imposed under

paragraphs 1 and 2 is decreased to the extent of the value of the property restored or directed to be restored.

4. *Definition of "gain."* As used in this section, the term "gain" means the amount of money or other property taken by the defendant from the victim or the net gain produced by commission of the crime.

5. *Restitution.* Unless restitution has been made prior to sentencing the court shall include in the sentence an order directing the defendant to return the property or pay its value to the person wrongfully deprived thereof, or pay the person whose property was damaged through the intentional or reckless commission of the offense, the amount of loss suffered therefrom.

§ 50.10. Imposition of fines.

1. *Ability to pay.* In determining the amount and the method of payment of a fine, the court shall, insofar as practicable, proportion the fine to the burden that payment will impose in view of the financial resources of the defendant. The court shall not sentence a defendant to pay a fine if payment will prevent him from making restitution to the victim of the offense.

2. *Fine alone.* When any other disposition is authorized by statute, the court shall not sentence an individual to pay a fine only unless, having regard to the nature and circumstances of the offense and the history and character of the defendant, it is of the opinion that the fine alone will suffice for the protection of the public.

3. *Fine in addition to sentence of imprisonment.* The court shall not sentence a defendant to pay a fine in addition to a sentence of imprisonment or probation unless:

- (a) The defendant has derived a pecuniary gain from the crime; or
- (b) The court is of the opinion that a fine is specially adapted to deterrence of the crime involved.

4. *Installment or delayed payments.* When a defendant is sentenced to pay a fine, the court may provide for the payment to be made within a specified period of time, or in specified installments. If no such provision is made a part of the sentence, the fine shall be payable forthwith.

5. *Nonpayment.* When a defendant is sentenced to pay a fine, the court shall not impose at the same time an alternative sentence to be served in the event that the fine is not paid, nor shall the person who does not pay a fine imposed by the court be imprisoned for nonpayment except in accordance with the provisions of Section 50.11(2)

§ 50.11. Response to nonpayment.

1. *Response to default.* When an individual sentenced to pay a fine defaults in the payment of the fine or in any installment, the court, upon motion of the Minister of Justice or its own motion, may require him to show cause why he should not be imprisoned for nonpayment. The court may issue a warrant of arrest or a summons for his appearance.

2. *When imprisonment is authorized.* Following an order to show cause under paragraph (1), unless the defendant shows that his default was not attributable to an intentional refusal to obey the

sentence of the court or not attributable to a failure on his part to make a good faith effort to obtain the necessary funds for payment, the court may order the defendant imprisoned for a term not to exceed six months, if the fine was imposed for conviction of a felony, or 30 days if the fine was imposed for conviction of a misdemeanor or an infraction. The court may provide in its order that payment or satisfaction of the fine at any time will entitle the defendant to his release from such imprisonment, or after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of the fine.

3. *Modification of sentence.* If it appears that the default in the payment of a fine is excusable under the standards set forth in paragraph (2), the court may enter an order allowing the defendant additional time for payment, reducing the amount of the fine or of each installment, or revoking the fine or the unpaid portion in whole or in part.

4. *Corporations and unincorporated associations.* When a fine is imposed on a corporation or incorporated association, it is the duty of the person or persons authorized to make disbursement of the assets of the corporation or incorporated association and their superiors to pay the fine from assets of the organization. The failure of such persons to do so shall render them subject to imprisonment under paragraphs 1 and 2.

5. *Civil process.* Following a default in the payment of fine or any installment thereof, the court may order that the fine be entered as a judgment and collected by any means authorized for the enforcement of money judgments rendered in favor of the Republic of Liberia.

§ 50.12. Disqualification from and forfeiture of public office.

A person convicted of any of the crimes listed below or of any attempt or conspiracy to commit such crime or of facilitation or solicitation of such crime, shall forfeit any public office he then holds and may be disqualified from any or a specified public office or category thereof for such period as the court may determine, but no longer than five years following completion of the sentence imposed for such crime:

- (a) Treason (Section 11.1) and the crimes affecting national security defined in Sections 11.2 through 11.9;
- (b) Any felony committed in connection with his employment as a public servant;
- (c) A crime expressly made subject to this section by statute.

Chapter 51. Sentencing Procedures

- § 51.1. Sentence hearing.
- § 51.2. Appeal from sentence.
- § 51.3. Sentence of death or life imprisonment.

§ 51.1. Sentence Hearing

1. *Requirement; pre-sentence report.* Before pronouncement of sentence in all cases of felonies and first degree misdemeanors, there shall be a hearing before the court. If a pre-sentence investigation and report have been made in conformity with the provisions of Section 31.5 of the Criminal Procedure Law, including the case of a first degree misdemeanor, the procedure therein specified with regard to notice to defendant of the factual contents of such report and opportunity to controvert shall be followed.

2. *Time of hearing; presiding judge.* If practicable, the sentence hearing shall be held and sentence pronounced during the same term of court as the trial, and the judge who presided at the trial shall preside at the sentence hearing and pronounce sentence. If absence, resignation, illness or death prevents the same judge from presiding at the sentence hearing, the Chief Justice of the Supreme Court shall appoint an available judge of the Circuit Court to preside over the sentence hearing.

3. *Defendant's rights.* At the hearing, the defendant shall have the following rights:

- (a) To counsel;
- (b) To present evidence on his own behalf;
- (c) To subpoena witnesses subject to limitation if the court believes such right is being abused.

4. *Evidence considered.* At the sentence hearing, the court may consider and rely on hearsay evidence, whether included in the pre-sentence report or presented orally.

5. *Duty of defense counsel.* It shall be the duty of defense counsel at the sentence hearing to present any information concerning the defendant which may tend to mitigate the sentence to be imposed and to refute any inaccuracies contained in the pre-sentence report or in other evidence presented to the court. The defense counsel shall strive to protect the best interest of his client; he should consider not only the immediate, but the long-range interest of the defendant in avoiding further commission of offenses. He shall to this end:

- (a) Challenge and contradict to the extent possible, any material in the pre-sentence report or elsewhere detrimental to his client;
- (b) Familiarize himself with sentencing alternatives and community services available to the defendant, and to the extent consistent with his position as an officer of the court, recommend that sentence which most accurately meets the need of the defendant.

6. *Duty of prosecutor.* It shall be the duty of the prosecutor to appear before the court and present any evidence available relating to the type and severity of the sentence which should be imposed on the defendant. The prosecutor shall seek not the harshest sentence possible, but the one which, in his judgment, is most likely to achieve the purposes of this title.

7. *Further procedures authorized.* If the courts finds, after considering the pre-sentence report and any other information which may be presented at the sentencing hearing, that there is a need for further study and observation of the defendant before he is sentenced, it may take whatever steps are necessary in its opinion to obtain that information, including, but not limited to, the hiring of local physicians, psychiatrists, or other professionals, and ordering a more complete investigation of the defendant's background, social history and other facts bearing on the sentence to be imposed.

8. *Statement of reasons for sentence imposed.* Every determination by a court shall be accompanied by a statement of reasons for imposing that sentence. The statement shall be part of the offender's official file.

§ 51.2. Appeal from sentence.

The defendant may appeal from any sentence imposed by the court on the ground that it is improper under the criteria stated in Criminal Procedure Law, Section 33.1. Such appeal shall be taken by oral announcement in open court at the time of imposition of sentence. The clerk of the court shall transmit at least six copies of the record on appeal to the appellate court within ninety days after imposition of the sentence and a copy shall be served on the appellee within the same time limit. The clerk of the appellate court shall docket the case forthwith and forward a receipt for the record to the clerk who transmitted it. The record on appeal shall include a copy of any pre-sentence report that was prepared, a transcript of the testimony before the sentencing court, and a copy of the statement of reason for the sentence imposed required by paragraph 8 of section 51.1. The provisions of section 24.9 of the Criminal Procedure Law with regard to the notice of completion of the appeal shall apply to appeals taken from the imposition of sentence. The appellate court may provide by rule of court for consolidation of the appeals from judgment of conviction and from the sentence pertaining to the same defendant.

§ 51.3 Sentence of death or life imprisonment.

1. *Sentence of life imprisonment by court.* When a defendant is found guilty of any crime which subjects him to a sentence of death, the court shall impose a sentence of life imprisonment if it is satisfied that:

- (a) None of the aggravating circumstances enumerated in paragraph 7 or 8 of this section was established by the evidence at the trial or will be established if further proceedings are initiated under paragraph 2 of this section; or
- (b) The defendant was less than 18 years of age at the time of the commission of the crime; or
- (c) Although the evidence suffices to sustain the verdict, it does not foreclose all doubt respecting the defendant's guilt; or
- (d) There are other substantial mitigating circumstances which render sentence of death unwarranted.

2. *Separate proceeding to determine life imprisonment or death.* Unless the court imposes sentence of life imprisonment under paragraph 1, it shall conduct a proceeding to determine whether the defendant should be sentenced to death or life imprisonment. The proceeding shall be conducted before the court sitting with the jury which determined the defendant's guilt unless that jury has been discharged, in which case a new jury shall be empanelled for the purpose of determining the penalty.

3. *Evidence and Instructions.* In the proceeding, evidence may be presented by either party as to any matter relevant to sentence including the nature and circumstances of the crime, defendant's character, background, history, mental and physical condition, and any aggravating or mitigating circumstances enumerated in paragraphs 6, 7, and 8 of this section. Any such evidence not legally privileged, which the court deems to have probative force may be received regardless of its

admissibility under the exclusionary rules of evidence, provided that counsel be accorded a fair opportunity to rebut such evidence. The prosecuting attorney and the defendant or his counsel shall be permitted to present argument for or against sentence of death.

4. *Verdict and sentence.* The determination whether a sentence of death shall be imposed shall be in the discretion of the court and the court may impose a sentence of life imprisonment even though the jury recommends death. If the jury recommends against the sentence of death or if the jury is unable to reach a unanimous verdict, the court shall dismiss the jury and impose a sentence of life imprisonment.

5. *Consideration of aggravating and mitigating circumstances.* In deciding whether a sentence of death should be imposed, the court and jury shall take into account the aggravating and mitigating circumstances enumerated in paragraph 6, 7, and 8 and any other relevant facts, but it shall not decide that the death sentence shall be imposed unless it finds, beyond a reasonable doubt, one of the aggravating circumstances and further finds that there are not mitigating circumstances sufficiently substantial to warrant leniency.

6. *Mitigating circumstances.* In the cases of both treason and murder the following shall be mitigating circumstances:

- (a) The crime was committed while the defendant was under the influence of extreme mental or emotional disturbance;
- (b) The defendant acted under unusual pressures or influences or under the domination of another person;
- (c) The crime was committed under circumstances which the defendant believed to provide a moral justification or extenuation for his conduct;
- (d) The defendant was an accomplice in a crime committed by another person and his participation was relatively minor;
- (e) At the time of the crime, the capacity of the defendant to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was impaired as a result of mental disease or defect or intoxication;
- (f) The youth of the defendant at the time of the crime;
- (g) The defendant has no significant history of prior criminal activity.

7. *Aggravating circumstances in cases of treason.* In the case of treason, the following shall be aggravating circumstances:

- (a) The defendant knowingly created a great risk of death to another person or a great risk of substantial impairment of national security;
- (b) The defendant violated a legal duty concerning protection of national security;
- (c) The defendant committed treason for pecuniary gain.

8. *Aggravating circumstances in cases of murder.* In the case of murder the following shall be aggravating circumstances:

- (a) The defendant was previously convicted of another murder or a felony involving the use or threat of violence to the person;
- (b) At the time the murder was committed the defendant also committed another murder;

- (c) The defendant knowingly created a great risk of death to many persons;
- (d) The murder was committed while the defendant was engaged or was an accomplice in the commission or attempting to commit robbery, arson, burglary, kidnapping or rape or deviate sexual intercourse by force or threat of force;
- (e) The murder was committed for pecuniary gain;
- (f) The murder was especially heinous, atrocious or cruel, manifesting exceptional depravity.

Section 2. Section 31.3 (Indefinite sentences for certain felonies) and section 32.1 (Imprisonment in default of payment of fine) of the Criminal Procedure Law are hereby repealed.

Section 3. This act shall take effect immediately upon publication.

Any law to the contrary notwithstanding.