

**AN ACT TO AMEND TITLE 26 OF THE LIBERIAN CODE OF LAWS  
REVISED, PENAL LAW, CHAPTER 50 RELATING TO SENTENCING  
AND RELATED MATTERS**

*It is enacted by the Senate and House of Representatives of the Republic of Liberia in  
Legislature Assembled:*

**SECTION 1:** An act to amend Title 26 of the Liberian Code of Laws Revised, Penal Law, Chapter 50”

**SECTION 2:** Sections 50.2, 50.5, 50.7, 50.8 and 50.9 of Chapter 50 of the Penal Law, Authorized Disposition of Offenders, are hereby amended to read as follows:

**§50.2 Classification of offenses.**

1. *Prior references.* All prior references in the existing Penal Law to third degree felony shall be hereby reclassified as first degree misdemeanor. All prior references in the existing Penal Law to first degree misdemeanor shall be hereby reclassified as second degree misdemeanor. All prior references in the existing Penal Law to second degree misdemeanor shall be hereby reclassified as third degree misdemeanor.

2. *Felonies.* Felonies are classified for the purpose of sentence in the following two categories:

(a) Felonies of the first degree;

(b) Felonies of the second degree.

3. *Misdemeanors.* Misdemeanors are classified for the purpose of sentence into the following three categories:

(a) Misdemeanors of the first degree;

(b) Misdemeanors of the second degree;

(c) Misdemeanors of the third degree.

**§50.5 Sentence to death or imprisonment.**

1. *Sentence.* 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.

#### **§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 four months.
- (c) For a misdemeanor of the third degree, to a definite term of imprisonment to be fixed by the court at not more than thirty days.

#### **§50.8 Sentence for repeated misdemeanor 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 second 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.
3. *Third degree misdemeanor.* A defendant convicted of a misdemeanor of the third degree may be sentenced as for a misdemeanor of the second 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 third degree.
4. *Infractions.* In imposing sentence for an infraction on a defendant convicted twice within one year of infraction or infractions 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.
5. *Notice of increased or alternative penalty.* The increased penalty authorized by paragraphs 1, 2, and 3 and the alternative penalty authorized by paragraph 4 may be imposed only on condition that the defendant has been notified of the intention by 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 misdemeanor of the first degree US\$1,000.00 (One Thousand United States Dollars) or Liberian Dollar equivalent, or double the gain realized by the defendant; and

(c) For a misdemeanor of the second degree, US\$400.00 (Four Hundred United States Dollars) or Liberian Dollar equivalent, or double the gain realized by the defendant;

(d) For a misdemeanor of the third degree, US\$100.00 (One Hundred United States Dollars) or Liberian Dollar equivalent, 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, US\$10,000.00 (Ten thousand United States Dollars) or Liberian Dollar equivalent, or double the gain realized by the defendant;

(b) For a misdemeanor of the first degree US\$5,000.00 (Five Thousand Dollars United States Dollars) or Liberian Dollar equivalent, or double the gain realized by the defendant;

(c) For a misdemeanor of the second degree, US\$1,000.00 (One Thousand United States Dollars) or Liberian Dollar equivalent, or double the gain realized by the defendant;

(d) For a misdemeanor of the third degree US\$500.00 (Five Hundred United States Dollars) or Liberian Dollar equivalent, or double the gain realized by the defendant; and

(d) For an infraction, US\$300.00 (Three Hundred United States Dollars) or Liberian Dollar equivalent, 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.

This law shall become effective immediately upon publication into handbills.

**ANY LAW TO THE CONTRARY NOTWITHSTANDING**

**2012**

**FIRST SESSION OF THE FIFTY-THIRD  
LEGISLATURE OF THE REPUBLIC OF LIBERIA**

**FIRST SESSION OF THE FIFTY-THIRD  
LEGISLATURE OF THE REPUBLIC OF LIBERIA**

HOUSE'S ENDORSEMENT TO SENATE'S ENGROSSED  
BILLS NO. 20 ENTITLED:

SENATE'S ENGROSSED BILL NO. 20, ENTITLED:

**"AN ACT TO AMEND TITLE 26 OF THE LIBERIAN  
CODE OF LAWS REVISED, PENAL LAW, CHAPTER 50  
RELATING TO SENTENCING AND RELATED  
MATTERS"**

**"AN ACT TO AMEND TITLE 26 OF THE LIBERIAN  
CODE OF LAWS REVISED, PENAL LAW, CHAPTER  
50 RELATING TO SENTENCING AND RELATED  
MATTERS"**


On motion, Bill read. On motion, the Bill was adopted on its  
first reading and sent to Committee Room on **Tuesday,**  
**September 4, 2012 @ 14:05 G.M.T.**

On motion, Bill read. On motion, the Bill was adopted on its  
first reading and sent to Committee Room Thursday, May 24,  
2012 @ 11:35 G.M.T.

On motion, the Bill was taken from Committee Room for its  
second reading. On motion, under the suspension of the rule,  
the second reading of the Bill constituted its third and final  
reading, and the Bill was adopted, passed into the full force of  
law, and ordered endorsed today, **Thursday, September 6,**  
**2012 @ 12:18 G.M.T.**

On motion, Bill taken from the Committee Room for its second  
reading. On motion, under the suspension of the rule, the  
second reading of the Bill constituted its third and final reading  
and the Bill was adopted, passed into the full force of the law  
and ordered engrossed today, on Thursday, August 30, 2012 at  
the hour of 13:15 G.M.T.,

  
**CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.**

  
**SECRETARY, LIBERIAN SENATE, R.L.**

**2012**

**ATTESTATION**

**“AN ACT TO AMEND TITLE 26 OF THE LIBERIAN CODE OF LAWS REVISED,  
PENAL LAW, CHAPTER 50 RELATING TO SENTENCING AND RELATED  
MATTERS”**



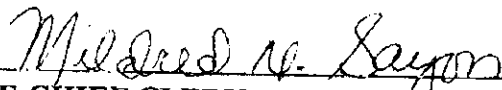
**VICE PRESIDENT OF THE REPUBLIC OF LIBERIA/PRESIDENT OF THE SENATE**



**THE SECRETARY, LIBERIAN SENATE**



**THE SPEAKER, HOUSE OF REPRESENTATIVES**



**THE CHIEF CLERK, HOUSE OF REPRESENTATIVES**



THE SECRETARY OF THE SENATE



# The Liberian Senate

CAPITOL BUILDING, CAPITOL HILL, MONROVIA, LIBERIA  
WEST AFRICA

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2012

FIRST SESSION OF THE FIFTY-THIRD LEGISLATURE OF THE  
REPUBLIC OF LIBERIA.

SCHEDULE OF SENATE'S ENROLLED BILL NO. 27, ENTITLED:

"AN ACT TO AMEND TITLE 26 OF THE LIBERIAN CODE OF LAWS REVISED,  
PENAL LAW, CHAPTER 50 RELATING TO SENTENCING AND RELATED  
MATTERS"

PRESENTED TO THE PRESIDENT OF THE REPUBLIC OF LIBERIA FOR  
EXECUTIVE APPROVAL.

APPROVED THIS 14<sup>th</sup> DAY OF December A.D. 2012

AT THE HOUR OF 11:20 A.M.

THE PRESIDENT OF THE REPUBLIC OF LIBERIA

