La Gaceta

DIARIO OFICIAL DE LA REPÚBLICA DE HONDURAS

La primera imprenta llegó a Honduras en 1829, siendo instalada en Tegucigalpa, en el cuartel San Francisco. lo primero que se imprimió fue una proclama del General Morazán, con fecha 4 de diciembre de 1829.

NATIONAL GRAPHIC ARTS COMPANY E.N.A.G.

Después se imprimió el primer periódico oficial del Gobierno con fecha 25 de mayo de 1830, conocido hoy, como Diario Oficial "La Gaceta".

YEAR CXLI TEGUCIGALPA, M. D. C., HONDURAS, C. A. FRIDAY MAY 10 OF 2019. NUM. 34,940

Section A

SUMMARY

Section A
Decrees and

LEGISLATIVE BRANCH Decree No. 130-2017 **CODE CRIMINAL**	A. 1-140
SECRETARIAT OF GOVERNANCE, JUSTICE AND DECENTRALIZATION Agreement No. 212-2018	A. 141
EXECUTIVE BRANCH Executive Decree number 005-2019	A.141-144

Section B Legal Notices B. 1 - 16
Detachable for your convenience

Legislative Power

DECREE No. 130-2017

THE NATIONAL CONGRESS,

CONSIDERING: That in the last thirty (30) years we have experienced alterations in social behavior, specifically in criminal behavior that are attributable, among other factors, to the development of commercial and cultural exchange activity at the global level, the mastery of advanced technologies particularly those related to computers and telecommunications, the opportunities that generates the socioeconomic evolution of the people associated with political and commercial openness, which generates positive results and habits and equally negative results and habits, many of the latter manifested in the appearance of new criminal figures.

CONSIDERING: That the manifestations of criminal anthropology in the last thirty (30) years, has gone from a "culture" of common crime, to more complex criminal forms where the damage to the victims becomes more severe but fundamentally more harmful to society, where organized crime has come to pose challenges in the institutionality of the State, simultaneously has shifted the profile of the offender from an individual offender who acted in most cases by personal motives, in isolation and individually, to high profile criminals

The aim of the project is to create a network of intellectual property agents who act in an organized manner and who have technical and economic resources at their disposal.

WHEREAS: The current Penal Code was approved by Decree No. 144-1983, dated August 23, 1983 has undergone an extensive process of reforms that began just after its vacatio legis and reached legislative interventions adding or repealing more than 370 articles, most of these reforms have been given to deal with new forms of crime and new criminal profiles, In essence, the reforms introduced have been motivated by the greatest social reproach and the consequent need to incorporate new criminal fiat, but after thirty (30) years, this has ceased to be in accordance with the reality of Honduran society today, without the multiple reforms it has undergone having been able to reach this new reality.

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CONSIDERING: That the excessive amount of isolated reforms both of the Criminal Code itself, as well as through the regulation of criminal types in special laws has caused the disharmonization of the laws; creation of criminal types that are omnicomprehensive, ambiguous or with deficient descriptive quality that violate strict legality; disproportionality in the penalties; increase in the conducts considered as crimes; a lack of congruence between the General Part of the Code and the Special Part, as well as the decoding of criminal regulations due to the proliferation of special criminal laws and regulations with a punitive content in administrative regulations on family, children, among others, which has led to difficulties in the application and precision of the criminal regulations in force.

CONSIDERING: That the crime rates in our country demand the strengthening of the appropriate legislative tools to combat crime in all its forms.

CONSIDERING: That according to Article 205, Attribution 1) of the Constitution of the Republic, it is the power of the National Congress: to create, decree, interpret and repeal the laws.

THEREFORE,

D E C R E T A

The next one:

PENAL CODE

BOOK I

GENERAL PART

TITLE I

CRIMINAL LAW

ARTICLE 1.- PRINCIPLE OF LEGALITY. No one may be punished for an action or omission that at the time of its commission or perpetration was not foreseen as a crime or misdemeanor.

No one can be punished with a penalty or security measure that has not been previously established by law and imposed by the competent jurisdictional body in accordance with procedural laws.

No penalty or security measure may be executed in a manner other than that prescribed by law.

The criminal law is applied retroactively in the provisions that are most favorable to the accused or defendant, as well as to the convicted person. However, unless expressly provided otherwise, acts committed under a temporary law must be judged in accordance with that law.

The interpretation of this Code must be made in accordance with the meaning of the Law and with gender criteria.

The analogy is prohibited unless it benefits the accused or defendant, as well as the convicted person.

ARTICLE 2.- PRINCIPLE OF LESIVITY It is only Conduct that harms or endangers legally protected property is punishable.

The action of the Criminal Law must be limited to the most serious attacks against the most relevant legal assets.

ARTICLE 3.- PRINCIPLE OF HUMANITY OF THE PENALTIES: No one should be condemned to punishment or security measures that violate human dignity or involve cruel, inhuman or degrading treatment.

The Gazette

OFFICIAL NEWSPAPER OF THE REPUBLIC OF HONDURAS DEAN OF THE HONDURAN PRESS
FOR BETTER SECURITY OF YOUR PUBLICATIONS

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GOVERNMENT CIVIC CENTER

Unofficial English Translation (seek Honduran legal counsel before relying upon this translation)

ARTICLE 4.- SUBJECTIVE RESPONSIBILITY. No there is grief without malice or recklessness.

ARTICLE 5.- PRINCIPLE OF PROPORTIONALITY. The penalty must be set according to the seriousness of the act and the guilt of the subject.

ARTICLE 6.- SPECIAL CRIMINAL LAWS. The The principles and guarantees set out in this Code should be applied in special criminal laws.

ARTICLE 7.- PRINCIPLE NON BIS IN IDEM. A The same fact or circumstance should not be used more than once for the legal qualification of the conduct of a subject, provided that it responds to the same foundation. It is considered that there is no identical basis for the punishment of continuous crime, recidivism, or habitability, as established in this Code.

ARTICLE 8.- TERRITORIALITY. The Criminal Law applies to acts committed in the national territory, as well as those committed on board a Honduran vessel or aircraft and other places subject to the jurisdiction of Honduras, except for the exceptions stipulated in international law approved by the State of Honduras.

ARTICLE 9.- ULTRATERRITORIAL APPLICATION OF THE CRIMINAL LAW. The criminal law is applicable, even when the conduct has been carried out outside the national territory, in the following cases:

1) Personal principle. When the conduct is punishable both in the place where the crime was committed and in the national territory, regardless of whether it receives a different name, unless in accordance with the International Treaties and Conventions signed and/or ratified by the State of Honduras, this requirement is not enforceable and provided that the punishable act meets one of the following conditions:

a) Has been committed by persons in the service of the State of Honduras and has not been tried at the place of commission of the conduct, by virtue of diplomatic or functional immunity;

b) It is committed against any Honduran natural or legal person or against their rights;

c) Whether committed by Hondurans or foreigners who are Honduran nationals, after the fact and have not been tried in the place where the conduct was committed or the sentence imposed has not been served;

d) Be committed by a stateless person with residence habitual in the national territory; and,

e) It is committed by a person who has been tried in Honduras and who has escaped and has not served all or part of his sentence.

2) Real or protection principle. The Honduran jurisdiction is also competent to prosecute acts committed abroad which, under Honduran law, may be classified as any of the following crimes:

a) Counterfeiting of currencies and other securities;

b) Falsification of seals, signs and marks;

c) Crimes against the security and existence of the State;

d) Crime against the public powers and the constitutional order; and

e) Crimes against the Honduran Public Administration.

3) Principle of Universal Justice. Regardless of the provisions in force in the place where the punishable conduct was committed and regardless of the nationality of the perpetrator, crimes committed abroad may be prosecuted and punished under Honduran criminal law when the conditions set forth in the international treaties and conventions signed and/or ratified by the State of Honduras are met, as well as when the perpetrators or the instruments of the crime are located within the national territory or in a place where the State of Honduras exercises jurisdiction, for the following

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a) Genocide, crimes against humanity and war crimes

b) Washing of assets and front man;

c) Traffic of motor vehicles coming from illegal activities;

d) Illicit trafficking in persons, organs, anatomical materials or fertilized eggs;

e) Trafficking in persons;

f) Terrorism;

g) Illicit trafficking of arms;

h) Illicit trafficking of drugs, narcotics or psychotropic substances;

i) Sexual exploitation of minors under eighteen (18) years of age;

j) Enforced disappearance of persons; and,

k) Corruption of public officials or employees

ARTICLE 10.- APPLICATION OF CRIMINAL LAW TO

THE PEOPLE. This Code applies to persons who at the time of the commission of the punishable conduct are eighteen (18) years of age or older.

In the case of minors under eighteen (18) years of age who commit an act classified as a crime in this Code, their responsibility shall be determined in accordance with the provisions of the legislation for the offending child.

ARTICLE 11.- EXCEPTIONS IN THE APPLICATION OF THE CRIMINAL LAW. Criminal law does not apply to the following persons: 1) Foreign Heads of State and Government; 2) Diplomatic agents of other States; and,
3) Other persons enjoying jurisdictional immunity. The above in accordance with the International Treaties and Conventions signed and/or ratified by the State of Honduras and in accordance with the principle of reciprocity.

TITLE II
CRIMINAL LIABILITY

CHAPTER I
PUNISHABLE CONDUCT

ARTICLE 12.- CRIMES AND OFFENCES. Crimes or misdemeanors are the intentional or reckless actions and omissions punishable by law.

ARTICLE 13.- CLASSIFICATION OF OFFENCES AND MISSING. According to the severity of the penalty to be imposed, the crimes are classified as follows

a) Serious crimes those that are sanctioned with serious penalties;

(b) Less serious offences which are punishable by less serious penalties; and

c) When the penalty can, due to its extension, be included in the two (2) previous paragraphs, the crime is considered serious.

Misdemeanors are punished with light penalties.

ARTICLE 14.- COMMISSION PER SHARE AND PER

OMISSION. Crimes whose legal description includes a result, without indicating the means necessary to produce it, may be committed by both action and omission. Crimes of result are only understood to have been committed by omission when the failure to prevent it, by the omitter violating a personal legal duty, is equivalent to causing it.

Personal legal duties are those derived directly from the law, from a contract or from the creation by the omitter of a situation of danger for a legal good by means of a previous action or omission.

ARTICLE 15.- TIME OF COMMISSION OF THE CRIME.

The crime is considered to have been committed at the time when the subject acted or in case of omission, when he should have acted, regardless of when the result of such

Unofficial English Translation (seek Honduran legal counsel before relying upon this translation)

ARTICLE 16.- PLACE OF THE COMMISSION OF THE CRIME OR MISDEMEANOR. The crime or misdemeanor is considered committed in any of the following places:

1) In the place where the criminal activity takes place, in whole or in part;

2) At the place where the result is produced; or

3) In crimes or offenses by omission, in the place where the omitted action should have been executed.

CHAPTER II

FRAUD AND RECKLESSNESS

ARTICLE 17.- FRAUD. Dolo is the realization of the typified conduct with knowledge and will. A person who assumes the production of a result that, without being sure, can be derived from the normal course of events also acts fraudulently.

ARTICLE 18.- PUNISHMENT OF RECKLESSNESS. The production of the typical result, objectively foreseeable by the violation of the most elementary rules of due care applicable to the concrete situation, constitutes serious imprudence.

Reckless acts or omissions are only punished in cases where the law expressly so states.

CHAPTER III

PUNISHABLE PREPARATORY ACTS, ATTEMPT, WITHDRAWAL AND CONSUMPTION

ARTICLE 19.- PUNISHABLE DEGREES OF EXECUTION The consummated crime or misdemeanor and the attempted crime are punishable.

ARTICLE 20.- PUNISHABLE PREPARATORY ACTS. Conspiracy, proposal and provocation to commit a crime are only sanctioned in the cases expressly indicated by the Law:

1) There is conspiracy when two (2) or more persons agree to execute a crime and resolve to execute it;
2) There is proposition when one or more persons who have resolved to commit a crime offer to execute another or others; and,
3) There is provocation when it directly incites, by any means that facilitate advertising or before a group of people, to commit a crime.

In cases of withdrawal, the subject is exempt from punishment, unless the acts already performed were in themselves a crime or misdemeanor. It is understood that there is withdrawal when the subject voluntarily renounces to the performance of executive acts and prevents or tries to prevent, seriously, firmly and decidedly, the beginning of executive acts by other participants in the crime.

ARTICLE 21.- ATTEMPT. There is an attempt when the execution of a crime is initiated by external acts directly and objectively aimed at its consummation and it does not occur due to causes independent of the agent's will.

These are tentative classes:

a) UNFINISHED ATTEMPT. The attempt is unfinished when the agent executes part of the acts aimed at producing the consummation of the crime, not concluding them due to causes beyond his control.

b) FINISHED ATTEMPT. The attempt is finished when the agent has carried out all the acts that objectively should have led to the consummation of the crime and this did not occur.

ARTICLE 22.- WITHDRAWAL. There is withdrawal when, having started the execution of the crime, it does not occur due to causes dependent on the will of the agent, either:

a) Interrupting the acts of execution; or

b) Preventing consummation.

Unofficial English Translation (seek Honduran legal counsel before relying upon this translation)

In cases of withdrawal, the subject is exempt from punishment, unless the acts already performed were in themselves a crime or misdemeanor.

When there are several parties involved, the one or two who desist from the execution that has already begun, and who are able to do so, prevent or attempt to prevent, seriously, firmly, and decisively, the consummation, without prejudice to the responsibility that they might have incurred for the acts executed if they were already constitutive of another crime, are exempt from criminal responsibility.

CHAPTER IV
ERROR

ARTICLE 23.- ERROR. The error is subject to the following rules:

1) The invincible error on a constituent element of the crime or misdemeanor excludes criminal liability. If the error, given the circumstances of the act and the subject, is triumphant, the act must be punished, if necessary, as reckless;

2) Error about an element that qualifies or aggravates the infraction excludes its application; and,

3) Invincible error as to the unlawfulness of the conduct constituting the infringement excludes criminal liability. If the error is invincible the penalty must be reduced by one third (1/3).

CHAPTER V
PEOPLE IN CRIMINAL LAW RESPONSIBLE

ARTICLE 24.- CRIMINAL LIABILITY. They are criminally responsible for the crimes and misdemeanors the authors and the participants.

ARTICLE 25.- AUTHOR. The author is the person who carries out the punishable conduct, in whole or in part, by himself or using another or others as instruments, whether or not they are criminally responsible, as well as those who carry it out jointly.

ARTICLE 26.- PARTICIPANTS. Inducers and accomplices are participants. Inducers are those who fraudulently and by any means, determine another to carry out a criminal act.

Accomplices are those who, not being included in the previous article, cooperate in the execution of the act with previous or simultaneous acts.

ARTICLE 27.- LIABILITY FOR ACTIONS ON BEHALF OF ANOTHER. Who acts in legal or voluntary representation of a natural or legal person or as a de facto or de jure administrator of a company, he is personally responsible for the conduct carried out even if the qualities, conditions or relations required by the corresponding crime to be the active subject of the same do not concur in him, but in the person represented.

ARTICLE 28.- CRIMINAL LIABILITY FOR CRIMES COMMITTED THROUGH THE MEDIA OF DIFFUSION. In the crimes committed using media or diffusion supports, the accomplices do not respond criminally.

Those who are authors only respond, in these cases, in a staggered, exclusive and subsidiary manner, according to the following order:

a) Those who have written the text or produced the sign in question and those who have induced them to do so

b) The directors of the publication or program in which it is disseminated;

c) The directors of the publisher, broadcaster, or transmission company; and,

d) The directors of the recording, reproduction or printing company

When for any reason other than the extinction of criminal liability, including a declaration of default or

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If a person resides outside of Honduras, none of the persons included in any of the paragraphs above may be prosecuted, the procedure must be directed against those mentioned in the immediately following paragraph.

CHAPTER VI APPARENT COMPETITION OF RULES

ARTICLE 29.- APPARENT COMPETITION OF RULES. When the same conduct is described in several legal rules that are mutually exclusive, only one of them should apply, according to the following rules:

1) The special rule prevails over the general rule;

2) The subsidiary standard only applies in the absence of the principal standard;

3) The rule that describes the punishable conduct more broadly absorbs those that foresee the situations described in it; and

4)In the absence of the above criteria, the most serious crime committed.

TITLE III
EXEMPTING CIRCUMSTANCES OR MODIFICATIONS OF THE CRIMINAL LIABILITY

CHAPTER I
CIRCUMSTANCES EXEMPTING CRIMINAL LIABILITY

ARTICLE 30.- GROUNDS FOR EXEMPTION FROM THE CRIMINAL LIABILITY. The following are grounds for exemption from criminal liability:

1) Non-taxability. It is not imputable who, at the moment of the action or omission and as a consequence of anomaly or psychic alteration, alteration in the perception or of full intoxication, does not have the capacity to understand the illicit conduct or to act on that understanding, as well as the child under twelve (12) years of age. Mental disorder does not relieve from liability when it has been procured for the purpose of committing a crime or was intended or should have been intended;

2) Exercise of a right, officeor duty. Whoever acts in compliance with a specific legal duty or in the legitimate exercise of a right, office or position;

3) State of necessity. Whoever, in a state of necessity, in order to avoid an evil of his own or another person, injures a legal good of another person or violates a duty, provided that the following requirements are met

a) That the evil caused is not greater than that which we are trying to avoid;

b) That the situation of need has not been intentionally provoked by the subject; and

c) That the needy do not have, by their office or position, the obligation to sacrifice themselves.

4) **Legitimate defense**. Who acts in defense of the person or rights of others, provided that the following requirements are met:

a) Current illegitimate assault;

(b) Reasonable need for the means employed to prevent or repel the aggression; and

c) Lack of sufficient provocation from those who defend themselves.

It is understood that the three (3) previous circumstances concur with respect to the person who refuses the escalation or fracture of fences, walls, entrances of a house or inhabited apartment or of its dependencies or, employs violence against the strange person to him when he is surprised within the indicated places; and,

5)**Insurmountable fear**. Who works driven by

Unofficial English Translation (seek Honduran legal counsel before relying upon this translation)

CHAPTER II
CIRCUMSTANCES THAT MODIFY THE CRIMINAL LIABILITY

ARTICLE 31.- EXTENUATING CIRCUMSTANCES. The following are common mitigating circumstances:

1) The grounds for exemption from criminal liability when any of the non-essential requirements for its assessment are not met. These causes are considered as qualified mitigating factors;
2) To act by stimuli so powerful that they produce in the subject an outburst or obsession of similar entity;
3) The guilty party has proceeded to repair the damage caused or, to diminish the harmful effects of the crime before the completion of the preliminary investigations;
4) Be the culprit over eighteen (18) years of age and under twenty-one (21);
5) The guilty party, before becoming aware of the initiation of legal proceedings, confesses the infraction to the authorities; and
6) Any other circumstances similar to the above.

ARTICLE 32.-CIRCUMSTANCES AGGREGATE. The following are common aggravating circumstances:

1) Execute the act with malice aforethought. There is malice aforethought when the guilty party commits any of the crimes against people, using means, ways or forms in the execution, that tend directly and especially to assure it, without risk for his person that comes from the defense that could do the offended one;
2) Execute the fact by abuse of superiority or trust;
3) Acting with cruelty in the execution of the act, deliberately increasing the suffering of the victim;
4) Executing the act by disguise or taking advantage of the circumstances of time and place to facilitate its execution or the impunity of the offender;
5) Committing the act by price, reward or promise remuneration;
6) Take advantage of the public character of the guilty party;
7) Execute the act using a person under the age of eighteen (18) or with a disability;
8) Committing the crime for racist or other reasons related to the victim's ideology, religion or beliefs, age, language, family situation, ethnicity, race or nation to which the victim belongs, his/her sex, sexual orientation or gender identity, reasons of gender, illness or disability; and
9) The Recidivism. There is recidivism when the culprit has been sentenced for a crime of the same nature. The final sentences issued by foreign courts produce the effects of recidivism in the cases indicated by the Law. For the purposes of recidivism, criminal records that have been or should have been expunged, as well as those corresponding to reckless crimes, are not counted.

ARTICLE 33.- MIXED CIRCUMSTANCE OF RELATIONSHIP. The circumstance of kinship may attenuate or aggravate the penalty, in accordance with the nature, motives and effects of the crime, being or having been the guilty party, spouse or person with whom the aggrieved party maintains or has maintained a stable relationship of a similar nature to the previous one or being an ascendant, descendant or sibling of the aggrieved party or his or her spouse or partner.

TITLE IV
PENALTIES

CHAPTER I
CLASSES AND EFFECTS OF PENALTIES

SECTION I
TYPES OF PENALTIES

Unofficial English Translation (see Honduran legal counsel before relying upon this translation)

ARTICLE 34.- CLASSIFICATION OF PENALTIES. The penalties that may be imposed are deprivation of liberty, deprivation of other rights and a fine, either as a principal or as an accessory.

Precautionary measures, deprivations of rights established in civil law and administrative sanctions are not considered to be penalties.

Penalties are classified by their nature and duration.

ARTICLE 35.- TYPES OF PENALTIES FOR THEIR NATURE. Penalties by their nature are classified as deprivation of liberty, deprivation of other rights and fines.

1) These are custodial sentences:

a) Life imprisonment;

b) The prison;

c) Home detention; and,

d) Weekend detention.

2) These are penalties that deprive you of other rights:

a) The expulsion from the national territory;

b) The provision of services of public utility or to victims;

c) The deprivation of the right to drive motor vehicles, aircraft and boats;

d) The deprivation of the rights to possess and carry firearms, explosives and similar items;

e) Disqualification from obtaining public subsidies and aid, from contracting with the public sector and from enjoying tax or social security benefits or incentives;

f) The suspension of citizenship;

g) The loss of nationality;

h) Absolute disqualification;

i) The special disqualification from public office or public service;

j) Special disqualification from profession or trade, industry or commerce;

k) The special disqualification of parental authority, guardianship, custody or conservatorship;

l) The prohibition of residence;

m) The prohibition of approaching or communicating with the victim; and

n) The permanent location.

3) These are penalties of a fine:

a) The day-fines; and,

b) The proportional fine.

ARTICLE 36.- TYPES OF PENALTIES FOR THEIR

DURATION. Penalties are classified according to their duration into serious and less serious:

1) These are serious penalties:

a) Life imprisonment;

b) Prison for more than five (5) years;

c) The deprivation of rights to drive motor vehicles, aircraft and boats, to possess and carry firearms,
explosives and similar, over five (5) years;

d) The loss of nationality;

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f) Absolute disqualification;
g) Special disqualifications above five (5) years; and,
h) Prohibitions on residence or on approaching or communicating with the victim that exceed five (5) years.

2) They are less severe penalties:
a) Prison from six (6) months to five (5) years

(b) House arrest from six (6) months to three (3) years;

c) Weekend detention over fifteen (15) weekends;

d) The provision of services of public utility or to victims equal to or greater than ninety (90) days;

e) The deprivation of the rights to drive motor vehicles, aircraft and boats, to possess and carry firearms, explosives and similar, exceeding one (1) year up to five (5) years;

f) Prohibitions on residence or on approaching or communicating with the victim longer than six (6) months up to five (5) years;

g) Special disqualifications of more than one (1) year up to five (5) years

h) Permanent location for more than six (6) months up to five (5) years;

i) Fines for more than one hundred (100) days; and,

j) The proportional fine.

3)They are light penalties:

a) Imprisonment for less than six (6) months;

(House arrest for less than six (6) months;

c) Detention for up to fifteen (15) weekends;

d) The provision of services of public utility or to victims less than ninety (90) days;

e) The deprivation of the rights to drive motor vehicles, aircraft and boats, to possess and carry firearms, explosives and similar, from three (3) months to one (1) year;

f) Special disqualifications from three (3) months to one (1) year;

g) Prohibitions against residing in or approaching or communicating with the victim for up to six (6) months;

h) Permanent location for up to six (6) months; and

i) The fine is less than one hundred (100) days.

SECTION II
CUSTODIAL SENTENCES

ARTICLE 37.- THE PENALTY OF IMPRISONMENT FOR PERPETUITY. When the law so provides, the penalty shall be life imprisonment. This penalty entails the deprivation of liberty for life, without prejudice to its review; and**,**

The sentence of life imprisonment must be reviewed by the competent Jurisdictional Body to assess the appropriateness of its suspension, when the following requirements are met:

a) That the convicted person has served thirty (30) years of his sentence;
(b) The offender has behaved well in the prison and there is no danger of repetition of the offence, in view of the characteristics of the act and the personal circumstances of the offender; and

c) That the offender has satisfied, if applicable, the civil responsibilities derived from the criminal act,

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unless the competent Jurisdictional Body, after hearing the interested parties and the Public Prosecutor's Office (MP), declares that it is totally or partially impossible for the subject to deal with them.

The competent Jurisdictional Body must decide on the suspension of the sentence of life imprisonment after an adversarial oral procedure in which the Public Prosecutor's Office (MP) and the convicted person, assisted by their defense lawyer, intervene.
The stay of execution must have a duration of five
(5) to ten (10) years. The rules contained in the articles concerning the conditional suspension of the execution of the sentence, which do not contravene the provisions of this article, are applicable.

The competent Jurisdictional Body, in view of the possible modification of the circumstances assessed, may change the decision it had previously taken and agree to the imposition of new prohibitions, duties or benefits, the modification of those already agreed upon or the revocation of the same.

Likewise, the competent Jurisdictional Body must revoke the suspension if there is a change in circumstances that no longer allows the prognosis of lack of danger on which the suspension decision was based to be maintained.

If the sentence of life imprisonment is denied, it cannot be reviewed again until one year has passed since the denial.

ARTICLE 38.- PRISON SENTENCE. The prison sentence consists of the deprivation of liberty of the convicted person and entails the suspension, restriction and limitation of other freedoms related to and inherent in the regime of deprivation of liberty, in accordance with the provisions of the Law.

It must be carried out in the penitentiary establishments or under the regime established by the Law.

The term of imprisonment is a minimum of one (1) month and a maximum of thirty (30) years, except for those crimes that carry a penalty of life imprisonment.

ARTICLE 39.- HOUSE ARREST. Arrest
The right to a domicile obliges the convicted person to remain at his or her home or in a specific place determined by the competent Jurisdictional Body in the sentence or later in a reasoned order.

The house arrest lasts up to five (5) years.
The competent Jurisdictional Body may authorize, exceptionally, the departure from the domicile to avoid the possible de-socializing effects of the penalty, considering that time also as the time of compliance with the arrest.

In order to guarantee its compliance, the competent Jurisdictional Body may agree on the use of mechanical or electronic means that allow the location of the convicted person.

If the convicted person fails to comply with the sentence, the competent jurisdictional body, without prejudice to the deduction of testimony for violation of the sentence, must agree that the remaining time of deprivation of liberty be executed in the penitentiary establishment closest to his home. For this purpose, each day of detention is equivalent to one day of imprisonment.
If the sentence of house arrest proves impossible or very difficult to execute due to the indetermination of the domicile of the guilty party or other similar cause, it should be substituted by prison. For this purpose, one (1) day of detention is equivalent to one (1) day of imprisonment.

ARTICLE 40.- THE PENALTY OF DETENTION AT THE END OF WEEK. The penalty for weekend detention consists of deprivation of liberty on Saturdays and Sundays in a detention center designed for that purpose, with a minimum duration of thirty-six (36) hours and a maximum of forty-eight (48) hours for each weekend.
Notwithstanding the provisions of the previous paragraph, the competent jurisdictional body, taking into consideration the work, family or educational circumstances of the convicted person, after hearing the latter and the Public Prosecutor's Office (MP), may order that the weekend detention sentence be served on other days of the same.

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If the convicted person incurs two (2) unjustified absences, the competent Jurisdictional Body, without prejudice to the responsibility that may correspond to the breach of sentence, may agree that the detention be executed without interruption in the penitentiary establishment closest to his home or, in its absence, in the one designated by the competent Jurisdictional Body. For this purpose, each weekend is equivalent to two (2) days in prison.

The penalty referred to in this article has a minimum duration of four (4) and a maximum of fifty-six (56) weekends.

SECTION III
CUSTODIAL PENALTIES OTHER RIGHTS

ARTICLE 41.- LOSS OF NATIONALITY.
The loss of nationality means that Hondurans who are not of origin are deprived of their nationality and cannot obtain it during the time of their sentence.

ARTICLE 42.- SUSPENSION OF CITIZENSHIP
The suspension of citizenship implies a special disqualification to exercise the right to vote and to stand for public office, to be a civil servant or a public employee, as well as to associate to form political parties.

The penalty of suspension of citizenship has a maximum duration of ten (10) years, except in those cases where its duration is associated with a prison sentence, in which case it has the duration of the latter, unless expressly provided otherwise.

ARTICLE 43.- ABSOLUTE DISQUALIFICATION.
Absolute disqualification results in the definitive deprivation of all public honors, offices or duties, even if elected, as well as the inability to obtain these or other public offices or duties and the inability to be elected to public office for the duration of the sentence.

The penalty of absolute disqualification has a duration of five(5) to twenty (20) years, unless expressly provided otherwise in this Code.

ARTICLE 44.- SPECIAL DISQUALIFICATION OF PUBLIC POSITION OR OFFICE. Special disqualification from public office produces the definitive deprivation of the public office of the person who holds it, even if elected, and of the honors attached to it, provided that they have had a direct relationship with the crime committed. It also results in the inability to obtain the same or similar positions during the time of the sentence. The sentence must specify the position or public office and the honors to which it is attached.

The penalty of special disqualification from public office or public service has a duration of three (3) months to twenty (20) years, unless otherwise expressly provided for in this Code.

ARTICLE 45.- DISQUALIFICATION FROM THE PROFESSION TRADE**, COMMERCE OR INDUSTRY.**
The special disqualification of a profession, trade, commerce or industry, implies the deprivation of the right to exercise it, during the time of the sentence, as long as it had a direct relation with the committed crime. The sentence must specify the profession, trade or activity on which the disqualification falls.
The penalty of special disqualification from the profession, trade,
commerce or industry has a duration of three (3) months to twenty (20) years, unless expressly provided otherwise in this Code.

ARTICLE 46.- DEPRIVATION OF THE RIGHT TO DRIVE MOTOR VEHICLES, AIRCRAFT AND BOATS. The penalty of deprivation of the right to drive motor vehicles, aircraft and boats means that these rights cannot be exercised during the time of the sentence.

The penalty is from three (3) months to ten (10) years, unless otherwise expressly provided for in this Code.

Unofficial English Translation (seek Honduran legal counsel before relying upon this translation)

ARTICLE 47.- PROHIBITION OF POSSESSION AND CARRYING OF FIREARMS, EXPLOSIVES, AMMUNITION AND RELATED MATERIALS.

The prohibition of possession and carrying of firearms, explosives, ammunition and related materials means that it is impossible to have and carry them during the time of the sentence.

The penalty is from three (3) months to twenty (20) years, unless otherwise expressly provided for in this Code.

ARTICLE 48.- DISQUALIFICATION FROM OBTAINING PUBLIC SUBSIDIES AND AID, FROM CONTRACTING WITH THE PUBLIC SECTOR AND WITH PUBLIC-PRIVATE PARTNERSHIPS AND FROM ENJOYING TAX BENEFITS OR INCENTIVES OR FROM THE SOCIAL SECURITY. The inability to obtain public subsidies and aid, to contract with the public sector and public-private partnership and to enjoy benefits or incentives from the social security system means that it is impossible to obtain such benefits during the time of the sentence.

The penalty is from three (3) months to ten (10) years, unless otherwise expressly provided for in this Code.

ARTICLE 49.- SPECIAL DISQUALIFICATION OF THE PARENTAL AUTHORITY, GUARDIANSHIP, CUSTODY OR CURATELA. The special disqualification of the parental authority, guardianship, custody or curatorship deprives the convicted person of the rights inherent to the first one and implies the extinction of the others, as well as the incapacity to obtain an appointment to such positions during the time of the sentence. The disqualification of the patria potestad leaves subsisting the rights of which the son is titular with respect to the penal one**.**

The competent Jurisdictional Body may impose these penalties with respect to all or any of the minors or persons with disabilities who are in charge of the convict, in accordance with the circumstances of the case.

The penalty is from three (3) months to twenty (20) years, unless otherwise expressly provided for in this Code.

ARTICLE 50.- PROVISION OF SERVICES OF PUBLIC UTILITY OR TO VICTIMS The provision of services of public utility or to the victims obliges the convicted person to carry out free activities of public utility, which may consist of work to repair the damage caused, support or assistance to the victims, participation in workshops or training or re-education programs, labor, cultural, road safety, sexual or other similar programs that are related to the crime committed.

The service must be provided at the places and times determined by the competent Jurisdictional Body, for which it must take into account the subject's work and educational activities and his or her specific abilities. Its daily duration is a minimum of four (4) and a maximum of eight (8) hours of work. No less than twenty (20) and no more than forty (40) hours of work per week should be imposed.

The penalty for the provision of services of public utility or to the victims has a duration of one (1) month to one (1) year, unless expressly provided otherwise in this Code.

The services of public utility or to the victims must be facilitated by the Public Administration, which can establish the appropriate agreements to that end.

Services of public utility or to victims cannot be imposed without the consent of the prisoner, they must in any case respect his dignity and he must enjoy the protection afforded by the prison legislation on social security.

If the convicted person incurs in two (2) unjustified absences, the competent Jurisdictional Body, without prejudice to the responsibility that may correspond to the violation of the sentence, may agree to the substitution of the remaining time of public utility services or to the victims by house arrest or permanent location. To this effect four

(4) hours of work are equivalent to one (1) day of house arrest or one (1) day of permanent location.

Unofficial English translation (see Honduran legal counsel before relying upon this translation)

ARTICLE 51.- PENALTIES OF PROHIBITION OF RESIDENCE, PROHIBITION OF APPROXIMATION OR COMMUNICATION WITH THE **VICTIM**

The prohibition of residence deprives the offender of the right to reside or go to the place where the crime was committed or to the place where the victim or his family, if different, resides.

The prohibition to approach the victim, or those of his relatives or other persons determined by the competent Jurisdictional Body, prevents the convict from approaching his home, his workplaces and any other place frequented by them.

The prohibition to communicate with the victim or with those of his relatives or other persons determined by the competent Jurisdictional Body, prevents the convicted person from establishing with them, by any means of communication, computer or telematic, verbal, written or visual contact.

In order to guarantee the fulfillment of these penalties, the competent Jurisdictional Body may agree to the use of mechanical or electronic means.

These penalties must be of a duration of three (3) months to tenyears, unless expressly provided otherwise in this Code.

Prohibitions on residence and on approaching the victim may not be enforced simultaneously with prison or house arrest sentences. Their execution should only begin when the subject has been released.

ARTICLE 52 .- PENALTY OF LOCALIZATION PERMANENT. The penalty of permanent localization obliges the offender to submit to judicial control through the fulfillment of one or more of the following conditions:

1) Obligation to always be reachable by electronic means;

2) Prohibition to be absent from your home at certain hours;

3)Prohibition to go to certain places;

4) Prohibition to leave the place of residence without the authorization of the competent Jurisdictional Body; and

5) Obligation to appear periodically before the competent Jurisdictional Body.

To ensure compliance with the penalty, the competent court may agree to the use of electronic means.

The penalty of permanent localization can last up to five (5) years.

If the convicted person fails to comply with the obligations or prohibitions imposed, without prejudice to the responsibility that may correspond for breach of the sentence, the remaining time of the permanent location may be substituted by prison or weekend detention. To this end, a

(1) day of permanent location becomes one (1) day of detention, and two (2) days of permanent location becomes a weekend of detention.

Likewise, the convicted person must notify the competent Jurisdictional Body of any change of address during the period of his or her sentence.

SECTION IV

FINE

ARTICLE 53.- PENALTY OF DAYS FINE. The penalty of days

A fine obliges the convicted person to pay an amount of money to the State of Honduras, through the General Treasury of the Republic or the institution designated by the Law.

The penalty of a fine is imposed by the system of fine days, unless this Code provides otherwise.

Its extension is from ten (10) to two thousand (2,000) days and each day fine is not less than Twenty Lempiras (L.20) or more than Five Thousand Lempiras (L5,000).

Unofficial English Translation (seek Honduran legal counsel before relying upon this translation)

The following is a summary of the rules for the determination of the penalty provided for in this Code. Likewise, it must determine in the sentence the amount of money corresponding to each day's fine, exclusively according to the economic situation of the convicted person, taking into account all his daily income as well as the reasonable expenses to attend to his needs and family charges. In order to determine the value of the day's fine, the competent jurisdictional body must obtain the necessary information from public and private entities, without prejudice to the provision of evidence on this point by the convicted person.

ARTICLE 54.- PROPORTIONAL FINE. Notwithstanding The provisions of the previous article, when this Code so determines, the fine is established in proportion to the damage caused, the value of the object of the crime or the benefit obtained or pursued with it.

In these cases, the competent Jurisdictional Body must set the fine within the limits indicated for each crime, considering, in order to determine its amount in each case, not only the attenuating and aggravating circumstances of the act but mainly the economic situation of the guilty party.

When it is not possible to calculate the fine on the basis of the concepts indicated in the first paragraph of this Article, the competent Jurisdictional Body must give reasons for this impossibility, replacing the fines provided for by one of the following:

1) A fine of one thousand (1000) to two thousand (2000) days, if the crime committed is punishable, in addition to the fine, with a prison sentence of more than five (5) years;

2) A fine of six hundred (600) to one thousand (1000) days, if the crime committed is punishable, in addition to the fine, by imprisonment of two (2) to five (5) years; and

3) Fine of three hundred (300) to six hundred (600) days, in the remaining cases.

ARTICLE 55.- PAYMENT OF THE FINE. The penalty fine, either as a day-fine or pro-rata, you must be satisfied within thirty (30) days of the finality of the sentence.

Notwithstanding the provisions of the previous paragraph, the competent Jurisdictional Body, taking into account the economic situation of the convicted person, may agree to defer payment or to pay in installments within a period of two (2) years. In this case, the non-payment of two (2) terms determines the expiration of the remaining terms.

If after the sentence the economic situation of the convicted person worsens, the competent Jurisdictional Body, exceptionally and after verification of the said situation, may modify both the amount of the daily quotas or the fine within the limits indicated by the law for the crime in question, as well as the deadlines for their payment.

ARTICLE 56.- FAILURE TO COMPLY WITH THE PENALTY OF A FINE SUBSIDIARY CRIMINAL LIABILITY FOR NON-PAYMENT OF THE FINE. If the convicted person does not voluntarily or by way of coercion pay the fine imposed, he or she is subject to a subsidiary personal liability of one (1) day of imprisonment for every two (2) daily quotas not paid, which may be served in the form of weekend detention or house arrest.

The competent jurisdictional body may also, with the prior consent of the offender, agree that subsidiary personal liability be met by means of public utility services or services to victims. In this case, each day of deprivation of freedom is equivalent to one (1) day of work.

In the cases of a proportional fine, the competent Jurisdictional Body must fix, at its prudent discretion, the appropriate subsidiary personal liability, which cannot exceed, in any case, two (2) years of duration. It may also be agreed, prior to the agreement of the defendant, that it will be carried out through services for the benefit of the community.

This subsidiary personal responsibility is not imposed on those sentenced to deprivation of liberty for more than five (5) years.

Unofficial English Translation (seek Honduran legal counsel before relying upon this translation)

SECTION V

ACCESSORY

PENALTIES

ARTICLE 57.- ACCESSORY PENALTIES. The penalties of Disqualifications are accessory in cases where, not being specifically provided for in a crime, the Law states that other penalties carry them.

ARTICLE 58.- ACCESSORY PENALTIES OF ABSOLUTE AND SPECIAL DISQUALIFICATION

A prison sentence of more than five (5) years carries with it absolute disqualification for the duration of the sentence, unless it is already foreseen as a principal penalty for the crime in question.

A prison sentence not exceeding five (5) years carries one or more of the following accessory penalties, unless they are already provided for as a principal penalty in the case in question:

1) Special disqualification from public office or employment during the time of the sentence, provided that these rights have been directly related to the crime committed;
2) Special disqualification from profession, trade, commerce or industry during the time of the sentence, provided that these rights have been directly related to the crime committed; and
3) Special disqualification to exercise parental authority, custody, guardianship or conservatorship during the time of the sentence, provided that these rights have been directly related to the crime committed.

SECTION VI

COMMON PROVISION

ARTICLE 59.- PAYMENT OF PROVISIONAL DETENTION AND OTHER PRECAUTIONARY MEASURES. The time of deprivation of liberty suffered provisionally must be paid in full, in accordance with the provisions of the Code of Criminal Procedure, for the completion of the sentence or sentences imposed in the case in which such deprivation was agreed upon, except insofar as it coincided with any deprivation of liberty imposed on the convicted person in another case which has been or may be paid to him there.

This rule also applies with respect to pre-emptively agreed upon deprivations of rights.

If the precautionary measures suffered and the penalty imposed are of a different nature, the competent Jurisdictional Body shall order that the penalty imposed be deemed to have been executed in the party it deems to have been compensated.

When the penalty imposed is a fine and the offender has been subject to preventive detention, each day of detention is equivalent to two (2) days of fine.

CHAPTER I I DETERMINATION

OF THE PENALTY

SECTION I

AUTHORSHIP, PARTICIPATION AND ITER CRIMINIS

ARTICLE 60.- PENALTY FOR THE AUTHOR The penalty set

in the Law is that which corresponds to the author of the consummated crime.

ARTICLE 61.- PENALTY FOR PARTICIPANTS. To the

If a person commits or attempts to commit a crime, they should be subject to the same penalty as that prescribed by law for the perpetrators of the same crime.

Accomplices to a crime that has been committed or attempted must be subject to the penalty provided by law for the perpetrators of the same crime, reduced by one third (1/3).

ARTICLE 62.- PENALTY FOR THE ATTEMPT To the perpetrators of an attempted crime must be sentenced to the penalty of the completed crime, reduced by a quarter (1/4) in the case of a completed attempt, and by a third (1/3) in the case of an unfinished attempt.

ARTICLE 63.- ATTEMPT AND PARTICIPATION SPECIFICALLY PROVIDED FOR. The above rules do not apply in cases where the attempt and participation are specially punished by law.

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SECTION II
INCOMPLETE EXEMPTION

ARTICLE 64.- PENALTY FOR CASES OF INCOMPLETE EXEMPTION. In the cases provided for in paragraph 1) of Article 31 of this Code, the competent jurisdictional body, taking into account the number and identity of the requirements that are missing or present, may impose the penalty corresponding to the crime committed, reduced by one third (1/3) or one quarter (1/4), applying it to the extent it deems appropriate, taking into account the personal circumstances of the perpetrator and, if appropriate, the remaining mitigating or aggravating circumstances.

SECTION III
CRIME COMPETITION

ARTICLE 65.- COMPETITION OF CRIMES. There is Competition of crimes when one (1) or several actions or omissions are made and two (2) or more legal norms are effectively infringed.

ARTICLE 66.- ROYAL CONTEST. There is a real contest when the same subject performs two (2) or more actions or
omissions and thus infringes the same criminal law several times or several criminal laws.

The guilty party of two (2) or more crimes or offenses shall be imposed all the penalties corresponding to the offenses committed for their simultaneous fulfillment, if possible, taking into account the nature and effects of the offenses.

If the penalties imposed for the various infractions cannot be served simultaneously, the order of their respective severity must be followed for successive compliance.

Notwithstanding the provisions of the previous paragraph, the maximum compliance is determined by the triple duration of the most serious of the penalties imposed, which cannot exceed thirty (30) years.
In the event that any of the crimes for which the guilty party has been punished exceeds twenty (20) years, the maximum effective sentence is forty (40) years.

The limitation of compliance applies even if the penalties were imposed in different proceedings if the facts by their connection, could have been prosecuted in one.

ARTICLE 67.- IDEAL COMPETITION. There is an ideal contest when with one (1) single action or omission several legal dispositions are infringed, which are not mutually exclusive.

The assessment of ideal competition implies the imposition of the penalty corresponding to the crime or misdemeanor for which the most serious penalty has been indicated, increased by one third (1/3), without it being possible to exceed the sum of the specific penalties imposed if the crimes had been punished separately.

ARTICLE 68.- CONTINUOUS CRIME AND OFFENSE MASS. Whoever, in execution of a preconceived plan or taking advantage of the same occasion, carries out a plurality of actions or omissions that offend one or several subjects and infringe the same criminal precept or precepts of the same or similar nature, must be punished as the author of a continuous crime or misdemeanor with the penalty indicated for the most serious infraction that must be imposed in its upper half, being able to reach up to a third (1/3) higher penalty.

When in the fraud or scam the agent obtains different amounts of money to the detriment of a group of undetermined persons, the fact must be considered as a single crime, taking as the amount of the patrimonial damage the amount of the global amount of the defrauded.
A mass crime is applied when all of the infractions are considered individually and do not constitute a crime by themselves due to their amount. If each act is in itself a crime, the second paragraph of this article shall apply.
In the case of a mass crime, the penalty is set taking into account the total damage caused, and the resulting penalty may be increased by two thirds (2/3).
Excepted from the provisions of the preceding paragraphs are offences to eminently personal property, except for offences against honour and freedom and indemnity

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sexual, affecting the same passive subject. In these cases, the nature of the fact and the precept infringed will be taken into account in order to apply or not the criminal continuity.

SECTION IV
INCREASE OR DECREASE IN FRACTIONS AND CIRCUMSTANCES MODIFYING CRIMINAL LIABILITY

ARTICLE 69.- INCREASE OR DECREASE IN FRACTIONS OF THE PENALTY. The extension of the penalty increased or decreased in fractions to that provided by law, is set according to the following rules:

1) The penalty increased by a certain fraction is formed from the maximum figure indicated in the Law for the crime in question by increasing the corresponding fraction, with the resulting sum constituting its maximum limit. The minimum limit of the penalty increased by a given fraction shall be the maximum of the penalty prescribed by law for the crime in question; and,

2) The penalty reduced by a certain fraction is formed starting from the minimum figure indicated by the Law in the crime in question and reducing the corresponding fraction, the result of this deduction being its minimum limit. The maximum limit of the penalty decreased by a certain fraction will be the minimum of the penalty indicated by the Law for the crime in question.

ARTICLE 70.- CONCURRENCE OR ABSENCE OF CIRCUMSTANCES MODIFYING THE CRIMINAL LIABILITY. The competent Jurisdictional Body must individualize, with reasons, the duration of the penalty to be imposed, subject to the following rules:

1) In the case of fraudulent crimes, the competent Jurisdictional Body will determine the penalty

a) If there are no aggravating or extenuating circumstances, the penalty is set within the framework established for the crime in question, taking into account the personal circumstances of the offender and the greater or lesser seriousness of the act;

b) If there are only one (1) or two (2) aggravating circumstances and no extenuating circumstances, the average penalty is applied up to the maximum limit;

c) If there are only extenuating circumstances imposes an average penalty, up to the minimum limit;

d) When there are several mitigating circumstances, and no aggravating circumstances, the penalty is applied at its minimum limit;

e) When there are several aggravating circumstances and no mitigating circumstances, the penalty is applied at its maximum limit; and

f) When there are both extenuating and aggravating circumstances, both are compensated for the individualization of the sentence. In this case, neither the maximum nor the minimum penalty should be imposed.

2) Once the rules of the previous paragraphs have been applied, the competent Jurisdictional Body will determine the exact duration of the sentence, taking into account the personal circumstances of the guilty party and the greater or lesser seriousness of the act.

3) For imprudent crimes, the competent Jurisdictional Body must impose the penalty within the minimum and maximum of the penalty, taking into account the seriousness of the imprudence; and

4) In misdemeanors, the competent Jurisdictional Body may cover the entire length of the sentence, without complying with the rules of the previous paragraphs, taking into account the personal circumstances of the offender and the seriousness of the act.

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ARTICLE 71.- INHERITANCE OF THE CIRCUMSTANCES. The rules of the preceding article are not applicable to mitigating or aggravating circumstances that the law has provided for in the crime in question, nor to those that are so inherent to the crime that without them it could not be committed.

ARTICLE 72.- COMMUNICABILITY OF THE MODIFIED CIRCUMSTANCES OF THE CRIMINAL LIABILITY. Aggravating or extenuating circumstances relating to the material execution of the crime or the means used to carry it out are only applicable to those who had knowledge of them at the time of the action or their contribution to the crime.

Aggravating or extenuating circumstances consisting of any cause of a personal nature are applicable only to those in whom they occur.

When the conditions, qualities or personal relationships that support the author's guilt do not exist in the inducer or the accomplice, the penalty indicated by law for the crime in question may be imposed, reduced by one third (1/3).

CHAPTER III

ALTERNATIVE FORMS OF SENTENCE ENFORCEMENT AND PROBATION

SECTION I
SUSPENSION OF THE RULING

ARTICLE 73.- SUSPENSION OF THE FAULT The Organ The competent court may suspend, with reasons, the sentence of any person convicted of a non-serious crime, provided that the following conditions are met

1) That the act should not be punished with more than two (2) years, whatever its nature.

2) Let it be the first time that the accused offends. To this end, previous convictions for reckless crimes should not be taken into account, nor the records cancelled or that should be cancelled. Likewise, criminal records corresponding to crimes that, due to their nature or circumstances, are insignificant in relation to the crime being tried should not be taken into account.

3) That there is no danger of criminal repetition, in view of the characteristics of the act and the personal circumstances of the author; and

4) That from the fact no civil liability is deduced or that which has been originated and declared in an executive order has been satisfied, unless the competent Jurisdictional Body, after hearing the interested parties and the Public Prosecutor's Office (MP), declares the total or partial impossibility for the subject to face the same.

The suspension period is from two (2) to five (5) years. The competent Jurisdictional Body must set it, taking into account the personality of the offender, the circumstances of the act and the duration of the penalty to be imposed.

When the competent Jurisdictional Body agrees to suspend the sentence, it must refrain from issuing the operative part of the sentence, without prejudice to fixing the appropriate civil liability in an executive order. The competent jurisdictional body may also condition the suspension on compliance with one or more of the measures regulating freedom set forth in Article 84 of this Code or on permanent location for a period that may not exceed the penalty that would have been applicable to the criminal act committed.

If the convicted person commits a crime during the period of suspension set, the competent judicial body must revoke the suspension and proceed to pronounce the sentence, without the convicted person being able to benefit, where appropriate, from the rules of suspension of the execution of the sentence or its replacement.

If the convicted person violates the obligations or duties imposed during the period of suspension, the competent Jurisdictional Body, after hearing the parties, may

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1) Replace the measure of conduct imposed by another different;

2) Extend the period of suspension, but in no case may it exceed seven (7) years; and

3) Revoke the suspension of the ruling and proceed to its pronouncement, if the non-compliance is repeated, with the same consequences foreseen in the previous paragraph.

Once the period of suspension has elapsed and the established conditions have been fulfilled, the competent Jurisdictional Body will agree to definitively leave the sentence without effect.

SECTION II

PENALTY

REPLACEMENT

ARTICLE 74.- REPLACEMENT OF THE PENALTY OF PRISON. The competent Jurisdictional Body may substitute weekend detention, house arrest or a fine, after hearing the parties and in the same sentence or later in a reasoned order before starting the execution, for a prison sentence that individually or together with others does not exceed five (5) years when the personal circumstances of the convicted person, the nature of the act, his or her conduct and, in particular, the effort made to repair the damage caused, make it advisable, provided that the convicted person is not a habitual offender. Each week of imprisonment must be replaced by detention for two (2) weekends and each day of imprisonment by two (2) quotas of fine or by one (1) day of house arrest.

When the prison sentence does not exceed six (6) months, the competent Jurisdictional Body may also substitute this sentence with permanent location. Each day of imprisonment is equivalent to two (2) days of permanent location.

ARTICLE 75.- REPLACEMENT OF THE PRISON SENTENCE BY THE EXPULSION FROM THE TERRITORY NATIONAL. The sentence of imprisonment of less than three (3) years imposed on a foreigner may be substituted in the sentence by that of expulsion from the national territory, as long as the foreigner has no criminal record in the national territory and unless the competent Jurisdictional Body, in a reasoned manner and after a hearing of the convicted person, the Public Ministry (MP) and the parties in person, appreciates reasons that justify the fulfillment of the sentence in a penitentiary establishment in Honduras. To this end, the interests of the victim, the danger of repeated crime or of the prisoner's reincorporation into an organized criminal group, or the possible frustration of the general prevention purposes of the sentence shall be taken into account.

Prior to applying this sanction, the offender can compensate the victim for the damage committed.

The expulsion entails a prohibition on the re-entry of the convicted person into the national territory for three times the time of the substituted prison sentence, counted from the date of expulsion. If he returns within this period, he will serve the prison sentence that was substituted, without prejudice to his criminal responsibility for the crime of breaking a sentence.

At the time of replacement of the penalty for expulsion from the national territory, compensation for damages should be considered as a matter of right by the offender, and the competent jurisdictional body may give him this benefit at its discretion.

ARTICLE 76.- REPLACEMENT OF THE WEEKEND DETENTION SENTENCE. The Organ The competent court, with the prior agreement of the offender, may substitute a fine or public utility services or victims for the weekend detention, provided that the offender is not a habitual offender. In this case, each weekend detention is substituted by four (4) quotas of fine days or two (2) working days of eight (8) hours each.

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The competent Jurisdictional Body may also impose on the convicted person one or more of the measures regulating freedom provided for in Article 84 of this Code.

ARTICLE 77.- MODIFICATION OR REVERSION OF REPLACEMENT. Under no circumstances can you replace penalties that are substitutes for others.

The competent Jurisdictional Body shall agree on the execution of the substituted penalty, discounting, where appropriate, the part of the time that has been fulfilled in accordance with the rules of conversion respectively established in the previous articles, when any of the following conditions is met:

1) Commission of a new intentional criminal act;
2) Failure to comply, in whole or in part, with the replacement; or,
3) Repeated failure to comply with the measure or measures regulating freedom that would have been imposed.

The competent Jurisdictional Body may, at the request of the prisoner and after hearing the Public Prosecutor's Office (MP), modify the regulatory measures imposed on the prisoner, when so advised by the variation in personal circumstances.

SECTION III

SUSPENSION OF THE EXECUTION OF THE SENTENCE

ARTICLE 78.- CONDITIONAL SUSPENSION OF THE EXECUTION OF THE PRISON SENTENCE. The Organ

The competent court may grant a conditional suspension of the execution of the prison sentence, when the following requirements are met

1) That the penalty, individually considered or added to others, does not exceed five (5) years of deprivation of liberty;
2) Let it be the first time that the convict offends.

   For this purpose, the previous ones are not taken into account

   Convictions for reckless crimes or misdemeanors, as well as records that have been or should be expunged. Criminal records corresponding to crimes that, due to their nature or circumstances, are insignificant in relation to the crime being tried are also not taken into account;

3) That there is no danger of criminal repetition by the convicted person, in view of the characteristics of the act and the personal circumstances of the author; and

4) That the convicted person has satisfied, if applicable, the civil responsibilities derived from the criminal act, unless the competent Jurisdictional Body, after hearing the interested parties and the Public Prosecutor's Office (MP), exceptionally declares the total or partial impossibility for the subject to face them.

The suspension is conditional upon the offender not committing another crime within a period of five (5) years, which shall be set by the competent Jurisdictional Body, after hearing the parties, taking into account the personal circumstances of the offender, the characteristics of the act and the duration of the sentence.

The competent Jurisdictional Body, when ordering the suspension, may also impose one or more of the measures regulating freedom established in Article 84 of the present Code, during the period of probation.

The conditional suspension of the execution of the prison sentence does not extend to accessory penalties and other effects of the sentence. Nor does it exempt civil liabilities arising from the crime, even if they have not been satisfied in the event of insolvency.

ARTICLE 79.- FAILURE TO COMPLY WITH THE RULES OF THE SUSPENSION. The competent Jurisdictional Body shall inform the convicted person of the conditions and time limit to which the suspension of the execution of the prison sentence is subject, which shall be recorded in the file.

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The competent Jurisdictional Body can modify, at the request of the convicted person and after hearing the Public Prosecutor's Office (MP), the regulatory measures imposed, when the variation of their personal circumstances so advises.

If the subject offends during the established period of suspension, the competent Jurisdictional Body shall revoke the suspension of the execution of the penalty; and,

If the subject infringes the obligations or duties imposed during the period of suspension, the competent Jurisdictional Body may, after hearing the parties and as the case may be:

1) Replace the measure of conduct imposed by a different one;

2) Extend the period of suspension, but in no case may it exceed five (5) years; and

3)Revoke the suspension of the execution of the penalty if the breach is repeated.

ARTICLE 80.- EFFECTS OF THE SUSPENSION OF THE EXECUTION OF THE PENALTY OR ITS REVOCATION.

Once the suspension has been revoked, the competent Jurisdictional Body shall order the execution of the penalty, without the rules for the replacement of the penalty provided for in this Code being applicable.

Once the period of suspension has elapsed, without the subject having re-offended and the measures regulating the conduct have been complied with by the competent Jurisdictional Body, the latter will agree on the definitive remission of the penalty.

SECTION IV

PROBATION

ARTICLE 81.- PROBATION. The Judge

The Execution Department may grant the offender the benefit of probation in the following circumstances:

1) The offender has served half (1/2) of the sentence imposed in cases of imprisonment up to fifteen (15) years. If the sentence is more than fifteen (15) years and less than thirty (30) years, the offender must have served two-thirds (2/3) of the sentence. If the sentence exceeds thirty (30) years, no probation is applicable until thirty (30) years of effective completion of the sentence;

2) The prisoner has observed good conduct in the prison;

3) There is a favorable prognosis for social reinsertion; and

4) The convicted person has satisfied, if applicable, the civil responsibilities derived from the criminal act, unless the competent Jurisdictional Body, after hearing the interested parties and the Public Prosecutor's Office (MP), exceptionally declares the total or partial impossibility for the subject to face them.

The competent jurisdictional body may, in the decision granting conditional release, impose on the subject during the period of conditional release any or all of the measures regulating release referred to in Article 84 of this Code.

The period of probation lasts for the entire time the subject is missing from the sentence. If, during this period, the offender commits a new fraudulent crime or fails to comply with the measures regulating freedom imposed, the competent Jurisdictional Body shall revoke the freedom granted and the subject shall return to prison to serve the part of the sentence that would have been missed, from which up to three quarters (3/4) of the time spent in freedom may be deducted.

Once the probation period has elapsed without the subject having committed a new fraudulent crime or having failed to comply with the measures regulating freedom imposed, the sentence will be considered to have expired.

This regime is not applicable to those who have been sentenced for their participation in an organized criminal group, unless they collaborate directly and effectively to

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crimes of organized crime by preventing their realization or by providing or obtaining evidence from others already committed and after fulfilling the requirements referred to in this article.

ARTICLE 82.- EXCEPTIONAL REGIME OF THE PROBATION. Notwithstanding the provisions of the preceding article, those convicts who have reached the age of seventy (70) or are serving their sentence and meet the requirements of paragraph (1) of the preceding article, except that of having served half (1/2) of the sentence imposed or, as the case may be, two thirds (2/3), may be granted conditional release, provided that they have not been sentenced to a term of more than twenty (20) years of imprisonment.

The same criteria will be applied when dealing with very serious patients with incurable diseases, a circumstance that must be accredited after the practice of the corresponding medical reports issued by professionals of the Public Health System.

Exceptionally, once circumstances 2, 3 and 4 of the previous article have been met, the competent Jurisdictional Body may grant conditional release to the person sentenced to a prison sentence of no more than ten (10) years, which has expired one third (1/3) of the sentence, provided that he is a primary offender and the sentence has never been suspended.

This regime is not applicable to those who have been sentenced for their participation in an organized criminal group.

SECTION V COMMON PROVISIONS

ARTICLE 83.- HABITUAL OFFENDER. For the purposes of this chapter, a habitual offender is someone who commits a new crime after having been convicted of two (2) or more crimes of the same nature within a period of five (5) years following his conviction.

The time of the possible suspension of the ruling or the suspension or substitution of the penalty and the date of the commission of the crimes on which the habituality is based are considered in order to make the calculation.

ARTICLE 84.- REGULATORY MEASURES OF THE FREEDOM. In the cases expressly provided for in this chapter, the competent Jurisdictional Body, taking into account the nature of the act committed and the needs for the social rehabilitation of the subject, may impose one or more of the following measures

1) Prohibition to go to certain places;

2) Prohibition to approach or communicate with the victim, his relatives or other persons determined by the competent Jurisdictional Body;

3) Prohibition to be absent from the place where you reside without the authorization of the competent Jurisdictional Body;

4) Obligation to report periodically to the competent Jurisdictional Body to inform about and justify their activities;

5) Participation in training, labor, cultural, road safety, sexual education and family counseling programs;

6) To undergo outpatient psychological, psychiatric and detoxification treatments;

7) Suspension of the right to drive motor vehicles, aircraft and boats;

8) Suspension of the right to possess and carry weapons and explosives; and

9) Shackle or electronic device carrying.

Under no circumstances may the content of the regulatory measures to attack the dignity of the convicted person.

TITLE V
SECURITY MEASURES
CHAPTER I
SAFETY MEASURES

ARTICLE 85.- BUDGETS AND LIMITS OF THE SECURITY MEASURES. The measures of

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security are applied by the competent Jurisdictional Body to persons in the cases provided for in the following chapter, only when these two (2) circumstances are present:

1) The subject has committed an act that was foreseen as a crime or misdemeanor; and

2) From the fact and the personal circumstances of the subject, a prognosis of future behavior can be deduced from the probability of committing new crimes.

The security measure must be neither more burdensome nor longer than the penalty that would have been applicable to the committed act, nor exceed the limit of what is necessary to prevent the dangerousness of the subject. When the penalty that could have been imposed for the committed act is not deprivation of liberty, the competent Jurisdictional Body may only impose one or some of the non-custodial measures.

ARTICLE 86.- REVIEW OF MEASURES.

During the execution of the sentence the competent Jurisdictional Body, by means of an adversarial procedure, may

1) Maintain the execution of the imposed security measure;

2) Agree on the cessation of the imposed security measure as soon as the criminal dangerousness of the convicted person disappears;

3) Substitute a security measure for another that is considered more appropriate, among those

4) To suspend the execution of the measure in view of the result already obtained with its application, for a period of time not exceeding the remaining period up to the maximum indicated in the sentence that the

imposed. The suspension is conditioned to the fact that the offender does not commit a new crime during the established period of time and may be left without effect if any of the circumstances set forth in Article 85 of the present Code are again proven.

To this end, the competent Jurisdictional Body shall present, at least once a year, a proposal for the maintenance, cessation, replacement or suspension of the custodial security measure or probation measure, evaluating the reports issued by the practitioners or professionals who assist in the fulfilment of such measures. In the remaining cases, the competent Jurisdictional Body shall present, if appropriate, the corresponding proposal in view of the reports on the evolution of the offender, his or her degree of rehabilitation and the prognosis of recidivism.

ARTICLE 87.- CLASSES OF MEASURES OF SECURITY. The security measures that may be imposed under this code are custodial and non-custodial.

1) These are custodial measures:

a) The internment in a psychiatric center;

(b) Admission to a detoxification center; and

c) The internment in a special educational center.

2) These are non-custodial measures:

a) Submission to outpatient treatment;

b) Professional disqualification;

c) The deprivation of the right to drive motor vehicles and mopeds

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d) The deprivation of the right to possess and carry arms and explosives;

e) Family custody;

f) The prohibition of residence;

g) The prohibition to go to certain places;

h) Submission to programs of a formative, cultural, educational-professional, sexual education and other similar types;

i) The guarantee of good conduct;

j) Probation; and,

k) The expulsion of foreigners.

The person subject to security measures not involving the deprivation of liberty or whoever assumes its custody is obliged to establish before the competent Jurisdictional Body the address that the person will have. Any change of this must be communicated to the competent Jurisdictional Body for its authorization, providing due justification.

ARTICLE 88.- INTERNMENT. The Organ
The competent court will set the maximum limit of the internment measure in accordance with the budgets and limits established in this chapter.

Internment measures are carried out in special establishments of the national penitentiary system. If there is no suitable establishment for the fulfillment of the measure, according to its nature, they will be carried out in special annexes or sections of a penitentiary establishment duly conditioned for that purpose.

Exceptionally, the competent Jurisdictional Body may authorize the internment measures to be carried out in private centers at the expense of the prisoner or person who assumes their legal representation, provided that sufficient guarantee of performance is given.

ARTICLE 89.- OUTPATIENT TREATMENT. The
The competent Jurisdictional Body, in view of the doctors' reports, may replace internment at any time by submission to outpatient treatment in a public institution or impose such treatment from the beginning, provided that sufficient guarantee of compliance is given.

ARTICLE 90.- PROFESSIONAL DISQUALIFICATION AND DEPRIVATION OF RIGHTS. The competent Jurisdictional Body may impose the measure of professional disqualification or deprivation of the rights to possess and carry weapons and explosives or to drive motor vehicles, aircraft and boats, for a maximum time of fifteen
(15) years, when the act committed was related to the exercise of the profession, the position or any of those rights.

Exceptionally, the deprivation of the rights to possess and carry weapons and explosives or the right to drive motor vehicles, aircraft and boats may be final.

ARTICLE 91.- FAMILY CUSTODY. The measure of family custody can be imposed for a maximum time of five (5) years.

The subject of this measure is subject to the care and supervision of the family member who is designated or of a guardian, provided that they accept the custody, the exercise of which will be carried out under the control of the Execution Judge, with the obligation to submit them to the appropriate treatment and to report periodically, all this without detriment to the school or work activities of the person in custody.

ARTICLE 92.- PROHIBITIONS. The Organ
The competent jurisdiction may impose a prohibition to reside in the place or territory that is designated, or to go to certain places for a maximum period of five (5) years.

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Electronic means may be used to ensure compliance.

ARTICLE 93.- SUBMISSION TO PROGRAMS FORMATIVE TYPE. The competent Jurisdictional Body may impose the measure of submission to programs of a formative, cultural, educational-professional, sexual education or other similar type, for a period of up to five (5) years, provided that they are related to the criminal dangerousness of the subject. In no case may the content of the measure be considered a violation of the dignity of the defendant.

ARTICLE 94.- GUARANTEE OF GOOD CONDUCT. The guarantee of good conduct consists of the personal guarantee, mortgage, pledge or deposit, provided to the satisfaction of the competent jurisdictional body for the term corresponding to the duration of the penalty that would have been applicable to the act committed, so that the subject does not commit new punishable acts and complies with the obligations or prohibitions imposed by the competent jurisdictional body relating to his or her criminal dangerousness, without in any case its content being detrimental to the dignity of the offender.

The guarantee becomes effective in favor of the State when the beneficiary incurs in a new crime or fails to comply with the obligations or prohibitions imposed. Otherwise, at the end of the term set for compliance, the bond will be revoked.

ARTICLE 95.- PROBATION. Freedom
The surveillance consists of subjecting the prisoner to judicial control through the fulfillment of one or more of the following measures:

1) The obligation to always be reachable by means of electronic devices that allow their permanent monitoring;

2) The obligation to appear periodically in the place that the competent Jurisdictional Body establishes;

3) The one to communicate immediately and by the means indicated by the competent Jurisdictional Body to that effect, each change of the place of residence or of the place or work position;

4) The prohibition to leave the place where you live or a certain territory without the authorization of the competent Jurisdictional Body;

5) The prohibition to approach the victim or those of his relatives or other persons determined by the competent Jurisdictional Body;

6) The prohibition to communicate with the victim or with those of his relatives or other persons determined by the competent Jurisdictional Body;

7) The prohibition to go to certain territories, places or establishments;

8) The prohibition of residing in certain places;

9) The prohibition to carry out certain activities that may offer or facilitate the occasion to commit criminal acts of similar nature;

10) The obligation to participate in training, employment, cultural, sexual education or other similar programs; and,

11) The obligation to follow external medical treatment or to undergo periodic medical control, with your consent.

The competent Jurisdictional Body must impose in the sentence the measure of probation for its compliance immediately after that of the sentence of deprivation of liberty imposed, when this Code expressly so provides.
To that effect, at least two (2) months before the extinction of the penalty of deprivation of liberty, the Execution Judge shall submit the appropriate proposal to the competent Jurisdictional Body, which

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In accordance with that procedure, it shall specify the content of the measure by laying down the obligations or prohibitions referred to in the first paragraph of this Article, which the offender shall observe.

If the subject has been sentenced to several custodial sentences to be served in succession, the provisions of the preceding paragraph shall be understood to refer to the moment when the completion of all of them is completed.

If the probation measures imposed for various crimes involve obligations or prohibitions that cannot be executed simultaneously, they shall be complied with successively, without prejudice to the exercise of the following powers by the competent jurisdictional body at the request of the Public Prosecutor's Office (MP):

1) Modify the obligations and prohibitions imposed hereafter;
2) Reducing the duration of probation or even putting it on hold in the face of a positive prognosis for reintegration that it considers unnecessary or counterproductive to continue the obligations or prohibitions imposed; and

3) To leave without effect the measure when in the beginning of execution of the same one the circumstance described in the previous numeral is given.

ARTICLE 96.- BREACH OF THE SECURITY MEASURES. The violation of an internment security measure results in the re-entry of the subject in the same center from which he has escaped or in another center that corresponds to his condition.

If other measures are breached, the competent Jurisdictional Body may agree to replace them with detention, if this is foreseen for the case in question and the breach evidences its necessity.

If it is a security measure of probation and one or more obligations are not fulfilled, the competent Jurisdictional Body, in view of the concurrent circumstances, may modify, by an adversarial procedure, the obligations or prohibitions imposed. If the non-compliance is repeated or serious, revealing the will not to submit to the obligations or prohibitions imposed, the competent Jurisdictional Body shall also deduct the responsibility that may correspond for the crime of breach of conviction.

CHAPTER II
IMPLEMENTATION OF MEASURES SECURITY

ARTICLE 97.- DANGEROUS STATES. The Organ Jurisdiction may impose a security measure of internment on a subject who has committed a criminal act, if necessary, or any other noncustodial measure or measures, in accordance with the limits and requirements set out in the previous chapter.

The competent Jurisdictional Body may impose on the unimpeachable subject who has committed a criminal act, in addition to the corresponding penalty, any of the measures provided for in Article 87 of the present Code, in accordance with its limits and applicable assumptions. In this case, the following article shall apply.

The competent jurisdictional body may impose the probation measure on the subject, with respect to whom there is a prediction of future criminal behavior, in those crimes where this is expressly provided for, for compliance immediately after the sentence has been served in accordance with the provisions of Article 95 of this Code.

ARTICLE 98.- CONCURRENCE OF PENALTIES AND SECURITY MEASURES. Except as provided in the third paragraph of the preceding Article of this Code, in the event of concurrence of penalties and security measures depriving of liberty, the competent Jurisdictional Body shall first order the enforcement of the measure to be paid for the penalty. Once the security measure has been carried out, the competent Jurisdictional Body may suspend compliance with the rest of the sentence for a period not exceeding the duration of the sentence, if its execution would jeopardize the effects achieved through the measure.

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ARTICLE 99.- MONITORING OF MEASURES OF SECURITY. The execution of the security measures corresponds to the Penitentiary System. And the supervision of their compliance is the responsibility of the Execution Judge.

ARTICLE 100.- TRAST ORNO MENTAL THE **CONVICT'S ARRIVAL.** When, after the sentence is pronounced and becomes final, and the convicted person suffers a lasting situation of mental disorder, the competent Jurisdictional Body shall suspend the execution of the sentence of deprivation of liberty that has been imposed, and may agree to impose a measure of internment which in no case may be more burdensome than the sentence that has been substituted. In the case of a different type of penalty, the competent jurisdictional body must assess the situation of the convicted person and, where appropriate, suspend execution by imposing the non-custodial security measures it deems necessary.

Once the health of the convicted person has been restored, he or she shall serve the sentence unless the statute of limitations has expired, without prejudice to the possibility that the competent jurisdictional body, for reasons of equity, may consider the sentence to have expired or reduce its duration, to the extent that compliance with the sentence may be unnecessary or counterproductive.

TITLE VI

ANCILLARY CONSEQUENCES

ARTICLE 101.- THE CONFISCATION. Any penalty for an intentional crime, and subject to the provisions of Article 73 of the Constitution of the Republic, entails the loss of the instruments or means with which it was committed, as well as the effects and profits deriving from it, regardless of any transformations it may have undergone and except for the right that the victim or third parties in good faith who have legally acquired them have over them. In the event that the assets resulting from the crime have been intermingled with other lawful assets, the confiscation shall be up to the estimated economic value of the intermingled assets.

Confiscation shall be extended to the instruments, goods, effects or proceeds from crimes of terrorism, corruption from Chapters I to VI of Title XXVII of Book II of this Code, drug trafficking, human trafficking, money laundering and in general criminal activities committed in the context of an organized criminal group. For these purposes, the assets of those convicted of these crimes shall be understood to derive from the criminal activity whose value is disproportionate to the income legally earned by each of these persons.

Third parties in good faith are not considered to be those who have acquired them, even for free, knowing that they come from a criminal activity, with the purpose of covering up their illicit origin or helping whoever is involved in such activity. Nor is a third party in good faith considered to be someone who should have known that the purpose of the transfer of assets was to conceal the illicit origin of the property or to avoid its seizure, based on specific circumstances such as its acquisition free of charge or in exchange for an amount significantly below the market price.

If for any reason it is not possible to confiscate the product or effects arising from the criminal act, it will be agreed to confiscate other assets for an amount equivalent to the economic value of the same.

Whenever the unlawful property situation is proven in an adversarial proceeding and the subject has been charged or indicted for the crime, the confiscation provided for in the preceding paragraphs may be agreed upon even if no penalty is imposed on any person, based on any of the following circumstances:

1) Because the subject is in default or suffers from a chronic disease that prevents prosecution and there is a risk that the facts may be prescribed; and
2) Because the subject is exempt from criminal liability or because the liability has been extinguished.

The assets, instruments and profits seized by

The final decision, unless it is to be used for the payment of compensation to the victims, must be awarded to the State that will use it for the purpose for which it is legally intended.

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TITLE VII

RESPONSIBILITY OF INDIVIDUALS LEGAL

ARTICLE 102.- LEGAL PERSONS CRIMINALLY RESPONSIBLE. In the cases provided for in this Code, legal persons are criminally responsible for fraudulent crimes committed in the name of or on behalf of them and for their benefit, by their legal representatives or de facto or de jure administrators.

The concurrence, in the persons who materially carried out the acts, of circumstances that affect the guilt of the accused or aggravate his responsibility, or the fact that such persons have died or have evaded justice, shall not exclude or modify the criminal liability of legal persons, without prejudice to the provisions of the following Article. Similarly, even if the legal person ceases to exist before a final judgment is handed down, it shall not exclude the criminal liability of natural persons.

The criminal liability of natural persons is independent of that of legal persons, but in relation to the financial penalties, if due to the size of the legal person the accumulation of both is disproportionate, the competent Jurisdictional Body will modulate them to avoid the disproportionate punishment.

ARTICLE 103.- LEGAL ENTITIES THAT DO NOT ARE CRIMINALLY LIABLE. The provisions on the criminal liability of legal persons do not apply to the State, to international organizations under public law, or to other entities exercising public sovereign or administrative powers, in the case of State-owned corporations that execute public policies or provide services of general economic interest, except in the case of crimes against social security. Also excluded from criminal liability are legal entities whose annual turnover in the year preceding the commission of the crime has not exceeded Three Million Lempiras (L.3,000,000.00).

However, when a natural person uses legal persons to commit a crime, the latter must be punished for the crime or crimes committed if the conditions set out in the preceding article are met. The foregoing

It also applies to founders, trustees, or representatives who take advantage of a state institution to avoid criminal liability.

ARTICLE 104.- PENALTIES FOR INDIVIDUALS LEGAL. The penalties applicable to legal entities are:

1) The fine, by installments or proportional. The fee is limited to two thousand (2000) days, unless otherwise expressly provided in this Code. Each daily fee has a minimum value of Two Hundred Lempiras (L.200.00) and a maximum value of Fifty Thousand Lempiras (L.50,000.00), but in no case shall the fine be less than Fifty Thousand Lempiras (L.50,000.00). For the faithful number of quotas the competent Jurisdictional Body will exclusively attend to the seriousness of the crime and for the determination of the amount of each one of them the economic situation of the legal person will be taken into account.

   The proportional fine is set according to the damage caused, the benefit obtained or that could have been obtained, the value of the object or the amount defrauded or unduly obtained. In the latter case, when it is not possible to calculate on the basis of these concepts, the competent Jurisdictional Body will give reasons for the impossibility of proceeding with such calculation, replacing the fines provided for by the following:

a) A fine of seven hundred (700) to two thousand (2000) days, if the crime committed by the natural person carries a prison sentence of more than five (5) years;

(b) A fine of four hundred (400) to one thousand (1000) days, if the crime committed by the natural person is punishable by imprisonment of two (2) to five (5) days
(5) years; and,

c) A fine of two hundred (200) to six hundred (600) days, in the remaining cases.

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2) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;

3) Closure of the premises and establishments that were used to carry out the crime, for a period that cannot exceed five (5) years;

4) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favoured or covered up;

5) Ineligibility to obtain public subsidies and aid, to contract with the public sector and to enjoy tax or social security benefits and incentives, for a period not to exceed fifteen (15) years;

6) Judicial intervention to safeguard the rights of workers or creditors for the time deemed necessary, without exceeding five (5) years. The intervention can be total or partial, it will have the content that is set in the

The decision of the court may be modified by the competent Jurisdictional Body, both materially and temporarily, in response to the reports made periodically by the auditor and the Public Prosecutor's Office (MP). The exercise of the comptroller's function will be regulated by regulations; and,

7) Dissolution of the legal entity. The dissolution of the legal entity produces the definitive loss of its legal personality, as well as that of its capacity to act in any way in the legal traffic or

to carry out any kind of activity, even if it is legal. In this case, and in order to guarantee the rights of the workers and protect the interests of the national economy, before dissolving the legal entity, the State may opt to intervene in it or to subrogate itself to the ownership of the legal entity condemned to dissolution, if any of the following conditions are met

of the activity carried out by it; or, b) That the entity develops a public service or public utility whose interruption could cause considerable damage to the community.

In any case, the imposition of the penalties referred to in the previous paragraph will require, from the judicial resolution in which they are imposed, a double motivation or additional justification, conditioning its imposition to a specific evaluation on:

1) Its necessity to prevent the continuation of the criminal activity or its effects;

2) The economic and business consequences for the legal entity; and

3)The economic, social and labor impact of their adoption.

ELECTIVE PENALTIES. In those cases in which, in the specific type of special part, the competent jurisdictional body is recognized as having the power to impose certain other principal penalties, in addition to those expressly provided for in the first place for the crime in question, only those whose material content is directly related to the crime committed may be imposed.

In any case, the imposition of these optional penalties shall require the double motivation or additional justification referred to in paragraph 7) of this article and the particular conditions required for the application of each penalty.

ARTICLE 105.- EXTENUATING CIRCUMSTANCES FOR LEGAL PERSONS UNDER CRIMINAL LAW RESPONSIBLE. Circumstances that mitigate the criminal liability of legal entities are considered to be those that have been carried out after the commission of the crime and through their legal representatives, de facto or de jure administrators or other shareholders or members of the legal entity, any of the following activities:

1) Confess the violation to the authorities before knowing that the investigations or legal proceedings are directed against it;

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2) Collaborate in the investigation of the act by providing evidence, before the beginning of the oral trial, that would be new and decisive to clarify the criminal responsibilities arising from the facts;

3) Repair or lessen the harm caused by the crime before the commencement of the trial; and

4) Having established, before the beginning of the oral trial, effective measures to prevent and discover the crimes that could be committed in the future with the means or under the coverage of the legal entity, by its representatives or administrators.

The concurrence of extenuating circumstances allows the competent Jurisdictional Body, in view of their number and intensity, to impose the penalty up to its minimum limit. If there are no extenuating circumstances, the competent Jurisdictional Body will impose the penalty according to the circumstances of the act and the legal entity.

ARTICLE 106.- SUSPENSION OF PROCEEDINGS FOR CRIMES COMMITTED BY LEGAL ENTITIES. The competent Jurisdictional Body may suspend the procedure against the legal person, with reasons, before the opening of the oral trial, taking into account the requirements of general prevention, provided that the following conditions are met:

1) Let it be the first time that a criminal act is committed;
2) That there is no danger of criminal repetition in view of the characteristics of the act and the circumstances of the legal person;
3) That there is no civil responsibility derived from the criminal act or that the same have been satisfied;
4) That the representatives of the legal entity collaborate with the authorities in the investigations; and
5) That the legal entity recognizes its responsibility in the facts.

The suspension period is from two (2) to five (5) years and is set by the

Competent Jurisdictional Body, taking into account the characteristics of the fact, the circumstances of the legal person and the duration of the penalty to be imposed.

When the competent Jurisdictional Body agrees to suspend the proceedings and without prejudice to the establishment of the civil liabilities that may arise, it shall make it conditional upon the non-occurrence of another crime attributable to the legal person during the period indicated. The competent jurisdictional body may also make the suspension conditional upon compliance with one or more of the following measures:

1) Carrying out organizational changes in the legal entity that minimize the risk of repeated crime;
2) Implementation of crime prevention programs and corresponding mechanisms;
3) Renunciation of the performance, by the legal entity, of certain activities;
4) Dismissal of responsible executives; and,
5) Judicial intervention, which may include the carrying out of audits or inspections at the cost of the legal entity.

If the legal entity is charged with another crime during the period of suspension or fails to comply with any of the measures imposed, the competent jurisdictional body shall revoke the suspension and continue the process until the appropriate sentence is handed down.

Once the period of suspension has elapsed and the established conditions have been fulfilled, the competent Jurisdictional Body will decree the extinction of the criminal action.

TITLE VIII

EXTINCTION OF CRIMINAL LIABILITY AND ITS EFFECTS

ARTICLE 107.- CAUSES THAT EXTINGUISH THE CRIMINAL LIABILITY. Criminal liability is extinguished by any of the following causes:

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1) The death of the prisoner;

2) The forgiveness of the offended person or of the person who has his legal representation, in the cases and in the form that the Law foresees it;

3) The prescription of the criminal action, penalty or security measure, declared ex officio or at the request of a party;

4) Amnesty or pardon, under the terms established by law; and

5) The completion of the sentence or the final remission of the penalty.

The transformation of a legal entity does not extinguish its criminal liability, which will be transferred to the entity or entities in which it is transformed. The competent Jurisdictional Body may moderate the penalty to be served in these cases, depending on the weight that the legal person originally responsible has in each of the entities affected by the transformation.

ARTICLE 108.- REGIME OF FORGIVENESS. Forgiveness must be expressly granted before a judgment has been rendered. In the crimes or misdemeanors of public action dependent on a particular instance, the pardon will have the legal effects that are foreseen in each case.

When the victim or the offended is a minor or a disabled person, the competent Jurisdictional Body may reject the effectiveness of the pardon granted by its representatives, ordering in such case the continuation of the procedure, with the intervention of the Public Prosecutor's Office (MP) or the serving of the sentence.

To refuse the pardon referred to in the previous paragraph, the competent Jurisdictional Body must first hear the representative of the minor or the person with a disability.

ARTICLE 109.- PRESCRIPTION OF THE ACTION CRIMINAL. The criminal action for the commission of an offense prescribes, except in the cases provided for in Article 116 of the present Code and subject to the provisions of Articles 57 and 325 of the Constitution of the Republic:

1) At the age of twenty (20) years, when the maximum penalty plus half of the indicated crime is imprisonment of fifteen (15) years (15) or more years;

2) At the age of fifteen (15) years, when the maximum penalty prescribed by law is disqualification for more than ten (10) years or imprisonment for more than ten (10) and less than fifteen (15) years;

3) After ten (10) years, when the maximum penalty indicated by the Law is disqualification or imprisonment for more than five (5) years and not exceeding ten (10) years; and,

4)At five (5) years, in the case of other crimes.

The statute of limitations for misdemeanors is six (6) months after their execution.

When the penalty prescribed by law is a compound one, it is for the application of the rules contained in this Article to which it requires the longest time for prescription.

In cases of concurrent infringement or related offences, the limitation period is that corresponding to the most serious offence.

ARTICLE 110.- BEGINNING OF THE COMPUTATION FOR THE PRESCRIPTION OF THE CRIMINAL ACTION. The Prescription of the criminal action is calculated, except in the cases contemplated in Article 325 of the Constitution of the Republic, in the following cases:

1) From the day the crime has been committed, its execution is interrupted or the preparatory acts declared punishable are carried out;

2) In continuous crimes and mass crimes, from the day the last act is executed or the last action is performed;

3) In permanent crimes, from the day the anti-legal situation is eliminated; and

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4) In the case of attempted crimes against life, abortion, malicious injury, gender violence, crimes against moral integrity, human trafficking, abandonment of minors, crimes against freedom of movement, freedom of determination or sexual freedom or indemnity, crimes against the inviolability of the home and privacy, as well as crimes against labor rights and family relations in which a minor is the victim, the terms are calculated from the day on which the minor has reached the age of majority, and if he dies before reaching it, from the date of death.

ARTICLE 111.- INTERRUPTION OF THE TERM OF THE PRESCRIPTION OF THE CRIMINAL ACTION The statute of limitations of the criminal action is interrupted, leaving without effect the time that has elapsed since the initiation of the criminal procedure against the alleged perpetrator, starting again its calculation since its continuation is stopped by any circumstance different from those that legally provide for its suspension.

The prescription of the criminal action is suspended in those cases and during the time that the suspension of the criminal prosecution has been agreed upon, in accordance with the provisions of the procedural legislation.

ARTICLE 112.- PRESCRIPTION OF THE PENALTY. The penalty imposed in a final judgment is prescribed, except in the cases provided for in Article 116 of this Code:

1) Within a period equal to that of the sentence plus one third (1/3), but in no case less than two (2) years in the case of serious or corporate penalties, or less than one (1) year in the case of less serious penalties;

2) In six (6) months, if it is a penalty imposed for the commission of faults; and,

3) The penalties imposed for replacement and accessory penalties, prescribe in the same term of the main penalty.

The above rules are without prejudice to those established by the Constitution of the Republic and the procedural laws.

ARTICLE 113.- CALCULATION, INTERRUPTION AND SUSPENSION OF THE PRESCRIPTION OF THE PENALTY.
The period of prescription of the penalty is calculated from the day the sentence becomes final or from the day the evasion or violation of the penalty occurs.

The statute of limitations is interrupted, and the time that has elapsed is void, when the accused commits another crime of the same nature.

The prescription of the penalty is suspended in the following cases:

1) During the period of suspension of the execution of the sentence; or,

2) During the fulfillment of another penalty that makes its simultaneous fulfillment impossible.

ARTICLE 114.- PRESCRIPTION OF THE MEASURE SAFETY. The security measures prescribe, according to their respective nature, in the same terms and conditions as those established for penalties.
When compliance with the security measure is later

The time limit is calculated from the date of the extinction of the penalty.

ARTICLE 115.- CIVIL ACTION AND PRESCRIPTION. The exercise of the action to claim the civil responsibility derived from the crime does not interrupt the prescription of the criminal action or the penalty.

ARTICLE 116.- OFFENCES AND PENALTIES IMPRESCRIPTIBLE. The following crimes are not subject to the statute of limitations

1) Crimes against humanity, terrorism when it has caused the death of one or more persons, torture, forced disappearance, trafficking in persons and sexual exploitation of minors under eighteen (18) years of age; and

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2) Any crime for which the penalty is life imprisonment.

The following penalties are not prescribed in any case:

1) The penalties that are imposed in final judgment for the commission of the crimes mentioned in the previous paragraphs; and

2) The criminal actions and penalties that are considered imprescriptible by the Constitution of the Republic, the International Treaties and Conventions signed and/or ratified by the State of Honduras or other criminal laws

TITLE IX
CANCELLATION OF CRIMINAL RECORDS

ARTICLE 117.- CANCELLATION OF BACKGROUND CRIMINALS. Those convicted by final judgment who have extinguished their criminal responsibility have the right to obtain from the competent Jurisdictional Body, ex officio or at the request of a party, the cancellation of their criminal records.

For the effective recognition of the right to expunge the criminal record, the following requirements must be met:

1) To have satisfied the civil liabilities derived from the crime that have been effectively claimed, except for the cases of declaration of insolvency, unless the defendant improves his economic situation; and,

2) Having spent, without offending again, two (2) years for penalties imposed for reckless crimes or a period of time equal to the length of the sentence for the fraudulent crime, with a maximum of ten (10) years and a minimum of six (6) years (6) months.

3) The terms indicated in the previous paragraph start to be counted from the day following the day in which the penalty is extinguished. In the event of a definitive remission due to the expiry of the suspension period of the execution of the sentence and compliance with the regulatory measures, the period is calculated as of the day following that on which the sentence would have been served if this benefit had not been enjoyed.

4) If, in spite of the requirements established in the previous article, the cancellation of the criminal record has not taken place, the competent Jurisdictional Body, once such circumstances have been verified, shall order its immediate cancellation and shall not take them into consideration for any purpose.

TITLE X
CIVIL LIABILITY DERIVED FROM CRIME

CHAPTER I CIVIL LIABILITY AND ITS FORMS

ARTICLE 118.- GENERAL RULES. The realization of an event classified by the Law as a crime or misdemeanor forces to repair the damages caused.

Any person harmed by the commission of a crime or misdemeanor may demand satisfaction of civil liability in the same criminal proceeding, in accordance with the provisions of criminal procedural law and the provisions of this Code.

The injured party may, in any case, choose to demand the civil liability before the Civil Jurisdiction.

ARTICLE 119.- CIVIL LIABILITY. The civil liability includes**:**

1) Restitution;

2) The integral reparation of material and moral damages; and

3)Compensation for damages.

ARTICLE 120.- RESTITUTION. The same good must be returned whenever possible, with payment of the

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damages and losses that the competent Jurisdictional Body determines. The restitution takes place even if the property is in the possession of a third party who has acquired it legally and in good faith, leaving their right of recourse against the corresponding party safe.

Restitution is not applicable when the third party has acquired the property in the form and with the requirements legally established to make it irrevocable.

If it is not materially or legally possible to proceed with the restitution of the property, the competent Jurisdictional Body must specify the form in which the civil liability derived from the crime is to be satisfied.

ARTICLE 121.- INTEGRAL REPARATION OF THE DAMAGE. The reparation of the material or moral damages can consist of obligations to give, to do or not to do that the competent Jurisdictional Body will establish prudentially taking into account the nature of the damage, the circumstances and characteristics of the infraction, the personal conditions of the offended and of the responsible, as well as the consequences of the grievance suffered.

The repair of the material damage is demandable in case there is no place for restitution. It must include at least the price of the thing and if possible the condition value it has had for the aggrieved party.

The competent Jurisdictional Body shall determine whether the obligations imposed are to be fulfilled by the person responsible or whether they can be executed at his expense.

ARTICLE 122.- COMPENSATION FOR INJURIES. The compensation for damages includes both those caused to the offended and those caused to his family or a third party. The competent Jurisdictional Body will determine the amount of compensation that corresponds according to the same rules established for the reparation of the damage.

ARTICLE 123.- DIMINISHED RESPONSIBILITY FOR PREVIOUS CONDUCT OF THE OFFENDED

In the case of a violation of the right to life, the competent judicial body may reduce the amount of the compensation for damages and the civil reparation to be received.

CHAPTER II
CIVILLY RESPONSIBLE PERSONS

ARTICLE 124.-CIVILIAN RESPONSIBLES

DIRECTORS: They are directly responsible for the civil liability:

1) Any natural or legal person who is declared criminally responsible for a crime or misdemeanor, provided that the event gives rise to damages. If there are two (2) or more criminally responsible persons, the competent Jurisdictional Body will indicate the quota of civil responsibility that each one must satisfy;

2) Insurance companies that have assumed the risk of pecuniary responsibilities derived from any service, activity, use or exploitation of goods, industry or business, up to the legal or contractual fi limit when as a consequence of a conduct foreseen as a crime or misdemeanor the event that determines the insured risk occurs; and

3) Those who have benefited in any way from the crime or misdemeanor without having participated in the facts, who are obliged to restitute, repair or compensate for an amount equivalent to the unjustly obtained enrichment.

ARTICLE 125.- JOINT AND SEVERAL LIABILITY. The authors and participants, each within their respective class, are jointly liable for their fees.

The civil liability of the legal entity must be fulfilled in a joint manner with the natural persons who were convicted for the same acts.

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The subjects contemplated in the second and third paragraphs of the previous article are also jointly liable with the authors and participants, up to the limit of their respective responsibilities.

ARTICLE 126.- SUBSIDIARY LIABILITY.

The authors and participants are liable for the fees of the other responsible parties. Subsidiary liability is effective first in the assets of the authors and then in those of the other participants, starting with those who have had a greater degree of participation in the events.

The following persons are liable in the absence of the authors and participants, except in cases in which they are directly or jointly liable:

1) The parents or guardians, for damages caused by criminal acts committed by minor children who are subject to their custody or guardianship;

2) Natural or legal persons who are owners of visual, written or spoken communication or dissemination media for crimes committed using such media, without prejudice to any fault or negligence on their part that may have contributed to or allowed the production of the damage or harm;

3) Natural or legal persons for criminal acts committed in their establishments, when said persons or their dependents, administrators or representatives have violated police regulations or provisions of the authority directly related to such acts, so that the acts would not have occurred without said violation;

4) Natural or legal persons dedicated to any kind of industry, commerce or service, due to criminal acts committed by their dependents, administrators or representatives, in the performance of their duties or functions;

5) Natural or legal persons who are owners of transport companies or owners of vehicles that may create risks for third parties, due to criminal acts committed by means of the use of those vehicles by authorized persons;

6) Natural or legal persons who manufacture or market products or articles with defects that have contributed to the production of the harmful result are liable for the damages caused as a result of such defects; and,

7) Public administrations and other entities dependent on them, for criminal acts committed by authorities, agents, contracted by them or public officials in the exercise of their duties or functions, provided that the damage or harm caused is a direct consequence of the functioning of the public services entrusted to them.

ARTICLE 127.- CIVIL LIABILITY IN CASES OF EXEMPTION FROM LIABILITY

CRIMINAL. The exemption from criminal liability due to unimputability, state of necessity, insurmountable fear or error, does not include that of civil liability, which is made effective according to the following rules:

1) The unimpeachable are directly responsible for the damages or losses caused by them, as long as their food or the expenses caused by their internment are insured. The parents, guardians, curators or custodians of the minor or person with an unimputable disability are jointly liable, provided that there has been guilt or negligence on their part, which contributes to or has allowed the production of the damage or harm, except for the direct civil liability that may correspond to those responsible;

2) In cases of necessity, the person or persons in whose favour the evil has been prevented are directly liable in

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proportion to the damage that has been avoided, if it is estimable;

3) When there is insurmountable fear, those who have caused the fear, and in their absence, those who have executed the act, respond directly; and

4) In cases of error, the person who caused the error is directly liable and, failing that, the person who carried out the act, leaving aside the direct civil liability that may correspond to those declared criminally responsible.

CHAPTER III
COMMON PROVISIONS

ARTICLE 128.- RIGHT OF REPETITION. The
The rules established in the previous articles regarding joint and several liability apply without prejudice to the right of recovery of those who have paid with their property all or part of the quota corresponding to other liable parties.

ARTICLE 129.- SUPPLEMENTARY RIGHT. The civil liability derived from crime or misdemeanor, is regulated in everything not provided for in this Code, by the civil provisions that are generally applicable to the obligations.

ARTICLE 130.- PRELATION OF FOR MINISSIONAL RESPONSIBILITIES. Payments to
The costs incurred by the liable party are charged in accordance with the following order of priority:

1) To the reparation of the damages and indemnification of the harm caused;

2) To the compensation to the State for the expenses incurred in the case;

3) To the costs of the private prosecutor, if any;

4) To the other procedural costs; and,
5) To the fine.

In the case of crimes that can only be prosecuted at the request of a party, the costs of the private accuser will be paid in preference to the compensation of the State.

ARTICLE 131.- LEGITIMACY. Civil liability may be demanded by the persons harmed by the crime or misdemeanor, their heirs or in cases where the State of Honduras is the harmed party, by the Attorney General of the Republic (PGR).

ARTICLE 132.- PRESCRIPTION OF THE ACTION OF CIVIL RESPONSIBILITY. The civil rights derived from the criminal conduct and its corresponding action prescribe, subject to the provisions of Article 325 of the Constitution of the Republic, in five (5) years, as of the day in which the sentence identifying the criminally responsible authors or participants and other persons who must respond civilly for the damages caused becomes final. The causes for suspension and interruption of the prescription regulated by the Civil Code and the Commercial Code are applicable to this matter.

ARTICLE 133.- CIVIL EFFECTS OF THE FOREIGN SENTENCE. The
Convictions issued by foreign courts legalized in Honduras through the corresponding institution produce in Honduras all their civil effects, according to the Law.

TITLE XI DEFINITIONS FOR CRIMINAL PURPOSES

ARTICLE 134.- OFFICER OR EMPLOYEE PUBLIC. For criminal purposes is an official or employee public:

1) Any person who by legal provision, by popular election, by appointment or contractual relationship participates in the exercise of public functions, as well as the Public-Private Partnership; and;

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2) The managers of companies, associations or public foundations, considering them as in which the majority of the participation is from the Public Administration.

For the same purposes, an official or employee is foreign public to the following persons:

1) Any person who participates in the exercise of public functions or services on behalf of another country; and

2) Any official or representative of an international public body.

ARTICLE 135.- DISABILITY. For the purposes of this Code, disability is understood as the concurrence in a person of permanent limitations of a physical, intellectual or sensory nature, which in certain situations imply a restriction or annulment of his/her capacity to act.

It will be understood that the person with a disability is in need of special protection when for the habitual exercise of his or her abilities he or she requires assistance or support from a third party.

ARTICLE 136.- ORGANIZED CRIMINAL GROUP.
An organized criminal group is considered to be any structured group of three (3) or more persons, existing for a certain period of time and acting in concert with the purpose of committing one or more serious crimes as defined in this Code.

ARTICLE 137.- DOCUMENT. For the purposes of this Code, a document is considered to be any material support that expresses or incorporates data, facts or narratives with possible evidentiary effectiveness.

ARTICLE 138.- AUTHORITY. For criminal purposes, anyone who, either alone or as a member of a corporation, court, or collegiate body, has command or exercise their own jurisdiction, in all cases the members of the National Congress as well as the officials of the Public Ministry (MP) will be considered as authorities.

BOOK II
SPECIAL PART

TITLE I
CRIMES AGAINST THE INTERNATIONAL COMMUNITY

CHAPTER I
CRIME AGAINST HUMANITY

ARTICLE 139.- CRIME AGAINST HUMANITY.
A person who commits a crime against humanity as part of a widespread or systematic attack against the civilian population and with knowledge of such attack, in any of the following acts, shall be punished by imprisonment for life, loss of nationality and absolute disqualification for the same duration as the prison sentence:

1) Murder;

2) Extermination;

3)Slavery;

4) Deportation or forced population transfer;

5) Imprisonment or other serious deprivation of physical liberty in violation of fundamental rules of international law;

6) Torture;

7) Rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence of comparable severity;

8) Persecution of a group or community with its own identity based on political, racial, national, ethnic, cultural, religious, gender or other grounds universally recognized as unacceptable under international law;

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9) Forced disappearance of people;

10) The crime of apartheid; and,

11) Other inhumane acts of a similar nature that intentionally cause great suffering or seriously undermine physical integrity or mental or physical health.

ARTICLE 140.- FORCED DISAPPEARANCE OF PEOPLE. The crime of forced disappearance of persons is committed and should be punished by 15 to 20 years in prison and suspension of citizenship, by the public official, agent of the State or persons or group of persons, acting with the authorization, support or acquiescence of the State, deprive one or more persons of their liberty in any way whatsoever, followed by a lack of information or a refusal to acknowledge the deprivation of liberty or to report the whereabouts of the person, thereby preventing the exercise of the relevant legal remedies and procedural guarantees.

When the act is carried out by a public official or employee in the exercise of his duties, in addition to the penalties set forth in the preceding paragraph, the penalty of absolute disqualification of twenty (20) to twenty-five (25) years must be imposed.

ARTICLE 141.- FORCED DISAPPEARANCE OF PEOPLE AGGRAVATED. The prison sentence is increased by one third (1/3), if any of the following circumstances apply

1) The deprivation of liberty of the disappeared person lasts for more than seventy-two (72) hours; or
2) The missing person is under eighteen (18) years old, pregnant woman, elderly person, disabled person, or has a disease that prevents her from being able to care for herself.

ARTICLE 142.- FORCED DISAPPEARANCE OF PEOPLE ATTENUATED. The penalty is reduced by one third (1/3) when, within a period not exceeding seventy-two (72) hours from the time of deprivation of liberty, the person responsible releases the victim voluntarily or as a result of negotiations provides information leading to their location, provided that their health and physical integrity has not been harmed.

CHAPTER II
GENOCIDE

ARTICLE 143.- GENOCIDE. It shall be punishable by thirty (30) years' imprisonment for life, and absolute disqualification with the same duration as the prison sentence, in addition to the loss of nationality in the case of Hondurans who are not of origin, who with the purpose of totally or partially destroying a national, ethnic, racial, ideological, or religious group, commits any of the following acts

1) Kill group members;

2) Seriously injure the physical or mental integrity of group members;

3) Intentionally subjecting the group to conditions of existence that will result in its physical destruction, in whole or in part;

4) Adopting measures to prevent births within the group; or,

5) Forcibly moving children from one group to another.

Conspiracy, solicitation or provocation to commit the crime of genocide shall be punishable by imprisonment for a term of ten (10) to fifteen (15) years.

CHAPTER III WAR CRIMES

ARTICLE 144.- SERIOUS INFRACTIONS TO THE GENEVA CONVENTIONS: Whoever, in a situation of declared war or any other armed conflict, recognized or not, that arises between two (2) or more States in a situation of

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total or partial occupation of the territory of a State, even if such occupation meets with no military resistance or in a situation of internal conflict, acts against persons or property protected in the event of armed conflict, carry out any of the following acts

1) Manslaughter;

2) Torture or inhumane treatment, including experiments biological;

3) Deliberately causing great suffering or Serious threat to physical integrity or health;

4) Destruction or appropriation of property not justified by military needs and carried out on a large scale, illegally and arbitrarily;

5) Forcing a prisoner of war or other protected person to serve in the forces of an enemy state;

6) Deliberately depriving a prisoner of war or other protected person of his or her right to a fair and impartial trial

7) Deportation, transfer or deprivation of liberty

8) Hostage taking;

9) Unjustified delay in the repatriation of prisoners of war or civilians

10) Execute apartheid and other inhuman and degrading practices, based on discrimination, which entail an outrage against personal dignity; and

11) Rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence of comparable severity.

The penalty of imprisonment shall be forty (40) years to life imprisonment, when the attack is made on works or installations, knowing that it will cause the following results:

1) Killed or injured among civilians not directly participating in the hostilities; or

2) Serious, extensive and lasting damage to the environment and to civilian property, which is excessive in relation to the concrete and direct military advantage anticipated.

ARTICLE 145.- USE OF HUMAN SHIELDS

Anyone who, during an internal or international armed conflict, deprives a person of his or her liberty to use it as a defense or to make demands on the other party, shall be punished by imprisonment for thirty (30) to forty (40) years, loss of nationality, and absolute disqualification for the same duration as the prison sentence.

ARTICLE 146.- PROHIBITED MEANS AND METHODS OF WAR. Whoever, during an internal or international armed conflict, uses methods or means of warfare prohibited within the framework established by International Law, shall be punished by imprisonment for thirty (30) years to life, and absolute disqualification with the same duration as the prison sentence, in addition to the loss of nationality.

The same penalty will be applied to anyone who performs any of the following acts:

1) Directing attacks against civilians who do not participates directly in hostilities or against goods that are not military objectives;

2) Attack or bomb, by any means, cities, villages, homes or buildings that are not defended and are not military objectives;

3) Cause the death or injury of a combatant who has laid down his arms or who, having no means to defend himself, has surrendered at will;

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4) The transfer, directly or indirectly, by the occupying force, of part of its civilian population into the territory it occupies or, the deportation or transfer of all or part of the population of the occupied territory, within or outside that territory;

5) Declare that no quarter will be given;

6) Destroy or seize the enemy's property, unless the needs of war make it imperative;

7) To deprive any protected person of his or her right to a regular and fair trial or, to declare abolished, suspended or inadmissible before a court, the rights and actions of the nationals of the enemy party;

8) Sacking a city or a square, even when it is taken by assault;

9) Using poison or poisoned weapons, asphyxiating, toxic or similar gases or any similar liquid, material or device, bullets that expand or flatten easily in the human body, such as hard-shelled bullets that do not completely cover the inside or that have incisions

10) To employ biological or humane weapons, through the use of engineering techniques, genetic manipulation or any other method, and to employ weapons, projectiles, materials and methods of warfare which by their nature cause superfluous injury or unnecessary suffering or have indiscriminate effects in violation of the international law of armed conflict, provided that such weapons or projectiles, materials or methods of warfare are subject to a complete prohibition; and

11) Recruit or enlist children under the age of eighteen
(18) years in the national armed forces or use them to participate actively in hostilities.

ARTICLE 147.- ATTACK TO CIVILIAN POPULATION, PROTECTED GOODS AND FACILITIES. Who during and on the occasion of an internal or international armed conflict, starves the civilian population as a method of waging war, depriving them of the sustenance indispensable for their survival, including impeding relief supplies in accordance with the Geneva Conventions, should be punishable by twenty (20) to thirty (30) years' imprisonment, and absolute disqualification with the same duration as the prison sentence, in addition to loss of nationality.

With the same penalty as in the previous paragraph, anyone who attacks hospitals, places where the sick or wounded are grouped together, medical warehouses or other goods intended to assist protected persons, ambulances or other means of medical transport, shall be punished.

Whoever destroys or appropriates historical, cultural and religious heritage property, as well as education, arts, sciences or benefits installations containing nuclear energy or any other dangerous substances or forces whose release endangers the integrity or life of the civilian population, must be punished with fifteen (15) to twenty (20) years of imprisonment, and absolute disqualification with the same duration as the prison sentence, in addition to the loss of nationality.

ARTICLE 148.- SIMULATION OF SIGNS OF PROTECTION. Whoever, during an internal or international armed conflict, simulates or improperly uses signs of international protection or of international or intergovernmental bodies, flags, military insignia, the uniform of the enemy or of the United Nations or of neutral countries, as well as the distinctive emblems of the Geneva Conventions, of the Red Cross, the Red Crescent or the Red Crystal, and thereby causes death or serious injury to persons, shall be punished by imprisonment from ten (10) to fifteen (15) years, suspension of citizenship, for the same period of time of imprisonment and absolute disqualification

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with the same duration as the prison sentence. These penalties should be imposed regardless of the results produced.

ARTICLE 149.- EXPERIMENTS. Anyone who, during an internal or international armed conflict and on the occasion thereof, seriously endangers the life, integrity, or health of a person in his possession, shall be punished by imprisonment for ten (10) to fifteen (15) years, suspension from citizenship for the same period of time as the prison sentence, and absolute disqualification for the same duration as the prison sentence, without prejudice to any other penalties that may be applicable to him for other crimes.

If in the above circumstances the crimes related to organ trafficking, defined and punished in this Code, are carried out, the penalties provided in those to be imposed must be doubled, without prejudice to those that may correspond to other crimes.

ARTICLE 150.- ATTACK AND OBSTRUCTION OF HUMANITARIAN AID. Anyone who, during an internal or international armed conflict, directs attacks against personnel, installations, material, units or vehicles involved in a peacekeeping or humanitarian assistance mission in accordance with the Charter of the United Nations, provided they are entitled to the protection afforded to civilians or civilian objects under international law of armed conflict, as well as anyone who prevents or obstructs the performance of medical, health or humanitarian tasks by medical, health and relief personnel or, to the civilian population, must be punished by imprisonment of thirty (30) to forty (40) years, and absolute disqualification with the same duration as the prison sentence, in addition to the loss of nationality.

ARTICLE 151.- PERSON WITH THE RIGHT TO INTERNATIONAL PROTECTION. For the purposes of this Chapter, a protected person means members of the civilian population, prisoners of war, wounded, sick or shipwrecked persons placed hors de combat, religious personnel, medical personnel, journalists on mission or accredited war correspondents, combatants who have laid down their arms during the conflict, or any other person protected by International Law, in accordance with the International Treaties and Conventions signed and/or ratified by the State of Honduras.

CHAPTER IV
CRIME OF AGGRESSION

ARTICLE 152.- CRIME OF AGGRESSION. The one who commits a crime of aggression referred to in the Rome Statute of the International Criminal Court, adopted on July 17, 1998 in Rome, Italy, and based on the guidelines established by the United Nations Security Council, should be punished by a sentence of twenty-five (25) to thirty (30) (30) years in prison.

CHAPTER V

PROVISIONS COMMON TO CRIMES AGAINST HUMANITY, GENOCIDE AND WAR CRIMES

ARTICLE 153.- RESPONSIBILITY OF THE BOSSES AND OTHER SUPERIORS. The authority or military chief, or whoever actually acts as such, shall be punished with the same penalties as those provided for the perpetrators of the crimes covered by Chapters I, II, and III of this Title, when such crimes are committed or, by forces under their effective command and control or under their effective authority and control, as the case may be, if the necessary and reasonable measures within their reach have not been taken to prevent their commission.

The superior not included in the previous paragraph, who, within the scope of his competence and being within his reach, may prevent his subordinates from committing any of the crimes included in Chapters I, II, and III of this Title, shall also be punished with the same penalty.

The authority or military chief, or whoever effectively acts as such, who shall not take the measures within his reach to have the crimes covered by Chapters I, II and III of this Title committed by persons under his command or effective control, shall be punished by the penalties reduced by one third (1/3) of those provided for the perpetrators. They shall also be punished by penalties reduced by one third (1/3) or two thirds (2/3) of those prescribed for the perpetrators,

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the superior not included in the previous paragraph, who, within the scope of his competence, does not adopt the measures within his reach to have the crimes included in chapters I, II and III of the present Title committed by his subordinates prosecuted.

The public official or employee, who without incurring in the conducts provided for in the preceding paragraphs and failing in the obligation of his office, fails to promote the prosecution of any of the crimes included in Chapters I, II and III of this Title, of which he has notice, shall be punished with the penalty of special disqualification from public employment or office for ten (10) to fifteen (15) years.

If the bosses, authorities or superiors in the cases indicated in the previous paragraphs act out of serious negligence, they should be punished with the penalty reduced by one third (1/3).

ARTICLE 154.- LIABILITY FOR ACTS COMMITTED WITH SERIOUS NEGLIGENCE. Who performs any of the conducts described in Chapters I, II and III of this Title for gross negligence, shall be punished with the prison sentence established for the crime committed, reduced by one third (1/3).

ARTICLE 155.- PUNISHMENT OF ACTS PREPARATIONS. The conspiracy, proposal or provocation of any of the crimes established in the preceding chapters, must be punished with a prison sentence of five (5) to ten (10) years and absolute disqualification for twice the duration of the prison sentence.

ARTICLE 156.- SPECIAL AGGRAVATION If
If any of the acts established in the preceding chapters are carried out by a public official or employee, the penalty must be increased by one third (1/3) and, in addition, absolute disqualification must be imposed for twice the duration of the prison sentence**.**

causes of justification for acting in the exercise of a right, profession, or duty, nor obedience due to those who commit the crimes set forth in the preceding chapters, since orders to commit genocide, crimes against humanity, or war crimes are manifestly unlawful and therefore cannot be covered for these reasons.

CHAPTER VI
CRIMES AGAINST THE RIGHTS OF PEOPLE

ARTICLE 158.- VIOLATION OF IMMUNITY DIPLOMATICS. Whoever violates the personal immunity of a foreign head of state or of a person internationally protected by a treaty, shall be punished by imprisonment of one (1) to three (3) years.

ARTICLE 159.- DEATH OR INJURY TO INTERNATIONALLY PROTECTED PERSONS Who
kills a foreign head of state or a person internationally protected by treaties who is in Honduras, must be punished by imprisonment for life; if he causes injuries, the imprisonment must be from ten (10) to fifteen (15) years and from five (5) to ten (10) years for any other crime. In all cases, the loss of citizenship for the same time of the prison sentence and absolute disqualification for the same duration as the prison sentence must also be imposed.

CHAPTER VII
MANUFACTURE AND POSSESSION OF WEAPONS OR MEANS OF MASS DESTRUCTION

ARTICLE 160.- WEAPONS OR MEANS OF DESTRUCTION ASSIVE CTION. Whoever develops, manufactures, produces, possesses, supplies, stores or takes possession of any form of chemical, biological, nuclear, radiological or similarly destructive weapons, shall be punished by imprisonment from twenty (20) to thirty (30) years.

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CHAPTER VIII
PIRACY

ARTICLE 161.- PIRACY. Whoever, for his own or another's profit or other personal purpose and using violence, intimidation, or deception, takes possession of, damages, or destroys an aircraft, vessel, or other type of vessel on the high seas, maritime space not subject to the jurisdiction of any State, or exclusive economic zone, contiguous zone or other maritime space in respect of which an international convention, agreement or legal instrument so provides, or which attacks persons, cargo or goods on board of those in the same spaces, shall be punished as a criminal offence of piracy with imprisonment from fifteen (15) to twenty (20) years.

The penalty provided for in this article should be imposed without prejudice to any penalties that may apply for other crimes.

ARTICLE 162.-RESISTANCE OR DISOBEDIENCE TO IMPRISONMENT. Whoever resists or disobeys, on the occasion of or in connection with the pursuit of the acts provided for in the preceding article, a warship or military aircraft or other vessels or aircraft bearing clear identifiable signs in the service of the State of Honduras and authorized for that purpose, shall be punished by imprisonment of two (2) to four (4) years.

If force, violence or intimidation is used in the above conduct, the penalty shall be imprisonment from ten (10) to fifteen (15) years.

These penalties should be imposed without prejudice to those that may apply for other crimes.

ARTICLE 163.- SEIZURE AND DIVERSION OF VESSELS, AIRCRAFT OR MEANS OF TRANSPORT AIR COLLECTIVE. Whoever, by means of force in things, violence, threat or deceit, takes possession of a ship, aircraft or any other means of collective transport that is in flight or active, or deviates its course or itinerary, as well as exercises control over it, depriving in all cases of the freedom of its occupants, must be punished with a prison sentence of twenty (20) to twenty-five (25) years.

For the purposes of this article, a vessel or aircraft is considered to be active from the moment all external doors are closed after boarding, until the moment they are opened for disembarkation.

CHAPTER IX
CRIMES AGAINST HUMAN NATURE

SECTION I
CRIMES RELATED TO ORGAN TRAFFICKING

ARTICLE 164.- ILLEGAL TRAFFICKING OF ORGANS HUMAN. Whoever in any way promotes, favors or facilitates the illegal obtaining, trafficking or transplantation of human tissues or organs from a living or deceased donor or advertises such acts, shall be punished by imprisonment from five (5) to eight (8) years.

The same penalty should be imposed on those who:

1) They receive the tissues or organs as a donor, knowing their illicit origin; or

2) They have them for trafficking or illegal transplants.

Whoever uses the exercise of a profession or trade to carry out any of the above conducts, must be punished, in addition to the prison sentence, with the special disqualification from profession, trade, commerce or industry for a period of six (6) to ten (10) years.

ARTICLE 165.- ILLEGAL TRAFFICKING OF ORGANS HUMANS AGGRAVATED. The penalties to be imposed in the previous article must be aggravated by one third (1/3) when any of the following circumstances apply:

1) The victim is under eighteen (18) years of age or a person who is especially vulnerable due to age, situation, illness or poor intellectual or physical development;

Unofficial English Translation (seekHonduran legal counsel before relying upon this translation)

2) There is a family relationship between the victim and the offender or the offender is his guardian, conservator, de facto custodian, cohabitant or educator;

3) The behavior is carried out with abuse of trust or superiority, derived from any condition or situation that facilitates the commission of the crime;

4) The behavior is carried out within the framework of a organized criminal group;

5) The health or life of the victim is seriously endangered; or

6) Economic compensation or any other type of remuneration has been paid or received in exchange for committing the crime.

ARTICLE 166.- RESPONSIBILITY OF PUBLIC OFFICIALS OR EMPLOYEES. A public official or employee who performs any of the conducts described in the two (2) preceding articles by taking advantage of the exercise of public functions, must be punished:

1) With the penalties of imprisonment from six (6) to nine (9) years and special disqualification from public office or public service for a period of ten (10) to fifteen (15) years, in the case of Article 164; and

2) With the same penalties increased by one third (1/3), if any of the circumstances set out in Article 165 apply.

ARTICLE 167.- PUNISHABILITY OF ACTS PREPARATIONS. Conspiracy, proposal or provocation to commit the crime of organ trafficking must be punished by the corresponding penalties reduced by one third (1/3).

ARTICLE 168.- COLLABORATION WITH THE AUTHORITIES. The penalties to be imposed may be reduced by up to a quarter (1/4) when the offender collaborates with the authorities in order to

1) To prevent the realization of any of the behaviors described in the previous articles or to reduce their effects;

2) Providing or obtaining evidence of other crimes already committed; or

3) identify, pursue or prosecute those responsible for the commission of such acts.

ARTICLE 169.- RESPONSIBILITY OF THE LEGAL ENTITY. When, in accordance with the provisions of Article 102 of this Code, a legal entity is responsible for the crimes covered by this section, it shall be subject to the penalty of dissolution of the legal entity or a fine of an amount equal to or up to five (5) times the benefit obtained or intended. In the latter case, and in addition, any of the following penalties may be imposed:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;

2) Closure of the premises and establishments that were used to carry out the crime, for a period that cannot exceed five (5) years;

3) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favored or covered up; and

4) Ineligibility to obtain public subsidies and aid, to contract with the public sector and to enjoy tax or social security benefits and incentives, for a period not to exceed ten (10) years.

ARTICLE 170.- UNIVERSAL JURISDICTION AND INTERNATIONAL RECIDIVISM The State of Honduras must exercise its jurisdiction over the crimes described in this section, regardless of the nationality of the perpetrators, the victims, and the place where the crimes were committed.

Unofficial English Translation (seek Honduran legal counsel before relying upon this translation)

Conviction by a foreign court for crimes of the same nature as those provided for in this section produces the effects of recidivism, unless the criminal record has been or could have been expunged under Honduran law.

SECTION II
CRIMES RELATED TO GENETIC MANIPULATION

ARTICLE 171.- GENETIC MANIPULATION. Those who, with purposes other than therapeutic or the elimination or reduction of serious diseases, manipulate human genes in such a way that they alter the genotype, should be punished with a prison sentence of one (1) to two (2) years and a fine of one hundred (100) to two hundred (200) days.

When the pre-embryo resulting from the conduct set forth in the previous paragraph is implanted in a woman for her development, the penalty shall be imprisonment of two (2) to four (4) years and a fine of one hundred (100) to five hundred (500) days.

For the purposes of this precept, "therapeutic purpose" is understood to mean that which aims to cure a disease that has its origin in a genetic alteration or to prevent it from being transmitted to the offspring.

Any assisted technique such as artificial insemination, in vitro fertilization and other reproductive techniques performed with consent are excluded from this type of penalty.

ARTICLE 172.- GENETIC MANIPULATION AGGRAVATED. Whoever produces organisms with genes manipulated for weapons use, must be punished with a prison sentence of ten (10) to twenty (20) years and a fine of two hundred (200) to five hundred (500) days.

Those who stockpile or trade in them and those who use genetic engineering techniques in the manufacture of biological weapons should be punished with the same penalties.

ARTICLE 173.- CLONING. The asexual obtaining of human pre-embryos must be punished with a prison sentence of one (1) to two (2) years and a fine of one hundred (100) to two hundred (200) days.

The fertilization of human eggs with non-human genetic lines should be punished with the prison sentences of one (1) to three (3) years and fine of two hundred (200) to three hundred (300) days.

Hybrid generation with human pre-embryo genetic lines should be punished with the prison sentences of one (1) to three (3) years and a fine of one hundred (100) to three hundred (300) days

When the pre-embryo generated with the behaviors described in the previous paragraphs exceeds fifteen (15) days of development or is implanted in a woman, the conduct must be punished with imprisonment of three (3) to five (5) years and a fine of three hundred (300) to (500) days.

ARTICLE 174.- PENALIZATION OF THE IMPRUDENCE. When the crimes referred to in this section are committed through serious negligence, the penalties provided for must be imposed, reduced by one third (1/3).

ARTICLE 175.- DISQUALIFICATION FOR THE HEALTH PROFESSIONAL. If the acts provided for in this section are performed by a health professional, public official or employee, in addition to the corresponding penalties, special disqualification from employment or public office and from the exercise of the profession for five (5) to ten (10) years must be imposed.

ARTICLE 176.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of this Code, a legal person is responsible for the crimes covered by this section, it shall be subject to the penalty of dissolution of the legal person or a fine of up to five (5) times the benefit obtained or intended. In the latter case and additionally, some of the following sanctions may be imposed:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;
2) Closure of the premises and establishments that were used to carry out the crime, for a period that cannot exceed five (5) years;

Unofficial English Translation (seek Honduran legal counsel before relying upon this translation)

3) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favored or covered up; and
4) Ineligibility to obtain public subsidies and aid, to contract with the public sector and to enjoy tax or social security benefits and incentives, for a period not to exceed fifteen (15) years.

TITLE II
CRIMES AGAINST COLLECTIVE SECURITY

CHAPTER I
CRIMES RELATED TO NUCLEAR ENERGY AND IONIZING RADIATION

ARTICLE 177.- FOR THE DISTURBANCE OF INSTALLATIONS WITH A HIGH RISK OF RADIATION. Whoever disrupts the proper functioning of an installation that produces nuclear energy or generates ionizing radiation in violation of protocols approved by international standards, creating a situation of serious danger to the life or health of people, should be punished with imprisonment from five (5) to ten (10) years.

ARTICLE 178.- RADIOACTIVE CONTAMINATION. Whoever emits or allows the emission of ionizing radiation in violation of the protocols approved by international standards outside the authorized facilities must be punished with imprisonment from six (6) to twelve (12) years and special disqualification from the exercise of a profession, trade, commerce and industry for twice the duration of the prison sentence.

The penalties provided for in the preceding paragraph should be imposed without prejudice to those for death, injury or damage.

ARTICLE 179.- SEIZURE OF NUCLEAR MATERIALS OR RADIOACTIVE SOURCES. Whoever

The person who takes possession of radioactive sources or even without taking possession of them, uses them for purposes other than those declared or authorized, shall be punished by imprisonment of two (2) to four (4) years and a fine of four hundred (400) to eight hundred (800) days, unless the benefit obtained is greater than the resulting amount in which case the fine must be for an amount equal to or up to three times such benefit; it must also be punished with the penalties of special disqualification from public office or trade or, as the case may be, from profession, trade and industry from four (4) to ten (10) years.

Notwithstanding the provisions of the previous paragraph, the competent Jurisdictional Body may reduce the penalty by one third (1/3) of those indicated, in view of the minor nature of the event and provided that no danger to the health of persons, the quality of the air, soil or water resources has been created.

Whoever, without proper authorization or violating the safety conditions imposed by regulations, stores or transfers radioactive sources potentially harmful to the health of people, shall be punished with imprisonment from two (2) to four (4) years and special disqualification from practicing a profession, trade, commerce or industry for a period of two (2) to ten (10) years.

With the same penalty should be punished who manipulates, enriches or submits to industrial processes, without proper authorization or violating the authorized, minerals suitable for the production of nuclear energy.

The penalty indicated in the preceding paragraphs must be imposed, increased by one quarter (1/4), without prejudice to those that may correspond in accordance with other provisions of this Code, when any of the following circumstances concur in the commission of the acts described in the preceding paragraphs:

1) The behaviour creates a risk of radioactive emission that endangers the quality of the air, soil or water resources, provided that no radioactive contamination has occurred;

2) The author violates special duties of protection of the safety of nuclear materials or radioactive sources;

3)Force is used in things; and,

Unofficial English Translation (seek Honduran legal co
counsel before relying upon this translation)

4) False or concealed safety information is given to the administrative authorities in charge of controlling the activity or exploitation.

The penalties provided for in the first and second paragraphs of this precept, increased by one third (1/3), must be imposed when any of the following circumstances occur:

1) Use of violence or intimidation;

2) The conduct is committed within an organized criminal group; and

3) The nuclear materials or radioactive sources come from other states or are destined for illicit international trade.

When two (2) or more circumstances than those foreseen in the third and fourth paragraphs of this precept concur, the competent Jurisdictional Body must impose the foreseen penalty increased by one half (1/2).

ARTICLE 180.- CONCEALMENT OF INFORMATION. The individual who, failing in his duties, does not inform the competent authorities of incidents related to the safety of the facilities referred to in Article 177 of this Code, where such incidents endanger the health of persons or the quality of the air, soil or water resource, shall be punished by imprisonment of two (2) to five (5) years, a fine of two hundred and fifty (250) to eight hundred (800) days and special disqualification for the exercise of a profession, trade, commerce or industry from seven (7) to ten (10) years.

When the incident referred to in the previous paragraph produces a radioactive emission, the penalties provided for in Article 178 of this Code shall be imposed.

Whoever, in the construction, operation or maintenance of a nuclear installation, conceals or falsifies relevant data on the safety of the installation, must be punished by the following penalties

of imprisonment from one (1) to three (3) years, fine of four hundred (400) to eight hundred (800) days and special disqualification for the exercise of a profession, trade, commerce or industry from one (1) to five (5) years, without prejudice to the penalties that may apply for other crimes. If the conduct affects facilities containing radioactive sources, excluding the above, the penalty of a fine of four hundred (400) to eight hundred (800) days and special disqualification for the exercise of a profession, trade, commerce or industry of one to five (5) years, without prejudice to the penalties that may apply for other crimes.

ARTICLE 181.- RESPONSIBILITY OF THE PUBLIC OFFICIAL OR EMPLOYEE. The A public official or employee who authorizes, informs favorably or tolerates the performance of the acts provided for in this chapter, knowing of their illegality, shall be punished with the same penalties as the author of the act, increased by one third (1/3), plus special disqualification from public office or employment for twice the term of imprisonment.

If a public official or employee participates in the actions or omissions described in the previous articles of this chapter, the corresponding penalties must be imposed, increased by one third (1/3) and the penalty of special disqualification from public employment or office for twice the term of imprisonment, depending on the degree of participation in the crime.

ARTICLE 182.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of this Code, a legal person is responsible for the crimes contained in this chapter, it shall be subject to the penalty of dissolution of the legal person or a fine equal to or up to five (5) times the value of the damage caused or the benefit obtained. In the latter case, and in addition, some of the following sanctions may be imposed:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;

2) Closure of the premises and establishments that were used to carry out the crime, for a period that cannot exceed five (5) years;

Unofficial English Translation (seek Honduran legal counsel before relying upon this translation)

3) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favored or covered up; and

4) Ineligibility to obtain public subsidies and aid, to contract with the public sector and to enjoy tax or social security benefits and incentives, for a period not to exceed ten (10) years.

CHAPTER II FIRESAND HAVOC

ARTICLE 183.- FIRE. Whoever causes a fire with risk to life, integrity or health of people, shall be punished with imprisonment of ten (10) to fifteen (15) years and a fine of one hundred and fifty (150) to three hundred (300) days.

ARTICLE 184.- QUALIFIED FIRE. The
Penalties in the previous article should be increased by one third (1/3) when the conduct is carried out in the following circumstances:

1) Place inhabited or destined to room;

2) Public place or intended for public use;

3) Boat, aircraft or other public or private transport in operation;

4) Factory or commercial, industrial, agricultural establishment or food warehouse;

5) Deposit of explosive or flammable substances; and

6)Oil well, mine gallery or pipeline.

ARTICLE 185.- HAVOC. Anyone who causes flooding, explosion, collapse, derailment, shipwreck, or other means of destruction as powerful as these not provided for in other precepts of this Code, and thereby endangers the life, integrity, or health of persons, shall be punished by Prison sentence from ten (10) to fifteen (15) years and a fine of one hundred and fifty (150) to three hundred (300) days.

The damages effectively caused must also be punished in accordance with the provisions of Title XX regarding Offences against the Estate, Chapter IX, of the present Code.

ARTICLE 186.- DESTRUCTION OR DISRUPTION OF DISASTER FACILITIES.
Whoever disables or destroys partially or totally buildings, constructions or other works intended for the common defense against disasters, so that their function is seriously affected, must be punished with imprisonment from five (5) to eight (8) years and a fine of one hundred (100) to three hundred (300) days.

ARTICLE 187.- OBSTRUCTION OF WORK OF DEFENSE. Whoever removes, hides, disables or destroys instruments or means intended for rescue or defense against disasters in a way that seriously hinders them, shall be punished with imprisonment of two (2) to five (5) years and a fine of one hundred (100) to three hundred (300) days.
The same penalty should be applied to anyone who seriously obstructs rescue or disaster defense work.

ARTICLE 188.- FIRES AND HAVOC IMPRUDENT. Whoever, through grave imprudence, carries out any of the conducts contemplated in articles 183 to 185 of the present Code, shall be punished with four (4) to seven (7) years of imprisonment.

CHAPTER III
CRIMES AGAINST MEANS OF PUBLIC TRANSPORT AND PUBLIC SERVICES

ARTICLE 189.- ENDANGERMENT OF PUBLIC TRANSPORT AND INFRASTRUCTURE
Anyone who, by any means or procedure, alters the minimum safety conditions in the operation of any kind of public transport, communication routes, production or distribution plants to water or energy users or telecommunications, in such a way as to seriously endanger the life, integrity or health of persons, must

Unofficial English Translation (Seek Honduran legal counsel before relying upon this translation)

be punished by imprisonment of ten (10) to fifteen (15) years (15) years and a fine of two hundred (200) to five hundred (500) days

If the fact results in the destruction or disablement of the material objects indicated in the previous paragraph, the penalty must be increased by one quarter (1/4).

The penalties provided for in the preceding paragraphs should be imposed without prejudice to those that may apply for other crimes.

ARTICLE 190.- RECKLESS ENDANGERMENT OF PUBLIC TRANSPORTATION AND INFRASTRUCTURE.

Whoever, through serious negligence, carries out the conduct contemplated in the previous article, must be punished with the penalties indicated therein, reduced by two thirds (2/3).

ARTICLE 191.- PUNISHABILITY OF ACTS PREPARATIONS. The conspiracy, proposal or provocation to commit the crimes contained in this chapter, must be punished with the penalty foreseen for the consummated crime reduced by two thirds (2/3).

TITLE III
CRIMES AGAINST LIFE, BODY AND HEALTH

CHAPTER I
CRIMES AGAINST LIFE

ARTICLE 192.- HOMICIDE. Whoever kills a person should be punished by imprisonment of fifteen (15) to twenty (20) years.

ARTICLE 193.- ASSASSINATION. Whoever kills a person with malice aforethought or cruelty, shall be punished with imprisonment from twenty (20) to twenty-five (25) years.

If the circumstance of price, reward or promise of remuneration is present, the prison sentence must be from twenty-five (25) to thirty (30) years.

ARTICLE 194.- PARRICIDE. Whoever kills one of his ascendants, descendants, spouse or person with whom the aggrieved person maintains a stable relationship of a similar nature to the previous one, shall be punished with a prison sentence of twenty (20) to twenty-five (25) years.

The penalty established in the previous paragraph is increased by one third (1/3) when the death referred to in this paragraph occurs in one of the circumstances indicated for the murder.

ARTICLE 195.-PUNIBILITY OF PREPARATORY ACTS RATORIES. The conspiracy, proposal or provocation to commit the above mentioned crimes must be punished with the corresponding penalties reduced by one third (1/3). With the same penalty must be punished the supply or demand of hitmen.

ARTICLE 196.- ABORTION: Abortion is the death of a human being at any time during pregnancy or childbirth. Anyone who intentionally causes an abortion shall be punished:

1) With three (3) to six (6) years of imprisonment if the woman has consented to it or produces her abortion;

2) With six (6) to eight (8) years in prison if the agent acts without the consent of the pregnant woman and without using violence or intimidation; and

3) With eight (8) to ten (10) years in prison if the agent uses violence, intimidation or deception.

In addition to the penalties indicated in the previous paragraphs, health professionals who abuse their profession and cause or cooperate in the performance of an abortion shall also be subject to a fine of five hundred (500) to one thousand (1,000) days.

Whoever, through acts of violence, causes an abortion without the purpose of causing it, but with the victim's pregnancy being established, must be punished with a prison sentence of eight (8) to ten (10) years, without prejudice to the corresponding penalty for acts of violence.

Unofficial English Translation (see Honduran legal counsel before relying upon this translation)

ARTICLE 197.- INDUCTION AND AID TO SUICIDE. Whoever induces another to commit suicide must incur a prison sentence of three (3) to six (6) years.

Whoever, by means of an unequivocal request, assists another person to commit suicide, must incur the same penalty as that provided for in the previous paragraph.

If in any of the above cases, the suicide is a disabled person, under eighteen (18) years of age, or if deception has been used, the penalties for murder must be applied.

ARTICLE 198.- RECKLESS KILLING. Who cause by serious negligence the death of another person, shall be punished by three (3) to seven (7) years of imprisonment; if the negligence is slight the penalty shall be one (1) year to three years in prison.

When reckless homicide is committed with firearms or explosives, motor vehicle or professional negligence, the following penalties should be applied in addition, respectively, for three (3) to six (6) years:

1) Deprivation of the rights to possess and carry firearms
2) Deprivation of the right to drive motor vehicles; or,
3)Special disqualification from a profession or trade

CHAPTER II INJURY OFFENCES

ARTICLE 199.- INJURIES. Whoever, by any means or procedure, causes an injury to another person that impairs his bodily integrity, physical or mental health, shall be punished by imprisonment of one (1) to four
(4) years, provided that the injury objectively requires for its healing, in addition to a first medical assistance, medical or surgical treatment. The simple monitoring or medical follow-up of the course of the injury is not considered medical treatment.

However, the act described in the previous paragraph should be punished with a prison sentence of six (6) months to one (1) year when it is of lesser severity, given the means used or the result produced.

For the purposes of this article, medical treatment means any curative system prescribed by a physician and aimed at overcoming or mitigating the damage caused by the injury; and surgical treatment consists of healing by means of an operation carried out by a physician.

ARTICLE 200.- AGGRAVATEDTYPES OF INJURIES. The injuries foreseen in the first paragraph of the previous article, must be punished with the prison sentence of four (4) to six (6) years, if any of the following circumstances apply:

1) Malice;

2) Teaching;

3)Price, reward or promise of compensation;

4) Use of weapons or instruments dangerous to life or health

5) When the victim is especially vulnerable due to age, situation, illness, poor intellectual or physical development; and

6)Gender reasons.

ARTICLE 201.- SERIOUS INJURIES. Who, by

Any means or procedure, which mutilates or disables a limb or major organ of another person or renders them impotent, sterile or causes them a serious disease or deformity, shall be punishable by imprisonment for a term of eight (8) to twelve (12) years.

If the mutilation or disablement affects a limb or non-main organ or causes another one a disease or deformity not foreseen in the previous paragraph, the penalty should be from six (6) to eight (8) years. The loss of two (2) or more teeth is understood as one of the cases of deformity.

Unofficial English Translation (seek Honduran legal counsel before relying upon this translation)

For the purposes of this precept, an organ is understood to be each of the parts of the body that perform a function and a member is understood to be each of the extremities of the person or parts of the body that are articulated with the trunk. The main ones are those that develop a function that, although it is not essential for life, is relevant for the same, the health or the normal development of the individual.

ARTICLE 202.- RECKLESS INJURIES. Who for gross negligence causing any of the injuries defined in the previous articles, must be punished as follows:

1) In the case of Article 201, first paragraph, with the penalty of imprisonment from one (1) to four (4) years;
2) In the case of Article 201, second paragraph, with the penalty of imprisonment from one (1) to three (3) years; and
3) In the case of Article 199, first paragraph, with the penalty of house arrest from six (6) months to one (1) year.

If the act has been carried out due to professional negligence or using firearms or motor vehicles, the penalties of special disqualification for the exercise of profession, office or position, deprivation of the rights to possess and carry weapons or to drive motor vehicles should be imposed from two (2) to six (6) years, respectively.

ARTICLE 203.- INJURIES TO THE FETUS. Who, by any means or procedure, which causes in a fetus an injury or disease that seriously impairs its normal development, shall be punishable by imprisonment of one (1) to four (4) years.

If the above acts are carried out through serious negligence, the penalty must be imprisonment from six (6) months to two (2) years. The pregnant woman will not be punished according to this precept.

If the acts are committed in the exercise of a profession or trade, the penalty of special disqualification from the exercise of that profession or trade must also be imposed, from three (3) to six (6) years.

TITLE IV
CRIMES AGAINST THE DUTY TO ASSIST CITIZENS

ARTICLE 204.- OMISSION OF THE DUTY TO SOCORRO. Whoever does not help a person who is helpless and in manifest and serious danger to his life, health, integrity, freedom or sexual freedom, when there is no risk to himself or to a third party, must be punished with a prison sentence of six (6) months to one (1) year or a fine of one hundred (100) to three hundred (300) days.

The same punishment should be applied to those who are unable to provide assistance and do not urgently request help from others.

If the victim is the victim of an accident caused by negligence by the person who fails to provide assistance, the penalty must be increased by two thirds (2/3).

ARTICLE 205.- OMISSION OF THE DUTY TO ASSIST PARTICULARLY VULNERABLE PERSONS. Who finds a child under fourteen lost or abandoned (14) years, a disabled person in need of special protection and fails to present him or her, notify his or her family or the authority, or, if he or she does not provide the assistance required by the circumstances, shall be punished by imprisonment for six (6) months to one (1) year and a fine of one hundred (100) to two hundred (200) days, unless the acts are to be punished with a greater penalty, pursuant to another provision of this Code.

The same penalties should be imposed on anyone who fails to provide assistance or, where appropriate, the assistance that circumstances require of an elderly or seriously ill person who is helpless.

ARTICLE 206.- FAILURE TO PROVIDE HEALTH CARE. The professional who, being obliged to do so, denies health care or abandons the health services, when the denial or abandonment results in a serious risk to the health of people, must be punished with a prison sentence of six (6) months to one (1) year and special disqualification from public office from six (6) months to three (3) years.

Unofficial English Translation (Seek Honduran legal co
counsel before relying upon this translation)

OMISSION OF THE DUTIES TO PREVENT CRIMES OR TO PROMOTE THEIR PERSECUTION. Whoever is able to do it with his immediate intervention and without his own risk or that of others, does not prevent the commission of a crime that affects people's life, health or integrity, freedom or sexual freedom, must be punished with a prison sentence of six (6) months to one (1) year, unless the unimpeded crime has an equal or lesser penalty, in which case the penalty must be reduced by one third (1/3).

The same penalties shall be incurred by anyone who, being able to do so, does not turn to the authority or its agents to prevent a crime of the kind referred to in the preceding paragraph and of which he is aware of the forthcoming or current commission.

TITLE V VIOLENCE AGAINST WOMEN

ARTICLE 208.- FEMICIDE. A man who kills a woman within the framework of unequal power relations between men and women based on gender commits the crime of femicide.

The crime of femicide shall be punishable by imprisonment from twenty (20) to twenty-five (25) years.

The crime of aggravated femicide is committed by a man who kills a woman within the framework of unequal power relations between men and women based on gender. The penalty for aggravated femicide shall be imprisonment from twenty-five (25) to thirty (30) years, unless a greater penalty is appropriate for the application of other precepts of the present Code, when any of the following circumstances apply

1) Any of those contemplated in the crime of murder;
2) That the offender is or has been a spouse or person with whom the victim maintains or has maintained a stable relationship of a similar nature to the previous one or is an ascendant, descendant, sibling of the aggrieved party or his or her spouse or partner;
3) That the femicide was preceded by an act against the sexual freedom of the victim;
4) When the crime is committed by or in the context of an organized criminal group;
5) When the victim of the crime is a sex worker;
6) When the victim is also a victim of the crimes of human trafficking, slavery or servitude;
7) When injuries or mutilations have occurred to the victim or her body related to her status as a woman; and
8) When the victim's body is exposed or displayed by the offender in a public place.

The crime of femicide shall be punished without prejudice to the corresponding penalties for crimes committed against moral integrity, freedom of movement, sexual freedom, trafficking in persons and degrading forms of human exploitation or on the body of the woman or against any of the legal assets protected in this Code.

The respective penalties provided for the crimes of femicide are applied when a person who has come to the defense of the victim of this crime is killed.

ARTICLE 209.- VIOLENCE AGAINST WOMEN

Whoever, within the framework of unequal power relations between men and women based on gender, exercises physical or psychological violence on a woman must be punished with a prison sentence of one (1) to four (4) years and a fine of one hundred (100) to three hundred (300) days or with the provision of public utility services or to the victims for the same time.

One third (1/3) of the penalty is imposed when the abuse is carried out in one of the following circumstances:

1) About a victim who is especially vulnerable because of his or her age or is a person with a disability in need of special protection
2) In the presence of minors;
3) Using weapons or dangerous instruments;
4) At the victim's home; or,

Unofficial English Translation (seekHonduran legal counsel before relying upon this translation)

5) Not complying with the protection mechanisms applied on the basis of the legislation against gender violence.

If two (2) or more of the above circumstances are present, the penalty must be imposed plus two-thirds (2/3).

The provisions of this article shall apply without prejudice to any other provision of this Code that has a greater penalty.

ARTICLE 210.- COMMON PROVISION.
Under this title, and given the circumstances of the event, it is understood that there are unequal reasons for power between men and women based on gender, when death or violence appears as a manifestation of discrimination against women for the fact of being so, whether or not there is a previous relationship between aggressor and victim, and regardless of whether it occurs in a public or private context.

For the crimes described in this chapter, the competent jurisdictional body must agree in its sentences to impose one or more of the prohibitions set forth in Article 51 of this Code for a period not to exceed ten (10) years if the crime is serious or five (5) years if it is less serious.

TITLE VI
DISCRIMINATION ON THE OCCASION OF THE EXERCISE OF RIGHTS

ARTICLE 211.- REFUSAL TO PROVIDE A PUBLIC SERVICE DUE TO DISCRIMINATION. The public official or employee or, the individual in charge of a public service, who denies a person, group, association, corporation or its members, on the grounds of their ideology, religion or beliefs, language, membership of an ethnic group or race, national origin, indigenous people or people of African descent, their sex, sexual orientation or gender identity, gender, marital status, family or economic situation, age, illness or disability, a benefit to which they are entitled, should be punished by imprisonment of one (1) to three (3) years, fine of one hundred (100) to two hundred (200) days and special disqualification from employment or public office of one
(1) to three (3) years,

ARTICLE 212.- REFUSAL TO PROVIDE SERVICES IN THE EXERCISE OF PROFESSIONAL OR BUSINESS ACTIVITIES ON THE GROUNDS OF DISCRIMINATION. Whoever, in the exercise of his professional, mercantile or business activities, denies a person, group, place of residence, association or corporation or its members, for any of the reasons referred to in the previous article, a benefit to which he is entitled, must be punished with a special disqualification from the exercise of profession, trade, industry or commerce of one (1) to three (3) years.

ARTICLE 213.- INCITEMENT TO DISCRIMINATION
Must be punished by imprisonment of one (1) to two
(2) years and a fine of one hundred (100) to five hundred (500) days for those who engage in the following behaviors:

1) Whoever directly and publicly, or through media or diffusion destined to the public, incites to discrimination or any form of violence against a group, association, corporation or a part of them, or against a determined person by reason of his belonging to them, for any of the causes mentioned in the previous articles of the present title; and
2) Whoever harms the dignity of persons through actions or expressions, including graphic ones, that involve humiliation, contempt or discredit of any of the groups referred to in the previous numeral or, of a part of them or against a certain person by reason of his belonging to them, for any of the causes mentioned in the previous articles.

The penalty of imprisonment must be increased by one third (1/3) when the acts described in the previous paragraphs are committed by a public official or employee in the exercise of his or her duties.

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special disqualification from employment or public office (1) to three (3) years.

TITLE VII
CRIMES AGAINST DIGNITY AND HONOR

CHAPTER I
CRIMES AGAINST MORAL INTEGRITY

SECTION I
TORTURE, INHUMANE, CRUEL OR DEGRADING TREATMENT

ARTICLE 214.- DEGRADING TREATMENT. Who causes a person to be treated in a degrading manner by means of physical, psychological or verbal violence, in such a way that it seriously undermines his or her moral integrity, shall be punishable by imprisonment of one (1) to two (2) years and a prohibition of residence for twice the time of the sentence.

Penalties should be increased by one-third (1/3) if the victim is vulnerable due to illness, age, disability or is a pregnant woman.

ARTICLE 215.- THREAT TO OBTAIN CONFESSION. An agent of the authority, public official or employee who threatens a person with causing an evil to him, his family or, other persons with whom he is intimately connected, in order to obtain the confession of having intervened in a certain crime or to impute it to another person, shall be punished with imprisonment from three (3) to six (6) years and absolute disqualification for twice the term of imprisonment imposed.

ARTICLE 216.- TORTURE. A public official or employee commits torture if, in the exercise of his duties and in order to obtain a confession or information from any person or to punish him for any act he has committed or is suspected of having committed for any reason based on discrimination of any kind or for any other purpose, he subjects the person to conditions or procedures that, because of their intimidating or coercive nature, cause him suffering, a situation of humiliation, or the suppression or diminution of his powers of knowledge, discernment, or decision. I do not should consider torture, pain or suffering arising only from, inherent in, or incidental to legitimate sanctions.

The person guilty of torture shall be punished with imprisonment of six (6) to ten (10) years and absolute disqualification of fifteen (15) to twenty (20) years.

The same penalties shall be imposed on any public official or employee of a penal institution or of a center for the protection or internment of child offenders who commits the acts described in the first paragraph of this article with respect to inmates, detainees or convicts.

The penalties provided for in the second paragraph must be imposed on the public official or employee who, failing in his or her duties, allows other persons to carry out the acts described in the first paragraph.

The prison sentence must be increased by one third (1/3) when the victim is under eighteen (18) years of age, pregnant woman, elderly person or person with a disability.

ARTICLE 217.- CRUEL, INHUMAN OR DEGRADING TREATMENT BY PUBLIC OFFICIALS.

The crime of cruel, inhuman, or degrading treatment is committed by a public official or employee who, in the exercise of his or her duties, causes harm to the moral integrity of a person, without the action constituting torture by reason of the lesser gravity and extent of the harm caused. Pain or suffering arising solely from, inherent in, or incidental to lawful sanctions should not be considered as such.

The person guilty of inhuman treatment shall be punished by imprisonment of three (3) to six (6) years and absolute disqualification of ten (10) to fifteen (15) years.

The penalties provided for in the preceding paragraph shall be imposed on the public official or employee who, failing in his or her duties, allows other persons to carry out the acts described in the first paragraph of this article.

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ARTICLE 218.- CONTESTS. The penalties provided for in the foregoing articles must be imposed without prejudice to those corresponding, where appropriate, for crimes committed against the life, physical integrity, health, freedom of movement, sexual freedom or property of the victim or a third party.

SECTION II
TRAFFICKING IN PERSONS AND DEGRADING FORMS OF HUMAN EXPLOITATION

ARTICLE 219.- TRAFFICKING IN PERSONS. It must be
punishable by imprisonment from five (5) to eight (8) years, whoever, by using violence, intimidation, deception or, abusing a situation of superiority or need of the victim or by giving or receiving payments or benefits to obtain the consent of the person in control of the victim, captures, transports, moves, receives or receives the victim, within or outside the national territory, for any of the following purposes

1) Exploitation in conditions of slavery, servitude, services or forced labour, including begging and forced labour;

2) Forced sexual exploitation;

3) Performing servile or forced marriage or common-law union;

4) To provoke a forced pregnancy;

5) The removal of their organs or body tissues, or their components derived from them; or

6) Experimentation for the application of medicines, drugs, substances or clinical techniques.

The consent of the victim is irrelevant when one of the means indicated in the first paragraph of this article has been used.

Even if none of the means indicated in the first paragraph is used, any of the actions indicated are considered to be human trafficking when carried out with respect to minors under the age of eighteen (18) for any of the purposes of exploitation.

ARTICLE 220.- SPECIFIC AGGRAVATING CIRCUMSTANCES. It is
must increase the penalty by one third (1/3) when any of the following circumstances apply:

1) The life, physical or psychological integrity or health of the victim is endangered;

2) The victim is especially vulnerable because of age, illness, disability, or is a pregnant woman; or

3) The offender belongs to an organized criminal group.

In addition to the corresponding prison sentence, absolute disqualification for twice the length of the prison term should be imposed on those who carry out the acts by taking advantage of their status as public officials or employees.

ARTICLE 221.- EXPLOITATION IN CONDITIONS OF SLAVERY OR SERVITUDE. Whoever, exercising over another person a power of disposition or control, imposes or keeps him in a state of continuous submission, forcing him to perform acts, work or services, inside or outside the national territory, shall be punished with imprisonment from six (6) to nine (9) years and a fine of one hundred and fifty (150) to three hundred (300) days.

The reduction to the condition of slave or servant for the purposes of this article, takes place when the situation of submission is achieved through violence, intimidation, deception or by abusing a situation of superiority or need of the victim.

The prison sentence must be increased from one third (1/3) to one half (1/2) when the victim is under eighteen (18) years of age.

ARTICLE222.-EXPLOITATIONOFMENDICITY

Who uses a child under the age of eighteen (18), elderly person or person with a disability in need of special care

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protection in the practice of begging, should be punished with the penalty of house arrest from one (1) month to two (2) years or provision of public utility services or victims from two hundred (200) to four hundred (400) days.

When violence or intimidation has been used or the victim has been given substances that are harmful to his health or others that have the capacity to weaken his will, the penalty shall be imprisonment of two (2) to three (3) years, without prejudice to the application of another provision of this Code if it provides for a greater penalty.

ARTICLE 223.- ARTIFICIAL INSEMINATION AND OTHER ASSISTED REPRODUCTION TECHNIQUES NOT CONSENSUAL. Anyone who artificially inseminates a woman without her consent shall be punished by imprisonment for four (4) to six (6) years and a fine of one hundred (100) to five hundred (500) days.

The same penalties are incurred by those who, without the woman's consent, transfer pre-embryos to her or extract eggs from her using artificial fertilization techniques.

The penalty of two (2) to four (4) years' imprisonment should be imposed on anyone who, without being legitimately authorized, disables or removes the mechanism implanted in the woman's body to prevent conception.

The penalties should be increased by up to half (1/2) if the victim is under eighteen (18) years of age.

If the act is carried out by a person linked to the health sciences, the penalty of special disqualification from the exercise of the profession should also be imposed, from five (5) to ten (10) years.

ARTICLE 224.- EXPERIMENTATION WITHOUT CONSENT. Whoever, by any means or procedure, subjects a person to experimentation for the application of medicines, drugs, substances or techniques, without his express consent, shall be punished by imprisonment for four (4) to six (6) years, a fine of one hundred (100) to two hundred (200) days and disqualification special for the exercise of a profession, trade, commerce or industry from five (5) to ten (10) years.

For the purposes of the previous paragraph, it is also understood that there is no consent when it has been obtained in exchange for a fee.

When the victim is under eighteen (18) years of age, pregnant woman or person with a disability, in need of special protection, the foreseen penalties of imprisonment and fine increased by one third (1/3) must be imposed.

ARTICLE 225.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102, a legal entity is responsible for one of the crimes in this section, the penalty of dissolution of the legal entity or a fine of one thousand (1,000) to two thousand (2,000) days must be imposed.
If you opt for the fine you can additionally be imposed any of the following sanctions:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;

2) Closure of the premises and establishments that were used to carry out the crime, for a period not to exceed five (5) years;

3) Ineligibility to obtain public subsidies and aid, to contract with the public sector and to enjoy tax or social security benefits and incentives, for a period not to exceed fifteen (15) years.

ARTICLE 226.- CONTESTS. The penalties provided for in the foregoing articles shall be imposed without prejudice to those corresponding, where appropriate, to other offences committed.

ARTICLE 227.- INTERNATIONAL RECIDIVISM
Conviction by a foreign judicial body for crimes of the same nature as those provided for in this section produces the effects of recidivism, unless the

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criminal records have been or could have been cancelled under Honduran law.

CHAPTER II
ABANDONMENT OF MINORS, DISABLED, ELDERLY OR SICK PEOPLE

ARTICLE 228.- ABANDONMENT OF MINORS, DISABLED PERSONS, THE ELDERLY OR SICK. Whoever abandons a person under eighteen (18) years of age, with a disability, old or sick who is under his custody and duty of care, shall be punished with imprisonment of four (4) to six (6) years and provision of public utility services or victims of six (6) months to one (1) year or a fine of three hundred (300) to six hundred (600) days.

If the abandonment is done by your parents, guardians or legal custodians, the penalty must be increased by one third (1/3).

If the abandonment results in the death of the abandoned person, seriously endangers his life or causes him injury or serious illness, the penalty shall be imprisonment from ten (10) to fifteen (15) years, unless the act constitutes a more serious crime.

For the purposes of the first paragraph of this Article and when the author is a public official or employee, health professional or assistant in the exercise of his duties, the penalties of imprisonment from six (6) to nine (9) years and special disqualification for twice the duration of the prison sentence shall be imposed.

CHAPTER III CRIMES AGAINST HONOR

SECTION I
CRIME FIGURES

ARTICLE 229.- INJURY. It is an insult the action or expression that hurts the dignity of another person by undermining his fame. Only insults that by their nature, effects or circumstances are considered serious in the public sphere are considered crimes.

Injuries consisting of the imputation of facts are not considered serious, except when they have been carried out with knowledge of their falsehood or reckless disregard for the truth.

Insults made with publicity must be punished with a fine of two hundred (200) to five hundred (500) days and in the case of insults made without publicity, with a fine of one hundred (100) to two hundred (200) days.

ARTICLE 230.- SLANDER. Slander is the false attribution of a crime done with knowledge of its falsity or reckless disregard for the truth.

Slander made with advertising must be punished with imprisonment of six (6) months to one (1) year and a fine of five hundred (500) to one thousand (1000) days and in the case of slander made without advertising with a fine of two hundred (200) to five hundred (500) days.

ARTICLE 231.- LIBEL AND SLANDER ON SUPERVISED INSTITUTION. If the insults or calumnies fall on an institution subject to the supervision and inspection of the National Commission of Banks and Insurance Companies (CNBS) or its officials and as a consequence of the referred acts, the reputation of the institution, financial prestige or the massive withdrawal of deposits or investments is attempted, greater or superior to its normal or ordinary flow, product of the damage to the trust of clients, users, depositors or investors generated by the slanders or insults proffered, the penalties indicated in the previous article will be imposed increased by one half (1/2).

INDIRECT SLANDER AND LIBEL. To the penalties The provisions of articles 229 and 230 must be applied to anyone who publishes, reproduces, or repeats a slander or calumny attributed by another, or who makes the imputation in an impersonal manner or, with the expressions, assures himself or others.

SECTION II COMMON PROVISIONS

ARTICLE 232.- CONCEPT OF ADVERTISING. The slander and defamation are understood to be made by advertising

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when they are made through print, television, radio, internet, information networks, before a crowd of people or through other means of similar effectiveness.

SPECIAL CIRCUMSTANCES OF GRADUATION OF PENALTY. When any of the conducts provided for in this Chapter is committed using websites of collective dissemination or social networks through the Internet, the respective penalties will be increased from one sixth (1/6) to one half (1/2).

PUBLICATION. The sentence In the case of crimes against honor committed through advertising, the court must order, if the offended party so requests, the publication of a summary of the statement in the same medium in which the insult or slander was made, under the terms set by the competent jurisdictional body, in the same or a similar space to that in which it was disseminated, within the time limit set and at the expense of the convicted person.

This provision is also applicable in case of withdrawal

ARTICLE 233.- CIVIL LIABILITY. In case of that the slander or calumny is carried out with publicity, the natural or legal person who owns the information medium through which the slander or calumny has been propagated is liable in a subsidiary manner.

ARTICLE 234.- PROCEEDINGS AND PARDON. For To proceed for slander or calumny it is necessary that the offended person file a complaint.

No one can deduce an action of libel or slander spilled in a trial without previous authorization of the competent Jurisdictional Body before which it was allegedly spilled.

The pardon of the offended party or his legal representative, granted under the terms of Article 108 of this Code, extinguishes the criminal action.

TITLE VIII
CRIMES AGAINST LIBERTY

CHAPTER I

CRIMES AGAINST AMBULATORY FREEDOM

ARTICLE 235.- ILLEGAL DEPRIVATION OF LIBERTY. Whoever, without legal cause, deprives a person of his ambulatory freedom must be punished with the penalty of five (5) to seven
(7) years in prison and a ban on residence for twice the length of the sentence.

ARTICLE 236.- ILLEGAL DEPRIVATION OF LIBERTY AGGRAVATED. The act foreseen in the previous article must be punished with a prison sentence of seven (7) to nine (9) years, when any of the following circumstances apply

1) The person deprived of liberty is under eighteen (18) years of age, pregnant woman, elderly person, especially vulnerable or suffers from an illness that prevents him/her from being able to look after him/herself;
2) The person deprived of liberty is a public official or employee in the exercise of his or her functions;
3) The deprivation of liberty exceeds seventy-two (72) hours;
4) The crime is perpetrated with the simulation of authority or public functions; and
5) The victim is given drugs or any substance that nullifies or weakens his or her will.

ARTICLE 237.- ILLEGAL DEPRIVATION OF LIBERTY ATTENUATED. When the subject gives up his purpose and releases the victim within the first twenty-four
(24) hours of the deprivation of liberty, without damage to their health or physical integrity, the penalty must be imprisonment of three (3) to five (5) years.

ARTICLE 238.- ILLEGAL DEPRIVATION OF LIBERTY BY A PUBLIC OFFICIAL OR EMPLOYEE.

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When the illegal deprivation of liberty is completely arbitrary and carried out by a public official or employee, national or foreign, in the exercise of his or her functions, the penalties set out in the previous articles must be applied, increased by one third (1/3). The penalty of absolute disqualification of ten (10) to fifteen (15) years should also be imposed.

The same penalties must be incurred by the person in charge of a prison, detention or internment facility, including a psychiatric or immigration facility, or an internment center for offending children, who deprives a person of his or her liberty without an order from a competent authority or without compliance with the legal requirements.

ARTICLE 239.- KIDNAPPING. Whoever deprives another person of his liberty by demanding any condition for his release, shall be punished with imprisonment from eight (8) to twelve (12) years and a prohibition of residence for twice the time of the sentence.

ARTICLE 240.- AGGRAVATEDKIDNAPPING. The fact provided for in the previous article shall be punished by imprisonment of twelve (12) to fifteen (15) years and a prohibition of residence for twice the length of the sentence when any of the following circumstances apply

1) The author achieves the fulfillment of the condition;
2) The condition consists in demanding from the national public authorities or from a foreign government, some legal or illegal measure, concession or resolution;
3) The deprivation of liberty exceeds seventy-two (72) hours;
4) The abducted person is under eighteen (18) years old, pregnant woman, elderly person, especially vulnerable or suffering from a disease that prevents her from being able to look after herself;
5) The kidnapped person is a public official or employee and the kidnapping was committed for acts related to the exercise of his or her duties;
6) The kidnapped person is a diplomat or consul accredited in Honduras or in transit through the national territory or a member of an international organization, his spouse or partner, ascendant, descendant or relatives by blood or affinity, provided that they accompany them;
7) The crime is committed within the scope of an organized criminal group;
8) The crime is committed with simulation of authority or public functions; or
9) The victim is given drugs or any substance that nullifies or weakens his or her will.

If two (2) or more of the above circumstances are present, the penalty of imprisonment shall be imposed from fifteen (15) to twenty (20) years.

If the death of the person is caused, intentionally or recklessly, by
If a person is abducted, the sentence of life imprisonment should be imposed.

ARTICLE 241.- MITIGATED ABDUCTION. It is must impose the penalties of imprisonment from five (5) to seven (7) years and a prohibition of residence for twice the time of the sentence when the subject releases the kidnapped person within the first seventy-two (72) hours of the deprivation of liberty, voluntarily or as a result of negotiations, without harming his health and physical integrity and without having achieved the fulfilment of the condition he had proposed.

ARTICLE 242.- KIDNAPPING BY A NATIONAL PUBLIC OFFICIAL OR EMPLOYEE

When the kidnapping is carried out by a national or foreign public official or employee, abusing the exercise of his or her functions, the penalties established in the previous articles must be applied, increased by one third (1/3) and in addition the absolute disqualification of fifteen (15) to twenty (20) years.

ARTICLE 243.- PUNISHABILITY OF ACTS PREPARATIONS. The conspiracy, proposal or

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The provocation for the commission of the crimes of kidnapping must be punished with the prison sentence provided for in the respective cases, reduced by one third (1/3).

If the act is committed by a public official or employee, the penalty of absolute disqualification must also be imposed for twice the length of the sentence.

ARTICLE 244.- CONTESTS. The penalties provided for in the articles included in this chapter shall be imposed without prejudice to those that may apply in the case of crimes committed against the life, physical integrity, health, sexual freedom or property of the victim or of a third party.

CHAPTER II
CRIMES AGAINST FREEDOM OF DETERMINATION

ARTICLE 245.- CONSTRAINTS. Who, without being legitimately authorized, prevents another with violence, intimidation or force in the things to do what the Law does not prohibit or forces him to do what he does not want, be fair or
unjust, shall be punished by imprisonment of one (1) to three (3) years or by the provision of services of public utility or to the victims from one hundred and eighty (180) to three hundred and sixty
(360) days.

When the coercion prevents another from exercising a fundamental right, the penalty of a fine of one hundred
(100) to three hundred (300) days, unless the act is punishable by a greater penalty under another provision of this Code.

ARTICLE 246.- THREATS. Whoever threatens another with causing him, his family or other persons with whom he is intimately connected, an evil in his person, honor, intimacy or patrimony, must be punished with the following penalties

2) Prison from two (2) to four (4) years or provision of services of public utility or to victims from one hundred and eighty (180) to three hundred and sixty (360) days, if the threat was conditional.

If the threat is made in writing or through computer, audiovisual or telematic means, the penalties provided for must be increased by one third (1/3). Responsibility will be determined according to the provisions of Chapter V, Title II, of Book I of this Code.

ARTICLE 247.- BLACKMAIL. Whoever demands from another person money, property, reward or the performance or omission of an act, under the threat of revealing, disseminating or imputing facts concerning his or her private life that may affect his or her honor, credit or prestige, shall be punished by the penalties of one
(1) to three (3) years' imprisonment and a prohibition on residence for twice the length of the sentence.

If the act is carried out by a public official or employee taking advantage of his or her functions, the penalty of special disqualification from public office or employment of one (1) to five (5) years must also be imposed.

ARTICLE 248.- FORCED DISPLACEMENT.
Whoever with violence or intimidation forces or tries to force another or his family to change or abandon the place of his residence, of commercial or labor activity, his educational establishment or, any location over which he has property rights, must be punished with imprisonment from six (6) to nine (9) years.
The penalty provided for in this article should be imposed without prejudice to the penalties that may apply, where appropriate, for other crimes committed.

TITLE IX
CRIMES AGAINST FREEDOM AND SEXUAL INDEMNITY
CHAPTER I
RAPE, ASSAULT, INCEST, STATUTORY RAPE AND SEXUAL HARASSMENT

ARTICLE 249.- VIOLATION. It constitutes a crime of rape non-consensual carnal access through the vagina,

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anal or oral with a person of either sex, as well as the introduction of body organs or objects by either of the first two (2) routes.

In any case, it must be considered not consented when any of the following circumstances are present:

1) Use of violence or intimidation;

2) The victim is under the age of fourteen (14), even if consent is given; or

3) Abuse of the victim's mental derangement or annulment of his will originating from any cause, including taking advantage of a situation of absolute defenselessness of the victim.

The perpetrator of a rape crime shall be punished by imprisonment from nine (9) to thirteen (13) years, prohibition of residence and approaching the victim for double the time of imprisonment.

The above penalties must be increased by one third (1/3) if the circumstance in paragraph 2(1) applies and the victim is under fourteen (14) years of age.

ARTICLE 250.- OTHER SEXUAL ASSAULTS.

A person commits the crime of sexual aggression if, in any of the circumstances of the preceding article, he or she commits acts that violate sexual freedom, other than those foreseen in the previous precept.

The perpetrator of this crime shall be punished with imprisonment from five (5) to eight (8) years and a prohibition of residence and approach to the victim for twice the time of the prison sentence.

The above penalties must be increased by one third (1/3) if the circumstance of paragraph 1) of the second paragraph of the previous article occurs and the victim is under fourteen (14) years of age.

ARTICLE 251.- SUBJECT'S CONSENT PASSIVE. The penalties foreseen in the two previous articles, must be from six (6) to nine (9) years of imprisonment, in those cases where the victim's consent is invalid because the victim is under fourteen (14) but over twelve (12) years of age

(12) years old, provided that the author has not reached the age of twenty-one

(21) years old and is a person close to his or her victim by developmental level, maturity and social circumstances.

ARTICLE 252.- INCEST. Who has carnal access with your descendant, brother or nephew who is older than fourteen

(14) and under eighteen (18) years of age, is to be punished as a perpetrator of incest with imprisonment of four

(4) to six (6) years, unless the act should be more severely punished under another provision of this Code**.**

ARTICLE 253.- CONTACT WITH MINORS FOR SEXUAL PURPOSES BY ELECTRONICS. Whoever, through communication and information technologies, proposes to a minor under fourteen (14) years of age to arrange a physical meeting to carry out sexual activities, provided that such proposal is accompanied by material acts aimed at such meeting, must be punished with the penalty of house arrest of one (1) to three (3) years.

When the approach is obtained by means of coercion or intimidation, it should be punished by imprisonment of two (2) to four (4) years.

The penalty set forth in the first paragraph of this article shall be reduced by one-quarter (1/4) when the contact with the person under fourteen (14) years of age consists solely of attempting to obtain images or videos with sexual content in which the minor appears.

ARTICLE 254.- STATUTORY RAPE. Whoever uses deception to perform acts of sexual content with a person over fourteen (14) and under eighteen (18) years of age, shall be punished by imprisonment for six (6) months to one (1) year. If the sexual acts involve carnal access by any means, the penalties shall be imprisonment of one (1) to three (3) years and provision of public utility services or to the victims for two (2) to four (4) months or a fine of three hundred (300) to six hundred (600) days.

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Whoever, taking advantage of a relationship of manifest superiority originating from any cause and which conditions the freedom of the victim, performs acts of a sexual nature with the victim, must be punished with one (1) to three (3) years in prison and a fine of one hundred (100) to three hundred (300) days. If the sexual acts involve carnal access by any means, the penalties shall be imprisonment of four (4) to seven (7) years and a fine of three hundred (300) to five hundred (500) days.

Whoever, without the concurrence of the circumstances referred to in the first paragraph of Article 249 or first and second paragraphs of the present article, performs acts of sexual content not consented to, which attempt against the freedom or sexual indemnity of the victim, must be punished with the penalty of rendering services of public utility or to the victims for a time of six (6) months to one (1) year or a fine of one hundred (100) to three hundred (300) days.

ARTICLE 255.- SPECIFIC AGGRAVATING CIRCUMSTANCES.

The penalties referred to in the previous articles may be increased by up to one third (1/3) if any of the following circumstances apply:

1) The author makes use of weapons or other instruments dangerous to the life or health of the victim, without prejudice to the penalties that may apply for other crimes;

2) The author has endangered the life of the victim through serious negligence or has seriously compromised his health;

3) The victim is especially vulnerable due to age, situation, illness, poor intellectual or physical development and, in any case, when he or she is under six (6) years of age;

4) The conduct carried out was accompanied by acts that were particularly degrading or humiliating to the victim or were carried out in the context of gender-based violence; and

ARTICLE 256.- SEXUAL HARASSMENT. Who in the context of an organization or in the context of a continuous or habitual employment, teaching, service provision, sports or religious relationship, repeatedly requests for himself or for a third party favors of a sexual nature and with such behavior objectively provokes in the victim a seriously intimidating, hostile or humiliating situation in the corresponding area of the relationship, must incur a prison sentence of one (1) to two (2) years.

The penalty shall be two (2) to three (3) years' imprisonment if the offender has taken advantage of a relationship of superiority originating from any cause or if the victim is especially vulnerable due to age, situation, illness or poor intellectual or physical development.

CHAPTER II
CRIMES RELATED TO SEXUAL EXPLOITATION AND CHILD PORNOGRAPHY

ARTICLE 257.- SEXUAL EXPLOITATION. It is means the use of one or more persons in prostitution, pornography, exhibitions of a sexual nature or any other activities for sexual purposes which are carried out for a price, reward or promise of remuneration.

The penalties provided for in this chapter should be imposed on those responsible for the respective conduct, without prejudice to those that may apply for crimes against freedom and sexual indemnity that may be committed as a result of the sexual exploitation of the victim.

ARTICLE 258.- FORCED SEXUAL EXPLOITATION OF ADULTS. Whoever promotes, favors or facilitates the forced sexual exploitation of a person over eighteen (18) years of age through the use of violence, intimidation, deceit, prevalence, abuse of his mental derangement or any means by which he obtains the annulment of the victim's will, must be punished with a prison sentence of five (5) to eight (8) years and a fine of one hundred (100) to five hundred (500) days.

ARTICLE 259.- SEXUAL EXPLOITATION OF MINORS OR PERSONS WITH DISABILITIES.

Unofficial English Translation (See Honduran legal counsel before relying upon this translation)

Anyone who in any way promotes, favors or facilitates the sexual exploitation of a person under eighteen (18) years of age or with a disability in need of special protection, or who benefits directly or indirectly from such exploitation with the knowledge of such circumstances, shall be punished by imprisonment for six (6) to eight (8) years and a fine of one hundred (100) to one thousand (1000) days

The penalties to be imposed should be imprisonment of eight (8) to twelve
(12) years and a fine of one thousand (1000) to two thousand (2000) days if the sexual exploitation of the child or disabled person is forced or obtained through the use of violence, intimidation, deception, prevalence or any means by which the victim's will is overruled.

It should be understood, in any case, that sexual exploitation is forced when the victim is under fourteen (14) years of age.

ARTICLE 260.- SPECIFIC AGGRAVATING CIRCUMSTANCES. The
The penalties referred to in the two preceding articles must be increased by up to one third (1/3) if any of the following circumstances apply:

1) The life or health of the victim is endangered, without prejudice to the corresponding penalties for the injuries or deaths caused;

2) The victim is especially vulnerable due to age, situation, illness, or poor intellectual or physical development and in any case, when he or she is under six (6) years of age;

(3) The conduct is particularly degrading or abusive to the victim; or

4) The acts are carried out within the framework of an organized criminal group.

Penalties may be increased by up to two-thirds (2/3) when two
(2) or more circumstances than anticipated in this article.

ARTICLE 261.- PREPARATION AND USE OF CHILD PORNOGRAPHY. The preparation, sale, distribution or dissemination of pornographic material in whose preparation minors under eighteen (18) years of age or persons with disabilities in need of protection have been used, shall be punished by imprisonment from four (4) to six years and a fine of one hundred (100) to five hundred (500) days, without prejudice to the fines that may be imposed, in addition, for the criminal acts carried out to produce the pornographic material. The possession of such pornographic material should be punished:

1) With the same penalties, if the possession is for the sale, distribution or dissemination of pornographic material; and

2) With the penalties reduced by two thirds (2/3), if the possession is for own consumption.

The penalties provided for in the preceding paragraphs must be increased by one third (1/3) when any of the following circumstances apply:

1) The victim is especially vulnerable due to age, situation, illness, or poor intellectual or physical development and in any case, when he or she is under six (6) years of age;

2) The pornographic material reflects a particularly degrading or vexatious image for the victim; or

3) The events are carried out within the framework of an organized criminal group.

ARTICLE 262.- CONCEPT OF PORNOGRAPHY CHILDREN. For the purposes of the provisions of this chapter, child pornography is understood to be any audiovisual material that, for the purpose of sexual excitement, includes any kind of sexual acts or sexually explicit conduct, performed by minors under the age of eighteen (18) with other persons, whether adults or minors, or with themselves, as well as the reproduction of their sexual organs or, possibly, other parts of the body in a sexual context.

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For audiovisual material to be considered child pornography, the images or voices of children must be at least partially real, regardless of whether or not they have actually participated in the pornographic activity in question.

For the purposes of this, minors under eighteen (18) years of age, persons with disabilities in need of special protection, must defi be equated.

ARTICLE 263.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of this Code, a legal entity is responsible for the crimes included in this chapter, the penalty of dissolution of the legal entity or a fine of one thousand (1000) to two thousand (2000) days must be imposed. In the latter case, some of the following penalties may also be imposed:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;

2) Closure of the premises and establishments that were used to carry out the crime, for a period that cannot exceed five (5) years;

3) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favored or covered up; and

4) Ineligibility to obtain public subsidies and aid, to contract with the public sector and to enjoy tax or social security benefits and incentives, for a period not to exceed fifteen (15) years.

CHAPTER III
CRIMES OF EXHIBITIONISM AND SEXUAL PROVOCATION

ARTICLE 264.- EXHIBITIONISM Who executes or causes other persons to perform acts of exhibitionism of a sexual nature on minors under the age of eighteen (18) or persons with disabilities in need of special protection which may seriously affect the normal development of their sexuality, should be punished by imprisonment of one (1) to two (2) years; in the case of minors under fourteen (14) years of age, the term of imprisonment shall be from two (2) to three (3) years.

The same penalties should be imposed, in the respective cases, to those who can and should avoid it, but it does not prevent the entry or stay of minors under eighteen (18) years old or people with disabilities in need of special protection, to places or establishments where acts of exhibitionism of a sexual nature are practiced.

ARTICLE 265.- SEXUAL PROVOCATION. Who by any direct means sells, disseminates or exhibits among minors under eighteen (18) years of age or persons with disabilities in need of special protection, pornographic material that can seriously affect the normal development of their sexuality, should be punished with the penalty of providing public utility services or victims from six (6) months to two (2) years and a fine of two hundred (200) to five hundred (500) days.

CHAPTER IV COMMON PROVISIONS

ARTICLE 266.- ERROR. For the crimes included in the three (3) previous chapters, the penalty to be imposed on the responsible party must be reduced by half, in cases where the latter has acted with expiring error regarding the age, degree of consanguinity, personal capacities of the passive subject or his situation.

ARTICLE 267.- CUSTODIAL SENTENCES, SECURITY AND SPECIAL MEASURES CIVIL PRONOUNCEMENTS. The following shall be imposed on those convicted of the crimes covered by this title and in addition to the principal penalties applicable in each case:

1) The penalties of special disqualification for the exercise of the profession, trade, commerce or industry that the perpetrators have used to carry out the acts for twice the duration of the sentence, which may reach, in the

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case of parental authority, guardianship, curatorship or custody, to their final deprivation. If the author or participant in the crime is a public official or employee, the penalty of absolute disqualification must also be imposed for twice the length of the sentence.

2) The probation measure, which must be executed after the prison sentence, with a duration of

a) Up to ten (10) years, when the prison sentence imposed is greater than five (5) years; and

b) Up to five (5) years, in all other cases.

3) The penalties of prohibition of residence and approaching the victim for double the time of the sentence;

4) The civil pronouncements that proceed in order to the filiation and fixation of alimony, independently of what must be declared with respect to the civil responsibility derived from the crime. The recognition of the conceived as a consequence of the illicit sexual relation should not proceed in case of opposition of the mother; and,

5) Execution courts must keep a register of sex offenders in which they enter the details of persons who have been convicted of any of the offences contained in this title.

ARTICLE 268.- PROSECUTION. The crimes

The offences referred to in this title must be prosecuted following a complaint by the offended person or his legal representative, except for rape, sexual assault, incest and those relating to sexual exploitation, which shall be prosecuted ex officio. If the victim is a minor or a person with a disability in need of special protection or is disabled, the action is in any case public and prosecuted by the Public Prosecutor's Office (MP).

The forgiveness of the victim or his legal representative does not extinguish the criminal action or the responsibility of that nature.

ARTICLE 269.- INTERNATIONAL RECIDIVISM

The conviction of a foreign Jurisdictional Body, imposed for crimes included in this title that affect children or persons with disabilities, produces the effects of recidivism, unless the criminal record has been cancelled or could have been cancelled under Honduran law**.**

TITLE X

CRIMES AGAINST THE INVIOLABILITY OF THE HOME AND PRIVACY

CHAPTER I

CRIMES AGAINST THE INVIOLABILITY OF THE HOME

ARTICLE 270.- HOME INVASION.

The private individual who enters the home of another against the will of its inhabitant or remains in the same despite having been asked to leave it, should be punished with a prison sentence of six (6) months to two (2) years.

When the conduct described in the previous paragraph is carried out in order to enter or remain, against the will of its owner, in the domicile of legal entities, professional offices, offices or establishments serving the public outside opening hours, the penalty indicated in the previous paragraph must be applied, reduced by one third (1/3).

If the acts described in the previous paragraphs are executed with violence, intimidation or simulation of authority or public functions, the penalty must be two (2) to four (4) years of imprisonment.

ARTICLE 271.- SEARCHES BY PUBLIC OFFICIAL OR EMPLOYEE. The

public official or employee who, without the formalities prescribed by law or outside the cases determined by it, commits any of the acts described in the previous precept, shall be punished by imprisonment of three

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(3) to five (5) years and special disqualification for twice time in prison.

CHAPTER II

VIOLATION AND DISCLOSURE OF SECRETS

ARTICLE 272.- DISCOVERYANDREVELATION OF SECRETS. Whoever, in order to know the secrets or violate the privacy of another and without his consent, develops any of the following conducts, shall be punished with a prison sentence of one (1) to three (3) years and a fine of three hundred and sixty (360) to seven hundred and twenty (720) days

1) Access, by any means, to your documents, papers, data, information in any medium or personal effects;
2) Intercepts their telecommunications; or,
3) Uses technical artifices to listen, transmit, record or play back the sound, image or sequence of images.

Whoever, to the detriment of third parties and without being authorized, accesses, takes possession of, alters or uses personal data incorporated into files, supports, computer, electronic or telematic records or any other type of public or private file or record, shall be punished with two (2) to three (3) years of imprisonment and a fine of three hundred and sixty (360) to seven hundred and twenty (720) days.

Whoever disseminates, reveals or cedes to third parties the secrets or images captured in accordance with the above paragraphs, shall be punished with imprisonment of two (2) to four (4) years and a fine of three hundred and sixty (360) to one thousand (1,000) days.

Whoever, not having participated in its discovery but knowing its illicit origin, carries out the conduct described in the previous paragraph, shall be punished with a prison sentence of six (6) months to one (1) year and a fine of one hundred (100) to five hundred (500) days.

Whoever without authorization disseminates intimate images of another obtained with his consent, shall be punished with imprisonment of one (1) to three (3) years and a fine of ninety (90)
(90) to one thousand (1,000) days.

ARTICLE 273.- RESPONSIBILITY OF THE PUBLIC OFFICIAL OR EMPLOYEE. The public official or employee who, using his position, outside the cases permitted by law and without a crime, commits any of the conducts described in the previous article, must be punished with the penalties provided for those crimes, increased by two thirds (2/3).

ARTICLE 274.- SECRECY DISCLOSURE PROFESSIONAL. Whoever reveals a secret of which he has knowledge by reason of his trade or employment relationship, shall be punished by imprisonment of six (6) months to one (1) year.
(1) year and fine of one hundred (100) to five hundred (500) days.

The professional who, not complying with his obligation to keep secret or reserve, discloses other people's secrets must be punished with a prison sentence of one (1) to three (3) years and a fine of three hundred and sixty (360) to six hundred (600) days.

ARTICLE 275.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of this Code, a legal entity is responsible for the crimes covered by this chapter, it shall be subject to the penalty of suspension from its activities for one (1) to three (3) years or a fine of three hundred
(300) to five hundred (500) days.

ARTICLE 276.- SPECIFIC AGGRAVATING CIRCUMSTANCES. The penalties of the above articles should be increased by one third (1/3), when the following circumstances apply:

1) The conduct is carried out by the persons in charge or responsible for the computer hardware, files or records;

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3) The victim is a child under the age of eighteen (18) or a person with a disability in need of special protection; or

4) The facts are made for profit.

ARTICLE 277.- COMMON PROVISIONS. In all the cases provided for in this chapter, if the act is carried out, in whole or in part and under any degree of participation, by a public official or professional with abuse of his functions, he must be imposed, in addition to the corresponding penalty, the special disqualification from public office or trade, profession, craft, industry, or commerce for twice the duration of the penalty established for the crime in which it is incurred.

In order to proceed with the crimes provided for in this chapter, a complaint must be filed by the injured party or his or her legal representative. If the injured party is a minor or a disabled person in need of special protection, the Public Prosecutor's Office (MP) may also report the facts ex officio.

The complaint of the aggrieved person required in the previous paragraph is not necessary when the acts are committed by a public official or employee in the exercise of his or her office or when the general interests or a plurality of persons are affected. In this case, the complaint may be initiated ex officio by the Public Prosecutor's Office (MP).

The pardon of the offended party or his legal representative shall extinguish the criminal action for the crimes provided for in this chapter, without prejudice to the provisions of Article 109 of this Code.

TITLE XI
CRIMES AGAINST FAMILY RELATIONSHIPS
CHAPTER I ILLEGAL MARRIAGES

ARTICLE 278.- BIGAMY. Whoever marries, has a legally recognized common-law relationship, and the previous ones subsist legally, must be punished with the following penalties of public utility services or to victims of one (1) to three (3) years or a fine of one hundred and fifty (150) to three hundred (300) days.

The same penalty should be imposed on those who knowingly marry unmarried people.

ARTICLE 279.- CELEBRATION OF MARRIAGE INVALID. Whoever, with knowledge of his disability, marries, must be punished with the penalty of public utility services or victims from six (6) months to one (1) year, or a fine of one hundred and fifty (150) to three hundred (300) days.

Whoever commits the acts described in the previous paragraph, should be exempt from punishment if the marriage is subsequently validated.

ARTICLE 280.- AUTHORIZATION OF MARRIAGE INVALID. Whoever authorizes a marriage prohibited by law or without the necessary requirements for its validity, must be punished with the penalty of public utility services or victims from eight (8) months to one (1) year or a fine of two hundred (200) to five hundred (500) days.

If these acts are carried out by professionals, by a public official or employee, the penalty of special disqualification from employment or public office or from the exercise of the profession for a period of two (2) to four (4) years must also be imposed.

The above penalties must be reduced by a quarter (1/4) when the cause of invalidity is dispensable.

CHAPTER II
ASSUMPTION OF CHILDBIRTH AND ALTERATION OF FILIATION

ARTICLE 281.- SUPPOSITION OF CHILDBIRTH AND CONCEALMENT OR SUBSTITUTION OF A MINOR Who simulating childbirth is punishable by imprisonment from six (6) months to three (3) years.

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Whoever hides or gives to third parties a minor to alter or modify his filiation, must be punished with the penalty provided in the previous paragraph.

Whoever replaces a minor with another must be punished with a prison sentence of three (3) to six (6) years.

The person responsible for the identification and custody of minors in a health, educational or other similar institution, who through serious negligence allows a minor to be substituted by another, shall be punished by imprisonment of six (6) months to one (1) year.

ARTICLE 282.- ADOPTION, FOSTERING OR GUARDIANSHIP

FRAUDULENT. Whoever, by means of financial compensation, gives in adoption, foster care or guardianship of a minor without complying with the legal requirements, even when the surrender of the minor is carried out in another country, should be punished with a prison sentence of four (4) to six (6) years.

The penalty provided for in the previous paragraph, increased by one third (1/3), must be imposed on the person who receives the minor, as well as on the intermediary in these acts.

ARTICLE 283.- COMMON PROVISIONS: If the

The acts described in the previous articles are committed by the ascendants, they can be punished, in addition, with the penalty of special disqualification for the exercise of the right of parental authority from four (4) to eight (8) years, with respect to the minor delivered. If they are committed by an educator, religious person, doctor, midwife, nurse or any other professional in the exercise of their duties, public official or employee, the penalty of special disqualification from the profession, position or public office may also be imposed, for twice the duration of the prison sentence.

If the events described in the above precepts occur in health centers, day-care centers, schools or other premises or establishments where children are picked up or cared for, temporary or permanent closure of these establishments may be agreed upon. The temporary closure may not exceed five (5) years.

If the acts described in the above precepts are carried out within the scope of an organized criminal group, the penalties provided for in this chapter must be increased by one third (1/3).

CHAPTER III FAILURE TO COMPLY WITH RIGHTS AND DUTIES FAMILY

ARTICLE 284.- NO PRESENTATION OR DELIVERY OF MINORS OR PERSONS WITH DISABILITIES.

Whoever, being in charge of a minor or disabled person in need of special protection, does not present him to his parents or guardians when requested by them, without offering reasonable explanation about his disappearance, shall be punished with a prison sentence of six (6) months to two (2) years, unless the act is punished with a greater penalty in another provision of this Code.

ARTICLE 285.- INDUCTION TO ABANDONMENT OF

HOME. Whoever induces a minor of eighteen (18) years of age or a person with disabilities to leave the family home or place where with the authorization of his parents, guardians or keepers he has established residence, shall be punished with a prison sentence of six (6) months to two (2) years.

ARTICLE 286.- ABDUCTION OF MINORS OR DISABLED PERSONS IN NEED OF SPECIAL

PROTECTION. A parent who removes, in violation of a court order concerning custody, a child under the age of eighteen (18) or a person with a disability from his or her place of residence without the consent of the parent with whom he or she habitually lives, or of the person or institution to which his or her custody or care was entrusted, shall be punished by imprisonment for a term of three (3) to six (6) years.

The same penalty must be incurred by the parent who retains or hides a minor or a person with a disability in need of special protection, in serious breach of the duty established by a court decision.

The penalties in the previous paragraphs should be increased by one third (1/3) when the transfer of children under eighteen (18) years of age or persons with disabilities is made outside the country or, a condition for their return is required.

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must be reduced by one-third (1/3) if the child or disabled person is returned to the child's home or residence, or to a known and safe place, within seventy-two (72) first hours of its subtraction, without having been subject to damage to their health, physical integrity or sexual indemnity. This period of time must be calculated from the date of the report of the abduction.

ARTICLE 288.- FAILURE TO COMPLY WITH THE DUTY TO ASSISTANCE AND SUPPORT. Whoever fails to comply with the legal duties of assistance inherent to the parental authority, guardianship, custody or foster care, shall be punished with the penalty of providing services of public utility or to the victims from six (6) to twelve (12) months or a fine of one hundred and eighty (180) to three hundred and sixty (360) days.

The same punishment should be applied to those who do not provide the necessary assistance legally established for the sustenance of their descendants, ascendants or spouses in need.

Who, after having been reliably requested and having placed the victim in a situation of distress, fails to pay alimony or any other economic benefit established by law or by virtue of a judicial agreement or resolution approved or agreed upon in a legal separation process, The penalty for divorce or declaration of nullity is imprisonment for one (1) to three (3) years or provision of public utility services or to the victims for one (1) to two (2) years or a fine of three hundred and sixty (360) to seven hundred and twenty (720) days, or disqualification from public office for five (5) years.

Whoever pays the maintenance due and gives reasonable assurance, in the opinion of the competent Jurisdictional Body, of the subsequent fulfilment of his obligations, before the corresponding sentence is passed, must be exempted from punishment, provided that it is the first time that he fails to fulfil this duty.

The crimes provided for in this precept are only prosecuted following a complaint by the aggrieved person or his legal representative. The Public Prosecutor's Office (MP) may also report when a minor or a person with a disability is involved.

CHAPTER IV FAMILY ABUSE

ARTICLE 289.- FAMILY ABUSE. Who practices physical or psychological violence against his spouse, a person with whom he has a recognized common-law relationship or a person with whom he maintains or has maintained a stable relationship of a similar nature to the previous ones even without living together, or against his descendants, ascendants or siblings by nature, adoption or affinity, whether they are his own relatives or those of his spouse or common-law spouse, shall be punished by imprisonment for six (6) months to one (1) year and a fine of one hundred (100) to two hundred (200) days or by providing public utility services to the victims for the same time.

The penalty must be increased by one third (1/3) when the abuse takes place in any of the following circumstances:

1) About a victim who is especially vulnerable because of his or her age or disability

2) In the presence of minors;

3) Using weapons or dangerous instruments; or,

4) At the victim's home;

If two (2) or more of the above circumstances are present, the higher penalty must be imposed, increased by two-thirds (2/3).

Whoever habitually exercises physical or psychological violence on any of the subjects mentioned in the first paragraph of this article, shall be punished by imprisonment of one (1) to two (2) years. The penalty shall be increased by one third (1/3) if in the commission of one or more of the acts of violence any of the circumstances described in the second paragraph of this article have occurred; if two (2) or more circumstances have occurred, the penalty shall be increased by two thirds (2/3).

In order to assess the regularity referred to in the previous paragraph, one must take into account the number and temporal proximity of the acts

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of violence that are proven, regardless of whether they have affected the same or several victims and whether or not the violent acts have been prosecuted in previous proceedings.

The provisions of the preceding paragraphs shall apply unless the act is punishable by a greater penalty under another provision of this Code, and in particular in cases of violence against women.

ARTICLE 290.- COMMON PROVISION. The Organ

The competent court, for the crimes described in this chapter, may impose in its sentences one or more of the prohibitions provided for in Article 52 of this Code for a period not to exceed five

(5) years.

TITLE XII

CRIMES AGAINST LABOR RIGHTS

ARTICLE 291.- CRIME AGAINST SECURITY

OF THE WORKERS. Anyone who seriously endangers the life or health and physical integrity of workers by not providing them with the means and measures of safety and hygiene necessary to carry out their work, should be punished with a prison sentence of six (6) months to two (2) years, without prejudice to the penalty that could correspond to the harmful results caused.

ARTICLE 292.- ILLEGAL LABOR EXPLOITATION.

Whoever, through deceit or abuse of a situation of necessity, harms, suppresses or restricts the rights that workers have legally recognized in public or private employment, shall be punished with imprisonment of one (1) to three (3) years and a fine of one hundred (100) to three hundred (300) days.

Penalties should be increased by one quarter (1/4) when violence or intimidation has been used.

ARTICLE 293.-LABOR EXPLOITATION

CHILDREN. If the conducts described in the two previous articles are carried out on minors under eighteen (18) years of age, the acts must be punished with the penalties provided for in

The respective cases are increased by one third (1/3) and if they are under sixteen (16) years of age with the penalties increased by two thirds (2/3).

ARTICLE 294.-VERTICAL LABOR HARASSMENT Who,

in the context of any employment relationship and taking advantage of a relationship of superiority, repeatedly carries out hostile or contemptuous acts against another person which, without constituting individually degrading treatment, provoke an objective and seriously humiliating situation for the victim in the corresponding area of the relationship, should be punished with the penalties of house arrest of six (6) months to

(1) year and special disqualification for twice the length of the prison sentence.

ARTICLE 295.- CRIME OF DISCRIMINATION

LABOR. Whoever carries out serious discrimination in employment, public or private, against any person for holding legal or union representation of workers, for reasons of ideology, religion or beliefs, language, membership in an ethnic group or race, national origin, indigenous people or people of African descent, place of residence, sex, sexual orientation, gender identity, gender reasons, marital status, family or economic situation, age, illness, disability or pregnancy, shall be punished by imprisonment of one (1) to two (2) years and a fine of one hundred (100) to two hundred (200) days.

If the guilty party is a public official, the penalty of special disqualification from public office or trade must also be imposed for twice the duration of the prison sentence, in other cases, disqualification from profession, trade, industry or commerce must be applied for the same period of time.

ARTICLE 296.- RESPONSIBILITY OF THE

LEGAL ENTITIES. When, in accordance with the provisions of Article 102, a legal entity is responsible for the facts set forth in this title, except for those referred to in Article 294, it shall be subject to the penalty of a fine of five hundred (500) to one thousand (1,000) days.

TITLE XIII

HUMAN TRAFFICKING

ARTICLE 297.- ILLICIT TRAFFICKING IN PERSONS.

Who, in order to obtain, directly or indirectly,

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an economic exploitation or other benefit of material order, promotes, favors or facilitates illegal trafficking or clandestine immigration of persons from, in transit through or to Honduras or another country, in violation of the legislation on entry, stay, transit or exit of persons, must be punished with imprisonment from four (4) years to six (6) years and a fine of one hundred (100) to three hundred (300) days.

If the above acts are carried out as part of an organized criminal group, the penalties to be imposed must be imprisonment from six (6) to eight (8) years and a fine of two hundred (200) to five hundred (500) days

If the crime is committed by a public official or employee in the exercise of his duties, the prison sentence should be increased by one third (1/3) and, in addition, absolute disqualification should be imposed from fifteen (15) to twenty (20) years.

TITLE XIV
CRIMES AGAINST PUBLIC HEALTH

CHAPTER I
CRIMES RELATED TO MEDICINES OR MEDICAL DEVICES

ARTICLE 298.- PROCESSING AND TRADE ILLEGAL DRUG USE. Whoever manufactures, elaborates, produces, imports, exports, supplies, receives, intermediates, markets, offers, puts on the market through radio, written or television media, or stores for these purposes, medicines or drugs, including those for human and veterinary use, as well as medicines or drugs under investigation, which lack the necessary authorization required by law, or medical devices that do not have the documents of conformity required by the general provisions, or that are deteriorated, expired or do not comply with the technical requirements regarding their composition, stability and effectiveness, and thus generate a risk to life or serious danger to the health of persons, should be punished with a prison sentence of four (4) to six (6) years and a fine of one hundred (100) to three hundred (300) days.

ARTICLE 299.- IMITATION FOOD, PRODUCTS OR SUBSTANCES. Whoever manufactures, prepares, produces, imports, exports, supplies, receives, intermediates, markets, offers or puts on the market a medicine or drug, including those for human and veterinary use, as well as investigational medicines, active substances, excipients of such medicine or a medical device, as well as accessories, elements or materials that are essential for its integrity, in such a way that its identity or nature is misleadingly presented, including, if applicable, the packaging and labelling, the expiry date, the name or composition of any of its components or the dosage of the same, its origin, including the manufacturer, the country of manufacture, the country of origin and the holder of the marketing authorization or compliance documents, data relating to compliance with legal requirements or demands, licenses, compliance documents or authorizations or, their history, including records and documents relating to the distribution channels used, provided that they were intended for public consumption, use by third parties and generate a risk to life or serious danger to health, should be punished by imprisonment from five (5) to seven (7) years and a fine of one hundred (100) to three hundred (300) days.

The same penalties should be imposed on anyone who alters, when manufacturing, elaborating or at a later time, the quantity, dose, expiration or genuine composition, as authorized or declared, of any of the medicines, drugs, excipients, medical devices, accessories, elements or materials mentioned in the previous paragraph or adulterates them in a way that reduces their safety, efficacy or quality, generating a risk for the life or health of people.

ARTICLE 300.- DOPING CRIME. Who, without therapeutic justification, prescribes, provides, dispenses, supplies, administers, offers or facilitates to non-federated sportsmen and women, non-federated recreational sportsmen and women, or sportswomen participating in competitions organized in Honduras by sports entities, prohibited pharmacological substances or groups, as well as non-regulatory methods intended to increase

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their physical capacities or to modify the results of the competitions, which by their content, repeated ingestion or other concurrent circumstances, endanger their life or health, should be punished with imprisonment from six (6) months to three (3) years and a fine of three hundred
(300) to five hundred (500) days.

The penalties provided for in the preceding paragraph must be imposed, increased by one third (1/3), when the crime is committed in any of the following circumstances:

1) Use of violence, deception or intimidation; or
2) The person in charge asserts a relationship of labor or professional superiority.

ARTICLE 301.- NON-AUTHORIZED ELABORATION OF HARMFUL SUBSTANCES. Whoever, outside the cases included in the previous articles and without being duly authorized, manufactures substances harmful to health or chemical products that can cause havoc and dispatches, supplies or trades them, shall be punished with imprisonment from six (6) months to three (3) years and a fine of one hundred and eighty (180) to three hundred and sixty (360) days.

ARTICLE 302. ILLEGAL DISPATCH OR SUPPLY OF HARMFUL SUBSTANCES. Who being authorized to traffic in the substances or products referred to in the previous article, dispatches or supplies them without complying with the formalities provided for in the respective laws and regulations, shall be punished with a fine of one hundred and eighty (180) to three hundred and sixty (360)
(360) days.

ARTICLE 303.- FALSIFICATION OF DOCUMENTATION REQUIRED IN THE MARKETING OF MEDICINES. Who prepares any false document or false content referring to any of the medicines or drugs, active substances, excipients, medical devices, accessories, elements or materials referred to in the previous articles, including their packaging, labelling and instructions for use, in order to commit or facilitate the commission of one of crimes provided for in these precepts, shall be punished by imprisonment of one (1) to three (3) years and a fine of one hundred to two hundred (200) days.

ARTICLE 304. SPECIFIC AGGRAVATING CIRCUMSTANCES. It is must impose the corresponding penalties increased by one third (1/3) when the crime is committed in any of the following circumstances:

1) The guilty party is an authority, public official or employee, physician, health professional, teacher, educator, physical trainer or sportsman and works in the exercise of his position, profession or trade;

2) The medicines or drugs, active substances, excipients, medical devices, accessories, elements or materials referred to when the following circumstances occur:

a) They have been offered through large-scale media outlets whether radio, television, print or digital.
(b) have been offered or provided to minors, persons with disabilities, or persons who are especially vulnerable in relation to the product provided

3) The events have been carried out in public or private establishments by the persons responsible for them or their employees.

CHAPTER II
CRIMES ~~RELATED TO~~ FOOD OR CONSUMER PRODUCTS

ARTICLE 305.- WATER ADULTERATION DRINKING WATER AND FOOD. Whoever adulterates with infectious or other substances that may be seriously harmful to health, drinking water or water sources intended for human consumption or food substances intended for public use or consumption by a community of persons, shall be punished by imprisonment for three (3) to six (6) years and a fine of one hundred (100) to three hundred (300) days, unless the act is punishable by a greater penalty under another provision

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of this Code and without prejudice to those that correspond to crimes committed against life, corporal integrity or physical or psychological health.

ARTICLE 306.- DANGEROUS SUPPLY OF SUBSTANCES. The following shall be punished by imprisonment of two (2) to four (4) years

1) To supply animals or vegetables intended for human consumption with substances that are not permitted or, in the case of those permitted, in doses higher than those regulated or for purposes other than those authorized, which in all cases generate a risk to human health;

2) In the preparation of food, it uses materials, products or by-products containing foreign, decomposed or toxic substances, with danger to the life or health of persons; or,

3) Industrializes for human consumption meats or animal by-products affected by diseases directly or indirectly transmissible to people, or treated with dangerous substances or whose dissemination generates danger for the life or health of people.

ARTICLE 307.- PROPAGATION OF EPIDEMICS AND INFECTIOUS-CONTAGIOUS DISEASES

Whoever causes, introduces or spreads a human epidemic by spreading pathogenic agents or germs, shall be punished by imprisonment of six (6) to ten (10) years and a fine of three hundred (300) to five hundred (500) days.

The same penalties should apply to anyone who introduces or spreads a human epidemic in violation of the measures previously imposed by the competent authorities to prevent it.

In the case of the introduction or spread of a pest that endangers health, the penalty shall be imprisonment of three (3) to five (5) years and a fine of three hundred (300) to five hundred (500) days.

The same penalty should be applied to anyone who causes, introduces or spreads an epidemic in animals intended for human consumption.

CHAPTER III COMMON PROVISIONS

ARTICLE 308.- DISQUALIFICATION. In crimes regulated in the two (2) previous chapters, the penalty of special disqualification for profession, trade, industry or commerce must also be imposed for twice the duration of the prison sentence.

ARTICLE 309.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of the present Code, a legal entity is responsible for the crimes included in the two (2) previous chapters, it must be fined an amount equal to or up to ten (10) times the benefit obtained or intended. Additionally, any of the following sanctions may be imposed:

1) Suspension of the activities in which the crime occurred, for a period not to exceed five (5) years;

2) Closure of the premises and establishments that were used to carry out the crime, for a period not to exceed five (5) years;

3) Prohibition to carry out in the future the activities in the exercise of which the crime was committed, favored or covered up;

4) Ineligibility to obtain public subsidies and aid, to contract with the public sector and to enjoy tax or social security benefits and incentives, for a period not to exceed (15) fifteen years.

ARTICLE 310.- IMPRUDENT CRIME AGAINST PUBLIC HEALTH AND SPECIAL AGGRAVATION. The crimes regulated in the two previous chapters that are committed for serious negligence must be punished with the penalties provided for in the previous articles reduced by one third (1/3).

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When the crimes referred to in the two previous chapters are committed by a public employee or official, they must be punished by the penalties provided for each of them, increasing by one third (1/3).

CHAPTER IV
DRUG AND PRECURSOR TRAFFICKING CRIMES

ARTICLE 311.- DRUG TRAFFICKING. Who carries out acts of sowing, cultivation, harvesting, processing, trading, transporting, trafficking or in any way promoting, encouraging or facilitating the illegal consumption of toxic drugs, narcotics or psychotropic substances or possessing them for those purposes, shall be punished by imprisonment of four (4) to seven (7) years in the case of drugs that do not cause serious damage to health and of seven (7) to ten (10) years in other cases. In both cases, a fine of one hundred (100) to five hundred (500) days must also be imposed.

The prison sentences to be imposed must be, in each of the cases of the previous paragraph, from one (1) to three (3) years or from two (2) to five (5) years of prison, when from the circumstances of the act and the personal circumstances of the guilty party, a lesser degree of seriousness is deduced. This rule cannot be used if any of the aggravating factors set forth in the following article are present.

ARTICLE 312.-SPECIFIC AGGRAVATIONS OF THE DRUG TRAFFICKING. In the case of the first paragraph of the previous article, the penalties of imprisonment of ten (10) to fifteen (15) years and a fine of three hundred (300) to five hundred (500) days must be imposed, if any of the following circumstances apply

1) The substances that are the object of the crime are provided to minors under eighteen (18) years of age, persons with disabilities or persons undergoing rehabilitation and detoxification treatment, or are used for trafficking activity;

2) The culprit takes advantage of his public character or his involvement in the area of health sciences to carry out the act;

(3) The crime is committed within the scope of an organized criminal group;

4) The act may seriously endanger the life or health of the victim, as a result of the purity of the substance, its adulteration, mixing, manipulation or any other circumstance controlled by the offender;

5) The amount of the crime is of particular importance;

6) The conduct is directed at military, police, prison or detention units, detoxification or rehabilitation teachers;

7) Extraordinary means of transport are used;

8) Violence, intimidation or weapons are used in the commission of the act; or

9) The conduct is directed at international traffic.

If the circumstance in numeral 3) concurs with those in numeral 5) or 7), the prison sentences must be increased by one third (1/3).

ARTICLE 313.- MITIGATING FACTORS SPECIFIC TO DRUG TRAFFICKING. The penalties of the first paragraph of Article 311 and those of Article 312 of the present Code, must be reduced by one third (1/3) if any of the following circumstances apply:

1) The confession of the drug trafficking activities in which the guilty party has participated and the consequent provision or obtaining of evidence;

2) Collaboration with the authorities to prevent the perpetration of drug trafficking crimes or to mitigate their effects, or collaboration to provide or obtain evidence of others already committed;

3) Collaboration with the authorities for the identification and processing of

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responsible for the commission of drug trafficking crimes; or

4) Carrying out activities aimed at depriving the criminal organization of means and resources predisposed to contribute to its criminal activity or of the benefits obtained from it.

ARTICLE 314.- TRAFFIC OF PRECURSORS. Whoever finances, manufactures, elaborates, traffics or distributes equipment, materials or substances destined for the illicit cultivation or elaboration of toxic drugs, narcotics or psychotropic substances, or possesses them for those purposes, must be punished with a prison sentence of four (4) to six (6) years and a fine of one hundred (100) to three hundred (300) days.

ARTICLE 315.- AGGRAVATING FACTORS SPECIFIC TO THE TRAFFIC OF PRECURSORS. A prison sentence of six (6) to ten (10) years and a fine of one hundred (100) to five hundred (500) days shall be imposed if any of the circumstances set forth in Article 312 of this Code apply, or if the offender, being administratively authorized for the possession and trade of precursors, diverts them for illicit purposes.

ARTICLE 316.- MITIGATING FACTORS SPECIFIC TO TRAFFIC OF PRECURSORS. The penalty shall be one (1) to three (3) years of imprisonment and a fine of fifty (50) to one hundred (100) days, if any of the circumstances set forth in Article 313 of this Code apply.

ARTICLE 317.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of this Code, a legal entity is responsible for the crimes of drug or precursor trafficking, the penalty of dissolution of the legal entity or a fine of five hundred (500) to one thousand (1000) days must be imposed. In the latter case, some of the following sanctions may be additionally imposed:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;

2) Closure of the premises and establishments that were used to carry out the crime, for a period that cannot exceed five (5) years;

3) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favored or covered up; and

4) Ineligibility to obtain public subsidies and aid, to contract with the public sector and to enjoy tax or social security benefits and incentives, for a period not to exceed fifteen (15) years

ARTICLE 318.- PUNISHABILITY OF ACTS PREPARATIONS. Conspiracy, proposal or provocation to commit drug trafficking crimes, must be punished with the corresponding prison sentence reduced by one third (1/3).

ARTICLE 319.- DISQUALIFICATION. The penalty of special disqualification from public office or trade, profession or trade, industry or commerce should be imposed from five (5) to fifteen (15) years, on those who use the exercise of these for the execution of the crime.

ARTICLE 320.- INTERNATIONAL RECIDIVISM The sentence imposed by a foreign Jurisdictional Body for drug or precursor trafficking crimes produces the effects of recidivism, unless the criminal record has been or could have been cancelled under Honduran law.

ARTICLE 321.- DEFINITIONS. By drug, narcotic drug or psychotropic substance, means any of the substances included in Schedules I, II and IV of the Single Convention and its Protocols on Narcotic Drugs, done at New York, 1961, and in Schedules I, II, III and IV of the Convention and its Protocols on Psychotropic Substances, done at Vienna, 21 February 1971.

It is understood that they do not cause serious damage to the health the derivatives of the Indian or American hemp or of the cannabis sativa. The rest

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of the drugs included in the lists referred to in the previous paragraph are to be considered as causing serious damage to health for the purposes of this Code.

By amount of special importance the following are understood: 1) ten thousand (10,000) grams of marijuana, 2) thousand (1000) grams of hashish, 3) two thousand (2000) grams of cocaine or alkaloid derived from the cocaine, 4) sixty (60) grams of opium or its derivatives or, 5) two hundred (200) grams of synthetic drug or four hundred (400) milliliters when the synthetic drug is in solution.

Precursors are defined as the substances listed in Tables I and II of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, done at Vienna on 20 December 1988.

ARTICLE 322.- CRITERIA FOR THE DETERMINATION OF THE QUANTITY OF DRUGS APREHENDED. In order to determine the quantity of the seized drug, except in the case of cannabis, the quantity of active ingredient is taken into account, if the nature of the drug or its presentation allows it.

TITLE XV
CRIMES AGAINST ROAD SAFETY

ARTICLE 323.- RECKLESS DRIVING Who driving a motor vehicle with manifest recklessness and endangering in particular the life or integrity of persons, shall be punished by imprisonment from six (6) months to three (3) years and deprivation of the right to drive motor vehicles for a period of one (1) to six (6) years.

For the purposes of this article, it is understood that it is reckless driving:

1) Driving more than half of the speed limit allowed by regulations on each type of road;

2) Driving under the influence of toxic drugs, psychotropic substances or alcoholic beverages; or

3) Driving with total disrespect for the rules more elementary of the road traffic.

TITLE XVI
CRIMES AGAINST THE ENVIRONMENT
CHAPTER I
CRIMES AGAINST THE BALANCE OF ECOSYSTEMS

ARTICLE 324.- AIR POLLUTION, THE WATERS OR SOILS. Whoever, in violation of the legislation protecting the environment, carries out polluting activities that affect the atmosphere, marine waters, continental waters, the soil or subsoil, and thus seriously endangers the balance of an ecosystem, must be punished with a prison sentence of three (3) to six (6) years and a fine of three hundred (300) to six hundred (600) days.

ARTICLE 325.- ILLEGAL EXPLOITATION OF NATURAL RESOURCES. Whoever, in violation of the provisions protecting the environment, carries out activities of illegal capture, extraction or exploitation of water, forest, mineral or fossil resources, in a manner that seriously endangers the balance of an ecosystem, shall be punished by imprisonment from three (3) to six (6) years and a fine of three hundred (300) to six hundred (600) days

The penalties to be imposed should be increased by one third (1/3) if the above conducts are carried out through the use of polluting means or techniques.

For the purposes of the provisions of this article, exploitation is considered to be any activity intended to obtain benefit from a resource, including the storage, industrialization, commercialization and transfer of the product or by-product derived from the exploitation.

ARTICLE 326.- ILLEGAL WASTE MANAGEMENT DANGEROUS. Whoever eliminates, manages, markets or transfers hazardous waste in violation of the legal controls established for the transboundary movement of these substances and their disposal in a way that can seriously damage the balance of an ecosystem, must

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be punished with the penalties provided for in the previous article, in their respective cases.

CHAPTER II
CRIMES AGAINST BIOLOGICAL DIVERSITY

ARTICLE 327.- FOREST FIRE. Who provokes A fire on forest land, woodland or in a plant area protected for its ecological value, shall be punished by imprisonment of five (5) to eight (8) years and a fine of two hundred (200) to five hundred (500) days.

If the above conducts are of considerable importance, taking into account their surface area, level of protection, quality of the area or vegetation and location, the prison sentence should be from eight (8) to twelve (12) years.

When as a consequence of the fire the results foreseen in Article 183 or with the circumstances of Article 184 of the present Code are produced, the most serious penalty must be imposed in its upper half.

ARTICLE 328.- INTRODUCTION OF SPECIES EXOTIC. Whoever, in violation of the provisions protecting species and habitats, introduces or releases specimens of exogenous flora or fauna into the natural environment and thereby endangers the maintenance of biological diversity in the affected area, shall be punished by imprisonment of two (2) to four (4) years and a fine of two hundred (200) to five hundred (500) days

When the conduct described in this article is done with the purpose of obtaining a profit, the penalty will be increased by one third (1/3).

ARTICLE 329.- PROPAGATION OF PESTS OR DISEASES. Whoever spreads a pest or disease in forest areas or natural habitats of wild species and thereby endangers the maintenance of biological diversity in the affected area, should be punished with the following of imprisonment from two (2) to four (4) years and a fine of two hundred (200) to five hundred (500) days

ARTICLE 330.- D A Y S A E S P E C I E S THREATENED. Whoever, in violation of the provisions of the legislation protecting species and habitats, destroys, collects, captures or trades specimens of endangered flora or fauna or illegally traffics in them or their remains, in such a way as to endanger the conservation status of the affected species, must be punished with imprisonment of six (6) months to three (3) years and a fine of fifty (50) to three hundred (300) days.

ARTICLE 331.- ILLEGAL CAPTURE OF SPECIFICATIONS. Whoever captures specimens of wild fauna other than those indicated in the previous article, in quantity, place, time or manner expressly prohibited by the laws or general provisions applicable to hunting or fishing and thereby endangers the conservation status of the species concerned, shall be punished by imprisonment of six (6) months to two (2) years and a fine of fifty to two hundred (200) days.

ARTICLE 332.- SPECIFIC AGGRAVATING FACTORS FOR CRIMES AGAINST DIVERSITY BIOLOGICAL. The facts foreseen in this chapter must be punished with the respective penalties increased by one third (1/3) when any of the following circumstances occur:

1) An endangered species or one catalogued as a national symbol is affected;

2) Means or techniques are used especially destructive to the affected species, and,

3) It is carried out in an area declared as a biological reserve.

CHAPTER III PROVISIONS COMMON TO OFFENCES ENVIRONMENTALS

ARTICLE 333.- COMMON AGGRAVATING FACTORS FOR CRIMES AGAINST THE ENVIRONMENT The facts provided for in the preceding articles must be punished by the penalties laid down respectively, increased by

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one third (1/3), when any of the following circumstances apply:

1) The life or health of persons is endangered, unless a more serious penalty is appropriate under other provisions of this Code;

2) A natural area is especially affected protected by its environmental values;

3) There are devastating effects or a risk of irreversible or catastrophic deterioration of the balance of ecosystems or the maintenance of biological diversity; or

4) The events take place within an organized criminal group.

The penalties to be imposed must be increased by two thirds (2/3) when two (2) or more of the circumstances expressed in the previous numeral concur.

ARTICLE 334.- DEPRIVATIONOF RIGHTS The
The judge may impose on the guilty party of the commission of an environmental crime, the disqualification to obtain public subsidies and aid, to contract with the public sector and to enjoy the benefits or incentives of tax or Social Security, as well as the disqualification from holding positions, jobs or exercising activities that are directly related to the crime committed. The duration of these penalties may not exceed twice the time of the prison sentence actually imposed.

ARTICLE 335.- ENVIRONMENTAL CRIMES.
The acts provided for in the previous articles of this title must be punished with the penalties established for each crime, reduced by half, when they are committed for serious negligence.

ARTICLE 336.- RESPONSIBILITY OF PUBLIC OFFICIAL OR EMPLOYEE. The official
or public employee who has authorized, ruled or

If the author of the act is informed favorably or tolerated the realization of the facts provided for in this title, knowing of its illegality, he must be punished with the same penalties as the author of the act, increased by one third (1/3), plus special disqualification from public office or employment for twice the time of the prison sentence actually imposed.

If a public official or employee participates in the actions or omissions described in the preceding articles of this title, he or she shall be subject to the applicable penalties increased by one third (1/3) and, in any case, to the penalty of special disqualification from employment or public office for twice the term of imprisonment corresponding to him or her, depending on the degree of his or her participation in the crime.

ARTICLE 337.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of the present Code, a legal person is responsible for the crimes contained in this title, it shall be subject to the penalty of a fine equal to or up to three times the value of the damage caused or the benefit obtained.

Additionally, some of the following sanctions may be imposed following:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;

2) Closure of the premises and establishments that were used to carry out the crime, for a period not to exceed five (5) years;

3) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favored or covered up; and

4) Ineligibility to obtain public subsidies and aid, to contract with the public sector and to enjoy tax or social security benefits and incentives, for a period not to exceed ten (10) years.

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counsel before relying upon this translation)

ARTICLE 338.- SPECIFIC MITIGATING FACTORS The competent Jurisdictional Body may reduce the penalties to be imposed for the acts provided for in this title by up to half in the following cases:

1) The offender has voluntarily proceeded to repair the damage caused or neutralize the risk created before the proceedings are directed against him;

2) The offender collaborates with the authorities to prevent the commission of environmental crimes or mitigate their effects, to provide or obtain evidence from others already committed, or for the identification, prosecution and trial of other offenders; or

3) Taking into account the lesser seriousness of the act and the personal circumstances of the guilty party, when the crime is committed in a handmade way or for domestic consumption.

ARTICLE 339.- RESTORATION OF BALANCE ECOLOGICAL. The competent Jurisdictional Body, must order the adoption, by the person responsible for the event, of the necessary measures to restore the ecological or biological balance disturbed, including reforestation if necessary, as well as any other precautionary measure necessary for the protection of environmental assets affected.

ARTICLE 340.- INTERNATIONAL RECIDIVISM The sentence imposed by a foreign Jurisdictional Body for crimes of the same nature as those provided for in this title produces the effects of recidivism, unless the criminal record has been or could have been cancelled under Honduran law.

TITLE XVII
CRIMES AGAINST ANIMAL WELFARE

ARTICLE 341.- MISTREATMENT OF ANIMALS Whoever unjustifiably mistreats a domestic or domesticated animal, causing its death, should be punished with a prison sentence of two (2) to four (4) years; if provoked injuries that seriously undermine your health, the penalty should be six (6) months to two (2) years. The competent Jurisdictional Body may also impose a penalty of special disqualification for the exercise of profession, trade, commerce or industry that has a relationship with animals from one (1) to three (3) years of duration.

The penalties provided for in the previous paragraph may be increased by up to two thirds (2/3) when the acts involve special cruelty, taking into account the circumstances of the abuse and suffering caused to the animal.

ARTICLE 342.- ABANDONMENT OF ANIMALS. Who abandons a domestic or domesticated animal in conditions dangerous to its life or physical integrity must be punished with the penalty of public utility services or victims from six (6) to eight (8) months or a fine of one hundred (100) to two hundred (200) days. The competent Jurisdictional Body may also impose a penalty of special disqualification for the exercise of a profession, trade or business related to animals of up to two (2) years.

TITLE XVIII
URBAN CRIMES

ARTICLE 343.- ILLEGAL URBANIZATION. Who plot, develop, build or construct without the necessary administrative authorization or license for such activities, shall be punished by imprisonment of two (2) to five (5) years and a fine of an amount equal to or up to three times the benefit obtained or the damage caused, provided that it affects one of the following types of soil:

1) Reserved areas for the construction of public works, areas of public domain or reserved for public use;

2) Contaminated areas or for natural reasons, dangerous for the population;

3) Green areas that are legally and administratively recognized for their landscape, ecological, artistic, historical or cultural value or that for the same reasons have been considered of special protection; or,

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4) Rural areas where urbanization or building is not allowed.

ARTICLE 344.- IRREGULAR APPROVAL BY A PUBLIC OFFICIAL. Punished by imprisonment from three (3) to five (5) years and special disqualification from public office or office for twice the duration of the prison sentence, the public official or employee who knowingly, individually or as a member of a collegiate body, intervenes in the following manner

1) Resolves or votes in favor of the approval of planning instruments, urbanization projects, parcels, reparcelization, construction, building or the granting of licenses; or
2) It gives a favourable opinion or reports on planning instruments, urbanization projects, parcelling, reparcelization, construction, building or the granting of licenses in a way that is contrary to the regulations of territorial or urban planning in force.

The above conducts are only punishable when they are effectively resolved in favor of the illegal instrument, project or license.

ARTICLE 345.- RESPONSIBILITY OF THE PUBLIC OFFICIAL BY OMISSION. The public official or employee who, on the occasion of inspections, does not report the violation of territorial or urban planning rules in force or omits to carry out inspections of a mandatory nature, thus favoring the performance of the behaviors described in Article 343 of the present Code, shall be punished with a prison sentence of two (2) to four (4) years and special disqualification from holding public office or office for twice the duration of the prison sentence.

ARTICLE 346.- RESPONSIBILITY OF THE LEGAL ENTITIES. When in accordance with the established in Article 102 of the present Code, a

If a legal entity is responsible for the crimes included in this title, it must be fined an amount equal to or up to three times the benefit obtained or that could have been obtained, or the damage caused.

Additionally, some of the following sanctions may be imposed following:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;

2) Closure of the premises and establishments that were used to carry out the crime, for a period not to exceed five (5) years;

3) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favored or covered up;

4) Ineligibility to obtain public subsidies and aid, to contract with the public sector and to enjoy tax or social security benefits and incentives, for a period not to exceed fifteen (15) years; or

5) Judicial intervention to safeguard the rights of workers or creditors for the time deemed necessary, but which may not exceed five (5) years. This intervention may be total or partial, shall have the content set forth in the judicial resolution and may be modified by the competent Jurisdictional Body, both materially and temporarily, in view of the reports made periodically by the auditor and the Public Prosecutor's Office (MP).

ARTICLE 347.- DEMOLITION E ILLEGALLY BUILT. The competent Jurisdictional Body, by means of a reasoned resolution, may order, at the expense of the author of the act, the demolition of the work and the return of the land to its previous state, without prejudice to the compensation due to third parties in good faith.

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TITLE XIX
CRIMES AGAINST CULTURAL HERITAGE

ARTICLE 348.- ILLICIT TRAFFIC OF GOODS OF THE CULTURAL HERITAGE. Whoever, in violation of the applicable laws and general provisions, carries out operations of import, export, trade or circulation of goods belonging to the Cultural Heritage of the Nation, must be punished with imprisonment from three (3) to six (6) years and a fine of an amount equal to or up to four (4) times the benefit obtained or pursued.

ARTICLE 349.- ALTERATION OF PROPERTIES BELONGING TO THE CULTURAL HERITAGE. Whoever, in violation of the applicable laws and general provisions, destroys, damages or seriously alters a property uniquely protected by its historical, cultural or artistic value, shall be punished with imprisonment from three (3) to six (6) years and a fine of an equal amount or up to four (4) times the benefit obtained or pursued.

ARTICLE 350.- THE XPOLIO OF ZO NAS ARCHAEOLOGICAL. Whoever, in violation of the applicable laws or general provisions, carries out exploration, excavation or removal work in archaeological areas or sites, in such a way as to endanger the state of conservation of the site, must be punished with a prison sentence of four (4) to eight (8) years and a fine of one hundred (100) to one thousand (1000) days, without prejudice to the corresponding penalty for the damage caused or the illegal seizure of the pieces found.

Whoever finds archaeological remains or goods and does not report the discovery to the authorities in charge of their conservation or custody, shall be punished with one (1) to three (3) years of imprisonment.

ARTICLE 351.- SPECIFIC AGGRAVATING CIRCUMSTANCES. The penalties provided for in the preceding articles must be increased by one third (1/3) when any of the following circumstances apply:

1) The goods affected by the events are of special value, taking into account their particular historical, cultural or artistic connotations;

(2) The acts are committed within an organized criminal group; or

3) The facts are carried out with abuse of any advantage, situation of influence or circumstance that facilitates the commission of the crime. The competent Jurisdictional Body may impose, in addition to the corresponding penalties, the disqualification from holding positions, jobs or activities that have facilitated the commission of the crime, as well as the deprivation of the right to receive public subsidies or aid related to the acts committed. The duration of these penalties may not exceed twice the maximum term of imprisonment provided for the act committed.

ARTICLE 352.- RESPONSIBILITY OF THE PUBLIC OFFICIAL OR EMPLOYEE. The public official or employee who has authorized, ruled or informed favorably or tolerated the realization of the facts provided for in this title, knowing of its illegality, must be punished with the same penalties as the author of the crime, increased by one third (1/3), plus special disqualification from public office or office for twice of the maximum duration of the prison sentence provided for the act committed.

If in the actions or omissions described in the previous articles of this title a public official or employee participates, the corresponding penalties must be imposed increased by one third (1/3) and in any case, the penalty of Special disqualification from public employment or office for twice the maximum duration of the corresponding prison sentence, depending on the degree of participation in the crime.

ARTICLE 353.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of this Code, a legal person is responsible for the crimes contained in this title, it shall be subject to the penalty of a fine equal to or up to five (5) times the value of the damage caused or the benefit obtained from the commission of the crime.

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Additionally, some of the following sanctions may be imposed following:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;

2) Closure of the premises and establishments that were used to carry out the crime, for a period not to exceed five (5) years;

3) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favored or covered up; or

4) Ineligibility to obtain public subsidies and aid, to contract with the public sector and to enjoy tax or social security benefits and incentives, for a period not to exceed ten (10) years.

ARTICLE 354.- SPECIFIC MITIGATING FACTORS
The competent jurisdictional body may reduce the penalties to be imposed for the acts provided for in this title by up to two thirds (2/3) in the following cases:

1) The subject has proceeded voluntarily to repair the damage caused, before the proceedings are directed against him, returning if necessary the goods that are the object of the crime;

2) The offender collaborates with the authorities to prevent the commission of environmental crimes or mitigate their effects, to provide or obtain evidence from others already committed, or for the identification, prosecution and trial of other offenders; or

3) Taking into account the lesser seriousness of the act and the personal circumstances of the guilty party, when the crime is not attributable to the exercise of a habitual or professional illicit activity.

ARTICLE 355.- RESTORATION OF THE PATRIMONY CULTURAL. The competent Jurisdictional Body must order the adoption, at the author's expense, of the necessary measures to repair the damage caused, including, if necessary, the return of the goods to their place of origin. They may also order any precautionary measures necessary for the protection of the cultural property in question.

ARTICLE 356.- INTERNATIONAL RECIDIVISM
Conviction by a foreign jurisdictional body for crimes of the same nature as those contemplated in this title produces the effects of recidivism, unless the criminal record has been or could have been expunged under Honduran law.

TITLE XX
CRIMES AGAINST HERITAGE

CHAPTER I
THEFT

ARTICLE 357.- SIMPLE THEFT. Whoever, with the intention of making a profit for himself or for a third party and without consent, takes possession of another person's furniture whose value exceeds Five Thousand Lempiras (L.5,000), shall be punished with a prison sentence of six (6) months to two (2) years.

ARTICLE 358.- CATTLE OR CROP THEFT.
The crime of cattle theft is committed in the following cases:

1) Major livestock with a value greater than Five Thousand Lempiras (L.5,000), should be punished with a prison sentence of two (2) to four (4) years; and,

2) Minor livestock with a value greater than Ten Thousand Lempiras (L.10,000), should be punished with a prison sentence of (1) to three (3) years.

If it does not exceed such value but does exceed Five Thousand Lempiras (L.5,000) it must be punished with the corresponding penalty for the crime of theft.
The penalties described in the previous numbers, except in the second paragraph of number 2), shall be increased by one third (1/3) if the subject takes over three (3) or more heads of cattle or small livestock.

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The crime of crop theft is committed by anyone who, for commercial purposes, transports, stores, packages, transforms or transfers products of marine, land or aquaculture origin, without the required documents and without having otherwise accredited the authorization to carry out the above operations, shall be punished with imprisonment of one to three (3) years.

If the value of the products transported without the accompanying documents referred to in the previous paragraph, exceeds the amount of Twenty Thousand Lempiras (L.20,000), the penalty must be three (3) to four (4) years of imprisonment.

ARTICLE 359.- THEFT OF POSSESSION The owner of a movable thing or other person with his consent, which deprives the person who legitimately has it in his possession, to the detriment of the possessor or a third party, should be punished with imprisonment of six (6) months to one (1) year if the value of the thing does not exceed Five Thousand Lempiras (L5,000) and if it is higher the penalty should be increased by one third (1/3).

CHAPTER II

THEFT

ARTICLE 360.- ROBBERY WITH FORCE. Whoever, with the intention of making a profit, takes possession of another person's furniture by using force on things, shall be punished with a prison sentence of two
(1) to four (4) years.

For the purposes of this precept, force in things is understood to mean the execution of the act with the concurrence of any of the following circumstances:

1) With scaling;

2) Breaking wall, ceiling or floor;

3)Fracturing door, window or cabinet;

4)Breaking furniture or closed object or with
lock picking or discovery of
keys to subtract their content, either at the site of the theft or outside it;

5) Disabling specific alarm, guard or other similar systems; or

6) Using false keys. False keys are understood to mean:

a) Lock picks or other similar instruments;

b) The legitimate keys lost by the owner or obtained by a means that constitutes a criminal offence;

c) Those keys other than those intended by the owner to open the lock violated in the crime; and

d) Use of magnetic or punched cards, remote controls or opening instruments, remote control or other electronic devices capable of causing the opening.

ARTICLE 361.- THEFT WITH VIOLENCE OR INTIMIDATION. Whoever, with the intention of profit, takes possession of another's property using violence or intimidation of people, should be punished with a prison sentence of four (4) to eight (8) years, without prejudice to the sentence corresponding to the acts of violence he carries out.

ARTICLE 362.- CATTLE THEFT. Whoever using force in things, commits the crime of cattle theft, must be punished as follows:

1) Major livestock, with a prison sentence of four (4) to six (6) years; or

2) Minor livestock, with a prison sentence of three (3) to five (5) years.

The penalties described in (1) above should be increased by one-third (1/3) of the subject's ownership of three (3) or more head of cattle.
If the theft of livestock is carried out with violence or intimidation of people, it should be punished by six (6) to eight

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(8) years of imprisonment, without prejudice to that corresponding to the acts of violence that he carries out.

CHAPTER III

GENERAL PROVISIONS FOR THE CRIMES OF THEFT AND ROBBERY

ARTICLE 363.- SPECIFIC AGGRAVATING CIRCUMSTANCES. Penalties for theft or robbery must be increased by one-third (1/3) when any of the following circumstances apply

1) Things of scientific, artistic, historical, cultural or monumental value are subtracted;

2) It is a matter of basic needs and a situation of shortage arises;

3) It is something intended for a public service, whether publicly or privately owned, and a serious loss is caused to it;

4) The fact is especially serious considering the value of the subtracted effects;

5) Damages of special consideration occur;

6) The victim or his family is put in a serious financial situation;

7) The conduct is carried out by abusing the victim's personal circumstances;

8) Minors are used to commit the crime; or

9) The acts are committed using weapons or other equally dangerous means or instruments carried by the subject.

In the case of two or more of the above circumstances, the penalty for theft or robbery must be increased by two thirds (2/3).

CHAPTER IV

MOTOR VEHICLE THEFT AND ROBBERY

ARTICLE 364.- THEFT AND ROBBERY OF USE OF MOTOR VEHICLE. Whoever, without the intention of appropriation, steals or uses without due authorization a motor vehicle must be punished with the penalty of one (1) to three (3) years' imprisonment, if returned to the place where it was taken or to its owner, within a period not exceeding twelve hours.

If force is used to remove things, the penalty should be two (2) to four (4) years in prison.

If it is not returned within the period indicated in the first paragraph of this article, the act must be punished as theft or robbery.

If violence or intimidation is used against people for the robbery, it must be punished with the penalties of robbery with violence and intimidation.

CHAPTER V

SCAMS AND OTHER FRAUDS

ARTICLE 365.- FRAUD. A fraud is committed by a person who, with the intention of making a profit, uses sufficient deception to produce an error in another person and induces him to carry out an act of disposition to the detriment of himself or another person. The crime of fraud is also committed in the following cases

1) Whoever, with the purpose of obtaining an illicit profit, obtains the non-consensual transfer of any asset to the detriment of a third party, by means of computer manipulation or the use of other similar artifices; and,

2) Whoever illegitimately uses a credit or debit card, check, promissory note, bill of exchange, the data contained in any of them or any other similar form of payment, carries out for profit operations to the detriment of the holder or a third.

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The crime of fraud is punishable by imprisonment from two (2) to four (4) years if the value of the fraud exceeds Five Thousand Lempiras (L5,000).

In determining the penalty for these crimes, the amount of the fraud, the economic loss caused to the injured party, the relationship between the injured party and the fraudster, the means used by the defendant, and any other similar circumstances that may serve to assess the seriousness of the offense must be taken into account.

ARTICLE 366.- SPECIFIC AGGRAVATING CIRCUMSTANCES. Penalties provided for in this chapter must be increased by one third (1/3) if any of the following circumstances apply

1) The facts fall on things of primary need or destined for a public service, public or private ownership or housing;

2) The property that is the object of the crime is part of the historical, artistic, cultural or scientific heritage of the nation;

3) The facts are particularly serious because of the amount defrauded;

4) The facts are committed with abuse of signature or subtraction, concealment or disablement, in whole or in part, of any procedure, record, protocol or public or official document of any kind;

5) The facts are committed in the financial sector; or,

6) The facts are carried out by whoever has the condition of de facto or de jure administrator of a company constituted or in formation.

In the case of two or more of the above circumstances penalties may be increased by up to two-thirds (2/3).

ARTICLE 367.- IMPROPER SCAMS. You must
Any person who commits any of the following acts shall be punished by imprisonment of three (3) to five (5) years:

1) Whoever, to the detriment of a third party, disposes of a movable or immovable thing concealing the existence of any charge or encumbrance on it;
2) Whoever alienates, taxes or rents a movable or immovable thing, falsely attributing to himself powers of disposal over the thing;
3) Whoever grants a simulated contract to the detriment of another; and,
4) Whoever, in a judicial proceeding, manipulates the evidence on which he intends to base his allegations or employs other similar procedural fraud, causing an error in the competent Jurisdictional Body and leading it to issue a decision that harms the economic interests of the other party or a third. This type of fraud is also committed by those who, in the manner described, cause the opposite party to make an error, leading them to change their procedural will and damaging their economic interests.

ARTICLE 368.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of this Code, a legal person is responsible for the crimes covered by this chapter, it shall be subject to the penalty of closure of the premises and establishments it has used to commit this crime for a period of one (1) to five (5) years and a fine of twice the value of the defrauded.

ARTICLE 369.- ENERGY, FLUIDS AND TELECOMMUNICATIONS FRAUDS Who with
The person who, with the intention of making a profit, appropriates, subtracts or uses electricity, gas, water, telecommunications, energy or other fluids, using clandestine or unauthorized means, must be punished with the following penalties

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1) Prison from six (6) months to one (1) year and a fine of one hundred (100) to two hundred (200) days if the value of the defrauded exceeds Five Thousand Lempiras (L5,000) and does not exceed Fifty Thousand Lempiras (L.50,000.00);

2) Prison from one (1) year to two (2) years and a fine of two hundred (200) to three hundred (300) days if the value of the defrauded amount exceeds Fifty Thousand Lempiras (L.50,000.00) and does not exceed Two Hundred Thousand Lempiras (L.200,000.00); or

3) Prison from two (2) to three (3) years and fine from three hundred (300) to four hundred (400) days if the value of the defrauded exceeds Two Hundred Thousand Lempiras (L.200,000.00).

CHAPTER VI
FRAUDULENT ADMINISTRATION AND MISAPPROPRIATIONS

ARTICLE 370.-FRAUDULENT ADMINISTRATION Whoever has powers granted by law, judicial or administrative resolution or legal business to administer another's assets, exceeds in its exercise and causes damage to the assets of the administered, must be punished with the penalties established in articles 365 or 366 of this Code.

ARTICLE 371.- APPROPRIATION AND RETENTION UNUSUAL. The penalties established in articles 365 or 366 of the present Code shall be imposed on the person who, having in his power or custody a movable thing, money or a value belonging to another, by a title that produces the obligation to deliver or return it, appropriates it or denies having received it, to the detriment of another.

The same penalty is incurred by those who do not appropriate the thing and use it improperly, to the detriment of others.

ARTICLE 372.- IRREGULAR APPROPRIATION. Must be punished by a fine of fifty (50) to two hundred (200) days, whoever performs any of the following behaviors:

1) Who, for profit, appropriates something lost or without a known owner with a value greater than Five Thousand Lempiras (L.5,000). If it is something with artistic, historical, cultural or scientific value, the penalty must be increased by a quarter (1/4); and,

2) Whoever receives by mistake a piece of furniture with a value of more than Five Thousand Lempiras (L.5,000), denies having received it or does not proceed to its return after having been claimed.

CHAPTER VII
EXTORTION

ARTICLE 373.- EXTORTION. Whoever, with violence or intimidation and with a view to profit, forces or tries to force another to perform or omit an act or legal transaction to the detriment of his or her own or a third party's assets, shall be punished with a prison sentence of ten (10) to fifteen (15) years and a fine of five hundred (500) to one thousand (1000) days, without prejudice to those that may be imposed for the acts of physical violence or intimidation performed.

If death is caused, either intentionally or recklessly, to the extorted person, the spouse, domestic partner, or a family member within the fourth degree of consanguinity or second degree of affinity, or any person who has an employment relationship with the victim or with the extorted legal entity, the penalty shall be life imprisonment.

ARTICLE 374.- SPECIFIC AGGRAVATING CIRCUMSTANCES. It is should increase the penalties by one third (1/3) when any of the following circumstances apply:

1) When the acts are committed within the scope of an organized criminal group;
2) When employing minors or persons with a disability for the execution of the crime;
(3) When the act is committed on a victim who is particularly vulnerable because of his or her age, disability or situation, or on a public official or employee because of the duties he or she

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4) When the culprit is a public official or employee acting with abuse of office. In this case, in addition to the corresponding penalties, a special disqualification for public office or office of fifteen (15) to twenty (20) years must be imposed.

ARTICLE 375.- SPECIFIC MITIGATING FACTORS The

Penalties provided for in the preceding articles, except for life imprisonment, must be reduced by one third (1/3) if any of the following circumstances apply

1) Confession of the extortion activities in which the guilty party has participated and the consequent provision or obtaining of evidence;

2) Collaboration with the authorities to prevent the perpetration of crimes of extortion or to mitigate their effects, or to provide or obtain evidence of others already committed; or

3) Collaboration with the authorities for the identification and prosecution of those responsible for the commission of extortion crimes.

ARTICLE 376.- PUNISHMENT OF ACTS PREPARATIONS. Conspiracy, proposal or provocation to commit the crime of extortion shall be punished by imprisonment from one (1) to three (3) years, unless it is punished with a higher penalty in another provision of this Code.

ARTICLE 377.- INTERNATIONAL RECIDIVISM

The conviction of a foreign Jurisdictional Body for crimes of the same nature as those provided for in this chapter, produces the effects of recidivism, unless the criminal record has been or could have been cancelled under Honduran law.

CHAPTER VIII
USURPATIONS

ARTICLE 378.- USURPATION. Whoever, with violence usurps a real estate right of another person, should be punished with a prison sentence of two (2) to four (4) years, without prejudice to the imposition of the corresponding penalties for the violence exercised.

Anyone who, by means of violence or intimidation against persons, occupies without authorization, without the intention of appropriating and incorporating said property into his personal patrimony, a property, dwelling or building belonging to another person that does not constitute a dwelling, shall be punished with a prison sentence of one (1) to two (2) years.

ARTICLE 379.- ALTERATION OF TERMS OR LIMITS. Whoever, in order to take possession of a property or part of it, alters the terms, limits or any other signal destined to fix the limits of adjacent properties, must be punished with a prison sentence of one (1) to three (3) years.

ARTICLE 380.- USURPATION OF WATER Who without

be authorized to divert from its course waters for public or private use or a natural or artificial reservoir, shall be punished by imprisonment of one (1) to three (3) years.

The same penalty applies to anyone who obstructs or prevents the exercise of the rights of a third party over such waters.

These penalties should be increased by one third (1/3) when the waters are intended for the supply of stocks and there is a shortage.

CHAPTER IX
DAMAGE OFFENCES

ARTICLE 381.- DAMAGES. Whoever destroys, deteriorates, renders useless or causes damage to another's property, not included in other provisions of this Code, shall be punished with a prison sentence of six (6) months to two (2) years and a fine of one hundred and eighty (180) to seven hundred and twenty (720) days if the amount of the damage exceeds Five Thousand Lempiras (L5,000).

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1) The damage is caused by infection, contagion of animals or plants, without prejudice to the corresponding penalties for affecting public health or unless the act is punished with a greater penalty in another provision of this Code;

2) Poisonous, corrosive, explosive or inflammable substances are used, without prejudice to the corresponding penalties for affecting public health or unless the act is punished with a greater penalty in another provision of this Code;

3) Whoever destroys, deteriorates, disables or causes damage to another's property, affects property of public or communal use, or seriously affects the general interests; or

4) The damage caused places the owner of the property right in a situation of insolvency or places him in a serious economic situation.

In the case of two or more of the above circumstances, the penalty for the crime of damages must be increased by two thirds (2/3).

ARTICLE 383.- DAMAGE TO INFRASTRUCTURE OR EQUIPMENT. Whoever destroys, deteriorates, disables or damages buildings, establishments, facilities, vessels, aircraft, vehicles or other similar resources, military, police or state security forces, shall be punished with imprisonment of three (3) to six (6) years and a fine of three hundred (300) to one thousand (1000) days if the amount of the damage exceeds Five Thousand Lempiras (L.5,000) and if it does not exceed such amount, with imprisonment of two (2) to five
(5) years and a fine of three hundred (300) to five hundred (500) days, unless the act is punishable by a greater penalty under another provision of this Code.

The above penalties should be increased by a third (1/3) if the above facts affect large infrastructure such as ports, airports or public transport networks.

ARTICLE 384.- IMPRUDENT DAMAGES. The damages caused by serious negligence in excess of Five Hundred Thousand Lempiras (L.500,000), should be punished with a fine of one hundred (100) to three hundred and sixty (360) days or with the penalty of providing public utility services or victims from three (3) to six (6) months.

These damages are only prosecutable upon complaint by the owner of the damaged thing or his legal representative. The Public Prosecutor's Office (MP) may also denounce when the latter is a minor or a person with a disability or one referred to in Article 382 of the present Code.

ARTICLE 385.- FORGIVENESS OF THE OFFENDED PARTY. The criminal liability for the crimes provided for in this chapter is extinguished, except in the case contemplated in Article 382 of this Code, by the pardon of the offended party or his legal representative, without prejudice to the provisions of Article 107 of this Code.

CHAPTER X
USURY CRIME

ARTICLE 386.- USURY. A loan is understood to be usurious if it stipulates a notoriously disproportionate interest in accordance with that established in the National Financial System and the circumstances of the case, and there are reasons to believe that it has been accepted by the borrower due to his or her distressing situation, inexperience or limited knowledge of the subject matter or mental faculties. In any case, a notoriously disproportionate interest is considered to be that which exceeds by six points the average rate, as established by the National Financial System.

Whoever, acting as a lender, in law or in fact, stipulates a usurious loan contract, shall be punished with imprisonment of two (2) to four (4) years and a fine of an amount equal to or double the amount of the loan.

For these purposes, a loan is understood to be a contract by which one of the parties delivers to the other an amount of

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money with the condition of returning another one of the same kind and quality plus interest, regardless of the fact that the formalization of the same is done under the appearance of another type of contract.

The penalty provided for in the second paragraph of this provision shall be increased by one third (1/3) when any of the following circumstances apply

1) When the lender is a registered professional and his/her usual activity is the granting of loans; or

2) When the loan is made to people who are in a serious economic situation.

With the same penalties as in the previous paragraphs, in their respective cases, whoever acquires or tries to assert a credit knowing the usurious characteristics of the same must be punished.

The corresponding penalty must be imposed increased by one third (1/3) when the conduct is committed within an organized criminal group.

When, in accordance with the provisions of Article 102 of this Code, a legal entity is responsible for the crimes contained in this chapter, it must be imposed the penalty of dissolution or a fine of five hundred (500) to one thousand (1,000) days.

Additionally, some of the following sanctions may be imposed following:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;

2) Closure of the premises and establishments that were used to carry out the crime, for a period that cannot exceed five (5) years;

3) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favored or covered up; and

4) Ineligibility to obtain public subsidies and aid, to contract with the public sector and to enjoy tax or social security benefits and incentives, for a period not to exceed fifteen (15) years.

CHAPTER XI
UNAUTHORIZED LOTTERIES AND GAMES

ARTICLE 387.- LOTTERIES AND GAMES NO AUTHORIZED. The producers or retailers of traditional or electronic lottery tickets and those who carry out raffles, draws and other games of chance that are not licensed or legally authorized, shall be punished with a prison sentence of two (2) to four (4) years and a fine of five hundred (500) to one thousand (1,000) days.

The above penalties should be applied without prejudice to those that may apply for other crimes and in particular for the commission of crimes of illicit association.

Exceptions are raffles and draws that exceptionally are made for charitable, political, educational, recreational, promotion of the arts or sports that are made by the centers, organizations or establishments dedicated to these activities.

CHAPTER XII GENERAL PROVISION

ARTICLE 388.- EXEMPTION FROM LIABILITY CRIMINAL. The following persons are exempt from criminal liability and subject only to civil liability for the patrimonial crimes that are caused between them

1) The spouses or those who maintain a stable relationship of analogous nature to the previous one, as long as in both cases they live under the same roof;

2) The ascendants, descendants and siblings by blood or adoption and afi in the first degree, provided that in the latter case live together; and

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3) The widow or widower, with respect to the things belonging to his or her deceased spouse, as long as they have not passed into the possession of another.

This article does not apply to third parties who participate in the commission of the crime.

This cause for exemption from criminal liability cannot be seen in cases where violence or intimidation has been used, the subject is abusing a special situation of prevalence over the victim, or the crime is gender-based.

TITLE XXI
CRIMES RELATED TO INTELLECTUAL AND INDUSTRIAL PROPERTY

CHAPTER I
CRIMES AGAINST INTELLECTUAL PROPERTY

ARTICLE 389.- CRIMES AGAINST COPYRIGHT AND RELATED RIGHTS For profit, to the detriment of third parties and without the authorization of the owners of the corresponding copyright and related rights or their assignees, reproduces, distributes, publicly communicates or transforms a literary, artistic or scientific work or any benefit or property protected by copyright and related rights, shall be punished with imprisonment from three (3) to six (6) years and a fine of an amount equal to or up to three times the benefit obtained or intended.

Whoever, without the authorization of the owner and with the intention of making a profit, stores, imports or exports copies of said works, services, productions or performances, when they are destined to be distributed or communicated publicly, must be punished with the same penalty.

Taking into account the characteristics of the guilty party and the reduced amount of the economic benefit obtained or that could have been obtained, the competent Jurisdictional Body may impose in the cases of the previous paragraphs the penalty of house arrest from six (6) months to one (1) year.

The competent Jurisdictional Body may also order the withdrawal of the works or services that are the object of the infringement, in the event that the illegal exploitation is carried out through the Internet, from a web page or portal in which they are found. When in such web page or portal the contents object of the intellectual property are spread exclusively or predominantly, it must be ordered by them the interruption of the provision and also, they can solve the suspension of the activity or the closing of the same one.

ARTICLE 390.- SPECIFIC AGGRAVATING CIRCUMSTANCES. Must be punished with imprisonment from four (4) to six (6) years, a fine equal to double or up to triple the benefit obtained or pretended and special disqualification for the exercise of the profession, trade, industry or commerce related to the crime carried out from one (1) to three (3) years, whoever commits the illicit described in the previous article under any of the following circumstances

1) When there is plagiarism, denying the real authorship of the work or of essential parts of it by means of the attribution of their own or third party paternity;

2) When the illicit exploitation involves the original disclosure of the work against the author's will and without being allowed by the Law on Copyright and Related Rights;

3) Illegal exploitation is carried out in violation of the right to the integrity of the work;

4) The facts are particularly serious, given the number of objects produced illegally or works affected, their transformations, the execution or interpretation of them, their illegal reproduction, distribution, communication to the public or making them available, or the special importance of the damage caused; or,

5) The acts are committed within an organized criminal group.

ARTICLE 391.- ILLICIT ENJOYMENT OF SERVICES OF CONDITIONAL ACCESS. Whoever, for profit and without authorization, facilitates intelligible access to a

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The use of any form of radio, sound or television broadcasting by electronic, analogical, digital terrestrial, satellite or Internet means, or interactive services provided at a distance by electronic means, shall be punished by imprisonment of one (1) to three (3) years and a fine of an amount equal to or up to three times the benefit obtained.

Whoever, for profit and without authorization, manufactures, assembles, modifies, imports, exports, sells, leases, installs, maintains, replaces or in any other way distributes or markets devices or systems that serve to fraudulently access a conditional access service of the kind provided for in the previous paragraph, shall be punished with a prison sentence of one (1) to two (2) years and a fine of an amount equal to or up to three times the profit obtained.

The above penalties should be increased by one third (1/3) in the following cases:

1) The conduct has a great economic significance in view of the high profits obtained or the damages caused to the supplier; or,

2) The acts are committed within the scope of an organized criminal group.

Taking into account the characteristics of the guilty party and the reduced amount of the economic benefit obtained or that could have been obtained, the competent Jurisdictional Body may impose in the cases of the previous paragraphs of the present article, a prison sentence of six (6) months to one (1) year.

ARTICLE 392.- CIRCUMVENTION OF MEASURES TECHNOLOGIES. Who, without authorization of the respective owners, with profit spirit and in damage of third party eludes or evades any effective technological measure that is directed to prevent the violation of the copyright and related rights, should be punished with the penalties of prison of one (1) to three (3) years and fine for an amount equal to or up to three times the benefit obtained.

With a prison sentence of one (1) to two (2) years and a fine of an amount equal to or up to three times the benefit obtained, the must punish anyone who makes, manufactures, reproduces, distributes, imports or exports, or makes available to the public for commercial purposes, for profit and to the detriment of third parties, any program, tool, medium or procedure, aimed at illegitimately facilitating the removal or neutralization of any technological measure specifically designed to prevent the violation of copyright and related rights.

Taking into account the characteristics of the guilty party and the reduced amount of the economic benefit obtained or that could have been obtained, the competent Jurisdictional Body may impose in the cases of the previous paragraphs the penalty of house arrest of six (6) months to one (1) year.

CHAPTER II
CRIMES AGAINST INDUSTRIAL PROPERTY

ARTICLE 393.- ILLEGITIMATE USE OF PATENT. Whoever, with industrial or commercial fi, without the consent of the owner of a patent, utility model or industrial design and with knowledge of its registration, manufactures, imports, uses, offers or puts on sale products or processes protected by such rights, must be punished with imprisonment from three (3) to six (6) years and a fine for an amount equal to or up to three times the benefit obtained.

ARTICLE 394.- ILLEGITIMATE USE OF BADGES OR TRADEMARKS. Whoever, for industrial or commercial purposes, without the consent of the owner of a distinctive sign or registered trademark and with knowledge of its registration, performs any of the following conducts, shall be punished with imprisonment from one (1) to four (4) years and a fine of an amount equal to or up to three times the benefit obtained

1) Manufactures, produces, imports or stores products that incorporate a distinctive sign that is identical, similar or confusingly similar; or
2) Offers, distributes or markets products that incorporate a distinctive sign identical, similar or confusing with that.

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The street or occasional sale of the products referred to in the previous numeral, must be punished with a prison sentence of one (1) to three (3) years.

Taking into account the characteristics of the guilty party and the reduced amount of the economic benefit obtained or that could have been obtained, the competent Jurisdictional Body may impose in the cases of the previous paragraphs, instead of the prison sentence, the fine of thirty (30) to one hundred and fifty (150) days.

ARTICLE 395.- DISCOVERY AND DISCLOSURE OF INDUSTRIAL OR COMMERCIAL SECRETS. Who in order to illegitimately obtain a company secret, takes possession by any means of data, written or electronic documents, computer media or other objects that refer to it, intercepts communications or in any other illegitimate way seeks such confidential information, must be punished by imprisonment of two to four (4) years and fine for an amount equal to or up to triple the benefit obtained.

Whoever reveals or uses for his own benefit the company secret thus obtained, must be punished with the penalties provided for in the previous paragraph increased by one third (1/3).

Whoever, without authorization of the owner, reveals or uses for his own benefit a company secret to which he has had legitimate access but with duty of reserve, must be punished with imprisonment from two (2) to five (5) years and a fine of an amount equal to or up to three times the benefit obtained.

CHAPTER III COMMON PROVISIONS

ARTICLE 396.- SPECIFIC AGGRAVATING CIRCUMSTANCES. It is must increase the penalty by one-third (1/3) when any of the crimes in the previous chapter are committed in any of the following circumstances:

1) The fact has a special economic importance taking into account the benefit obtained, the damage caused or the value of the objects illegally produced;

2) The act is committed in the context of an organized criminal group; or

3) Children under the age of eighteen (18) are used to commit these crimes.

ARTICLE 397.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of this Code, a legal entity is responsible for the crimes covered by this title, it shall be sentenced to the closure of its premises and establishments for a period of three (3) to five (5) years or fine of five hundred (500) to one thousand (1,000) days. Additionally, some of the following sanctions may be imposed:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;

2) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favoured or covered up; and

3) Ineligibility to obtain public subsidies and aid, to contract with the public sector and to enjoy tax or social security benefits and incentives, for a period not to exceed fifteen (15) years.

TITLE XXII
NETWORK AND COMPUTER SYSTEM SECURITY

ARTICLE 398.- UNAUTHORIZED ACCESS TO COMPUTER SYSTEMS. Whoever, violating the security measures established to prevent it, accesses all or part of a computer system without authorization, shall be punished with imprisonment of six (6) to eighteen (18) months or a fine of one hundred (100) to two hundred (200) days. The penalty of the previous paragraph must be increased by one third (1/3) if the system accessed refers to structures or services essential to the community.

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ARTICLE 399.- DAMAGE TO DATA AND SYSTEMS COMPUTERS. Whoever by any means and without authorization introduces, deletes, deteriorates, alters, suppresses or makes inaccessible in a serious way computer data, must be punished with a prison sentence of one (1) to two (2) years or a fine of one hundred (100) to three hundred (300) days.

Whoever, without being authorized, totally or partially disables the operation of a computer system, preventing access to it or impeding the development of any of its services, shall be punished with a prison sentence of one (1) to three (3) years or a fine of one hundred (100) to four hundred days.

The penalties set out in the two (2) paragraphs above should be increased by one third (1/3) when the conduct described causes serious economic damage or affects essential structures or services for the community.

ARTICLE 400.- ABUSE OF DEVICES. The manufacture, import, sale, facilitation or obtaining for use of devices, software, passwords or access codes, intended or adapted for the commission of the crimes of computer damage or illegal access to computer systems, shall be punished by imprisonment of six (6) months to one (1) year or a fine of one hundred (100) to two hundred (200) days.

ARTICLE 401.- IMPERSONATION

He must be punished with a prison sentence of six (6) months to one (1) year or a fine of one hundred (100) to three hundred (300) days, who with a defrauding spirit and through information and communication technologies, impersonates a natural or legal person.

ARTICLE 402.- AGGRAVATING CIRCUMSTANCES. The penalties provided for in this title should be increased by one third (1/3) for those who commit the crime in any of the following circumstances:

1) The culprit is the person responsible for or in charge of the system or, is authorized to access the data or computer systems; or,
2) The offender belongs to an organized criminal group.

For the crimes provided for in this title, together with the corresponding penalty, special disqualification for the same period must be imposed for the exercise of the profession, trade, industry or commerce related to the conduct.

If the crime has been committed by a public official or employee, the penalty of absolute disqualification for the duration of the sentence must also be imposed, under the same conditions as in the previous case.

ARTICLE 403.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of this Code, a legal entity is responsible for the crimes included in this title, it shall be subject to the penalty of suspension of its specific activities from three (3) to five (5) years and from three hundred (300) to five hundred (500) days of fine.

ARTICLE 404.- SPECIAL RULES OF JURISDICTION. The national Jurisdictional Bodies must know about the computer crimes, when they are executed in the following cases:

1) In Honduras, even if they are directed against data or computer systems located outside of it; or
2) Against data or computer systems located in Honduras, even if the culprit had acted from outside the national territory.

ARTICLE 405.- LEGAL DEFINITIONS. To the effects of this title, it is understood by:

1) Computer Data: the basic units of information, whatever their content, expressed in a form that allows their treatment by an information system, including the programs that make it possible for this function to be carried out;
2) Computer system: a device or set of interconnected or related devices that allow, thanks to a program, the

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automated processing of computer data, so that it covers both the hardware and the software necessary for its operation; and

3) Computer program: the sequence of instructions or indications necessary for the computer system to perform a function or task or to obtain a certain result.

TITLE XXIII CRIMES AGAINST ORDER SOCIOECONOMIC

CHAPTER I
FRAUDULENT BANKRUPTCY AND INSOLVENCY

ARTICLE 406.- DELITO DE QUIEBRA FRAUDULENT. The merchant or businessman who, with the purpose of evading the obligations in his charge with respect to his creditors and within the twelve (12) months prior to the judicial declaration of bankruptcy, executes any of the following conducts, shall be punished with a prison sentence of one (1) to three (3) years and special disqualification for twice the duration of the prison:

1) He raises all or part of his assets, hiding, damaging or destroying them, or performs or simulates any other fraudulent acts or operations that increase his liabilities or decrease his assets;

2) It infringes the applicable regulations on commercial accounting books, making it impossible to deduce the true economic situation of the company; or,

3) It unduly favors a creditor, making payments to him or her or granting him or her guarantees or preferences to which he or she is not entitled.

He shall be punished by imprisonment of three (3) to five (5) years (5) years and absolute disqualification for double the time that the prison sentence lasts, the merchant or businessman who performs the above behaviors being involved in a bankruptcy proceeding.

ARTICLE 407.- SPECIFIC AGGRAVATING CIRCUMSTANCES. The Prison sentences indicated in the above precepts must be increased by one third (1/3) when any of the following circumstances apply:

1) Serious damage is caused to one or more creditors, depending on both the amount of the bankruptcy and the situation in which the creditors are left;

2) The bankruptcy of a public or state corporation, managed or directed by employees or public officials or persons appointed by the administration. In this case, in addition, the penalty of special disqualification must be imposed for twice the duration of the prison sentence; or,

3) The bankruptcy of a credit institution or one belonging to the National Financial System occurs.

ARTICLE 408.- LIFTING OF GOODS. It must be

The same penalties provided for the crime of bankruptcy shall apply to anyone who, in order to refrain from paying or complying with his obligations, performs any of the following acts:

1) It hides its assets, disposes of them or taxes them without notifying its creditors in an irrefutable manner fifteen (15) days in advance or simulates disposals or credits;
2) Declares non-existent credits, expenses, debts or disposals to the detriment of another; or,
3) You move abroad without leaving a representative or sufficient assets to respond to the payment of your debts.

ARTICLE 409.- FRAUDULENT INSOLVENCY

The non-commercial debtor who has filed for bankruptcy and who, in order to defraud his creditors, commits any of the actions described in the preceding articles of this chapter during the twelve (12) months prior to the declaration of the bankruptcy, must be punished with the respectively applicable penalties reduced by one third (1/3).

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ARTICLE 410.- FORCED LIQUIDATION OF FINANCIAL INSTITUTIONS. The provisions of the preceding articles of this chapter are applicable with respect to uprisings and insolvencies committed within the framework of a procedure of forced liquidation of an entity or institution supervised by the National Commission of Banks and Insurance Companies (CNBS).

ARTICLE 411.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of the present Code, a legal entity is responsible for the crimes included in this chapter, it shall be subject to the penalty of a fine equal to or up to three times the benefit obtained or intended.

Additionally, some of the following sanctions may be imposed following:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;

2) Closure of the premises and establishments that were used to carry out the crime, for a period that cannot exceed five (5) years;

3) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favored or covered up;

4) Disqualification from obtaining public subsidies and aid, from contracting with the public sector and from enjoying tax or social security benefits and incentives, for a period not to exceed fifteen (15) years; and

5) Judicial intervention to safeguard the rights of workers or creditors for the time deemed necessary, but which cannot exceed five (5) years. This intervention may be total or partial, shall have the content established in the judicial resolution and may be modified by the judge, both materially and temporarily, in view of the reports that periodically carried out by the auditor and the Public Prosecutor's Office (MP).

CHAPTER II
CRIMES AGAINST THE ECONOMY, THE MARKET AND THE CONSUMERS

ARTICLE 412.- REMOVAL OF MATERIALS PREMIUM OR OTHER PRODUCTS**:** Whoever, with the deliberate purpose of harming consumers, disrupting the market or altering the formation of prices, removes from the market by any means raw materials, products or services of primary need or financial products, shall be punished by imprisonment of three
(3) to five (5) years and a fine of an amount equal to or double the value of the defrauded.

If the acts are carried out taking advantage of a situation of serious need or catastrophe, the penalties should be increased by one third (1/3).

ARTICLE 413.- SPREADING OF FALSE NEWS OR RUMORS AND ABUSE OF INFORMATION PRIVILEGED. Whoever, with the purpose of altering or preserving the prices that would result from free competition, would suitably disseminate false news or economic rumors that would affect any type of contracting, including the quotation of securities or financial instruments, causing a benefit for himself or for a third party, greater than One Million Lempiras (L1.000,000) or an injury for the same amount, must be punished with imprisonment from two (2) to four (4) years and a fine of an amount equal to or up to three times the value of the benefit obtained or the injury caused. If the crime is committed by a public official, exchange or stockbroker or broker, the penalty must be aggravated by one third (1/3) and a special disqualification from public office or trade for up to five (5) years must be imposed.
Whoever, using violence, intimidation or deceit, tries to alter or preserve the prices that would result from free competition, affecting any modality of contracting, including the quotation of securities or financial instruments, must be punished with the prison sentences of

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two (2) to four (4) years and a fine of three hundred (300) to five hundred (500) days If the crime is committed by a public official, exchange or stockbroker or broker, the penalty must be increased by one third (1/3) and a special disqualification from public office of two (2) to five (5) years must be imposed, without prejudice to the penalty that may correspond to him for other crimes committed.

Anyone who, by using privileged information, carries out transactions or gives trading orders likely to provide misleading indications about the supply, demand or price of securities or financial instruments, or by using the same information ensures for himself or in concert with others, a dominant position in the market for such securities or instruments, with the purpose of fixing their prices at abnormal or artificial levels, is punished with the same penalties as in the previous paragraph.

Whoever, by himself or by an intermediary, and using some relevant information for the quotation of any kind of securities or instruments traded in any organized market to which he has access as a consequence of the exercise of his professional activity, obtains for himself or for a third party a benefit greater than One Million Lempiras (L.1,000,000), or an injury of the same amount, shall be punished by imprisonment for two (2) to four (4) years and a fine of an amount equal to or up to three times the value of the benefit obtained or the injury caused and special disqualification from the profession or trade of two
(2) to five (5) years.

The penalty must be increased by one third (1/3) if the benefit obtained or the damage caused is of notorious importance or serious harm is caused to the general interests.

ARTICLE 414.- AGIOTAJE. Whoever, with the purpose of obtaining a profit for himself or for a third party, increases the prices of goods or public services above those set by the competent authorities, shall be punished with imprisonment from two (2) to four (4) years and a fine of an amount equal to or up to double the value of the defrauded. The penalty must be increased by one third (1/3) if it concerns raw materials, products or services of first or financial products. If the crime is committed by a public official, exchange or stockbroker or broker, the penalty must be increased by one third (1/3).

ARTICLE 415.- AGREEMENTS AND PRACTICES RESTRICTIVE OF COMPETITION With the deliberate purpose of restricting, diminishing, damaging, preventing or distorting free competition, they agree on prices, rates or discounts; they establish concerted transaction conditions to limit totally or partially the production, distribution, supply or commercialization of goods or services; they divide the market in territorial areas, clientele, supply sectors or sources of supply; or carry out practices of concertation or coordination of bids or to abstain from participating in bids, quotations, tenders, public, private or judicial auctions, must be punished with imprisonment from four (4) to eight (8) years and a fine of an amount equal to or up to four (4) times the benefit obtained or the damage or prejudice caused.

ARTICLE 416.- OBSTRUCTION OF PROCESSES BIDDING PROCESS OR AUCTIONS. Whoever, through violence, intimidation or deceit, obstructs public or private bidding procedures or judicial auctions, shall be punished with imprisonment from three (3) to five (5) years and a fine of one hundred (100) to five hundred (500) days.

ARTICLE 417.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of the present Code, a legal person is responsible for the crimes contained in this chapter, it shall be punished by a fine of five hundred
(500) to one thousand (1000) days.

Additionally, some of the following sanctions may be imposed following:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;

2) Closure of the premises and establishments that were used to carry out the crime, for a period not to exceed five (5) years;

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3) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favored or covered up;

4) Ineligibility to obtain public subsidies and aid, to contract with the public sector and to enjoy tax or social security benefits and incentives, for a period not to exceed five (5) years; and,

5) Judicial intervention to safeguard the rights of workers or creditors for the time deemed necessary, but not exceeding five (5) years. This intervention may be total or partial, shall have the content established in the judicial resolution and may be modified by the competent Jurisdictional Body, both materially and temporarily, in view of the reports periodically made by the auditor and the Public Prosecutor's Office (MP).

CHAPTER III CORRUPTION IN BUSINESS BETWEEN INDIVIDUALS

ARTICLE 418.- C O R R U P T I O N IN BUSINESS BETWEEN INDIVIDUALS. Who by himself or by interposition, obtains for a commercial company, partnership, association, foundation or organization or its owners, partners, directors or employees, an undue benefit or advantage, in exchange for favoring him or a third party over others and thus seriously affects competition, should be punished with imprisonment of two (2) to six (6) years, special disqualification from the exercise of industry or commerce for twice the duration of the prison sentence and a fine of equal or up to three times the value of the benefit or advantage.

With the same penalties should be punished the owner, partner, director, employee or collaborator of a commercial enterprise, or of a company, association, foundation or organization that in relation to acts of commerce and seriously affecting competition, by itself or by an intermediary, receives a benefit or advantage of any nature not justified, in exchange for favouring the benefit or advantage over third parties.

ARTICLE 419.- CORRUPTION IN SPORT. The provisions of the preceding article are applicable, in their respective cases, to the directors, administrators, employees or collaborators of a sports entity, regardless of its legal form, as well as to athletes, referees or judges, with respect to those conducts that have the purpose of deliberately and fraudulently predetermining or altering the result of a professional sports competition, test or encounter.

ARTICLE 420.- PUNISHMENT OF ACTS PREPARATIONS. Conspiracy, proposal or provocation to commit the crimes provided for in this chapter must be punished by the penalties reduced by two thirds (2/3).

ARTICLE 421.- SPECIFIC MITIGATING FACTORS The competent jurisdictional body, in view of the minor amount of the benefit or value of the advantage and the minor importance of the position and functions of the offender in the organization, may impose the corresponding penalties reduced by one third (1/3).

CHAPTER IV CORPORATE OFFENCES

ARTICLE 422.- FALSE ACCOUNTS, FINANCIAL INFORMATION OR OTHERS. The The administrators, de facto or de jure, of a company incorporated or in formation, who falsify the annual accounts or financial information or other documents that should reflect the economic or legal situation of an entity, in a way that is suitable to cause economic damage to it, to one of its partners or to a third party, should be punished with a prison sentence of one (1) to four (4) years and a fine of two hundred (200) to six hundred (600) days, as well as special disqualification for twice the duration of the prison.

In the event of financial loss, the penalty should be increased by one third (1/3) unless the

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application of other precepts of the present Code, will result in a more serious penalty, in which case these must be applied.

ARTICLE 423.- ABUSIVE MANAGEMENT. Who taking advantage of their majority position in the general meetings of partners or shareholders or in the administration body of any company constituted or in formation, impose abusive agreements, with the intention of their own or another's profit, to the detriment of the other partners or shareholders and without bringing benefits to the company, should be punished with imprisonment from one (1) to four (4) years or a fine for an amount equal to or up to three times the benefit obtained, and special disqualification from profession, trade, commerce and industry for twice the time the prison term lasts.

ARTICLE 424.- OBTAINING AGREEMENT BY MEANS OF A FICTITIOUS MAJORITY. The previous penalty must be aggravated by one third (1/3) in those cases in which the abusive agreement is adopted, to the detriment of the company or any of its partners, by a fictitious majority, obtained by executing any of the following conducts

1) Denying the right to vote to people who are legally entitled to it;
2) Granting the right to vote to people who legally lack this right;
3) Abusing a blank signature; or,
4) By any other means similar to the above.

The foregoing shall apply without prejudice to the penalties that may apply, where appropriate, for the commission of other crimes.

ARTICLE 425.- REFUSAL OR IMPEDIMENT OF CONTROL OF SUPERVISORY ENTITIES. The de facto or de jure directors of any company incorporated or formed, subject to or acting on markets subject to administrative regulation, who deny, prevent or hinder the action of regulatory or control entities, bodies or institutions, or the persons entrusted with these functions, should be punished by imprisonment of one (1) to four (4) years, fine of two hundred (200) to four hundred (400) days and special disqualification for profession, trade, commerce and industry for twice the duration of the prison.

ARTICLE 426.- PROCEEDINGS. The facts described in this chapter are only prosecutable by means of a complaint by the injured person or his or her legal representative. When the latter is a minor, a person with a disability or a handicapped person, he or she can also denounce the Public Prosecutor's Office (MP).

The denunciation required in the previous paragraph is not necessary when the commission of the crime affects the general interests of society or an indeterminate number of people.

ARTICLE 427.- CONCEPT OF SOCIETY. A For the purposes of this chapter, a company is understood to be any cooperative, financial or credit institution, foundation, corporation or any other entity of a similar nature that participates permanently in the market.

TITLE XXIV SMUGGLING AND CRIMES AGAINST PUBLIC FINANCE AND SOCIAL SECURITY

CHAPTER I SMUGGLING

ARTICLE 428.- SMUGGLING. A person commits the crime of smuggling who, without permission from the competent authority, imports or exports from the national territory, customs enclosures, general storage warehouses, sites subject to the temporary import regime and free zones, whatever their denomination or purpose, goods or merchandise of any kind, origin or provenance through non-authorized or authorized places, evading in any way the intervention of the customs or tax authorities, when the value of the goods or merchandise is equal to or greater than Fifty Thousand Lempiras (L.50,000) or when the smuggling is carried out through an organized criminal group regardless of the value of the goods.

If it is about toxic drugs, narcotics, psychotropic substances, precursors, firearms, ammunition

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explosives or any other property whose possession constitutes a crime or may be harmful to health, public safety or the environment, the crime of smuggling should not apply.

When the value of the goods or merchandise is equal to or greater than Fifty Thousand Lempiras (L.50,000), for the purposes of this article, the following are also considered acts of smuggling

1) The carrying out of trade operations in goods of licit trade without fulfilling the requirements legally established for import and export, for not having obtained the previous authorization when required, or when this has been obtained by virtue of the omission of data or the provision of false data or documents; and,

2) The possession of foreign goods not intended for personal use that lack the proper authorization, or when the same has been obtained through the omission of data or the provision of false data or documents. It is also considered smuggling the breaking, without authorization from the competent authority, of seals, seals, marks, doors, containers or other means of security of goods or merchandise, whether destined to the country or abroad.

ARTICLE 429.- PENALTY FOR THE CRIME OF COUNTERFEITING. The crime of smuggling is punishable by imprisonment of three (3) to five (5) years and a fine equivalent to double or triple the value of the goods or merchandise.

The public employee or official who participates by action or omission in the crime of smuggling shall be punished by imprisonment increased by one third (1/3), a fine equivalent to two hundred percent (200%) of the value of the goods or merchandise and special disqualification from public office from five (5) to ten (10) years.

When the person responsible for the crime is a member of an organized criminal group, he or she must be sentenced to imprisonment increased by one third (1/3) and a fine equivalent to two hundred percent (200%) of the value of the goods or merchandise.

In any tax offense, whether it is smuggling or tax fraud, by paying the amount not received by the State plus fifty percent (50%) of that value, the action must be terminated, if it is in the administrative headquarters of the Public Ministry (MP) applying a criterion of opportunity or through the figure of conciliation if the case is already in the competent Jurisdictional Body.

These penalties are imposed without prejudice to the penalties that may also apply to private crimes committed during the execution of the smuggling crime.

ARTICLE 430.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of the present Code, a legal person is responsible for the crimes included in this chapter, it shall be subject to the penalty of a fine of up to three times the benefit obtained or that could have been obtained, or the damage caused.

Additionally, some of the following sanctions may be imposed following:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;

2) Closure of the premises and establishments that were used to carry out the crime, for a period that cannot exceed five (5) years;

3) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favored or covered up;

4) Disqualification from obtaining public subsidies and aid, from contracting with the public sector and

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to enjoy tax or Social Security benefits and incentives, for a period not to exceed five (5) years;

5) Judicial intervention to safeguard the rights of workers or creditors for the time deemed necessary, but which cannot exceed five (5) years. This intervention may be total or partial, shall have the content established in the judicial resolution and may be modified by the competent Jurisdictional Body, both materially and temporarily, in view of the reports periodically made by the intervenor and the Public Prosecutor's Office (MP).

CHAPTER II

CRIMES AGAINST PUBLIC FINANCES

ARTICLE 431.- TAX FRAUD.

Whoever defrauds the Inland Revenue, by action or omission, evading the payment of taxes, levies, contributions or duties, of amounts withheld or that should have been withheld, or obtaining undue returns of amounts withheld on account of the payment of the tax or undue tax benefits, in an amount equal to or greater than Fifty Thousand Lempiras (L.50,000) shall be punished with the following penalties:

1) With the penalties of imprisonment from three (3) to six (6) years and a fine equivalent to one hundred and twenty percent (120%) of the value of the defrauded, if said value does not exceed Two Hundred and Fifty Thousand Lempiras (L.250.000); and,
2) With the penalties of imprisonment from six (6) to ten (10) years and a fine equivalent to one hundred and forty percent (140%) of the value of the defrauded, if said value exceeds Two Hundred and Fifty Thousand Lempiras (L.250.000).

The penalties established in the previous paragraphs are increased by one third (1/3) when the person responsible is integrated in an organized criminal group or collaborates with it.

The taxpayer who proceeds to the complete recognition and payment of the tax debt with its surcharges and interests, before the Public Ministry (MP) presents a request before the competent Jurisdictional Body, is exempt from criminal liability.

ARTICLE 432.- SUBSIDY FRAUD AND HELP. Whoever obtains subsidies or aids from the administration in an amount equal to or greater than Fifty Thousand Lempiras (L.50,000) commits subsidy fraud by falsifying the conditions necessary to obtain them or by concealing those that prevent such obtaining.

This offence is also committed by anyone who applies the above-mentioned amounts for purposes other than those for which he has obtained a grant or aid.

Those guilty of the crime of grant or aid fraud must be punished according to the following rules:

1) With the penalties of imprisonment from three (3) to six (6) years and a fine equivalent to one hundred and twenty percent (120%) of the value of the defrauded, if said value does not exceed Two Hundred and Fifty Thousand Lempiras (L.250.000);
2) With the penalties of imprisonment from six (6) to ten (10) years and a fine equivalent to one hundred and forty percent (140 %) of the value of the defrauded, if said value exceeds Two Hundred and Fifty Thousand Lempiras (L.250.000).

The penalties provided for in the previous paragraphs are increased by one third (1/3) when the perpetrator is a member of or collaborates with an organized criminal group.

The person who received the subsidy or aid is exempt from criminal liability, if he or she proceeds to reimburse what was received with its surcharges and interests, before the Public Prosecutor's Office presents a request before the competent Jurisdictional Body.

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ARTICLE 433.- ACCOUNTING CRIME. Who, being obliged by the tax laws to keep business accounting, books or tax records, disregards such obligation, keeps different accounts that hide the true situation of the company, does not record economic operations or does so falsely or reflecting fictitious operations, should be punished with imprisonment from six (6) months to two (2) years, if this facilitates the commission of a crime of tax fraud or subsidy fraud or a crime against the Social Security or Pension System. The provisions of this article shall apply unless the act is punishable by a greater penalty under another provision of this Code.

ARTICLE 434.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of the present Code, a legal entity is responsible for the crimes of tax fraud, subsidy fraud or accounting crime, it must be disqualified from obtaining public subsidies and aid, from contracting with the public sector and from enjoying tax or social security benefits and incentives, for a period not to exceed five (5) years and a fine of an amount equal to or up to double the value of the defrauded.

CHAPTER III
CRIMES AGAINST SOCIAL SECURITY

ARTICLE 435.- SOCIAL SECURITY FRAUD OR THE PENSION SYSTEM. Whoever defrauds the Social Security or the Pension System, by action or omission, avoiding the payment of the corresponding fees or unduly obtaining refunds or deductions for any concept, in an amount equal to or greater than Fifty Thousand Lempiras (L.50,000), commits the crime of fraud to the Social Security or the Pension System.

For the purposes of determining the above amount, the total amount defrauded during four (4) calendar years.

The conduct described in the first paragraph must be punished according to the following rules:

1) With the penalties of imprisonment from six (6) to eight (8) years and a fine equivalent to one hundred and twenty percent (120%) of the value of the defrauded, if said value does not exceed Two Hundred and Fifty Thousand Lempiras (L.250,000); and

2) With the penalties of imprisonment from eight (8) to ten (10) years and a fine equal to one hundred and forty percent (140%) of the value of the defrauded, if said value exceeds Two Hundred and Fifty Thousand Lempiras (L.250,000).

The penalties described above must be reduced by half (1/2) when the obligor proceeds to full recognition and payment of the debt with its surcharges and interest before the competent authority makes a payment order, visit order or any other management to verify compliance with the provisions on recovery.

ARTICLE 436.- MISAPPROPRIATION OF FEES OR CONTRIBUTIONS. Whoever, appropriates the quotas or contributions to the Social Security or Pension System or consents to others appropriating them, must be punished with imprisonment from ten (10) to fifteen (15) years, special disqualification from any public employment or position for a period of fifteen (15) to twenty (20) years and a fine of an equivalent amount or up to two hundred percent (200%) of the value of what was unduly appropriated.

ARTICLE 437.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of this Code, a legal person is responsible for the crimes contained in this chapter, it shall be subject to the penalty of a fine of five hundred (500) to two thousand (2000) days. Additionally you can impose some of the following sanctions:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;
2) Closure of the premises and establishments that were used to carry out the crime, for a period that cannot exceed five (5) years;

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3) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favored or covered up;

4) Disqualification from obtaining public subsidies and aid, from contracting with the public sector and from enjoying tax or social security benefits and incentives, for a period not to exceed fifteen (15) years; and

5) Judicial intervention to safeguard the rights of workers or creditors for the time deemed necessary, but not exceeding five (5) years. This intervention may be total or partial, shall have the content set forth in the judicial resolution and may be modified by the competent Jurisdictional Body, both materially and temporarily, in view of the reports made periodically by the auditor and the Public Prosecutor's Office (MP).

TITLE XXV RECEPTION AND WASHING OF ASSETS

ARTICLE 438.- RECEPTION. Anyone who, with a view to profit and with knowledge of the commission of a crime in which he has not participated as either the author or the accomplice, helps those responsible to take advantage of the goods or effects deriving from the crime, or receives, acquires, or conceals such

The penalty for the offence from which the property or effects originate, reduced by one third (1/3), must be applied.

ARTICLE 439.- ASSET WASHING Incurs in

The laundering of assets by whoever, by himself or through an intermediary, acquires, invests, possesses, uses, transforms, protects, administers, guards, transports, transfers, conserves, transfers, conceal, give the appearance of legality or impede the determination of the origin or true nature, as well as the location, destination, movement or ownership of product assets direct or indirect of any serious crime and in any case of the crimes of illicit drug trafficking, human trafficking, illegal trafficking of people or firearms, falsification of of currency, trafficking in human organs, theft or robbery of motor vehicles, theft from financial institutions, financial scams or fraud, kidnapping, threats or blackmail, extortion, financing of terrorism, terrorism, embezzlement of public funds, bribery, influence peddling, crimes against intellectual and industrial property, cultural heritage, sexual exploitation and child pornography, urban planning, exploitation of natural and environmental resources, smuggling or illicit enrichment, committed by him or by a third party, or that have no cause or, economic or legal justification of their origin. The behaviors described in the previous paragraph must be punished according to the following rules:

1) When the value of the assets subject to laundering does not exceed Two Million Lempiras (L.2,000,000), the penalties of imprisonment from five (5) to eight (8) years and a fine equal to fifty percent (50%) of such value must be imposed;

2) When the value of the assets subject to laundering is greater than Two Million Lempiras (2,000,000) and does not exceed Five Million Lempiras (5,000,000), the penalties of imprisonment from eight (8) to ten (10) years and a fine equal to one hundred percent (100%) of such value shall be imposed; and,

3) When the value of the assets subject to laundering is greater than Five Million Lempiras (5,000,000), the penalties of imprisonment from ten (10) to thirteen (13) years and a fine equal to one hundred and fifty percent (150%) of such value shall be imposed.

The penalties established in the previous paragraphs must be reduced by half when it comes to possession or use of untitled property by persons united by personal or family relationship with the person responsible for the act.

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1) When the property or assets come from crimes related to drug trafficking, terrorism, extortion or sexual exploitation crimes;
2) When the money laundering activity is carried out through an organized criminal group. If the person responsible is a promoter, boss, leader or ringleader of the organized criminal group, the penalty must be increased by one third (1/3); or
3) When the responsible is a professional of the financial or non-financial sector appointed, stock exchange or banking in the exercise of his profession, or public official or employee in the exercise of his office. In these cases, the penalty of absolute disqualification should also be imposed for twice the term of imprisonment.

ARTICLE 440.- IMPRUDENT ASSET LAUNDERING. If the acts referred to in the previous article are carried out through serious negligence, the responsible party shall be punished with a prison sentence of one (1) to five (5) years and a fine of two hundred (200) to five hundred (500) days.

ARTICLE 441.- PUNISHMENT OF ACTS PREPARATIONS. Conspiracy, proposal or provocation to commit the crime of money laundering must be punished with the corresponding penalty reduced by two thirds (2/3).

ARTICLE 442.- TESTAFERRATO. Who, lends his name in real or simulated acts or contracts, of civil or mercantile nature, that refer to the acquisition, transfer or administration of goods that come directly or indirectly from any of the activities referred to in the crime of money laundering, must be punished with the penalties of imprisonment from five (5) to eight (8) years and a fine of two hundred (200) to five hundred (500) days.

ARTICLE 443. INFIDENCIA. The obliged subjects, in accordance with the legislation for the prevention of money laundering, that make known to any person the fact that an information has been requested by the authorities competent or proportionate to it, shall be punished by imprisonment of one (1) to three (3) years.

Directors, owners or de facto or de jure representatives of the institutions under obligation, who violate the above-mentioned prohibition, are guilty of the same crime.

ARTICLE 444.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of this Code, a legal person is responsible for a money laundering offense, the penalty of dissolution of the legal person or a fine equal to double or up to five
(5) times the value of the goods being laundered. In this last case and additionally some of the following sanctions may be imposed:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;
2) Closure of the premises and establishments that were used to carry out the crime, for a period not to exceed five (5) years;
3) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favored or covered up, for a period not exceeding five (5) years;
4) Disqualification from obtaining public subsidies and aid, from contracting with the public sector and from enjoying tax or social security benefits and incentives, for a period not to exceed fifteen (15) years; and
5) Judicial intervention to safeguard the rights of workers or creditors.

ARTICLE 445.- EXTENSION OF JURISDICTION. The person responsible for the crime of laundering must also be punished even if the crime from which the property or the acts punished in the preceding articles originated was committed, in whole or in part, abroad.

ARTICLE 446.- PENALTY. The penalties provided for in this title must be imposed without prejudice to those that

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correspond for the crimes that give rise to the laundered assets.

TITLE XXVI
CRIMES AGAINST THE PUBLIC FAITH

CHAPTER I
COUNTERFEIT COINS

ARTICLE 447.- CURRENCY COUNTERFEITING. Anyone who illegally or fraudulently alters or manufactures counterfeit coins shall be punished by imprisonment of six (6) to ten (10) years and a fine of an amount equal to or up to ten (10) times the apparent value of the coin. For all purposes, objects or documents prepared by persons or entities other than the Central Bank of Honduras (BCH), with the purpose of serving as conventional currency alternative to legal tender, must be understood as counterfeit currency.

Currency is understood to be metal and legal tender. Foreign coins of the same nature are equated to national currency.

ARTICLE 448.- TRAFFIC OF FALSE COINS. Whoever expands, circulates, distributes, introduces into the country or exports false, altered or illicitly or fraudulently made coins, knowing of their falseness or alteration, must be punished with the same penalties indicated for counterfeiting.

ARTICLE 449.- POSSESSION OF FALSE CURRENCY TO BE PUT INTO CIRCULATION. Whoever acquires or receives false, altered or illegally or fraudulently manufactured coins for issuance or distribution, shall be punished with imprisonment from five (5) to eight (8) years.

ARTICLE 450.- MANUFACTURE OR POSSESSION OF INSTRUMENTS FOR THE FALSIFICATION OF CURRENCY. The manufacture or possession of tools, materials, instruments, apparatus, substances, data, computer programs or other means specifically dedicated by nature or purpose to the counterfeiting of currency, shall be punished by imprisonment from four (4) to six (6) years.

ARTICLE 451.- SPECIFIC AGGRAVATING CIRCUMSTANCES. Yes the offender belongs to an organized criminal group that engages in the commission of any of the crimes covered in this chapter, he must be punished by the respective penalties indicated, increased by one third (1/3).

If the guilty party of the crimes provided for in this chapter is a public official or employee in the exercise of his duties, the penalty of special disqualification from public employment or office for a period of ten (10) to fifteen (15) years must also be imposed.

ARTICLE 452.- INTERNATIONAL **RECIDIVISM** Conviction by a foreign jurisdictional body for crimes of the same nature as those provided for in this chapter produces the effects of recidivism, unless the criminal record has been or could have been expunged under Honduran law.

CHAPTER II
COUNTERFEIT STAMPS AND OTHER STAMPING EFFECTS

ARTICLE 453.- FALSIFICATION OF SEALS AND OTHER STAMPING EFFECTS. Whoever fraudulently alters or elaborates stamps and other stamp effects or manufactures any kind of false stamp effects, shall be punished with imprisonment from two (2) to five (5) years.

The reuse of original stamping effects is equated to counterfeit stamping effects.

ARTICLE 454.- TRAFFIC OF STAMPS AND OTHERS FALSE STAMPING EFFECTS. Whoever sells, circulates, distributes or introduces into the country false stamps and other false stamped effects, without having intervened in their falsification, must be punished with the same penalty indicated for their falsification.

ARTICLE 455.- SPECIFIC AGGRAVATING CIRCUMSTANCES. Yes the offender belongs to an organized criminal group engaged in the commission of any of the crimes

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included in this chapter, must be punished with the respective penalties indicated, increased by two thirds (2/3).

If the guilty party of the crimes provided for in this chapter is a public official or employee in the exercise of his or her duties, the penalty of special disqualification from public employment or office for the time of five to eight (8) years.

CHAPTER III FALSE DOCUMENTS

SECTION I
FALSEHOOD IN PUBLIC AND COMMERCIAL DOCUMENTS.

ARTICLE 456.- FALSIFICATION OF DOCUMENTS PUBLIC AND COMMERCIAL. Whoever commits any of the following conducts commits a falsehood in a public or commercial document:

1) Alters, destroys, deletes or hides a document in any of its essential elements;

2) Simulates a document in whole or in part, so misleading about its authenticity; or,

3) Fails to tell the truth in the narrative of the facts, or inserts statements or manifestations that are different from the true ones or that have not taken place, in such a way as to mislead about the veracity of the document in any of its essential elements.

The crime of falsehood described in the above paragraphs shall be punished by imprisonment of two (2) to five (5) years and a fine of two hundred and forty (240) to four hundred (400) days, if it is a commercial document and four (4) to eight (8) years of imprisonment and a fine of three hundred (300) to five hundred (500) days if it is a public document.

ARTICLE 457.- RESPONSIBILITY OF MINISTERS RELIGIOUS. To the religious minister who commits any of the behaviors described in the previous article regarding to documents concerning religious acts that may produce effects on the state of persons or on the civil order, must be imposed, in addition to the penalty of the falsehood, the disqualification to perform the mentioned acts for a period of five (5) to ten (10) years.

ARTICLE 458.- RESPONSIBILITY OF PUBLIC OFFICIAL OR EMPLOYEE. If the guilty of the crime of falsehood described in Article 456 of the present Code, is a public official or employee in the exercise of his duties, the penalty of special disqualification from public employment or office for a period of six (6) to twelve (12) years shall also be imposed.

A public official or employee who, in the exercise of his duties, commits any of the falsehoods provided for in Article 456 of this Code through serious negligence or causes another to commit them, shall be punished by imprisonment of one (1) to three (3) years or a fine of one hundred (100) to three hundred (300) days, and special disqualification from employment or public office for one (1) to five (5) years.

ARTICLE 459.- USE OF FALSE DOCUMENT. Whoever, without having intervened in its falsification, presents a false document under Article 456 of the present Code in court, or makes use of said document causing damage to a third party, shall be punished with the prison sentence indicated for falsification, reduced by one third (1/3).

ARTICLE 460.- TRAFFIC OF DOCUMENTS OF FALSE IDENTITY. Whoever, without having intervened in its falsification, traffics in any way with false identity documents, shall be punished with the same penalties as those indicated in Article 456 of the present Code.

SECTION II
FALSEHOOD IN PRIVATE DOCUMENTS

ARTICLE 461.- FALSIFICATION OF DOCUMENTS PRIVATE. Who to harm another, commits in

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Any of the falsehoods provided for in Article 456 of the present Code, shall be punished by imprisonment of one (1) to three (3) years.

ARTICLE 462.- USE OF PRIVATE DOCUMENTS FALSE. Whoever, without having intervened in their falsification, presents in court or causes damage to a third party by making use of the false documents referred to in the previous article, must be punished with the penalty indicated for the falsification, reduced by one third (1/3).

SECTION III
FORGERY OF CREDIT AND DEBIT CARDS, TRAVELER'S CHECKS AND FINANCIAL INSTRUMENTS.

ARTICLE 463.- CARD FORGERY BANK AND TRAVELER'S CHECKS. Whoever alters, copies, reproduces or in any other way forges bank credit or debit cards or traveler's checks and checks of the financial system, must be punished with the penalties indicated for currency counterfeiting.

With the penalties referred to in the previous paragraph, those who commercialize in Honduras credit cards issued abroad, by an operator not domiciled in the country, and those who act in Honduras as placement agents of the same should be punished.

ARTICLE 464.- TRAFFIC OF BANK CARDS OR FAKE TRAVELER'S CHECKS. Who
without having intervened in its counterfeiting, sells or distributes bank credit or debit cards or forged traveler's checks, must be punished with the penalties indicated for currency counterfeiting.

ARTICLE 465 .- POSSESSION OF FALSE BANK CARDS OR TRAVELER'S CHECKS FOR ITS RELEASE. Whoever acquires or receives bank credit or debit cards or forged traveler's checks for their issuance or distribution, shall be punished with imprisonment from five (5) to eight (8) years.

ARTICLE 466.- MANUFACTURE OR POSSESSION OF INSTRUMENTS FOR THE FALSIFICATION OF BANK CARDS AND TRAVELER'S CHECKS. The
The manufacture or possession of tools, materials, instruments, apparatus, substances, data, software or other means specifically dedicated by nature or purpose to counterfeiting, shall be punishable by imprisonment from four (4) to six (6) years.

ARTICLE 467.- FALSE INSTRUMENTS FINANCIAL. Whoever, as de facto or de jure administrator of a company issuing securities negotiated in the stock markets and to the detriment of another, falsifies the economic-financial information contained in the prospectuses of any financial instruments, with the purpose of placing any type of financial asset or obtaining financing by any means, must be punished with a prison sentence of two (2) to five (5) years and a fine of three hundred and fifty (350) to seven hundred (700) days.

The penalty provided for in the preceding paragraph must be applied to those who carry out securities transactions for which they are not authorized, operate as a securities agency without having made the corresponding registration or claim to have carried out transactions on the stock exchange without having registered them.

The penalty increased by one third (1/3) should be applied when

1) The investment, deposit, asset placement or financing is obtained; or
2) The damage caused is notoriously serious.

ARTICLE 468.- SPECIFIC AGGRAVATING CIRCUMSTANCES. Yes
the offender belongs to an organized criminal group that engages in the commission of any of the crimes covered by this section, he shall be punished by the respective penalty increased by one-third (1/3).

ARTICLE 469.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of the present Code, a legal person is responsible for the crimes included

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in this section, you must be fined an amount equal to or up to three times the benefit obtained or intended.

CHAPTER IV

PERSONAL MISREPRESENTATIONS

ARTICLE 470.- USURPATION OF THE PERSONNALITY OF ANOTHER. Whoever attributes to himself the identity of another person or those attributes or qualities that legally identify him, with the purpose of obtaining benefit for himself or a third party or to cause a prejudice to another, should be punished with a prison sentence of one (1) to four (4) years.

ARTICLE 471.- USURPATION OF FUNCTIONS PUBLIC. Whoever illegitimately exercises acts proper to a public official or employee, attributing to himself or herself that quality, should be punished with a prison sentence of one (1) to four (4) years.

ARTICLE 472.- PROFESSIONAL INTRUSION. Whoever exercises acts proper to a profession without possessing the corresponding academic title or the corresponding qualification according to the legislation in force, shall be punished with a prison sentence of one (1) to three (3) years.

ARTICLE 473.- IMPROPER USE OF UNIFORM, INSIGNIA AND POLICE OR MILITARY EQUIPMENT. Who without being authorized to publicly wear a uniform, insignia or equipment exclusively belonging to the State Security and Investigation Corps or the Armed Forces, shall be punished by imprisonment of two (2) to four (4) years or a fine of two hundred (200) to four hundred (400) days

The penalty to be imposed should be imprisonment from four (4) to eight (8) years if the uniform, badge, or equipment mentioned in the preceding paragraph is used to facilitate or cover up the commission of a crime. If such effects are possessed for such purposes, the term of imprisonment shall be from two (2) to four (4) years.

TITLE XXVII

CRIMES AGAINST THE PUBLIC ADMINISTRATION

CHAPTER I

MISAPPROPRIATION OF PUBLIC FUNDS

ARTICLE 474.- MALVERSACION BY APPROPRIATION. The public official or employee who appropriates, directly or indirectly, for his own benefit or that of a third party, State property whose administration, possession or custody has been entrusted to him by reason or on the occasion of his functions, shall be punished with imprisonment from four (4) to six (6) years, a fine equal to or up to three times the value of the embezzlement and absolute disqualification for twice the time of the prison sentence.

ARTICLE 475.- MISAPPROPRIATION BY USE. The public official or employee who improperly uses or allows another to use State property whose administration, possession or custody he has been entrusted with by reason of his duties, and thereby causes damage to public property, shall be punished by imprisonment from four (4) to six (6) years, a fine of an amount equal to or up to three times the value of the embezzlement, and absolute disqualification for twice the time of the prison sentence.

ARTICLE 476.- MISAPPROPRIATION BY APPLICATION DIFFERENT OFFICIAL. A public official or employee who improperly applies the law differently from the law to State property, thereby causing damage to public property, shall be punished by imprisonment from four (4) to six (6) years, a fine of an amount equal to or up to three times the value of the embezzlement, and absolute disqualification for twice the time of the prison sentence.

ARTICLE 477.- UNFAIR ADMINISTRATION OF PUBLIC PATRIMONY. The public official or employee who, in one of the above cases, exceeds his or her powers to administer public assets, infringes them and thus causes damage to the

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The person who has been deprived of his or her property by the administration of the property must be punished with imprisonment from four (4) to six (6) years, a fine of an amount equal to or up to three times the value of the embezzled property, and absolute disqualification for twice the time of the prison sentence.

ARTICLE 478.- SPECIFIC AGGRAVATING CIRCUMSTANCES. The facts referred to in the previous articles shall be punished with a prison sentence of six (6) to nine (9) years, a fine equal to double or up to four (4) times the value of the embezzlement and absolute disqualification for twice the time of the prison sentence, if the amount of the embezzlement or the damage caused exceeds One Hundred Thousand Lempiras (L.100,000).

The respective penalties provided for in each case, increased by one third (1/3), must be imposed if any of the following circumstances apply

1) The facts fall on public goods of historical, cultural or artistic value; or
2) The facts fall on goods destined to public services of first necessity, the health or institutes of social welfare.

ARTICLE 479.- SPECIFIC MITIGATING FACTORS

The penalties provided for in the preceding Articles may be reduced by up to two-thirds (2/3) when any of the following circumstances apply

1) The value of the damage caused or of the appropriate goods is less than Twenty Thousand Lempiras (L.20,000); or
2) The subject has returned the property or repaired the damage caused before investigations are directed against him.

ARTICLE 480.- RECKLESS MISAPPROPRIATION. The public official or employee who through serious negligence loses, damages or allows others to illegally take possession of State property whose administration, possession or custody has been entrusted to him by reason of or in connection with his duties, and thus causes a damage to the public patrimony exceeding Twenty Thousand Lempiras (L.20,000.00) must be punished with six (6) months to three (3) years of imprisonment, a fine equal to or up to double the damage caused and special disqualification from exercising public employment or office for one (1) to four (4) years.

ARTICLE 481.- GENERAL PROVISIONS. The
The provisions of this chapter are extensive in the following cases:

1) Those in charge of any concept of funds, income, flows or effects of the Public Administration;
2) To persons or civil entities that manage State flows or assets or receive transfers of funds destined to public services through State budget items, including unions, political parties, peasant association companies, cooperatives, trusts, charitable, sports and religious associations; and
3) To the administrators or depositaries of money or goods whose custody has been entrusted by public authority, even if they belong to individuals.

For the purposes of the provisions of this chapter, State property is understood to be assets of any kind that are publicly owned, privately owned assets that are under the administration or custody of the State, and legal documents or instruments evidencing such ownership or other rights over such assets.

CHAPTER II
FRAUDS AND ILLEGAL LEVIES

ARTICLE 482.- FRAUD. A public official or employee who, by reason of his or her position in any of the forms of public contracting or in the liquidation of public effects or assets, enters into agreements with the interested parties or uses another artifice to defraud any public entity, shall be punished with imprisonment from five (5) to seven (7) years, a fine of an amount equal to or greater than

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triple the value of the defrauded and absolute disqualification for double the time of the prison sentence.

An individual who enters into an agreement with a public official or employee for the purposes of the preceding paragraph shall be punished with the same penalties of imprisonment and fine, plus disqualification from obtaining public subsidies and aid, from contracting with the public sector, and from enjoying tax or social security benefits or incentives for twice the term of imprisonment.

ARTICLE 483.- ILLEGAL LEVIES. The public official or employee who directly or indirectly demands the payment, for himself or herself or for a third party, of a tax, contribution, duty, fee or any other amount that is not due or in an amount greater than that legally indicated, shall be punished with a prison sentence of three (3) to six (6) years and special disqualification from public office for double the time of the prison sentence.

The above penalties should be imposed without prejudice to any penalties for the use of violence or coercive or intimidating methods used to collect the illegal levy.

CHAPTER III ILLICIT ENRICHMENT

ARTICLE 484.- ILLICIT ENRICHMENT. The public official or employee who increases his patrimony by more than Five Hundred Thousand Lempiras (L.500,000) above his legitimate income during the exercise of his functions and up to two (2) years after having ceased them and for reasons that cannot be reasonably justified, must be punished with imprisonment from four (4) to six (6) years, a fine of an amount equal to or up to three times the illegally obtained enrichment and absolute disqualification for double the time of the prison sentence.

The acts referred to in the previous paragraph should be punished by imprisonment increased by one third (1/3), a fine of an equal amount or up to four (4) times the unduly obtained enrichment and absolute disqualification for twice the time of the prison sentence, if the amount of the illicit enrichment exceeds the Million Lempiras (L.1,000,000).

CHAPTER IV
NEGOTIATIONS INCOMPATIBLE WITH THE EXERCISE OF PUBLIC FUNCTIONS AND ABUSES IN THE EXERCISE OF THE FUNCTION

ARTICLE 485.- INCOMPATIBLE NEGOTIATIONS OF PUBLIC OFFICIAL OR EMPLOYEE The public official or employee who, due to his position in any kind of contract, matter, operation or activity, takes advantage of such circumstance to force or facilitate, for himself or for a third party, any form of participation, directly or through an intermediary, in such business or actions, shall be punished with imprisonment from three (3) to five (5) years and a fine of an amount equal to or up to three times the benefit obtained or pursued, and special disqualification from the exercise of public office or office for twice the duration of the prison sentence.

ARTICLE 486.- INCOMPATIBLE NEGOTIATIONS OF EXPERT, ARBITRATOR AND ACCOUNTANTS. The experts, Arbitrators and accountants who conduct themselves in the manner provided in the previous article, with respect to the assets or things in whose valuation, partition or adjudication they intervene and the guardians, curators or executors with respect to those belonging to their wards or testamentary, as well as the bankruptcy administrators with respect to the assets and rights integrated in the bankruptcy or insolvency estate, shall be punished by three (3) to five (5) years of imprisonment, a fine equal to or up to three times the benefit obtained or pursued, and special disqualification from public employment or office, profession or trade, guardianship or trusteeship, as the case may be, for twice the term of imprisonment.

ARTICLE 487.- ILLEGAL ADVICE. The public official or employee who, outside the cases allowed by the laws or regulations, carries out by himself/herself or through an intermediary, a professional activity or permanent or accidental advice, under the dependence or at the service of private entities or individuals in matters in which he/she must intervene or has intervened by reason of his/her position,

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or in which they are processed, ruled on, reported on or resolved by the body or administrative unit to which it is assigned or on which it is dependent, should be punished by a fine of one hundred (100) to four hundred (400) days and special disqualification for the exercise of public office or office from one (1) to three (3) years.

ARTICLE 488.- USE OF INFORMATION PRIVILEGED. The public official or employee who makes use of a secret or information of which he or she has knowledge exclusively by reason of his or her office or position to obtain an economic benefit for himself or herself or for a third party, must be punished with the penalties of a fine for an amount equal to or up to three times the benefit obtained, pursued or facilitated, or a fine of four hundred (400) days if the benefit cannot be quantified, plus special disqualification from the exercise of public office or position for three (3) to five (5) years.

If the above facts cause serious damage to the public cause, the penalties of imprisonment of one (1) to three (3) years, fine of an equal amount or up to four (4) times the benefit or damage caused and absolute disqualification of four (4) to six (6) years must be imposed.

ARTICLE 489.- APPLICATION FOR ACTS OF SEXUAL CONTENT. The public official or employee who sexually solicits in any way a person who has pending claims, opinion, report or processing of the same, for the benefit of himself or herself or for a third party with whom he or she is linked by kinship or affection, shall be punished with imprisonment of one (1) to two (2) years, a fine of one hundred (100) to two hundred (200) days and absolute disqualification for a period of five (5) to ten (10) years.

The public official or employee assigned to penitentiary establishments or to centers for the protection or internment of offending children who sexually solicits a person subject to their custody or a third party linked to the custody by kinship or affectivity, must be punished with imprisonment from two (2) to four (4) years, a fine of two hundred (200) to three hundred (300) days and absolute disqualification for a period of six (6) to twelve (12) years.

The penalties provided for in the preceding paragraphs should be imposed without prejudice to those for crimes against sexual freedom actually committed.

CHAPTER V
TRAFFIC OF INFLUENCES

ARTICLE 490.- INFLUENCE PEDDLING BY PUBLIC OFFICIALS. The public official or employee who influences another public official or employee by taking advantage of the exercise of the powers of his office or of any other situation derived from his personal or hierarchical relationship with the latter or with another public official or employee, in order to obtain an act or resolution of a public nature that may directly or indirectly generate an undue benefit or advantage of any nature for himself or for a third party, shall be punished by imprisonment from two (2) to five (5) years, a fine of one hundred (100) to three hundred (300) days and absolute disqualification for twice the length of the prison sentence. If you obtain the benefit you are seeking, the penalties are increased by one third (1/3).

ARTICLE 491.- TRAFFIC OF INFLUENCE COMMITTED BY PRIVATE INDIVIDUALS. The individual who inflates in a public official or employee, taking advantage of any situation arising from his personal relationship with the latter or with another public official or employee, in order to obtain a resolution of a public nature that may directly or indirectly generate an undue benefit or advantage of any nature for himself or for a third party, must be punished with imprisonment from one (1) to three (3) years, a fine of one hundred (100) to three hundred (300) days and disqualification from obtaining public subsidies and aid, contracting with the public sector and obtaining tax or social security benefits or incentives for twice the term of imprisonment.

If you obtain the benefit you are seeking, the penalties are increased by one third (1/3).

CHAPTER VI
BRIBERY

ARTICLE 492.- OWN BRIBERY The official or public employee who, for his or her own benefit or that of a third party

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receives, requests or accepts, by himself or by another person or entity, a gift, favor, promise or retribution of any kind to perform in the exercise of his office an act contrary to the duties inherent therein, or to omit or delay unjustifiably the one he should practice, shall be punished with imprisonment from five (5) to seven (7) years, a fine of an amount equal to or up to three times the value of the gift or retribution and absolute disqualification for twice the time of the prison sentence.

If the act performed, omitted or delayed due to the retribution or promise is a criminal offence, the penalties to be imposed are increased by one third (1/3), without prejudice to the imposition of the corresponding penalties for the crime or misdemeanour committed.

ARTICLE 493.- IMPROPER BRIBERY The official or public employee who, for his own benefit or that of a third party, receives, requests or accepts, by himself or through an intermediary, a gift, favor, promise or retribution of any kind to perform an act proper to his position, shall be punished with imprisonment from three (3) to six (6) years, a fine equal to or up to three times the value of the gift or retribution, and absolute disqualification for twice the duration of the prison sentence.

ARTICLE 494.- BRIBERY AFTER THE ACT.
The penalties provided for in the preceding articles must be imposed, in their respective cases, when the gift, favor, promise, or remuneration is received, requested, or accepted by the public official or employee as a reward for the conduct described in those articles.

ARTICLE 495.- BRIBERY FOR CONSIDERATION
The public officer or employee who, for his own benefit or that of a third party, admits, by himself or by a person who has been interposed, any gift or present offered to him in consideration of his position or function, shall be punished with a prison sentence of six (6) months to two (2) years, a fine of one hundred (100) to two hundred (200) days and special disqualification from public office of one (1) to three (3) years**.**

For the purposes of this Article, it is understood that the obtaining of a financial advantage constitutes a gift

equivalent to more than Five Thousand Lempiras (L.5,000).

ARTICLE 496.-PURCHASE COMMITTED BY PARTICULAR. Whoever offers or delivers, by himself or herself or by an intermediary, a gift, favor, promise or remuneration of any kind to a public official or employee for the purposes described in the preceding articles, must be punished, in their respective cases, with the same penalties of imprisonment and fine as the corrupt public official or employee, and disqualification from obtaining public subsidies and aid, from contracting with the public sector and from obtaining tax or social security benefits or incentives for twice the term of imprisonment.
The same penalties should be imposed when the above conduct is carried out to corrupt foreign public officials or employees.

ARTICLE 497.- CONCUSSION. A public official or employee who, by abusing his position or duties, demands, forces, or induces someone to give or promise money or any other improper benefit to the same public official or employee or to a third party, incurs the penalties of five (5) to seven (7) years of imprisonment, from one hundred (100) to four hundred (400) days fine, and absolute disqualification for twice the duration of the prison sentence.

~~CHAPTER VII~~

ADMINISTRATIVE PREVARICATION

ARTICLE 498.- ADMINISTRATIVE PREVARICATION.
A public official or employee who, knowingly of his or her injustice, makes an arbitrary decision in an administrative matter, must be punished with the penalty of special disqualification from public office or employment for five (5) to ten (10) years.
If the arbitrary resolution is manifestly unjust and is dictated by serious imprudence, it is punished with the penalty of special disqualification from public office or public office from three (3) to five (5) years.

CHAPTER VIII

ABUSE OF AUTHORITY AND VIOLATION OF THE DUTIES OF OFFICIALS

ARTICLE 499.- ABUSE OF AUTHORITY. Commits the crime of abuse of authority and should be punished with the

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of special disqualification for employment or public office of three to six (6) years, the public official or employee, who engages in any of the following conduct:

1) It openly refuses to give due compliance to judicial resolutions, decisions or orders of the competent authority with the corresponding legal formalities.

   Notwithstanding the provisions of the preceding paragraph, no criminal responsibility is incurred by anyone who fails to comply with a mandate that constitutes a clear, manifest, and strict violation of any legal provision;

2) It unduly omits, refuses or delays any act proper to the functions it performs.

   In the case that the acts refer to tasks of justice, public order, education or public health and require immediate compliance, the penalty must be increased by one third (1/3);

3) Required by a competent authority, fails to provide adequate cooperation for the administration of justice or other public service; and

4) Required by a private individual to provide some assistance to the one who is obliged by reason of his position to avoid some crime or other evil, he refrains from providing it.

ARTICLE 500.-ANTICIPATION, PROLONGATION AND ABANDONMENT OF FUNCTIONS PUBLIC. Whoever begins to perform a public office or employment without the requirements legally established for it, must be punished with the penalty of special disqualification for public office or employment of one (1) to three (3) years and a fine of one hundred (100) to three hundred (300) days.

The public official or employee who proposes, appoints or gives possession for public office or employment to a person who does not meet the legally established requirements for it, shall be punished by special disqualification from public employment or office for five (5) to ten (10) years and a fine of one hundred (100) to three hundred (300) days.

With the same penalty as in the previous paragraph, those who continue to hold public office or employment in which they should have ceased to work in accordance with the law must be punished.

A public official or employee who leaves his or her position without having been admitted to resign shall be punished by a special disqualification from employment or public office of one (1) to three (3) years and a fine of one hundred (100) to three hundred (300) days.

CHAPTER IX

INFIDELITY IN THE CUSTODY OF DOCUMENTS AND VIOLATION OF SECRETS

ARTICLE 501.- REMOVAL, DESTRUCTION, CONCEALMENT OR DISABLEMENT OF DOCUMENT IN CUSTODY. A public official or employee who knowingly removes, destroys, disables or hides, in whole or in part, documents entrusted to his or her custody by reason of his or her position, shall be punished by imprisonment of two (2) to four (4) years, a fine of two hundred (200) to four hundred (400) days and special disqualification for five (5) to ten (10) years.

ARTICLE 502.- FACILITATE DESTRUCTION OF DOCUMENT IN CUSTODY. A public official or employee who, by reason of his office, is entrusted with the custody of documents to which the competent authority has restricted access, and who knowingly destroys or renders useless the means put in place to prevent such access or consents to their destruction or rendering useless, shall be punished by imprisonment of one (1) to two (2) years, a fine of one hundred (100) to two hundred (200) days and special disqualification of three (3) to five (5) years.

The individual who destroys or disables the means referred to in the previous paragraph, shall be punished with a penalty of fifty (50) to one hundred (100) days fines.

Unofficial English Translation (Seek Honduran legal co counsel before relying upon this translation)

ARTICLE 503.- ACCESS TO DOCUMENTS SECRETS. The public official or employee not included in the previous article who, knowingly and without due authorization, accesses or allows access to secret documents whose custody is entrusted to him/her by reason of his/her position, shall incur in the penalty of a fine of two hundred (200) to four hundred (400) days and special disqualification from public employment or office of five (5) to ten (10) years.

ARTICLE 504.- RESPONSIBILITY OF THE PARTICULARS. Individuals accidentally entrusted with the dispatch or custody of documents, by commission of the Government or of the authorities or public officials to whom they have been entrusted by reason of their position, who incur in the conduct described therein, shall be punished with the same penalties as in the preceding articles.

ARTICLE 505.- DISCLOSURE OF SECRETS. The public official or employee who discloses information of which he has knowledge by reason of his office or position and which should not be disclosed, shall be punished with imprisonment of six (6) months to one (1) year, fine of four hundred
(400) to eight hundred (800) days and special disqualification from public employment or office for a period of three (3) to six (6) years. If the information disclosed has the protection of secrets according to the legislation in force, he shall be punished with a prison sentence of two (2) to four (4) years, a fine of four hundred (400) to eight hundred (800) days and special disqualification from public employment or office for a period of three (3) to six (6) years.

If the disclosure referred to in the preceding paragraphs results in serious harm to the public cause or to a third party, the penalties shall be increased by one third (1/3).
If it is a matter of secrets of a private individual, the penalties must be those of imprisonment from two (2) to four (4) years, a fine of four hundred
(400) to eight hundred (800) days and special disqualification from employment or public office for a

The person who, as a consequence of the secrecy or privileged information that he or she has obtained from a public official or authority, must be punished with imprisonment of six (6) months to one (1) year, a fine of an amount equal to or up to three (3) times the benefit obtained or intended and disqualification from obtaining public subsidies and aid, from contracting with the public sector and from enjoying tax or social security benefits and incentives for a period of two (2) to four years.

If the public cause or third party is seriously harmed, the penalties are increased by one third (1/3).

CHAPTER X
USURPATION OF FUNCTIONS AND CHARGE SIMULATION

ARTICLE 507.- USURPATION OF FUNCTIONS AND SIMULATION OF CHARGE BY INDIVIDUAL. Who without legal authorization, performs acts proper to a public official or employee, assuming an official character, shall be punished by imprisonment of six (6) months to two (2) years and a fine of one hundred (100) to two hundred (200) days.

CHAPTER XI COMMON PROVISIONS

ARTICLE 508.- SPECIFIC AGGRAVATING CIRCUMSTANCES. Penalties under this title may be increased by up to one quarter (1/4) when any of the following circumstances apply:

1) The crime causes a serious breach of a public service; or
2) The facts are committed within a group organized crime.

ARTICLE 509.- PUNISHMENT OF ACTS PREPARATIONS. Conspiracy, proposal or provocation to commit crimes against the Public Administration must be punished with the corresponding penalties reduced by one third (1/3).

Unofficial English Translation (seek Honduran legal counsel before relying upon this translation)

ARTICLE 510.- EFFECTIVE COLLABORATION WITH THE AUTHORITIES. The penalties to be imposed may be reduced by up to two thirds (2/3) if the guilty party collaborates effectively with the authorities to prevent the commission of crimes against the public administration or to mitigate their effects, to provide or obtain evidence of others already committed or for the identification, prosecution and trial of other responsible parties.

ARTICLE 511.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of the present Code, a legal entity is responsible for the crimes of fraud, influence peddling or bribery contained in this title, it shall be subject to the penalty of a fine equal to or up to five (5) times the value of the damage caused or the benefit obtained. In addition, some of the following sanctions must be imposed:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;
2) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favoured or covered up; and
3) Ineligibility to obtain public subsidies and aid, to contract with the public sector and to enjoy tax or social security benefits and incentives, for a period not to exceed ten (10) years.

ARTICLE 512.- INTERNATIONAL RECIDIVISM

The conviction of a foreign court for crimes of the same nature as those provided for in this title produces the effects of recidivism, unless the criminal record has been or could have been expunged under Honduran law.

TITLE XXVIII
CRIMES AGAINST THE ADMINISTRATION OF JUSTICE

CHAPTER I
CRIMES AGAINST THE ACTION OF JUSTICE

ARTICLE 513- CONCEALMENT. Who with knowledge of the commission of a crime and without having participated in it, subsequently intervenes to help those responsible, in any of the following circumstances:

1) Concealing, altering or disabling the body, effects, or instruments or any other incriminating evidence, hindering or preventing its discovery;

2) Helping those responsible evade investigation of the crime or evade justice; or
3) Helping those responsible to benefit or obtain advantage from the crime committed.

It must be punished with the prison sentence corresponding to the undercover crime reduced by two thirds (2/3).

The above penalty must be imposed in its maximum limit and special disqualification from public office or public service for a period of two (2) to four (4) years if the cover-up is a public official or employee acting with abuse of his duties.

The penalties are increased by one-third (1/3) if the cover-up is carried out on a regular basis or by price, reward or promise of remuneration.

ARTICLE 514.- EXEMPTION FROM LIABILITY. The following are exempt from the penalties imposed on those who cover up for their spouse or person with whom they maintain a stable relationship of an analogous nature, their ascendant, descendant within the fourth degree of consanguinity or second degree of affinity, or their brother, except for the cover-ups referred to in paragraph 3) of the preceding article.

ARTICLE 515.- OMISSION OF THE DUTY TO PURSUE CRIMES. A public official or employee who, failing in his or her duty, does not promote or ceases to promote the prosecution of the crimes of which he or she is aware or of those responsible, or does not take the necessary steps to adopt precautionary measures or ensure that those issued by the judges are complied with, shall be punished by

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Special disqualification from public employment or office for a period of three (3) to six (6) years.

CHAPTER II

CRIMES OF OBSTRUCTION OF JUSTICE

ARTICLE 516.- JUDICIAL PREVARICATION. The Judge o Court that knowingly makes an unjust decision should be punished with imprisonment of three (3) to six (6) years and special disqualification from public office of fifteen (15) years to twenty (20) years.

If the resolution is manifestly unjust and is issued for serious negligence, it should be punished by the special disqualification from employment or public office of three (3) to five (5) years.

ARTICLE 517.- DENIAL OF JUSTICE. The Judge o Court that refuses to judge without legal cause or alleging obscurity, insufficiency of silence of the Law, must be punished with special disqualification from employment or public office for two (2) to five (5) years and a fine of one hundred (100) to two hundred (200) days.

ARTICLE 518.- ARBITRARY REALIZATION OF THE OWN RIGHT. Anyone who, acting outside the law, uses violence, intimidation or force in order to realize his or her own right, shall be punished by imprisonment of six (6) months to one (1) year.

The penalty should be increased by one third (1/3) if weapons or dangerous objects are used in the commission of the act, without prejudice to the penalties that must also be imposed for the intimidation or violence.

ARTICLE 519.- FALSE TESTIMONY. The witness who in a judicial case, the failure to provide the truth in his testimony shall be punished by imprisonment of five (5) to seven (7) years and a fine of one hundred (100) to four hundred (400) days.
With the same penalties and special disqualification from profession, trade, commerce or industry for a period of time of five (5) to ten (10) years, experts, interpreters, translators and technical consultants who commit false testimony should be punished.

ARTICLE 520.- INTIMIDATION OF WITNESSES AND OTHER PARTICIPANTS IN THE CRIMINAL PROCESS.
Anyone who, by means of violence or intimidation, tries to influence a complainant, party, defendant, lawyer, procurator, witness, expert or interpreter in a proceeding to change his or her procedural behaviour, shall be punished by imprisonment of five (5) to seven (7) years and a fine of three hundred (300) to five hundred (500) days.

If it achieves its purpose, it must be punished by the penalties indicated in the previous paragraph increased by one third (1/3). Anyone who commits any act that threatens the life, integrity, freedom, sexual freedom or property, in retaliation against the subjects mentioned in the first paragraph for their action in a judicial proceeding, should be punished with the same penalties, without prejudice to the penalty that may correspond for the crimes committed.

ARTICLE 521.- DISCLOSURE OF IDENTITY OF PROTECTED WITNESS. Whoever, knowing the status of protected witness of a person, discloses his personal data, whereabouts or any other circumstance that endangers his protection, should be punished with imprisonment from four (4) to six (6) years.

If the subject who discloses the above-mentioned data is a public official or employee, in addition to the prison sentence of the first paragraph, a special disqualification from holding public office for twice the prison sentence must be imposed

ARTICLE 522.- LACK OF REGISTRATION OF CLIENTS AND THEIR IDENTIFICATION. The holders of the companies and institutions that provide communications services or those to whom they delegate, that omit the obligation to register or identify their clients, as established in the special legislation, should be punished with the penalties of a fine of seven hundred (700) to one thousand (1,000) days.

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If you are convicted of a crime, you should be fined from one thousand (1,000) to two thousand (2000) days.

CHAPTER III
CRIMES AGAINST THE AUTHORITY OF JUSTICE

ARTICLE 523.- JUDICIAL COERCION. Who If, by means of violence or intimidation, the action of the competent Jurisdictional Body or of the Public Prosecutor's Office (MP) is restricted in order to obtain a favorable decision or resolution, he must be punished with a prison sentence of five (5) to ten (10) years and a fine of five hundred (500) to one thousand (1000) days.

ARTICLE 524.- WITH A SUJETO S PROCESSIONALS. Whoever gives, offers or promises money or any other benefit to a witness, expert, consultant, interpreter or translator, in order to commit false testimony, must be punished with a prison sentence of two (2) to four (4) years, unless the act is punished with a greater penalty in another provision of this Code.

ARTICLE 525.- DISOBEDIENCE TO MANDATE PROSECUTOR OR JUDICIAL. Whoever, having a legal obligation to appear and having been legally summoned a second time by the competent Jurisdictional Body or the Public Prosecutor's Office (MP), abstains from appearing without legal cause, must be punished with a fine of three hundred (300) to five hundred (500) days, without prejudice to the obligation to comply with the mandate.

ARTICLE 526.- BREACH OF SENTENCE OR MEASUREMENT. Anyone who violates their sentence, security measure of internment, judicial arrest, preventive detention or a precautionary measure, dictated in a procedure of gender violence, should be punished with a prison sentence of two (2) to four (4) years.

When the sentence being served by the subject is deprivation of liberty and he uses violence or intimidation against people to escape or escape from the place where he is being held, or he takes part in a riot, he must be punished with the sentence in the previous paragraph increased by one third (1/3) without exceeding the maximum of

The penalties in the preceding paragraphs must be imposed, reduced by two-thirds (2/3), if the fugitive appears before an authority or at the place of escape within fifteen (15) days of the escape.

ARTICLE 527.- FAVOURING THE EVASION.
The public official or employee in charge of the custody or guardianship of those who are serving a sentence who seeks, facilitates or allows the escape of a legally detained or convicted person, shall be punished with a prison sentence of five (5) to ten (10) years, a fine of three hundred (300) to five hundred (500) days and special disqualification from public office or service for the same time as the prison sentence.

If the guilty party is an ascendant, descendant, spouse or someone who maintains a stable relationship of a similar nature to the previous one, or a sibling of the person being evaded, the prison sentence to be imposed shall be from three (3) to six (6) years.

CHAPTER IV
CRIMES AGAINST THE JUSTICE SYSTEM

ARTICLE 528.- FALSE DENUNCIATION OR ACCUSATION.
Anyone who, with knowledge of its falsehood or manifest contempt for the truth, attributes to a person facts that if true would constitute a criminal offense and does so before a public official or employee who has the duty to proceed with its investigation or prosecution, shall be punished by imprisonment of one (1) to four (4) years.

No action can be taken against the complainant or accuser unless after a final judgment or definitive dismissal of the case by the competent Jurisdictional Body that has heard the case.

The latter must proceed ex officio against the denouncer or accuser when the case being prosecuted provides sufficient evidence of the false denunciation or accusation, without prejudice to the fact that the act may also be prosecuted upon complaint by the offended party.

ARTICLE 529.- SIMULATION OF INFRINGEMENT INEXISTING. Who pretends to be responsible for or victim of

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a criminal offense or reports a non-existent one, causing procedural actions, before a public official who, by reason of his position, has the obligation to investigate or prosecute it, must be punished with a prison sentence of six (6) months to two (2) years and a fine of one hundred (100) to three hundred (300) days.

ARTICLE 530.- PROFESSIONAL DISLOYALTY The professional who advises or assumes the defence or representation of a person and, without that person's consent, simultaneously advises, defends, represents or provides information on the matter to a person who has contrary interests, should be punished by imprisonment of one
(1) to three (3) years and special disqualification for profession, trade, industry or commerce for a period of two (2) to five (5) years.

With the same penalties as in the previous paragraph, the professional who knowingly harms the interests entrusted to him with his advice, representation or defence must be punished.
If the above conduct is committed by gross negligence, the penalty must be reduced by one-third (1/3).

CHAPTER V

CRIMES AGAINST THE ADMINISTRATION OF JUSTICE OF THE INTERNATIONAL CRIMINAL COURT

ARTICLE 531.- OF THE COURT'S ADMINISTRATION OF JUSTICE
INTERNATIONAL CRIMINAL LAW. The provisions of the preceding chapters of this title apply to acts committed against the Administration of Justice of the International Criminal Court.

TITLE XXIX

CRIMES AGAINST THE CONSTITUTION CHAPTER I

CRIMES OF REBELLION AND SEDITION

ARTICLE 532.- REBELLION. Those who take up arms to overthrow the legitimately constituted government or to change or suspend all or part of the constitutional system

In the case of a person who has not been a citizen for at least five (5) years and has not been a citizen for at least ten (10) years, or who has not been a citizen for at least ten (10) years, the penalty for the violation of a democratic rule in force shall be imprisonment for five (5) to nine (9) years, loss of citizenship for five (5) to ten (10) years and total disqualification for ten (10) to fifteen (15) years.

The promoters, leaders or ringleaders of the crime of rebellion must be punished with ten (10) to fifteen (15) years of imprisonment, loss of citizenship for the same time as the prison sentence and absolute disqualification from fifteen (15) to twenty (20) years.

Those who exercise a subordinate command by designation of the persons mentioned in the previous paragraph, shall be subject to the penalties indicated therein, reduced by one third (1/3).

ARTICLE 533.- PUNISHMENT OF ACTS PREPARATIONS. The conspiracy, proposal or provocation to commit the crime of rebellion, must be punished with a prison sentence from two (2) to four (4) years and absolute disqualification from four (4) to six (6) years.

ARTICLE 534.- INFRINGEMENT OF THE DUTY TO RESISTANCE. Public officials or employees who, being obliged by reason of their office or functions, do not use the legal means at their disposal to contain a rebellion, must be punished with a prison sentence of two
(2) to four (4) years and special disqualification for public office or office for a period of four (4) to six (6) years.

ARTICLE 535.- SEDITION. Those who, without the purposes included in the crime of rebellion, rise up in arms carrying explosive devices, shall be punished with a prison sentence of three (3) to five (5) years and special disqualification from public office for a period of five (5) to ten (10) years, firearms or others as dangerous as the above, to prevent the approval or application of the laws or any authority, official or public employee from legitimately exercising their functions, complying with their agreements or resolutions, or to force them to perform an act proper to their functions.
Promoters, leaders or ringleaders of the crime of sedition shall be punished by imprisonment of five (5) to

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ten (10) years and absolute disqualification for the same time of the prison sentence.

ARTICLE 536.- PUNISHMENT OF ACTS PREPARATIONS. The conspiracy, proposal or provocation to commit the crime of sedition, must be punished with a prison sentence of one (1) to three (3) years and a special disqualification for public office of three (3) to five (5) years.

ARTICLE 537.- COMMON PROVISIONS.
to impose the respectively foreseen prison sentence reduced by half (1/2) when the perpetrators of the crimes regulated in this chapter are dissolved or submit to the legitimate authority before or as a consequence of the fiscal requirement.

The crimes provided for in this chapter shall be punished without prejudice to the penalties applicable for other crimes committed on the occasion of the same.

CHAPTER II
CRIME OF OUTRAGE AGAINST NATIONAL SYMBOLS

ARTICLE 538.- OUTRAGE TO SYMBOLS NATIONAL. Whoever with publicity outrages any of the national symbols, must be punished with a prison sentence of six (6) months to one (1) year.

CHAPTER III
CRIMES AGAINST STATE INSTITUTIONS

SECTION I
DEATH, INJURY OR KIDNAPPING OF THE PRESIDENT OF THE REPUBLIC

ARTICLE 539.- DEATH, INJURY OR KIDNAPPING OF THE PRESIDENT OF THE REPUBLIC Whoever kills the President of the Republic, President or Head of State who is visiting our country, must be severely punished with the maximum penalty of life imprisonment without prescription of the crime.

If the act committed against the President of the Republic, President or Head of State who is visiting our country, constitutes the crime of injury or kidnapping, the prison sentence must be from ten (10) to twenty (20) years.

In all cases, the suspension of citizenship and absolute disqualification for the same time of the prison sentence must also be imposed.

ARTICLE 540.- PUNISHMENT OF ACTS PREPARATIONS. The conspiracy, proposal or provocation to commit any of the crimes regulated in the previous article, must be punished with the respective prison sentence reduced by one third (1/3).

SECTION II
DISRUPTION OF THE FUNCTIONING OF INSTITUTIONS

ARTICLE 541.- ILLICIT DISRUPTION OF THE FUNCTIONING OF THE INSTITUTIONS.
Those who with violence, intimidation or force invade the seat of the National Congress, the Supreme Court of Justice (CSJ) or the Head Office of the Executive Branch, when they are gathered in the exercise of their functions, must be punished with a prison sentence of three (3) to six (6) years and special disqualification from public office from six (6) to ten (10) years. Those who, by means of violence, intimidation, force, simulating authority or invoking false order, try to prevent the exercise of the functions of the National Congress, the Supreme Court of Justice (CSJ) or the Head Office of the Executive Branch, shall be punished with a prison sentence of two (2) to five (5) years and special disqualification from holding public office for twice the term of the prison sentence.
Those who violently or intimidatingly prevent members of the National Congress, the Supreme Court of Justice (CSJ) or the Head Office of the Executive Branch from attending meetings of such institutions, shall be punished with a prison sentence of two (2) to four (4) years and special disqualification from holding public office or a public office for twice the term of the prison sentence.

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Those who, through violence, intimidation, force, simulating authority or invoking false order, try to prevent the exercise of the functions of the municipal corporations, should be punished with a prison sentence of one (1) to three (3) years and special disqualification from public office or office for double the time of the prison sentence.

The penalties provided for in the preceding paragraphs should be imposed without prejudice to those that may apply if other crimes are committed in the course of the execution of the above or if the act constitutes another, more serious crime.

CHAPTER IV
ELECTORAL CRIMES

ARTICLE 542 .- COERCION AND THREAT ELECTORAL. It must be punished with the penalty of four (4) to six (6) years of imprisonment, whoever executes any of the following conducts:

1) Without being legitimately authorized, it prevents another from exercising his or her electoral rights by using or not using violence;

2) Not allow or by any means hinder the electoral bodies, the timely occupation of public premises necessary for its operation;

3) Alters or obstructs any legitimate act of electoral propaganda;

4) Prevent the electoral bodies or any of their members from carrying out their functions; and

5) Prevent the opening of the vote, interrupt it or change the location.

ARTICLE 543.- FALSIFICATION OF DOCUMENTS ELECTORAL. Whoever forges electoral documents must be punished with the penalties corresponding to the crime of falsifying public documents and loss of citizenship for the same time that the deprivation of liberty lasts.

For the purposes of the preceding article, the following are considered to be documents electoral:

1) The National Electoral Census;

2) Voters' Lists;

3)Voting Books;

4) Minutes of the Electoral Bodies;

5) Lists of disqualified voters;

6) Certifications of results and any other kind used in the electoral process;

7) The written proposals of the Political Parties to integrate Electoral Bodies;

8) The information contained in the preliminary results transmission formats

9) Credentials issued by the Supreme Electoral Tribunal (TSE);

10) Electoral ballots;

11) Identity Cards; and,

12) The lists of candidates for elected office.

ARTICLE 544.- OTHER ELECTORAL CRIMES. Whoever commits the following acts shall be punished by four (4) to six (6) years of imprisonment:

1) Unjustified delay in the formation, issuance or publication of election documents and hindering the delivery of them;

2) Malicious inaccuracy in the elaboration of the National Electoral Census, its copies, ballots and other electoral documents;

3) Unjustified change of time and places where an election should be held;

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4) Irregularity in the organization and functioning of the Receptive Polling Stations, such as

a) Installing a Receiving Polling Station without authorization from the Supreme Electoral Tribunal (TSE); and

b) Usurp any of the offices of the Receiving Polling Station;

5) To prevent the members of the Receiving Polling Stations from reviewing the ballot boxes before the beginning of the voting and at the end of it, as well as from reviewing the votes in the scrutiny;

6) Malicious and incorrect entry in the voting book or in the contents of the ballot papers;

7) Violation of the secrecy of the vote when it is not attributable to the voter;

8) Declaration of election in non-elected persons;

9) Alteration of the number of ballots in relation to the opening act and the number of votes in relation to the closing act of the Receiving Polling Station;

10) Prevent or suspend, without justified reason, any electoral act;

11) Delaying or intentionally omitting to submit election documentation and materials used in the election;

12) Extract the votes deposited before the scrutiny or removal of the electoral material from the Receiving Polling Station is verified;

13) Retain election materials;

14) Exercise the right to vote while ineligible or vote more than once;

15) Substitute another person in the exercise of the vote;

16) Buy or sell the vote;

17) Annul the vote, alleging causes not covered by the Law of the Supreme Electoral Tribunal (TSE);

18) Omitting the signature, by the President or Secretary of the Receiving Polling Station, on the ballot paper;

19) Obstructing the development of the activities of the Supreme Electoral Tribunal (TSE); and

20) Alter the databases, which contain the National Electoral Census, those that serve as a basis for its elaboration, those that contain the information of the scrutinies and the others related to the electoral documentation.

When the acts indicated are committed by public officials or employees, they will be punished, in addition, with the penalty of special disqualification for twice the duration of the prison sentence.

ARTICLE 545.- ADDITIONAL PENALTY TO THE FOREIGNERS. In addition to the penalty that may correspond to the crime committed, the foreigner who obstructs in any formal electoral function or interferes publicly in internal political matters, must be expelled from the national territory.

ARTICLE 546.- IMPERSONATION OF HONDURAN WOMEN TO EXERCISE THEIR RIGHT TO VOTE. The

A foreigner who illegally carries an Identity Card as a Honduran citizen and exercises the right to vote, shall be punished with ten (10) years of imprisonment, without prejudice to his expulsion from the country at the end of his sentence.

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CHAPTER V
CRIMES AGAINST THE EXERCISE OF FUNDAMENTAL RIGHTS

SECTION I
LIMITATION OR IMPEDIMENT OF FUNDAMENTAL RIGHTS BY PUBLIC OFFICIAL OR EMPLOYEE

ARTICLE 548.- LIMITATION OR IMPEDIMENT OF CERTAIN FUNDAMENTAL RIGHTS. A public official or employee who arbitrarily and abusively performs any of the following acts shall be punished by imprisonment of two (2) to five (5) years and special disqualification from public employment or office of ten (10) to fifteen (15) years, unless the act is punishable by a greater penalty under another provision of this Code:

1) Dissolves or suspends the activities of a lawful association or prevents the holding of its meetings;
2) Prohibits, suspends or dissolves a peaceful assembly;
3) Restricts or prevents the dissemination, communication or circulation of ideas or opinions;
4) Entering or searching an address, or intercepting private correspondence, postal or any other kind, or telecommunications, outside of the cases allowed by law and with cause by crime. If the conduct takes place in the context of organized crime, the prison sentences must be increased by two thirds (2/3);
5) It performs interventions or personal searches outside the cases and formalities established by law;
6) Agrees to, practices or prolongs any deprivation of liberty or incommunication of a detainee, prisoner or convicted person in violation of the time limits,
7) Imposes penalties on prisoners or convicts or undue hardship or deprivation not provided for by law; or
8) It restricts a person's freedom to move, leave, enter or remain in the national territory or forces them to change their address or residence.

ARTICLE 549.- IMPEDIMENT TO THE EXERCISE OF OTHER RIGHTS RECOGNIZED IN CONSTITUTION. A public official or employee who arbitrarily and abusing his functions, prevents or limits a person from legitimately exercising other rights recognized by the Constitution, shall be punished with imprisonment of one (1) to three (3) years and special disqualification from public employment or office of five (5) to ten (10) years, unless the act is punished with a greater penalty in another provision of this Code.

SECTION II
CRIMES AGAINST RELIGIOUS FREEDOM, RELIGIOUS FEELINGS AND RESPECT FOR THE DECEASED

ARTICLE 550.- HINDERING THE EXERCISE OF FREEDOM OF RELIGION AND ITS DEMONSTRATIONS. Anyone who, by means of violence, intimidation or force, executes any of the following conducts shall be punished by imprisonment of one (1) to three (3) years:

1) Compels or prevents another from practicing, attending or participating in the acts of worship, ceremonies or rites of a religion; or
2) It prevents or interrupts, without being legitimately authorized, the acts, ceremonies or functions of a religion.

If the behaviors described in the previous paragraph were committed by a public official or employee abusing

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of their functions, the penalty of special disqualification from employment or public office for two
(2) to four (4) years.

ARTICLE 551.- OFFENSES TO FEELINGS RELIGIOUS. It should be punished with the penalty of house arrest from six (6) to nine (9) months or rendering services of public utility or to the victims from five (5) months to one (1) year, who to offend the religious feelings of those who practice or profess a religion, executes acts of outrage of objects intended for a cult in a place that usually serves for its exercise or in religious ceremonies.

ARTICLE 552.- VIOLATION OF BURIALS AND DESECRATION OF CORPSES. Whoever disrespects the memory of the dead, violates graves, burials, funerary urns, or in any way profanes a human corpse or its remains, shall be punished with a prison sentence of six (6) months to one (1) year or with the provision of services of public utility or to the victims for the same period of time as the prison sentence.

SECTION III
CRIMES AGAINST OTHER FUNDAMENTAL RIGHTS

ARTICLE 553.- MEETINGS AND DEMONSTRATIONS ILLEGAL ACTIVITIES. These are illicit meetings or demonstrations the following:

1) Those that are convened with the express purpose of committing crimes. For this assumption to occur, there must be a planning of the alleged crime; and

2) Those that their participants attend carrying firearms, explosive devices or other objects just as dangerous as the previous ones. For this to occur, it is required that the promoters or attendees be the ones who carry the weapons or objects, not people from outside the meeting or demonstration.

Those who promote, direct or preside over the meetings or demonstrations referred to in the above paragraphs, shall be punished by imprisonment of two (2) to four (4) years and a fine of one hundred (100) to five hundred (500) days if the purpose is to commit serious crimes, and with the penalty of providing public utility services and a fine of twenty-five (25) to fifty (50) days in the case of crimes not considered as serious.

All other participants in the unlawful assembly or demonstration shall be punished by imprisonment of one (1) to three
(3) years and a fine of one hundred (100) to two hundred (200) days, if the purpose is to commit serious crimes, and with the penalty of providing public utility services in the case of crimes not considered serious.

The above penalties should be imposed without prejudice to the penalties applicable to specific crimes that may be committed.

ARTICLE 554.-PARADELINQUIR ASSOCIATION. They are
unlawful associations are those constituted, either permanently or temporarily, by two (2) or more persons for the purpose of committing criminal offences. Also considered illicit associations are those that, after being legally constituted, devote their activity, in whole or in part, to the commission of crimes.

Also considered as illicit associations are those that, even if their object is a legal one, employ as a permanent strategy and defend violent, intimidating or other illicit means to achieve it.

The crime is considered committed regardless of whether the association has been constituted abroad, provided that some act with criminal relevance is carried out in the territory of Honduras.
The directors, promoters and financiers of the illicit association must be punished with a prison sentence of ten (10) to fifteen (15) years and a fine of five hundred (500) to one thousand (1000) days. The simple members of the association must be punished with a prison sentence of six (6) to ten (10) years and a fine of one hundred (100) to five hundred (500) days.

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CHAPTER I CRIMES AGAINST THE NATION

ARTICLE 555.- TREASON TO THE COUNTRY. Any Honduran citizen who performs acts that directly tend to undermine the territorial integrity of the republic, submit it totally or partially to foreign domination, compromise its sovereignty or attempt against the unity of the State, as well as anyone who performs any of the acts typified in the Constitution of the Republic as treason, must be punished with a prison sentence of fifteen (15) to twenty (20) years and absolute disqualification for twice the duration of the prison sentence.

Hondurans who, during an armed conflict with a foreign country, serve the enemy with or without weapons, shall be punished with a prison sentence of ten (10) to fifteen (15) years and absolute disqualification for twice the duration of the prison sentence.

In addition to direct warfare, service to the enemy is understood to mean the provision or facilitation of flows, weapons, vehicles, vessels, aircraft, effects or ammunition of quartering or armaments, plans or information of facilities of all kinds in the service of the country's defense, or other direct or effective means of hostility to Honduras or that favor the progress of enemy weapons. It is also understood as service to the enemy the conducts directed to prevent the national effort from reaching the previous aids.

Those who persuade Honduran troops to join enemy ranks, or who recruit people against Honduras in times of campaign or war, should be punished with the same penalty as in the second paragraph of this article.

Hondurans who accept administrative positions appointed by the enemy or Honduran officials who continue to exercise those already held under the invader's orders, should be punished with imprisonment from five (5) to ten (10) years and absolute disqualification for twice the time of the sentence.

If the perpetrators of the acts described in the preceding paragraphs have the status of the Honduran Armed Forces, the National Police or other armed institutions of the State, the respective penalties must be imposed, increased by one third (1/3).

ARTICLE 556.- INDUCEMENT TO ACTS OF AGGRESSION AGAINST THE NATION. The Honduran who induces a foreign power to declare war on Honduras or makes a pact with it for the same purpose, must be punished with imprisonment from fifteen (15) to twenty (20) years and absolute disqualification for twice the time of the sentence.

ARTICLE 557.-BORDERLINE ATTACKS. Whoever destroys, removes or mobilizes the landmarks, buoys or signs that mark the national borders, must be punished with imprisonment from three (3) to six (6) years and absolute disqualification for twice the time of the sentence.

If the above act takes place during a war with a neighboring state or as a result of it, Honduras gets involved in some conflict, even if it was not a war with a neighboring state, the penalties must be increased by one third (1/3).

ARTICLE 558.- ILLEGAL DRAWING UP OF PLANS FOR FORTIFICATIONS OR OTHER WORKS. Anyone who, without being duly authorized, draws up plans for fortifications, barracks, buildings, land, ships, aircraft, arsenals, roads or military works or facilities of any kind intended for the defense of the country, shall be punished by imprisonment of three (3) to six (6) years and absolute disqualification for twice the time of the sentence.

ARTICLE 559.- ILLEGAL DECLARATION OF WAR OR PEACE. Members of the government who, without complying with the provisions of the Constitution of the Republic, declare war or fi man peace, shall be punished with imprisonment of fifteen (15) to twenty (20) years, absolute disqualification for twice the time of the sentence.

Unofficial English translation (seek Honduran legal counsel before relying upon this translation)

ARTICLE 560.- CRIMES THAT COMMIT NEUTRALITY. Anyone who commits any of the crimes set forth in the preceding articles against a State that is an ally of Honduras at war or in an armed conflict, thereby endangering the alliance or neutrality of Honduras or in any way compromising the conduct of military operations, shall incur the penalties set forth in the preceding articles.

ARTICLE 561.-ACT STATEMENT PREPARATIONS. The conspiracy, proposal or provocation to any of the crimes foreseen in the previous articles, must be punished with the corresponding penalties reduced by a third (1/3).

ARTICLE 562.- PENALTY OF LOSS OF CITIZENSHIP AND NATIONALITY If the person
If a person convicted of any of the crimes listed above is a naturalized Honduran citizen, he or she must also lose his or her nationality. If the person is a native Honduran, the penalty of loss of citizenship must be imposed for the duration of the prison sentence.

CHAPTER II
ESPIONAGE

ARTICLE 563.- ESPIONAGE. Anyone who, without being legitimately authorized and in order to favor a foreign government or organization, reveals classified information contained in physical or electronic files on weapons inventory, number of troops, military equipment, or secret or ultra-secret information related to national defense, plans or photographs of military installations or that are being used for military purposes, shall be punished by imprisonment of five (5) to ten (10) years and absolute disqualification for twice the duration of the prison.
The above penalties should be increased by one quarter (1/4) if the perpetrator has become aware of such information in the course of his public duties.

Anyone who improperly procures or obtains secret information or information affecting the national police or security forces, concerning the means of defense or the foreign relations of the nation or referring to the fight against drug trafficking or organized crime, must be punished with a prison sentence of five (5) to eight (8) years and absolute disqualification for twice the duration of the prison sentence.

CHAPTER III
CRIMES AGAINST THE PEACE AND EXTERNAL SECURITY OF THE NATION

SECTION I
CRIMES AGAINST PEACE

ARTICLE 564.- INCITEMENT TO WAR OR RETALIATION. Whoever, without any justification, carries out acts that could lead to a warlike conflict with Honduras or to the suffering of Hondurans living in the foreign State, either in their person or in their property, must be punished with a prison sentence of five (5) to eight (8) years and absolute disqualification for twice the duration of the prison sentence, if diplomatic relations are broken off.
If war is declared, the provisions of the
Article 556.

ARTICLE 565.- RECRUITMENT OF TROOPS, USE OF NATIONAL TERRITORY AND RECRUITMENT OF MERCENARIES Whoever within
of the national territory recruits or forces civilians, prisoners of war or other persons deprived of their liberty, to serve or form part of the troops in the service of a foreign nation, whatever the object that is proposed or used in the national territory to invade or harass another nation, incurs the penalties of imprisonment from seven (7) to twelve (12) years and absolute disqualification for twice the duration of the prison.
Whoever uses, recruits, finances or trains mercenaries for activities aimed at violating the sovereignty, political independence and territorial integrity of States

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and the self-determination of peoples, shall be punishable by imprisonment for twenty (20) to thirty (30) years, a fine of four hundred (400) to seven hundred (700) days, and disqualification for twice the duration of the imprisonment.

SECTION II
CRIMES AGAINST THE FOREIGN SECURITY OF THE NATION

ARTICLE 566.- VIOLATION OF TRUCE OR AGREEMENT, SAFE-CONDUCT OR TREATY. Whoever violates the truce agreed between Honduras and another State or between the armed forces of both countries, violates the laissez-passer duly issued, or prevents or disturbs the fulfillment of a peace treaty with another State, must be punished with imprisonment from three (3) to six (6) years and absolute disqualification for twice the duration of the prison sentence.

ARTICLE 567.- BREACH OF CONTRACTS RELATING TO THE SECURITY OF THE NATION. Whoever deliberately fails to comply with contractual obligations relating to the needs of the armed forces, while the nation is at war, shall be punished with imprisonment from five (5) to ten (10) years and absolute disqualification for twice the duration of the prison sentence, if it does not constitute another more serious crime.

If the breach is due to serious negligence, it should be punished with a prison sentence of two (2) to four (4) years and absolute disqualification for twice the duration of the prison.

ARTICLE 568.- SABOTAGE. Whoever damages facilities, buildings, roads, works or objects necessary or useful for the national defense, with the purpose of harming the war effort and finding the nation at war, must be punished with a prison sentence of five (5) to ten (10) years, if it does not constitute a more serious crime.

ARTICLE 569.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of this Code, a legal person is responsible for the crimes contained in this title, the penalty of dissolution of the legal entity or a fine of five hundred (500) to one thousand (1000) days must be imposed. In the latter case, some of the following sanctions may be additionally imposed:

1) Suspension of the specific activities in which the crime occurred, for a period not to exceed five (5) years;

2) Closure of the premises and establishments that were used to carry out the crime, for a period not to exceed five (5) years;

3) Prohibition to carry out in the future the specific activities in the exercise of which the crime has been committed, favored or covered up; or

4) Ineligibility to obtain public subsidies and aid, to contract with the public sector and to enjoy tax or social security benefits and incentives, for a period not to exceed fifteen (15) years.

TITLE XXXI
CRIMES AGAINST PUBLIC ORDER
CHAPTER I
ATTACK, RESISTANCE AND DISOBEDIENCE

ARTICLE 570.- ATTACK. Whoever attacks the authority, public officials or employees, seriously intimidates them, makes serious active resistance or uses force against them, when they are in the exercise of the functions of their position or as a consequence of it, must be punished as the author of a crime of attack with imprisonment from one (1) to three (3) years and a fine of one hundred (100) to three hundred (300) days.

If, in the above cases, the attack is carried out with weapons, explosives or if the guilty party takes precedence over the exercise of public functions, the penalties must be increased by one third (1/3).

ARTICLE 571.- PUNISHMENT OF ACTS PREPARATIONS. The conspiracy, proposal or provocation to an attack crime must be punished in its

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case, with the corresponding penalty reduced by a third (1/3).

ARTICLE 572.- DISOBEDIENCE. Those who, without being covered by the foregoing articles, seriously disobey the authority, officials, or public employees in the exercise of their duties, shall be punished with a prison sentence of six (6) months to two (2) years.

CHAPTER II PUBLIC DISORDERS

ARTICLE 573.- PUBLIC DISORDERS. Who by means of violence or serious intimidation frightens a population or part of it, should be punished by imprisonment from one (1) to three (3) years. If it creates a serious danger to life, health of persons or property, the penalty to be imposed shall be increased by one third (1/3), unless the acts are punishable by a more severe penalty under other provisions of this Code.

Whoever publicly disseminates repeated false news or rumors that frighten the population or part of it and thus creates a serious danger to life, health of persons or property, should be punished with the of imprisonment from one (1) to three (3) years, unless the acts are punishable by more severe penalties under other provisions of this Code.

ARTICLE 574.- DISTURBANCE OF THE ORDER
Those who, acting in a group, disturb the public order causing injuries to people, producing damage or invading with violence or intimidation serious facilities or buildings, shall be punished with imprisonment of one (1) to three (3) years and a fine of one hundred (100) to two hundred (200) days, without prejudice to the corresponding penalties for the other crimes committed on the occasion of the disturbance.
Those who seriously disturb the order in a competent Jurisdictional Body, in the public acts of any authority or corporation, in an office or public establishments, in schools or for the celebration of sports or cultural events.

ARTICLE 575.- FIREARM SHOOTING.
Whoever, in a town or in a crowded place, fires a firearm or other instrument of similar potential, must be punished with a prison sentence of six (6) months to a (1) year and suspension of the right of possession and carrying of firearms for three (3) to five (5) years.

Penalties should be increased by two thirds (2/3) in the case of perpetrators who are public officials or employees.

ARTICLE 576.- IMPEDIMENT OF TRANSIT TO RESCUE TEAMS OR ASSISTANCE. Those who, during a legal or illegal meeting or demonstration, prevent the transit of relief or public assistance elements or make access to centers of the latter nature impossible, shall be punished with a prison sentence of six (6) months to two (2) years.

The above penalties should be imposed without prejudice to the penalties applicable to specific crimes that may be committed.

ARTICLE 577.- ABUSE OF CALLS FROM EMERGENCY. Whoever requests the services of the National Emergency System or other public emergency services, causing the activation of their resources without reason, must be punished with the penalties of house arrest or imprisonment of one (1) to two (2) years and a fine of one hundred (100) to two hundred (200) days.

ARTICLE 578.- CONSTRUCTION OR FACILITATION OF AIRSTRIPS. Whoever, without authorization, builds, causes to be built or allows to be built, or facilitates the construction or use of runways, landing sites or mooring places, to be used in trafficking in persons, trafficking in drugs or precursors, trafficking in arms, ammunition, explosives or their components, trafficking in cultural property or money laundering, shall be punished by imprisonment from eight (8) to twelve (12) (12) years, fine of three hundred (300) to six hundred (600) days and permanent location of up to five (5) years.

ARTICLE 579.- INTRODUCTION OF OBJECTS PROHIBITED. Whoever illegally introduces, try

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to introduce or allow another to introduce in penitentiary centers, penal farms, preventive centers or in the centers of internment of children, prohibited objects in the matter of computer science and telecommunications that allow the emission and reception of data by means of voice, data or images, must be punished with the penalty of three (3) to five (5) years of prison and a fine of five hundred (500) to one thousand (1000) days.

If the conduct described in the previous paragraph is committed by a public official or employee, the penalty of absolute disqualification must also be imposed for twice the duration of the prison sentence.

CHAPTER III
INTRODUCTION OF PROHIBITED OBJECTS, ILLEGAL POSSESSION OF WEAPONS, EXPLOSIVES AND AMMUNITION

ARTICLE 580.- ILLEGAL POSSESSION OR CARRYING OF FIREARMS. The possession of firearms or ammunition without the necessary licenses or permits should be punished with the following penalties:

1) From one (1) to four (4) years and permanent location of up to two (2) years, if weapons or ammunition are allowed; and

2) From four (4) to six (6) years and permanent location of up to three (3) years, in the case of prohibited weapons or ammunition.
With the same penalties provided in paragraph 1), the possession of handmade weapons is punished.

The prison sentence is increased by one third (1/3) for anyone who carries the above firearms or ammunition without authorization.

ARTICLE 581.- FIREARMS DEPOSIT, MUNICIONS OR EXPLOSIVES. Whoever, without authorization, possesses a firearms deposit must be punished with the following penalties:

1) From eight (8) to twelve (12) years and permanent location of up to five (5) years, if firearms are permitted to be used; and

2) From ten (10) to twelve (12) years and permanent location of up to five (5) years, in case of prohibited firearms.

If the deposit is of ammunition, the penalties should be reduced in their respective cases by one third (1/3).

Whoever, without authorization, possesses a warehouse of explosives, must be punished with the penalties of imprisonment of ten (10) to fifteen years and permanent location for up to ten (10) years. For the purposes of this provision, a meeting of more than ten (10) weapons is considered a firearms deposit. With respect to ammunition and explosives, the competent Jurisdictional Body, taking into account the quantity and type of them, must declare whether they constitute a deposit for the purposes of this precept.

ARTICLE 582.- ILLICIT MANUFACTURE AND TRAFFICKING OF WEAPONS, MUNICIONS OR EXPLOSIVES Who without authorization manufactures, elaborates artisan, repairs, manipulates, modifies, trades, transports, imports or exports firearms, ammunition, explosives, their parts, components or materials, must be punished with imprisonment of eight (8) to twelve (12) years, fine of one thousand (1000) to (2000) days and permanent location of up to ten (10) years.

ARTICLE 583.- FACILITATION OF WEAPONS TO THIRD PARTY. Whoever, outside the cases allowed by law, provides or transfers weapons, ammunition or explosives to minors or persons with disabilities, shall be punished with a prison sentence of three (3) to five (5) years and permanent location of up to one (1) year.

ARTICLE 584.- SPECIFIC AGGRAVATING CIRCUMSTANCES. Penalties provided for in this chapter are increased by up to one third (1/3) in the following cases:

1) The acts are committed within the scope of an organized criminal group;

2) The conduct has been carried out by a public official or employee or whoever, in general, represents

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public interests related to some of the planned activities;

3)Provided to minors or mentally ill access to weapons, ammunition or explosives;

4) The possession of illicit arms, ammunition or explosives that have a high potential to cause harm;

5) The weapon, ammunition or explosives have been altered in a way that increases the potential for harm; or

6) The carrying of weapons or explosives is carried out in public places or events or in circumstances that make it particularly dangerous.

ARTICLE 585.- SPECIFIC MITIGATING FACTORS The competent jurisdictional body may mitigate by one third (1/3) the penalties indicated in the previous articles, provided that the offender cooperates with the authorities in the following manner:

1) Confess the criminal activities in which he has participated and carry out, directly or indirectly, the consequent provision of evidence;

2) To prevent the perpetration of crimes or to mitigate their effects or to provide or obtain evidence of others already committed;

3) The identification, pursuit and prosecution of those responsible for the commission of criminal acts; or

4) Develop activities aimed at depriving the criminal organization of means and resources predisposed to contribute to its criminal activity or of the benefits obtained from it.

The possession and carrying of firearms with expired permits constitutes an administrative offense that is regulated by the Weapons Law.

CHAPTER IV COMMON PROVISIONS

ARTICLE 586.- DISQUALIFYING PENALTIES.
In all the cases provided for in chapters II and III of this title and together with the penalties respectively established, a special disqualification must be imposed for twice the time of the sentence, for the exercise of the profession, office, trade or industry related to the conduct.

If the crime is committed by a public official or employee with abuse of his duties, the penalty of absolute disqualification for twice the time of the sentence must be imposed under the same conditions as in the previous case.

If the crime is committed using weapons, the offender must also be deprived of the right to keep and bear arms and the possibility of obtaining them until the prison sentence has been completely extinguished.

TITLE XXXII TERRORISM

ARTICLE 587.- TERRORIST ASSOCIATION.
Terrorist associations are those constituted either permanently or temporarily, by two (2) or more persons to commit a crime, with any of the following purposes

1) Serious subversion of the constitutional order; or

2) To provoke a state of terror in the population or part of it.

Also considered terrorist associations are those that, even if their purpose is lawful, carry out in whole or in part the conduct referred to in the preceding paragraph.

The crime is considered committed regardless of whether the association has been constituted abroad, provided that some act with criminal relevance is carried out in the territory of Honduras.

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The directors, promoters and financiers of the association must be punished with a prison sentence of fifteen (15) to twenty (20) years and a fine of one thousand (1000) to two thousand (2000) days. The simple members of the terrorist association must be punished with a prison sentence of ten (10) to fifteen (15) years and a fine of five hundred (500) to one thousand (1000) days.

By fise it means those who in any way contribute or help to contribute, by themselves or by a person interposed, to the financing of terrorist associations.

These penalties must be imposed regardless of those that correspond to the specific criminal acts carried out by the members of the terrorist association, carried out for the purposes mentioned in the previous paragraphs of this article.

ARTICLE 588.- COLLABORATION WITHOUT MEMBERSHIP TO THE TERRORIST ASSOCIATION. Whoever, outside the cases contemplated in the previous article, collaborates with a terrorist association by providing information on persons, facts, goods or facilities, making available to the association or its members, furniture, real estate, facilitating the transfer, hosting or hiding of persons, any type of material belonging, related or destined to the association or providing technological services of any kind, shall be punished with imprisonment from five (5) to ten (10) years and a fine of five hundred (500) to one thousand (1000) days, unless for its participation in a specific crime it deserves a greater penalty.

If the acts of collaboration are carried out by a public official or employee or are executed for a price, reward or promise of remuneration, the prison sentence should be from eight (8) to twelve (12) years, which should be imposed regardless of the sentence for the commission of other offences.

ARTICLE 589.- CRIMES OF TERRORISM IN PARTICULAR. All serious crimes committed with a terrorist purpose and in any case personal injuries carried out with that purpose are considered terrorist crimes for the purposes of this chapter and must be punished with the penalty increased by one third (1/3) to the one foreseen in the corresponding precept. In the case of crimes of possession, carrying or storage of weapons, ammunition or explosives, the penalty must be increased by two thirds (2/3).

ARTICLE 590.- SPECIFIC MITIGATING FACTORS may reduce the penalty for terrorist crimes by up to two-thirds (2/3) if any of the following conduct is committed

1) Confession of the criminal activities in which you have participated and carried out, directly or indirectly from the consequent provision of evidence;

2) Collaboration with the authorities to prevent the perpetration of terrorist crimes or to mitigate their effects, or to provide or obtain evidence of others already committed;

3) Collaboration with the authorities for the identification and prosecution of those responsible for the commission of terrorist acts;

4) Development of activities aimed at depriving the criminal organization of means and resources predisposed to contribute to its criminal activity or of the benefits obtained from it; or

5) Contribution in a decisive way to the dismantling of the terrorist association, by communicating any relevant information to the authorities.

ARTICLE 591.- ASSISTANCE TO CAMPS OF TRAINING. Whoever attends camps or training sessions with the purpose of receiving indoctrination or training for the commission of terrorist crimes, shall be punished with a prison sentence of five (5) to seven (7) years and a fine of five hundred (500) to one thousand (1000) days.

Those who provide the training or indoctrination referred to in the previous paragraph shall be punished with the same penalties increased by one third (1/3).

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ARTICLE 592.- CYBERTERROR RISM OO ELECTRONIC TERRORISM: Whoever, by any means or procedure and without authorization, accesses a computer system of the State Public Administration or that provides services of a State nature, prevents access to the same or alters, changes, or damages data in the content, with the intention of preventing the correct functioning of a service or to cause terror or fear in the population, must be punished with a prison sentence of four (4) to six (6) years and a fine of three hundred (300) to one thousand (1000) days.

The penalties in the previous paragraph should be increased by one third (1/3) in the following cases:

1) When some kind of condition is established in exchange for ceasing the unlawful conduct; or

2) When the above conducts are carried out against critical infrastructure or essential services for the community or serious economic damage is caused.

ARTICLE 593.- PUNISHMENT OF ACTS PREPARATIONS. The conspiracy, proposal or provocation to commit the crimes listed in this chapter should be punished with the same penalty, which corresponds in each case to the authorship, reduced by one third (1/3).

ARTICLE 594.- DISQUALIFICATION

The penalty of special disqualification for public office or office, profession or trade of up to fifteen (15) years should be imposed on those who use the exercise of these for the execution of the crime.

When the crime is committed by a public official or employee in the exercise of his duties, the prison sentence must be increased by one third (1/3). In this case, the penalty of absolute disqualification should also be imposed from fifteen (15) to twenty (20) years.

ARTICLE 595.- INTERNATIONAL RECIDIVISM

Conviction of a foreign judicial body for The effects of recidivism are produced by crimes of the same nature as those provided for in this chapter, unless the criminal record has been or could have been expunged under Honduran law.

ARTICLE 596.- RESPONSIBILITY OF THE LEGAL ENTITIES. When, in accordance with the provisions of Article 102 of this Code, a legal entity is responsible for a terrorism crime, it must be imposed the penalty of dissolution of the legal entity, even if it is the first crime of this nature and a fine of one thousand (1,000) to three thousand (3,000) days.

BOOK III

REGULATION OF FAULTS

TITLE I

GENERAL PROVISIONS

ARTICLE 597.- GENERAL PROVISIONS APPLICABLE TO FAULTS. The provisions contained in Book I of this Code are applicable to misdemeanors with the following particularities:

Only offences committed in the national territory are punishable. Only consummated faults will be punished. Only the perpetrators are responsible for the misconduct. For the determination of the penalties foreseen for the misdemeanors, the competent Jurisdictional Body shall act according to its prudent discretion, within the limits of those penalties, without being subject to the rules established in Book I of the present Code.

In the case of misdemeanors that can be prosecuted at the request of the offended party or his legal representative, the pardon of the offended party shall extinguish the criminal action or the penalty imposed, without prejudice to the provisions of Article 109 of this Code.

TITLE II

OFFENCES AGAINST PERSONS

ARTICLE 598.- INJURIES DUE TO NEGLIGENCE MILD. Whoever, through slight negligence, causes an injury constituting a crime, shall be punished by imprisonment

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one (1) to three (3) months or a fine of thirty (30) to ninety-nine (99) days.

If the injury is caused by a motor vehicle or a weapon, the penalty of deprivation of license for up to one (1) year must also be imposed.

ARTICLE 599.- LIGHT INJURIES AND MISTREATMENT OF WORK. Whoever by any means or procedure causes another person an injury not constituting a crime, shall be punished by imprisonment of three (3) to five (5) months or by a fine of fifty (50) to ninety-nine (99) days.

Whoever hits or mistreats another person without causing him/her injury, shall be punished with imprisonment of one (1) to three (3) months or a fine of thirty (30) to ninety (90) days.

ARTICLE 600.- THREATS, COERCION, SLIGHT INJURIES AND HUMILIATIONS. Those who carry out threats, coercion, insults or minor unjust humiliations, if the fact does not constitute a crime, must be punished with a fine of thirty (30) to sixty (60) (60) days.

Anyone who threatens another with a weapon or who takes it out in a fight, other than in just defense, should be punished with the same penalty.

ARTICLE 601.- PROCEEDINGS. In order to proceed with the illicit acts listed in the previous articles, it is necessary to denounce the aggrieved person or his legal representative.

~~TITLE III~~

MISDEMEANORS AGAINST THE PATRIMONY

ARTICLE 602.- LACK OF POWERS OF ATTORNEY, FRAUD AND APPROPRIATION. Whoever commits any of the following conducts shall be punished by imprisonment of one (1) to five (5) months or by a fine of an amount equal to or double the amount subtracted, defrauded or appropriated:

1) Whoever commits theft, fraud, misappropriation or defrauding of energies, or telecommunications, if the value of the stolen goods does not exceed Five Thousand Lempiras (L5,000);

2) Whoever, for profit, appropriates another's lost property or property without a known owner for a value not exceeding Five Thousand Lempiras (L5,000);

3) Whoever, without the intention of appropriating it, subtracts a third party's motor vehicle if its value does not exceed Five Thousand Lempiras (L5,000). If violence or intimidation of persons is used for its subtraction, it will be punished, in any case, as a crime of violent robbery or intimidation.

ARTICLE 603.- LACK OF DAMAGES. Who intentionally causes damage not exceeding five thousand (L5,000) lempiras, shall be punished by a fine equal to or twice the amount of the damage caused.

The same penalty should be imposed on anyone who damages real estate without the proper authorization of its owners, and provided that the conduct does not constitute a crime.

In the above cases, if the ownership of the goods is public or if the goods are intended for a public service and are still privately owned, the penalty of a fine will be increased by one third (1/3).

ARTICLE 604.- ENTRY INTO ESTATE OR FIELD OUTSIDE OF US. Whoever, without consent, executes any of the following conducts shall be punished with a prison sentence of two (2) to four (4) months:

1) He enters other people's fields to pick fruit;

2) Go in to fish or hunt in other people's closed or forbidden fields;

3) Introduces your cattle in someone else's inheritance or forbidden field, if it causes any damage not constituting a crime; or,

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TITLE IV
OFFENCES AGAINST THE GENERAL INTERESTS AND REGIME OF THE POPULATIONS

ARTICLE 605.- NON CONSTITUTIVE CONTRABAND OF CRIME. The contraband infractions that do not constitute a crime because the object of the conduct is worth less than fifty thousand (L50,000) lempiras, must be punished with a fine of sixty (60) to ninety-nine (99) days.

ARTICLE 606.- BURNING OF WASTE OR VEGETABLE PRODUCTS. Whoever violates the regulations or ordinances on the burning of waste or of forest or plant products, shall be punished, if the conduct does not constitute a crime, with the penalty of a fine of fifty (50) to ninety-nine (99) days.

ARTICLE 607.- ABANDONMENT OF OBJECTS DANGEROUS. Whoever abandons dangerous objects or instruments, in such a way that they could cause harm to people or transmit diseases or in places frequented by underage children, must be punished, if the conduct does not constitute a crime, with imprisonment from three (3) to six (6) months.

ARTICLE 608.- RELEASE OF ANIMALS FIERCE OR HARMFUL. The owners or guardians of fierce or harmful animals that leave them loose or in a condition to cause harm, must be punished with a prison sentence of two (2) to four (4) months or a fine of thirty (30) to sixty (60) days.

TITLE V
OFFENCES AGAINST PUBLIC ORDER

ARTICLE 609.- DISTURBANCE OF THE ORDER PUBLIC. Those who slightly disturb the order of a Court or the holding of public events, sports or cultural shows or numerous meetings, must be punishable by a fine of twenty (20) to forty (40) days.

ARTICLE 610.- MILD DISOBEDIENCE. Who slightly disobey legitimate orders issued by a public authority or official in the exercise of their functions, should be punished by a fine of twenty (20) to sixty (60) days.

ADDITIONAL PROVISIONS

ARTICLE 611.- CHILDREN, PERSONS WITH DISABILITIES, ABANDONED OR AT RISK SOCIAL. When the governmental authority has knowledge of the existence of a minor under eighteen (18) years of age or of an incapable person who is a victim of a sexual crime, whether or not he is willing to do so, but with the consent of the persons exercising family, ethical-social or de facto authority over him, who lacks them or they have abandoned him and do not take custody of him, it will immediately communicate this to the competent authority in matters of Children, Adolescents and Family as well as to the Public Ministry (MP) so that they act in accordance with their respective competencies.

In cases where the competent jurisdictional body agrees to special disqualification for the exercise of parental authority, guardianship, custody or curatorship, it shall immediately notify the competent authority for children, adolescents and the family and the Public Prosecutor's Office (MP) so that they may act in accordance with their respective competences.

ARTICLE 612.- CASES OF ATIPICITY IN CRIMES RELATED TO MEDICINES AND SANITARY PRODUCTS. For the purposes of articles 298 and following of the present Code, it is not understood as typical the conduct, referred to medicines, drugs or sanitary products, of those who having obtained the corresponding authorizations in their moment, have not obtained the renewal of the same ones because the corresponding file is in administrative procedure, whenever it is for causes attributed to the competent Administration for the above mentioned renewal.

ARTICLE 613.- EXCEPTION TO THE CRIMES OF USURPATION. *It* is not considered usurpation, and therefore no criminal action may be taken for this crime, the occupation of land when the corresponding civil or administrative claims have been previously filed in relation to ancestral titles or human settlements, except in the

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cases of fraud under the law. In these cases, the competent Jurisdictional Body shall limit itself to ordering the adoption of containment measures both and only to avoid that the conflict may endanger the life or health of the persons, and to prevent an abusive use of the lands subject to the litigation that implies or may imply, serious deterioration or essential transformation of them. The limitation of the use of the land that may occur while the resolution falls within the civil or administrative sphere does not give rise to any claim for compensation by any of the parties.

The legitimate exercise of the right of indigenous communities and peoples to the conservation and use of natural water sources is not considered to be diversion, hindrance, or impediment to the effects of the crime of water usurpation. Conflicts that may arise with the use of water must be channelled through civil law.

TRANSITIONAL PROVISIONS ARTICLE

614.- EX OFFICIO REVIEW. The Judges
The Execution Committee must automatically review all convictions in accordance with the rules set forth in the following articles.

ARTICLE 615.- RETROACTIVITY OF THE LAW MORE FAVORABLE PENALTY. Crimes and misdemeanors committed up to the date of entry into force of this Code shall be judged in accordance with the criminal rules that are repealed, unless the provisions of this Code are more favorable taken as a whole, in which case the provisions of this Code apply.

If, in accordance with the present Code, the acts being judged or on which no sentence has been passed do not constitute a crime or misdemeanor, the competent jurisdictional body shall issue a final dismissal or the sentence imposed shall not be executed.

ARTICLE 616.- CRITERIA FOR DETERMINING THE MOST FAVORABLE LAW. In order to determine which is the most favorable law, the penalty that could have corresponded to the specific act subject to prosecution will be compared,

with the application of the full rules of the repealed legislation and of the legislation that enters into force. In this sense, it is not admissible as more beneficial the application fragmenting the two (2) norms, taking into account one of them that considers that it favors him and rejecting what it harms.

To carry out the assessment, the corresponding provisions are considered exhaustively and not by the exercise of judicial discretion.

The comparison has to be made specifically taking into consideration all the concurrent circumstances and in particular the different prison benefits that exist in both legislations.

In the case of custodial sentences, this Code is not considered more favorable when the previous sentence imposed for the act, with all its circumstances, was also imposed under this Criminal Code. An exception is made in cases where this Code provides for an alternative non-custodial sentence for the same act, since in that case the sentence must be reviewed.

If the imposition of the penalty depends on a piece of information that does not work in the proceedings, the corresponding opinion is requested so that the competent Jurisdictional Body can determine the amount of the new penalty that will replace the previous one. If the report is not conclusive and the penalty is a proportional one, Article 54 of this Code shall apply to calculate the corresponding penalty.

In the case of ideal competition of crimes, it is appropriate to make an overall comparison of the resulting penalties by applying the different legislations; therefore, it is not possible to classify some crimes according to the legislation that is repealed and others according to this Code. Only if one of the conducts constituting the competition has been decriminalized will the comparison be made, taking into account the penalty that corresponds to the conduct that continues to be criminal under both legislations.

If it is a media contest and while that form of contest has been abolished in this Code, the

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The comparison is made between the overall penalty imposed in the sentence under review and that which would result from the application of the actual competition in accordance with the new law.

The same rule is observed in the case of a continuous crime.

In the event of a real bankruptcy proceeding in which the limitation of compliance with thirty (30) years enters into action, the comparison must be made in a global manner and exclusively taking into account whether or not the sum of the sentences imposed in the sentence exceeds said limit; only if any of the conducts that constitute the bankruptcy proceeding have been decriminalized and with those that remain the aforementioned limitation is not reached, the individual comparison of the sentences that would have corresponded in both legislations is carried out.

In the event that the most beneficial rule of limitation of compliance, incorporated into the present Code, is applied, which consists of three times the time of the most serious penalty for which the subject has been convicted without reaching thirty (30) years, the penalties that could have corresponded to the different crimes shall be compared to determine what is most beneficial for the defendant. In all cases in which, in the opinion of the competent jurisdictional body, a review of the sentence is necessary, it is inexcusable to hear the convicted person. However, even in the latter case, the competent jurisdictional body may, if it deems it appropriate, hear the convicted person.

ARTICLE 617.- JOINT PENALTIES. In the case of
In the case of joint sentences imposed for the same acts, there is no room for the revision of one of them, leaving the others in place.

ARTICLE 618.- SUSPENDED SENTENCES. If the
If the sentence is suspended, it is not reviewed, unless the offender violates the conditions of the suspension and the suspension is revoked. In this case and before proceeding to the effective fulfillment of the suspended sentence, the sentence is reviewed. The same rule is observed if the offender is on probation.

ARTICLE 619.- PENALTIES FOR FINES. Sentences in which, according to the repealed Criminal Code and this Code, only a fine is applicable shall not be reviewed; exceptionally, the fine shall be reviewed if it has not been paid and provided that in its concrete amount and in an abstract consideration it is not in any case imposable according to the new legislation.

ARTICLE 620.- DISQUALIFICATIONS.
The penalties of absolute and special disqualification are compared according to the duration of the sentence imposed and the maximum possible according to this Code.

ARTICLE 621.- PENALTIES OF DEPRIVATION OF LIBERTY
IN EXECUTION. Notwithstanding the provisions of Article 615 of the present Code, the Directors of the Penitentiary Establishments must send, as soon as possible after the publication of the present Criminal Code and even if it has not yet entered into force, to the Jurisdictional Body competent in the execution of the sentences, a detailed list of the inmates and the provisional settlement of the sentence being executed, in accordance with the legislation in force.

Once the competent Jurisdictional Body has received the above list, it will request the Public Prosecutor's Office (MP), the convicted person and the defense that the latter had in the Oral Trial, to report on the possible revision of the sentence in accordance with what is more favorable to the convicted person.
In those cases in which the maximum duration of the penalty provided for in this Code for the crime in question is less than the time actually served by the convicted persons, the Execution Judge, once this Criminal Code has entered into force, deems the penalty to have been extinguished and orders the immediate release of the convicted persons if the penalty is to be applied to them.
There is no need to review the sentence, however, in those cases where the specific sentence imposed falls within the criminal framework of the penalty provided for in this Code, even if the maximum of the abstract penalty provided for by the legislation to be repealed exceeds this.

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ARTICLE 6 2 2 . - CUTTINGS, PRONOUNCEMENTS FOR EXECUTION, REINCIDENCE AND REPLACEMENT.

shall review the penalties already executed in full, without prejudice to the fact that the competent jurisdictional body that may take them into account in the future for the purpose of recidivism must first examine them to see whether the act for which the penalty was imposed has ceased to be an offense, or whether it could have been subject to a lesser penalty under this Code.

In relation to previous convictions for crimes that have been converted into misdemeanors by virtue of the modifications of amounts, such antecedents are appreciable for the purposes of recidivism.

Nor shall the penalty be reviewed in those cases where the term of compliance is foreseen prior to the entry into force of this Code.

In cases where the sentence is executed even though some other decisions are pending, the sentence will not be reviewed either.

The penalty will not be reviewed when, in the case of foreigners, the penalty has been replaced by expulsion from national territory.

ARTICLE 623.- VALUATION CRITERIA OF SERIOUSNESS IN THE PENALTY OF A FINE. In the cases in which the penalty that may correspond due to the application of this Code is a fine, it shall be considered, in order to assess its comparative severity, that each minimum wage, regardless of its amount, is equivalent to ten (10) days' fine.

If the fine is for a fixed amount, the assessment is limited to a mere quantitative comparison of the two and the same rule applies in the case of a proportional fine.

ARTICLE 624.- SENTENCES PENDING RESOURCE. The following rules apply to judgments handed down in accordance with the legislation that is repealed and that are not final because they are pending appeal:

1) Whether it is an appeal or a cassation appeal, the parties may invoke the provisions of this Code when they are more favorable to the defendant;
2) Even if the parties have already formalized the appeal and if it has not yet been substantiated, they may file a supplementary brief invoking, if favorable, the new legislation; and

3) In any case, the competent Jurisdictional Body will take into account, ex officio, the new legislation if it is more favorable to the convicted person.

ARTICLE 625.- SECURITY MEASURES. The security measures being implemented or pending implementation, must be reviewed in accordance with the provisions of Title V of Book I of this Code.

When the maximum duration of the security measure foreseen in the present Code is less than the time that those subject to it have effectively complied with it, the Execution Judge considers such compliance to be extinct and in the case of an internment measure orders its immediate release.

ARTICLE 626.- CIVIL LIABILITY. In

In the event that the corresponding conduct has been decriminalized, the sentence should be reviewed, notwithstanding which the pronouncements referring to civil liability should be executed without being affected by the decriminalization.

ARTICLE 627.- PROSECUTION. The modification of the procedural requirements does not affect the facts already sentenced. If the proceedings are under way and no sentence has been passed, and in those cases where the action of the injured party is required, the latter shall be required to act, otherwise the case shall be definitively dismissed.

ARTICLE 628.- PRESCRIPTION. The prescription shall be assessed as a whole, and it shall not be possible to have

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The penalty indicated in the Law to be repealed and the prescription periods provided for in this Code shall not be taken into account, nor shall the opposite occur.

ARTICLE 629.- RESOURCES. The same appeals shall be lodged against decisions on the review of convictions as against convictions that have been reviewed. The challenge shall be limited to the discussion of the revised aspects, although an appeal based on the lack of a hearing of the convicted person shall be admissible in the appropriate cases.

ARTICLE 630.- SUBSTITUTION OF PENALTIES. The penalty of confinement provided for by the current criminal law, until the entry into force of this Code shall be understood to be replaced by that of imprisonment.

ARTICLE 631.- WEEKEND DETENTION

The application of the sentence of weekend detention is suspended until the establishments suitable for its correct execution.

ARTICLE 632.- DEROGATORY PROVISIONS.

The following articles are repealed:

1) The Article 32 of the Law of Protection and Animal Welfare, approved in Decree No.115-2015, of date 20 of October of 2015.

2) Articles 167 last paragraph and 168-192 of the Forestry, Protected Areas and Wildlife Law, approved in Decree No.98-2007, dated December 19, 2007.

3) Articles 91- 95 of the General Environmental Law, approved in Decree No.104-93, dated May 27, 1993.

4) Article 63 of the Organic Law of the Superior Court of Accounts, approved in Decree No.10-2002-E, dated November 5, 2002.

5) Articles 35 to 43 of the Special Anti-Money Laundering Law, approved by Decree No.144-2014, dated January 13, 2015.

6) Articles 16-30 and 41 of the Law on the Improper Use and Illicit Trafficking of Drugs and Psychotropic Substances, approved by Decree No. 126-89, dated September 5, 1989.

7) Article 52 of the Law Against Trafficking in Persons, approved by Decree No.59-2012, dated April 25, 2012.

8) Articles 8 and 9 of the Law on Human Anatomical Organ Donation and Transplantation, approved by Decree No. 329-2013, dated January 17, 2014.

9) Articles 3-15 of the Law against the Financing of Terrorism, approved in Decree No. 241- 2010, dated November 18, 2010.

10) Article 95 of the Consumer Protection Law, approved in Decree No.24-2008, dated April 1, 2008.

11) Articles 47-51 of the Law on the Interception of Private Communications approved by Decree No. 243-2011, dated December 8, 2011.

12) Article 21 of the Code of Children and Adolescents, approved by Decree No. 73-96, dated May 30, 1996.

13) Article 21 of the National Emergency System Law (911), approved by Decree No.58- 2015, dated May 21, 2015.

14) Article 7 of the Law on the Limitation of Telecommunications Services in Prisons, Penal Farms and Juvenile Detention Centers at the National Level, approved by Decree No. 43-2015, dated April 22, 2015.

15) Articles 209, 210, 212 and 213 of the Electoral and Political Organizations Law, approved by Decree No.44-2004, dated April 1, 2004.

16) Article 24 of the Law on Payment and Securities Settlement Systems, approved by Decree

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No.46-2015, dated April 29, 2015.

17) The first paragraph of Article 69 of the Financial System Law, approved by Decree No.129- 2004, dated September 21, 2004.

18) The second paragraph of Article 7 of the Credit Card Law, approved by Decree No.106- 2006, dated August 31, 2006.

19) Articles 238 to 240 of the Securities Market Law, approved by Decree No.8-2001, dated February 20, 2001.

20) The third paragraph of Article 26 of the Law of the Central Bank of Honduras, approved by Decree No.53-1950, dated February 3, 1950.

21) Article 5 of the Military Police Law of Public Order, approved by Decree No.168- 2013, dated August 22, 2013.

22) The last paragraph of Article 167 of the Tax Code, approved by Decree No. 170-2016, dated 15 December 2016.

23) Any other rule that is incompatible with the provisions of this Code.

FINAL PROVISIONS

ARTICLE 633.- REFORMS TO THE PROCEDURAL CODE CRIMINAL. Reform articles 28 numeral 1), 36 numeral 1), 45 first paragraph, 334 first paragraph, 336 numeral 3) and add numeral 4), 344 second paragraph, 432 first paragraph and add a new Article 336-A of Decree No. 9-99 E dated December 19, 1999, containing the Code of Criminal Procedure, which shall now read as follows

"ARTICLE 28.- Cases in which it proceeds. The Public Prosecutor's Office shall have the obligation to exercise public criminal action in all cases where appropriate. However, he may refrain from exercising the criminal action in whole or in part, limit it to one of the infringements or to one of the accused, in the following cases:

1. When the penalty applicable to the crime is light or less serious, the effect on the public interest is minimal and, from the background and personal circumstances of the accused, his lack of danger is inferred;
2. When from the accused
3. When the defendant
4. When grief...; and,
5. When it comes

to... In the cases...

In the case..."

"ARTICLE 36.- Conditional Suspension of Criminal Prosecution The Judge, at the request of the Public Prosecutor's Office, may authorize the suspension of the criminal prosecution when the following circumstances are present:

1. That the penalty applicable to the crime is less than five (5) years;
2. That the accused...; and,
3. That nature... In the

predicted situation...

The request from the Public Prosecutor's Office must contain:

1. The data
2. The crime

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The precepts

3. The reasons...; and,

4. The rules...

The Public Prosecutor's Office... The application...

If it is revoked..."

"ARTICLE 45.- Conciliation In misdemeanors, in crimes of private action and in those of public action depending on a particular instance, provided that the maximum limit of any of the main penalties applicable to the crime committed is less than five (5) years, conciliation between the victim and the accused is appropriate at any time up to the opening of the trial.

In those cases...

When it occurs...

However...

If the defendant...

In case of...
The Jurisdictional Body...

Nevertheless..."

"ARTICLE 334.- Final Discussion and Closing of the Debate Once the evidence has been received, the President shall give the floor successively to the Prosecutor, the Private Prosecutor and the Defender, so that they may express their conclusions in that order. Any of the parties at the time of finalizing their

In the event that the defendant does not comply with the requirements of Article 86 of the Criminal Code, he may request the application of the suspension of the ruling and the measures regulating freedom to be imposed on the defendant.

During...

The Prosecutor...

The President...

If the Prosecutor...
The victim...

Finally..."

"ARTICLE 336. Rules for deliberation and voting. The Tribunal...

The Court will deliberate and vote on all issues discussed in the first phase of the oral proceedings, in the following order:

1. The relative

2. The relative

3. Those relating to the request for the suspension of the ruling and the measures regulating freedom; and,

4. If applicable, the minimum and maximum of the applicable penalty.

The decisions..."

"**ARTICLE 344. Of the Sentence of Condemnation.** The conviction...

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The judgment must contain, if applicable, the corresponding pronouncement on costs and civil liability in the appropriate cases.
It will be arranged..."

"**ARTICLE 432.- Provenance.** In cases in which the victim has not exercised the civil action in the final criminal proceeding that is the sentence of conviction or excluded criminal liability in cases of non-liability, state of necessity, insurmountable fear, or error, as referred to in this Code, the victim or his heirs or the Office of the Attorney General of the Republic, as the case may be, may request the Execution Judge, by way of an injunction, to order restitution, reparation of material or moral damages, and compensation for damages, where appropriate.

The victim...".

"**ARTICLE 336-A.- Rules to which the Suspension of Judgment is subject.** If the Court of Judgment admits the petition for the suspension of the sentence, it must issue a duly reasoned order, following the rules established in Article 338 of this Code with respect to the sentence, with the exception of those related to penalties and security measures.

The order of suspension of the ruling must include provisions relevant to the legal status of the instruments, goods or effects that have been confiscated, seized or confiscated in the course of the proceedings".

ARTICLE 634.- ABROGATION. Repeal Decree No 144-83, dated August 23, 1983, containing the Criminal Code and all its amendments.

ARTICLE 635.- VALIDITY. This Code shall enter into force six (6) months after its publication in the Official Gazette.

Given in the city of Tegucigalpa, municipality of the Central District, in the Hall of Sessions of the National Congress, on the eighteenth day of January of the year two thousand and eighteen.

MAURICIO OLIVE HERRERA
PRESIDENT

MARIO ALONSO PÉREZ LÓPEZ
SECRETARY

JOSÉ TOMÁS ZAMBRANO MOLINA
SECRETARY

To the Executive
Power Therefore:
Execute

Tegucigalpa, M.D.C., January 31, 2019

JUAN ORLANDO HERNÁNDEZ ALVARADO
PRESIDENT OF THE REPUBLIC

THE SECRETARY OF STATE IN THE OFFICES
OF GOVERNMENT, JUSTICE AND

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