SINT MAARTEN CRIMINAL CODE

BOOK 2

Serious offences

TITLE I  Serious offences against the security of the Kingdom or the Country

Article 2:1 .......................................................... 16
Article 2:2 .......................................................... 16
Article 2:3 .......................................................... 16
Article 2:4 .......................................................... 16
Article 2:5 .......................................................... 16
Article 2:6 .......................................................... 16
Article 2:7 .......................................................... 16
Article 2:8 .......................................................... 17
Article 2:9 .......................................................... 17
Article 2:10 ......................................................... 17
Article 2:11 ......................................................... 18
Article 2:12 ......................................................... 18
Article 2:13 ......................................................... 18
Article 2:14 ......................................................... 18
Article 2:15 ......................................................... 19
Article 2:16 ......................................................... 19
Article 2:17 ......................................................... 19
Article 2:18 ......................................................... 19
Article 2:19 ......................................................... 19
Article 2:20 ......................................................... 19
Article 2:21 ......................................................... 19
Article 2:22 ......................................................... 20
Article 2:23 ......................................................... 20
TITLE II  Serious offences against the dignity of the King and of the Governor ........................................... 20
  Article 2:24 ................................................................................................................................................. 20
  Article 2:25 ................................................................................................................................................. 20
  Article 2:26 ................................................................................................................................................. 20
  Article 2:27 ................................................................................................................................................. 20
  Article 2:28 ................................................................................................................................................. 21
  Article 2:29 ................................................................................................................................................. 21
  Article 2:30 ................................................................................................................................................. 21
  Article 2:31 ................................................................................................................................................. 21
  Article 2:32 ................................................................................................................................................. 21

TITLE III  Serious offences against the heads of friendly nations and other internationally protected persons ................................................................. 22
  Article 2:33 ................................................................................................................................................. 22
  Article 2:34 ................................................................................................................................................. 22
  Article 2:35 ................................................................................................................................................. 22
  Article 2:36 ................................................................................................................................................. 22
  Article 2:37 ................................................................................................................................................. 22
  Article 2:38 ................................................................................................................................................. 23
  Article 2:39 ................................................................................................................................................. 23
  Article 2:40 ................................................................................................................................................. 23

TITLE IV  Serious offences related to the performance of constitutional duties and the exercise of constitutional rights ......................................................... 23
  Article 2:41 ................................................................................................................................................. 23
  Article 2:42 ................................................................................................................................................. 23
  Article 2:43 ................................................................................................................................................. 23
  Article 2:44 ................................................................................................................................................. 24
  Article 2:45 ................................................................................................................................................. 24
  Article 2:46 ................................................................................................................................................. 24
  Article 2:47 ................................................................................................................................................. 24
  Article 2:48 ................................................................................................................................................. 24

TITLE V  Serious offences against public order .............................................................................................. 24
Article 2:110 ................................................................. 41
Article 2:111 ................................................................. 42
Article 2:112 ................................................................. 42
Article 2:113 ................................................................. 42
Article 2:114 ................................................................. 43
Article 2:115 ................................................................. 43
Article 2:116 ................................................................. 43
Article 2:117 ................................................................. 44
Article 2:118 ................................................................. 44
Article 2:119 ................................................................. 44
Article 2:120 ................................................................. 45
Article 2:121 ................................................................. 45
Article 2:122 ................................................................. 46
Article 2:123 ................................................................. 46
Article 2:124 ................................................................. 46
Article 2:125 ................................................................. 47
Article 2:126 ................................................................. 47
Article 2:127 ................................................................. 47

TITLE VII Serious offences against public authority ........................................... 47
Article 2:128 ................................................................. 47
Article 2:129 ................................................................. 48
Article 2:130 ................................................................. 48
Article 2:131 ................................................................. 48
Article 2:132 ................................................................. 49
Article 2:133 ................................................................. 49
Article 2:134 ................................................................. 49
Article 2:135 ................................................................. 49
Article 2:136 ................................................................. 49
Article 2:137 ................................................................. 50
Article 2:138 ................................................................. 50
Article 2:139 ................................................................. 50
Article 2:195 .................................................................................................................. 64
Article 2:196 .................................................................................................................. 64
Article 2:197 .................................................................................................................. 64
Article 2:198 .................................................................................................................. 64
Article 2:199 .................................................................................................................. 64
Article 2:200 .................................................................................................................. 64
Article 2:201 .................................................................................................................. 65
Article 2:202 .................................................................................................................. 65
Article 2:203 .................................................................................................................. 65
Article 2:204 .................................................................................................................. 65
Article 2:205 .................................................................................................................. 66
Article 2:206 .................................................................................................................. 66
Article 2:207 .................................................................................................................. 66
Article 2:208 .................................................................................................................. 66
Article 2:209 .................................................................................................................. 67
Article 2:210 .................................................................................................................. 67
Article 2:211 .................................................................................................................. 67
Article 2:212 .................................................................................................................. 68
Article 2:213 .................................................................................................................. 68
Article 2:214 .................................................................................................................. 68
Article 2:215 .................................................................................................................. 68

TITLE XIV  Abandonment of persons in distress ............................................................ 69
Article 2:216 .................................................................................................................. 69
Article 2:217 .................................................................................................................. 69
Article 2:218 .................................................................................................................. 69
Article 2:219 .................................................................................................................. 70
Article 2:220 .................................................................................................................. 70
Article 2:221 .................................................................................................................. 70
Article 2:222 .................................................................................................................. 70

TITLE XV  Defamation ................................................................................................... 70
Article 2:223 .................................................................................................................. 70
Article 2:224 .............................................................................................................. 71
Article 2:225 .............................................................................................................. 71
Article 2:226 .............................................................................................................. 71
Article 2:227 .............................................................................................................. 71
Article 2:228 .............................................................................................................. 72
Article 2:229 .............................................................................................................. 72
Article 2:230 .............................................................................................................. 72
Article 2:231 .............................................................................................................. 72
TITLE XVI  Violation of secrecy ............................................................................. 73
Article 2:232 .............................................................................................................. 73
Article 2:233 .............................................................................................................. 73
Article 2:234 .............................................................................................................. 73
Article 2:235 .............................................................................................................. 73
Article 2:236 .............................................................................................................. 74
Article 2:237 .............................................................................................................. 74
Article 2:238 .............................................................................................................. 74
TITLE XVII  Serious offences against personal liberty ............................................ 74
Article 2:239 .............................................................................................................. 75
Article 2:240 .............................................................................................................. 76
Article 2:241 .............................................................................................................. 76
Article 2:242 .............................................................................................................. 76
Article 2:243 .............................................................................................................. 77
Article 2:244 .............................................................................................................. 77
Article 2:245 .............................................................................................................. 77
Article 2:246 .............................................................................................................. 77
Article 2:247 .............................................................................................................. 77
Article 2:248 .............................................................................................................. 77
Article 2:249 .............................................................................................................. 78
Article 2:250 .............................................................................................................. 78
Article 2:251 .............................................................................................................. 78
Article 2:252 .............................................................................................................. 78
| Article 2:253 | ................................................................. | 78 |
| Article 2:254 | ................................................................. | 79 |
| Article 2:255 | ................................................................. | 79 |
| Article 2:256 | ................................................................. | 80 |
| Article 2:257 | ................................................................. | 80 |
| Article 2:258 | ................................................................. | 80 |
| TITLE XVIII Serious offences against human life | ................................................................. | 80 |
| Article 2:259 | ................................................................. | 80 |
| Article 2:260 | ................................................................. | 81 |
| Article 2:261 | ................................................................. | 81 |
| Article 2:262 | ................................................................. | 81 |
| Article 2:263 | ................................................................. | 81 |
| Article 2:264 | ................................................................. | 81 |
| Article 2:265 | ................................................................. | 81 |
| Article 2:266 | ................................................................. | 81 |
| Article 2:267 | ................................................................. | 81 |
| Article 2:268 | ................................................................. | 82 |
| Article 2:269 | ................................................................. | 82 |
| TITLE XIX Termination of pregnancy | ................................................................. | 82 |
| Article 2:270 | ................................................................. | 82 |
| Article 2:271 | ................................................................. | 82 |
| Article 2:272 | ................................................................. | 82 |
| TITLE XX Physical abuse | ................................................................. | 83 |
| Article 2:273 | ................................................................. | 83 |
| Article 2:274 | ................................................................. | 83 |
| Article 2:275 | ................................................................. | 83 |
| Article 2:276 | ................................................................. | 84 |
| Article 2:277 | ................................................................. | 84 |
| Article 2:278 | ................................................................. | 84 |
| Article 2:279 | ................................................................. | 84 |
| Article 2:280 | ................................................................. | 84 |
TITLE XXI  Death or bodily harm resulting from negligence or carelessness ........................................ 85
  Article 2:281 .......................................................................................................................... 85
  Article 2:282 .......................................................................................................................... 85
  Article 2:283 .......................................................................................................................... 85
  Article 2:284 .......................................................................................................................... 85
  Article 2:285 .......................................................................................................................... 86
  Article 2:286 .......................................................................................................................... 86
  Article 2:287 .......................................................................................................................... 86
TITLE XXII  Theft ......................................................................................................................... 86
  Article 2:288 .......................................................................................................................... 86
  Article 2:289 .......................................................................................................................... 86
  Article 2:290 .......................................................................................................................... 87
  Article 2:291 .......................................................................................................................... 87
  Article 2:292 .......................................................................................................................... 87
  Article 2:293 .......................................................................................................................... 87
TITLE XXIII  Extortion and blackmail ......................................................................................... 88
  Article 2:294 .......................................................................................................................... 88
  Article 2:295 .......................................................................................................................... 88
  Article 2:296 .......................................................................................................................... 88
  Article 2:297 .......................................................................................................................... 89
TITLE XXIV  Embezzlement ....................................................................................................... 89
  Article 2:298 .......................................................................................................................... 89
  Article 2:299 .......................................................................................................................... 89
  Article 2:300 .......................................................................................................................... 89
  Article 2:301 .......................................................................................................................... 89
  Article 2:302 .......................................................................................................................... 89
  Article 2:303 .......................................................................................................................... 90
  Article 2:304 .......................................................................................................................... 90
TITLE XXV  Deception ............................................................................................................... 90
  Article 2:305 .......................................................................................................................... 90
  Article 2:306 .......................................................................................................................... 90
| Article 2:336 | .......................................................... 99 |
| Article 2:337 | .......................................................... 99 |
| Article 2:338 | .......................................................... 99 |
| Article 2:339 | .......................................................... 100 |
| Article 2:340 | .......................................................... 100 |
| Article 2:341 | .......................................................... 100 |
| Article 2:342 | .......................................................... 100 |
| Article 2:343 | .......................................................... 100 |
| TITLE XXVIII Serious offences involving civil servants | ................................................. 100 |
| Article 2:344 | .......................................................... 100 |
| Article 2:345 | .......................................................... 101 |
| Article 2:346 | .......................................................... 101 |
| Article 2:347 | .......................................................... 101 |
| Article 2:348 | .......................................................... 101 |
| Article 2:349 | .......................................................... 101 |
| Article 2:350 | .......................................................... 102 |
| Article 2:351 | .......................................................... 102 |
| Article 2:352 | .......................................................... 103 |
| Article 2:353 | .......................................................... 103 |
| Article 2:354 | .......................................................... 104 |
| Article 2:355 | .......................................................... 104 |
| Article 2:356 | .......................................................... 104 |
| Article 2:357 | .......................................................... 104 |
| Article 2:358 | .......................................................... 104 |
| Article 2:359 | .......................................................... 105 |
| Article 2:360 | .......................................................... 105 |
| Article 2:361 | .......................................................... 105 |
| Article 2:362 | .......................................................... 105 |
| Article 2:363 | .......................................................... 105 |
| Article 2:364 | .......................................................... 106 |
| TITLE XXIX Serious offences relating to shipping and aviation | ........................................... 106 |
Article 2:365 ........................................................................................................ 106
Article 2:366 ........................................................................................................ 106
Article 2:367 ........................................................................................................ 107
Article 2:368 ........................................................................................................ 107
Article 2:369 ........................................................................................................ 107
Article 2:370 ........................................................................................................ 107
Article 2:371 ........................................................................................................ 107
Article 2:372 ........................................................................................................ 108
Article 2:373 ........................................................................................................ 108
Article 2:374 ........................................................................................................ 108
Article 2:375 ........................................................................................................ 108
Article 2:376 ........................................................................................................ 108
Article 2:377 ........................................................................................................ 109
Article 2:378 ........................................................................................................ 109
Article 2:379 ........................................................................................................ 109
Article 2:380 ........................................................................................................ 110
Article 2:381 ........................................................................................................ 110
Article 2:382 ........................................................................................................ 110
Article 2:383 ........................................................................................................ 110
Article 2:384 ........................................................................................................ 110
Article 2:385 ........................................................................................................ 111
Article 2:386 ........................................................................................................ 111
Article 2:387 ........................................................................................................ 111
Article 2:388 ........................................................................................................ 111
Article 2:389 ........................................................................................................ 111
Article 2:390 ........................................................................................................ 111
Article 2:391 ........................................................................................................ 111
Article 2:392 ........................................................................................................ 112
Article 2:393 ........................................................................................................ 112
Article 2:394 ........................................................................................................ 112
Article 2:395 ........................................................................................................ 112
Article 2:396 .................................................................................................................. 112

TITLE XXX  Unlawful gains ............................................................................................. 112
Article 2:397 .................................................................................................................. 113
Article 2:398 .................................................................................................................. 113
Article 2:399 .................................................................................................................. 113
Article 2:400 .................................................................................................................. 113
Article 2:401 .................................................................................................................. 114
Article 2:402 .................................................................................................................. 114
Article 2:403 .................................................................................................................. 114

TITLE XXXI  Money laundering ....................................................................................... 114
Article 2:404 .................................................................................................................. 114
Article 2:405 .................................................................................................................. 115
Article 2:406 .................................................................................................................. 115
Article 2:407 .................................................................................................................. 115
TITLE I

Serious offences against the security of the Kingdom or the Country

Article 2:1
An attempt made with the object of taking the life or liberty of the King, the Regent or the Governor or Deputy Governor or with the object of rendering any of them incapable reigning is punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.

Article 2:2
An attempt made with the object of surrendering the Kingdom in whole or in part to a foreign power or of separating a part of it is punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.

Article 2:3
An attempt made with the object of inciting a revolution is punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.

Article 2:4
A person who by an act of violence or by threat of violence disrupts a meeting of the Council of Ministers or compels it to take or refrain from taking any decision or removes a member from that meeting or intentionally prevents a member from attending such meeting or from discharging his duties therein freely and without hindrance is punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.

Article 2:5
Conspiracy to commit any of the serious offences specified in Articles 2:1 to 2:4 is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

Article 2:6
A person who enters into communication with a foreign power with the object of inducing in it to undertake hostilities or wage war against the Kingdom, of supporting it in its intention to do so, of committing himself to provide aid for that purpose, or of assisting in the preparation therefor is punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.

Article 2:7
A person who enters into communication with the person or body established in a foreign country with the object of providing aid to such person or body in preparing, promoting or bringing about a revolution or of supporting such person or body in its intention to do so, or of committing himself to provide aid or of aiding in so doing, or of preparing, promoting or inciting revolution is punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.

**Article 2:8**

1. A person who intentionally provides any information classified as confidential in the interests of the Kingdom or the Country or of its allies or any object from which such information may be derived or any such data, or who intentionally makes such data available to a person or body whom he knows or should reasonably suspect is not authorized to receive such information, object or data is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

2. The punishment specified in paragraph 1 also applies to a person who intentionally provides or makes available any information emanating from a prohibited place and relevant to the security of the Kingdom or the Country or of its allies, any object from which such information may be derived or any such data, to a person or body not authorized to receive such information, where he knows or should reasonably suspect that the information, object or data is of such a nature.

**Article 2:9**

1. A person who intentionally discloses any information, object or data specified in Article 2:8 or who, without authority, intentionally provides or makes available such information, object or data to a foreign power, a person or body established in a foreign country or a person or body of such nature that there is a risk that the information, object or data will become known to a foreign power or to a person or body established in a foreign country, where he knows or should reasonably suspect that the information, object or data is of such a nature, is punishable by a term of imprisonment of not more than fifteen years or a fine in the fifth category.

2. Where the offender has acted in wartime, or in the service or on the instructions of a foreign power or a person or body established a foreign country, life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category may be imposed.

**Article 2:10**

A person who by negligence or carelessness is responsible for any information, object or data specified in Article 2:8 being disclosed or becoming available to a person or body not authorized to receive such information is punishable by a term of imprisonment of not more than one year or a fine in the third category.
Article 2:11
1. A person who:
   a. intentionally takes or has in his possession, without authority, any information, object or data as specified in Article 2:8; or
   b. undertakes any activity with the object of obtaining, without authority, any information, object or data as specified in Article 2:8; or
   c. intentionally and unlawfully attempts to enter or enters a prohibited place or is present in such a place or who, being there unlawfully removed himself or attempts to do so from that place;

   is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

2. The provisions in paragraph 1 at c are not applicable where it appears to the judge that the perpetrator did not act with the objective specified in paragraph 1 at b.

Article 2:12
A person appointed by the government to undertake negotiations with a foreign power and who intentionally conducts such negotiations to the detriment of the Kingdom or the Country is punishable by a term of imprisonment of not more than fifteen years or a fine in the fifth category.

Article 2:13
A person who:
   a. in the event of a war in which the Kingdom is not engaged, intentionally undertakes any activity bringing about the risk of engaging the Kingdom in war, or who intentionally contravenes any special regulation issued and made public by the government to preserve its state of neutrality; or
   b. in wartime intentionally contravenes any regulation issued and made public by the government in the interests of the security of the Kingdom or the Country;

is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

Article 2:14
1. A person who in any way intentionally uses the territory of Sint Maarten for the preparation, promotion or bringing about of either a violent revolution within the territory of a friendly power or any other illegal action against such a power or its government is punishable by a term of imprisonment of not more than ten years or a fine in the fifth category.

2. A person by whose negligence or carelessness the territory of Sint Maarten is used in any way for any activity specified in paragraph 1 is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.
3. For the application of this Article, the territory of Sint Maarten also includes the territorial waters around Sint Maarten and the airspace above Sint Maarten.

4. A person with a fixed place of residence or home in Sint Maarten who participates in an attempted violent revolution on the territory of a friendly power shall be punishable by the same penalties and according to the same distinctions mentioned in paragraphs 1 and 2.

**Article 2:15**
A Netherlands citizen who voluntarily enlists in the armed services of a foreign power, in anticipation of a war with that foreign power, is, where war ensues, punishable by a term of imprisonment of not more than fifteen years or a fine in the fifth category.

**Article 2:16**
A person who intentionally aids the enemy or damages the Kingdom or the Country to the advantage of the enemy in wartime is punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.

**Article 2:17**
Conspiracy to commit the serious offence specified in Article 2:16 is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

**Article 2:18**
A person who carries out any of the activities specified in Articles 2:16 and 2:17, being reasonably convinced that the interests of the Kingdom or the Country are not being damaged, is not criminally liable.

**Article 2:19**
A person who, without the objective of aiding the enemy or damaging the Kingdom or the Country to the advantage of the enemy, in wartime:
- houses, hides or offers assistance to an enemy spy; or
- brings about or promotes the desertion of a soldier in the service of the Kingdom, is punishable by life imprisonment or a term of imprisonment of not more than six years or a fine in the fifth category.

**Article 2:20**
1. A person who, in wartime, undertakes any form of deception in delivering supplies for use by the armed forces is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.
2. The punishment in paragraph 1 is also applicable to a person charged with supervising the delivery of the goods and who intentionally allows such deception to take place.

**Article 2:21**
On conviction for one of the serious offences described in this Title, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a to c.

**Article 2:22**
The punishments prescribed for the serious offences defined in Articles 2:16 to 2:20 are applicable where one of those offences is committed against or with respect to the allies of the Kingdom in a collective war.

**Article 2:23**
Articles 2:13 at b and 2:15 to 2:22 shall apply, mutatis mutandis, in the event of an armed conflict that cannot be designated as war and in which the Kingdom or the Country is for reasons of either individual or collective self-defense or for the restoration of international peace and security.

**TITLE II**

Serious offences against the dignity of the King and of the Governor

**Article 2:24**
1. An attempt on the life or liberty of the King’s consort, on that of the heir apparent to the throne or that of the latter’s spouse is punishable by a term of imprisonment of not more than eighteen years or a fine in the fifth category.
2. Where the attempt on the life results in death or is committed with premeditation, it is punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.

**Article 2:25**
Every act of physical violence against the person of the King, which is not punishable under a more severe penal provision, is punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.

**Article 2:26**
Every act of physical violence against the person of the King’s consort, on that of the heir apparent to the throne or that of the latter's spouse, or on that of the Regent or the Governor or Deputy Governor, which is not punishable under a more severe penal provision, is punishable by a term of imprisonment of not more than eight years or a fine in the fifth category.

**Article 2:27**
Intentional defamation of the King is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

Article 2:28
Intentional defamation of the King’s consort, of the heir apparent to the throne or the latter’s spouse, or of the Regent or Governor or Deputy Governor is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

Article 2:29
1. A person who disseminates, publicly displays or posts, or has in stock to be disseminated, publicly displayed or posted any written matter or an image or data from computerized devices containing a defamation of the King, the King’s consort, the heir apparent or his spouse, or of the Regent or the Governor or the Deputy Governor, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category, where he knows or has serious reason to suspect that the written matter or image or data from computerized devices contains such defamation.
2. A person who publicly utters the contents of such written matter, with like knowledge or like reason to suspect, is punishable by a similar punishment.

Article 2:30
1. On conviction for one of the serious offences described in Articles 2:24 to 2:28, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a to c.
2. On conviction for one of the serious offences described in Article 2:29, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

Article 2:31
1. Where the serious offence rendered punishable in Article 2:24.1 is committed with terrorist intent, the convicted person shall be punished by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.
2. Where one of the serious offences rendered punishable in Articles 2:25 and 2:26 is committed with terrorist intent, the punishments imposed therein will be increased by one half.

Article 2:32
Conspiracy to commit one of the serious offences specified in Article 2:24 with terrorist intent is punishable by a term of imprisonment of not more than twelve years or a fine in fifth category.
TITLE III

Serious offences against the heads of friendly nations and other internationally protected persons

Article 2:33
1. An attempt on the life or freedom of a head of a friendly nation or of an internationally protected person is punishable by a term of imprisonment of not more than eighteen years or a fine in the fifth category.
2. Where the attempt on the life results in death or is committed with premeditation, it is punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.

Article 2:34
Every act of physical violence against the person of a head of a friendly nation or of an internationally protected person, which is not punishable under a more severe penal provision, is punishable by a term of imprisonment of not more than eight years or a fine in the fifth category.

Article 2:35
A person who intentionally commits an act of violence against the protected property of an internationally protected person is punishable by a term of imprisonment of not more than eight years or a fine in the fifth category, where danger to the safety or freedom of that person might have been expected to ensue from the act.

Article 2:36
1. Intentional defamation of a head or a member of government of a friendly nation, present in Sint Maarten in an official capacity, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.
2. Intentional defamation of a person in his capacity as a representative of a foreign power accredited to the Kingdom or Sint Maarten is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:37
A person who disseminates, publicly displays or posts written matter or an image or data from computerized devices containing a defamation of a governing monarch or other head of a friendly nation or a representative of a foreign power accredited to the Kingdom or Sint Maarten in his capacity as such, with the intention of gaining or increasing publicity for the defamatory content, is punishable by a term of imprisonment of not more than one year or a fine in the third category.
Article 2:38
1. On conviction for one of the serious offences described in Articles 2:33 to 2:36, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a to c.
2. On conviction for one of the serious offences described in Article 2:37, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

Article 2:39
1. Where the offence rendered punishable in Article 2:33.1 is committed with terrorist intent, the convicted person shall be punished by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.
2. Where one of the serious offences rendered punishable in Articles 2:34 and 2:35 is committed with terrorist intent, the punishments imposed therein will be increased by one half.

Article 2:40
Conspiracy to commit one of the serious offences specified in Article 2:33 to 2:35 with terrorist intent is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

Title IV
Serious offences related to the performance of constitutional duties and the exercise of constitutional rights

Article 2:41
A person who by an act of violence or by threat of violence disrupts a meeting of the Parliament or any of the committees of Parliament formed in terms of its rules of order or who compels it to take or refrain from taking any decision or removes a member, a minister or a Secretary of State from that meeting or who intentionally prevents such a person from attending such meeting or from discharging his duties therein freely and without hindrance is punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.

Article 2:42
Conspiracy to commit the serious offence specified in Article 2:41 is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

Article 2:43
A person who intentionally impedes a person from exercising his or another person’s suffrage without let or hindrance, by an act of violence or by threat of violence, on the occasion of an election duly called under the law, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

**Article 2:44**
1. A person who bribes another person by means of gifts or promises to refrain from exercising his or another person's suffrage or to exercise that right in a particular way, on the occasion of an election duly called under the law, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.
2. The punishment specified in paragraph 1 also applies to a voter or proxy who allows himself to be bribed to do so by means of gifts or promises.

**Article 2:45**
A person who undertakes any form of deception resulting in the invalidation of a vote or in the appointment of a person other than the one for whom the vote was cast, on the occasion of an election duly called under the law, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

**Article 2:46**
A person who intentionally assumes the identity of another and so participates in an election duly called under the law is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

**Article 2:47**
A person who intentionally invalidates a vote that was held or undertakes any form of deception resulting in an outcome different from the results of the votes legally cast, on the occasion of an election duly called on the law, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

**Article 2:48**
On conviction for one of the serious offences described in this Title, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a to c.

---

**TITLE V**

Serious offences against public order

**Article 2:49**
1. A person who incites another or others, in public, either orally or in writing or by image or data from computerized devices, to commit any criminal offence or act of violence against the authorities is punishable by a term of imprisonment of no more than six years or a fine in the fifth category.

2. Where the incited offence includes a terrorist or an offence in preparation for or in facilitation of a terrorist offence, the term of imprisonment imposed for the offence shall be increased by one third and the fine imposed for the offence shall be raised to the next higher category.

Article 2:50
1. A person who disseminates, publicly displays or posts written matter or an image or data from computerized devices containing an incitement to commit any criminal offence or act of violence against the authorities, or who has such in stock to be disseminated, publicly displayed or posted, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category where he knows or has serious no reason to suspect that the written matter or the image or the data from computerized devices contains such an incitement.

2. A person who, with like knowledge or like reason to suspect, publicly utters the contents of such written matter or such data from computerized devices is punishable by a similar punishment.

3. Where the offence incited by the written matter or image includes a terrorist offence or an offence in preparation for or in facilitation of a terrorist offence, the term of imprisonment imposed for the offence shall be increased by one third and the fine imposed for the offence shall be raised to the next higher category.

Article 2:51
On conviction for one of the serious offences described in Articles 2:49 and 2:50, the judge may also pronounce deprivation of the rights specified in Article 1.64.1 at a o c.

Article 2:52
A person who publicly offers to provide the information, opportunity or means to commit any criminal offence, either orally or by image or by means of data from computerized devices, is punishable by a term of imprisonment of not more than one year or a fine in the third category.

Article 2:53
1. A person who disseminates, publicly displays or posts written matter or an image or data from computerized devices offering information, opportunity or means to commit any criminal offence, or who has such in stock to be disseminated, publicly displayed or posted, is punishable by a term of imprisonment of not more than one year or a fine in the third category where he knows or has serious reason to suspect that the written matter or the image or the data from computerized devices contains such an offer.
2. A person who, with like knowledge or like reason to suspect, publicly utters the contents of such written matter or such data from computerized devices is punishable by a similar punishment.

3. On conviction for one of the serious offences described in this Article, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

Article 2:54
A person who intentionally provides or attempts to provide himself or another with opportunity, means or information for the commission of a terrorist offence or for an offence in preparation for or facilitation of a terrorist offence, or who intentionally acquires for himself or passes to another any knowledge or skills for those purposes, is punishable by a term of imprisonment of not more than eight years or a fine in the fifth category.

Article 2:55
1. A person who intentionally undertakes any of the following actions is guilty of the financing of terrorism and is punishable by a term of imprisonment of not more than eight years or a fine in the fifth category:
   a. collecting funds for himself or another person, either directly or indirectly, for the commission of a terrorist offence or for providing support to persons or organizations committing or intending to commit terrorist offences, or for the commission of an offence in preparation for or facilitation of a terrorist offence;
   b. collecting funds for himself or another person, either directly or indirectly, in the knowledge that such funds will be used in full or in part for the commission of a terrorist offence or for providing support to persons or organizations committing or intending to commit terrorist offences, or for the commission of an offence in preparation for or facilitation of a terrorist offence;
   c. providing funds or making them available to another person, either directly or indirectly, for the commission of a terrorist offence or for providing support to persons or organizations committing or intending to commit terrorist offences, or for the commission of an offence in preparation for or facilitation of a terrorist offence;
   d. providing funds or making them available to another person, either directly or indirectly, in the knowledge that such funds will be used in full or in part for the commission of a terrorist offence or for providing support to persons or organizations committing or intending to commit terrorist offences, or for the commission of an offence in preparation for or facilitation of a terrorist offence;

2. For the application of paragraph 1, "another person" is understood to include natural persons, juristic persons, groups of natural persons or juristic persons
and organizations; "funds" are understood to include money and also all property and property rights, howsoever acquired, as well as documents and data carriers in any form or capacity whatsoever providing evidence of ownership or entitlement to the money, the property and the property rights, including but not limited to bank credit notes, travelers cheques, bank cheques, postal orders, equities, monetary instruments, bonds, bills of exchange and letters of credit.

Article 2:56
On conviction for one of the serious offences described in Articles 2:54 and 2:55, the judge may also pronounce deprivation of the rights specified in Article 1:64.1.

Article 2:57
A person who has knowledge of a criminal conspiracy to commit any serious offence or of a proposal to commit a terrorist offence and who intentionally fails, at a time when the commission of the offence could still be prevented, to give timely and proper notification thereof either to judicial officers or to police officers or the person threatened by the offence is punishable, where the serious offence ensues, by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:58
1. A person who has knowledge of an intention to commit any of the offences specified in Articles 2:1 to 2:26 or to commit desertion in time of war, treason while a member of the armed forces, murder, abduction or rape or one of the offences specified in Title VI of this Book and who intentionally fails, at a time when the commission of the offence could still be prevented, to give timely and proper notification thereof either to judicial officers or to police officers or the person threatened by the offence is punishable, where the serious offence ensues, by a term of imprisonment of not more than one year or a fine in the third category.

2. The punishment specified in paragraph 1 also applies to a person who has knowledge of the past commission of any of the offences specified in paragraph 1 resulting in danger to life and who, at a time when the consequences could still be averted, intentionally failed to give similar notice thereof.

Article 2:59
The provisions in Articles 2:57 and 2:58 do not apply to a person who might by such communication incur the risk of prosecution to himself or to a relative by consanguinity or affinity in the direct line or in the second or third degree of the collateral line, to his present or former spouse or life partner or to another person at whose prosecution he might excuse himself from giving testimony by reason of his office or profession.

Article 2:60
1. A person who intentionally defames a group of persons in public on the basis of their religion, other beliefs, political persuasions, race, color, language, national or social origins or physical, psychological or mental handicap or their gender or heterosexual or homosexual orientation, or their membership of a national minority, either orally or in writing or by means of an image or data from computerized devices, is punishable by a term of imprisonment of not more than one year or a fine in the third category.

2. Where the offence is committed by a person who makes a profession or custom of doing so or by two or more associated persons, then the convicted person shall be punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:61
1. A person who publicly incites hatred for or discrimination against a group of persons or violence against their persons or property on the basis of any of the characteristics specified in Article 2:60, either orally or in writing or by image or data from computerized devices, is punishable by a term of imprisonment of not more than one year or a fine in the third category.

2. Where the offence is committed by a person who makes a profession or custom of doing so or by two or more associated persons, then the convicted person shall be punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:62
1. A person who, for any reason other than that of giving factual information:
   a. makes public a statement which he knows or should reasonably suspect to be offensive to a group of persons on the basis of any one or more of the characteristics specified in Article 2:60, or who incites hatred of or violence against a group of persons or violence against their property on the basis of one or more of the characteristics specified in Article 2:60, or
   b. provides or disseminates an object which he knows or reasonably ought to suspect contains such a defamatory statement to anyone, otherwise than at the request of the recipient, or who holds such an object in stock for the purpose of the provision or dissemination thereof, is punishable by a term of imprisonment of not more than one year or a fine in the third category.

2. Where the offence is committed by a person who makes a profession or custom of doing so or by two or more associated persons, then the convicted person shall be punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

3. On conviction for one of the serious offences described in this Article, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.
Article 2:63  
A person who participates in or who extends financial or other material support for activities aimed at discrimination against a group of people on the basis of one or more of the characteristics specified in Article 2:60 is punishable by a term of imprisonment of not more than six months or a fine in the third category.

Article 2:64  
1. A person who intentionally discriminates against persons on the grounds of their race in his official capacity, profession or business is punishable by a term of imprisonment of not more than one year or a fine in the third category.
2. Where the offence is committed by a person who makes a profession or custom of doing so or by two or more associated persons, then the convicted person shall be punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:65  
1. A person who intentionally and unlawfully intrudes into a dwelling, enclosed room or enclosed property in use by another person is punishable, as being guilty of unlawful entry, by a term of imprisonment of not more than one year or a fine in the third category.
2. Where he utters threats or employs means likely to cause alarm, he is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.
3. Where the offences specified in paragraphs 1 and 2 are perpetrated by two or more associated persons, the terms of imprisonment imposed for the offences shall be increased by one third and the fines imposed in relation to the offences shall be increased to the next higher category.

Article 2:66  
1. A person who unlawfully enters into or stays in a dwelling or building no longer being used by the lawful occupant is guilty of squatting and punishable by a term of imprisonment of not more than one year or- a fine in the third category.
2. Where he utters threats or employs means likely to cause alarm, he is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.
3. Where the offences specified in paragraphs 1 and 2 are perpetrated by two or more associated persons, the terms of imprisonment imposed for the offences shall be increased by one third and the fines imposed in relation to the offences shall be increased to the next higher category.

Article 2:67
1. A person who intentionally and unlawfully stays in premises intended for the public service is guilty of breach of the peace and punishable by a term of imprisonment of not more than six months or a fine in the third category.
2. Where he utters threats or employs means likely to cause alarm, he is punishable by a term of imprisonment of not more than one year or a fine in the third category.
3. Where the offences specified in paragraphs 1 and 2 are perpetrated by two or more associated persons, the terms of imprisonment imposed for the offences shall be increased by one third and the fines imposed in relation to the offences shall be increased to the next higher category.

Article 2:68
On conviction for one of the serious offences described in Articles 2:65 and 2:67, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at e.

Article 2:69
1. A person who intentionally and unlawfully gains access to a computerized device or part thereof is guilty of hacking and punishable by a term of imprisonment of not more than one year or a fine in the third category. Access shall be deemed to have been gained unlawfully in any event if access to the device is gained:
   a. by breaching any security measure;
   b. by a technological intervention;
   c. with the assistance of false signals or false key; or
   d. by assuming a false capacity.
2. Hacking is punishable by a term of imprisonment of not more than four years or a fine in the fourth category where the perpetrator subsequently copies, intercepts or records the data stored in a computerized device or system to which he has gained access unlawfully, either for his own benefit or for another.
3. Hacking committed through a public telecommunications network is punishable by a term of imprisonment of not more than four years or a fine in the fourth category where the perpetrator subsequently:
   a. uses processing capacity of a computerized device or system with the objective of obtaining an unlawful gain for himself or for another;
   b. gains access to the computerized device or system of a third person through the computerized device or system into which he has intruded.

Article 2:70
A person who intentionally and unlawfully restricts access to or the use of a computerized device by offering or sending information to it is punishable by a term of imprisonment of not more than one year or a fine in the third category.

Article 2:71
1. A person who intentionally uses a technical device:
   a. to listen to a conversation held in a residence or an enclosed room or
      premises, otherwise than on the instructions of a participant in that
      conversation;
   b. to record such a conversation, without being a participant to it, otherwise
      than on the instructions of such a participant,

   is punishable by a term of imprisonment of not more than two years or a fine in
   the fourth category.

2. Paragraph 1 shall not apply to a recording:
   a. of information being processed or transferred by means of
      telecommunications or by means of a computerized device;
   b. with the help of a technical device that is present and not concealed, on
      the authority of the occupant of the dwelling, in the enclosed room or
      premises, except in cases of clear abuse;
   c. by the joint special authority of the Minister of General Affairs, the
      Minister Justice and the Minister of Transport & Traffic, to be given to the
      Head of the Sint Maarten Security Service on each occasion for a period of
      not more than three months, in cases where so required by the interests of
      the security of the Country.

Article 2:72
1. A person who, with the intention of listening to or recording a conversation
   being held anywhere except in a dwelling, an enclosed room or premises, uses
   technological equipment:
   a. to listen to that conversation otherwise than on the instructions of a
      participant;
   b. to record such a conversation, without being a participant to it, otherwise
      than on the instructions of such a participant,

   is punishable by a term of imprisonment of not more than one year or a fine in
   the third category.

2. Article 2:71.2 at a and c shall apply, mutatis mutandis.

Article 2:73
1. A person who intentionally and unlawfully uses technological equipment to
   intercept or record data not intended for him and processed or transferred by
   means of telecommunications or by means of a computerized device shall be
   punishable by term of imprisonment of not more than two years or a fine in the
   fourth category.

2. Paragraph 1 shall not apply to interception or recording:
   a. of data received by a radio receiver, unless a special effort has been made
      or a prohibited receiver has been used to make such reception possible;
   b. by or on the instructions of the person entitled to the connection used for
      the telecommunication, except in cases of clear abuse;
c. for the purpose of ensuring the proper operation of a public telecommunications network, for the purpose of criminal investigation, or by the joint special authority of the Minister of General Affairs, the Minister of Justice and the Minister of Transport & Traffic, to be given to the Head of the Sint Maarten Security Service on each occasion for a period of not more than three months, in cases where so required by the interests of the security of the Country.

Article 2:74
1. A person who unlawfully has a technical device installed in a particular place with the object of unlawfully intercepting or recording a conversation, telecommunication or other type of data transfer or other data processed by a computerized device shall be punishable by a term of imprisonment of not more than one year or a fine in the third category.
2. A similar punishment shall be imposed on a person who, with the intent of committing a serious offence as specified in Articles 2:69.1, 2:70 or 2:73:
   a. manufactures, sells, acquires, imports, disseminate or otherwise has at his disposal or in his possession a technical device whose primary purpose design is to commit such an offence; or
   b. sells, acquires, disseminates or otherwise has at his disposal or in his possession a computer password, access code or comparable piece of information used to gain access to a computerized device or any part thereof.
3. A person who commits the serious offence specified in paragraph 2 with the intention of committing one of the serious offences specified in Articles 2:69.2 or 2:69.3 is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

Article 2:75
A person who:
   a. has at his disposal an object on which, as he knows or should reasonably suspect, data has been stored that has been obtained by unlawfully listening to, intercepting or recording a conversation, telecommunication or the transfer of data or other processing of data by a computerized device;
   b. intentionally discloses to another any information he has obtained or that he ought reasonably to suspect has come into his possession by means of unlawfully listening to, intercepting or recording a conversation, telecommunication or other transfer of data or other processing of data by a computerized device;
   c. intentionally makes available an object as described under a to another person, is punishable by a term of imprisonment of not more than one year or a fine in the third category.

Article 2:76
A person who commits any of the following serious offences is punishable by a term of imprisonment of not more than one year or a fine in the third category:

a. a person who intentionally and unlawfully produces an image of a person who is present in a residence or other place not accessible to the general public, using a technical device, the presence of which has not been clearly disclosed;
b. a person who has in his possession an image which, as he knows or reasonably ought to suspect, was obtained by or as a result of the activity punishable under part a.

Article 2:77
A person who publishes an image as specified in Article 2:76 at b is punishable by a term of imprisonment of not more than one year or a fine in the third category.

Article 2:78
On conviction for one of the serious offences described in Articles 2:69 to 2:77, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

Article 2:79
1. Participation in an organization that has as its object the commission of serious offences is punishable by a term of imprisonment of not more than eight years or a fine in the fifth category.
2. Participation in the continuing activities of a juristic person that has been proscribed by a final judicial decision and consequently dissolved is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.
3. The terms of imprisonment shall be increased by one third in relation to the founders, managers or directors of an organization as specified in paragraph 1.
4. "Participation" as specified in paragraph 1 also includes the provision of financial or material support and the collection of money or the recruitment of persons for such an organization.

Article 2:80
1. Participation in an organization that has as its object the commission of terrorist offences is punishable by a term of imprisonment of not more than eighteen years or a fine in the fifth category.
2. Founders managers or directors of an organization as specified in paragraph 1 shall be punishable by a term of life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.
3. Article 2:79. 4 shall apply, mutatis mutandis.

Article 2:81
On conviction for one of the serious offences described in Articles 2:79 and 2:80, the judge may also pronounce deprivation or the rights specified in Article 1:64.1.
Article 2:82
1. Persons who jointly and publicly commit acts of violence against persons or property are punishable by a term of imprisonment of not more than six years or a fine in the fifth category.
2. The convicted person shall be punished:
   a. by a term of imprisonment of not more than eight years or a fine in the fifth category where he intentionally destroys property or where any bodily harm ensues from the act of violence he commits;
   b. by a term of imprisonment of not more than twelve years or a fine in the fifth category where serious bodily harm ensues from such violence;
   c. by a term of imprisonment of not more than fifteen years or a fine in the fifth category where a death ensues from such violence.
3. Article 1:199 does not apply.

Article 2:83
1. A person who intentionally disturbs the peace by false cries of alarm or false signals is punishable by a term of imprisonment of not more than one year or a fine in the third category.
2. A person who intentionally and unlawfully uses an emergency number for public services is punishable by a term of imprisonment of not more than six months or a fine in the third category.

Article 2:84
1. A person who sends an object or who leaves or places such an object in a location, whether accessible to the public or otherwise, with the intention of creating the belief in others that might give rise to an explosion, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.
2. The same punishment shall be applicable to the person who passes on information with a view to making another person believe, incorrectly, that an object that might give rise to an explosion is present in a location, accessible to the public or otherwise.

Article 2:85
A person who disrupts an authorized public meeting or demonstration by means of violence or a threat of violence is punishable by a term of imprisonment of not more than one year or a fine in the third category.

Article 2:86
A person who disrupts an authorized public meeting by means of creating disorder or by making noise or who intentionally disrupts an authorized demonstration by means
of creating disorder is punishable by a term of imprisonment of not more than six months or a fine in the third category.

Article 2:87
A person who, by violence or threats with violence, disturbs an authorized public assembly for the profession of a religion or belief or an authorized ceremony professing religious or other beliefs or a lawful funeral service is punishable by a term of imprisonment of not more than one year or a fine in the third category.

Article 2:88
A person who, by creating disorder or making noise, intentionally disturbs an authorized public assembly for the profession of a religion or belief or an authorized ceremony professing religious or other beliefs or a lawful funeral service is punishable by a term of imprisonment of not more than six months or a fine in the third category.

Article 2:89
A person who:
   a. publicly offends religious sensibilities by malign blasphemy, either verbally or in writing or by image or data from computerized devices, or
   b. ridicules a minister of religion in the lawful execution of the latter's duties, or
   c. makes derogatory comments about objects used for religious celebration at a time when and place where such celebration is lawful,

is punishable by a term of imprisonment of not more than one year or a fine in the third category.

Article 2:90
1. A person who disseminates, publicly displays or posts written matter or an image or data from computerized devices containing statements that offend religious sensibilities or who has such in stock to be disseminated, publicly displayed or posted, is punishable by a term of imprisonment of not more than six months or a fine in the third category where he knows or has serious reason to suspect that the written matter or the image contains such statements.
2. A person who, with like knowledge or like reason to suspect, publicly utters the contents of such written matter or such data from computerized devices is punishable by a similar punishment.
3. On conviction for one of the serious offences described in this Article, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

Article 2:91
A person who intentionally obstructs or restricts lawful access to a cemetery or crematorium or the lawful transport of a dead human body to a cemetery or
crematorium is punishable by a term of imprisonment of not more than six months or a fine in the third category.

Article 2:92
A person who intentionally desecrates a grave or intentionally and unlawfully destroys or damages any memorial erected in a cemetery is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:93
A person who intentionally and unlawfully disinters or removes a dead human body or moves or transports a disinterred or removed dead human body is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:94
A person who buries, burns, destroys, conceals or carries off a dead human body with a view to concealing the fact or the cause of the death or of a stillbirth is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:95
A person who, for motives of pecuniary gain, intentionally arranges for a child below the age of six months and who is not subject to the guardianship of a juristic person to be fostered in a family, without the prior written permission of the Child Protection Board, is punishable by a term of imprisonment of not more than one year or a fine in the third category.

Article 2:96
1. A person who, in the practice of a profession or in carrying on a business, intentionally arranges or encourages either direct or indirect negotiations between a surrogate mother or a woman who wishes to be a surrogate mother and another person, or who arranges an appointment in order to carry out the intention specified in paragraph 3, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

2. A similar punishment shall be imposed upon:
   a. a person who publicly offer services consisting of bringing about or promoting negotiations or an appointment as specified in paragraph 1;
   b. a person who discloses that a woman wishes to be a surrogate mother or is available as such, or that a woman is being sought who wishes to be a surrogate mother or is available as such.

3. The term "surrogate mother" is understood to mean a woman who has become pregnant with the intention of bearing a child for another person who wishes to acquire parental authority over that child or otherwise wishes to care for and bring up that child on a permanent basis.
Article 2:97

1. A person who, in the practice of a profession or in carrying on a business, intentionally arranges or encourages either direct or indirect negotiations between a woman and another person, or arranges an appointment, with respect to her wish to surrender the care for and upbringing of her child to another person on a permanent basis, is punishable by a term of imprisonment of not more than one year or a fine in the third category.

2. Without prejudice to the provisions in Article 2:96.1, paragraph 1 does not apply:
   a. where the arrangement or encouragement specified in paragraph 1 is undertaken by the Child Protection Board or a person appointed by that Board for that purpose;
   b. where the arrangement or encouragement specified in paragraph 1 consists of a referral to an organization as specified in part a.

TITLE VI

Serious offences endangering the general safety of persons or property

Article 2:98

A person who intentionally causes a fire, an explosion or a flood is punishable:
   a. by a term of imprisonment of not more than twelve years or a fine in the fifth category where general danger to property might have been expected to ensue from the act,
   b. by a term of imprisonment of not more than fifteen years or a fine in the fifth category, where danger to another person's life or danger of severe bodily harm to another might have been expected to ensue from act;
   c. by a term of life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category, where danger to another person's life might have been expected to ensue from the act and the act results in the death of a person.

Article 2:99

1. A person who is responsible for a fire, explosion or flood as a result of his negligence or carelessness is punishable:
   a. by a term of imprisonment of not more than six months or a fine in the third category where the act occasions general danger to property,
   b. by a term of imprisonment of not more than one year or a fine in the third category, where the act occasions danger to another person's life or danger of severe bodily harm to another;
c. by a term of imprisonment of not more than two years or a fine in the fourth category where the act occasions the death of a person.

2. Where the negligence or carelessness specified in paragraph 1 consists of recklessness, the terms of imprisonment imposed in relation to the offences shall be increased by one half and the fines imposed in relation to the offences shall be increased to the next higher category.

Article 2:100
A person who, in the event of or in anticipation of a fire, intentionally and without due cause conceals or renders unusable any fire extinguishers or firefighting equipment or who in any way prevents or obstructs the extinction of such a fire is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

Article 2:101
A person who, in the event of or in anticipation of a flood, intentionally and without due cause hides or renders unusable any dam materials or equipment, who thwarts any attempt to repair water reservoirs, dams or other water defenses, or who obstructs any measures taken to prevent or halt flooding is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

Article 2:102
A person who intentionally damages or renders unusable any work serving as a water barrier, water capture area, water drain, gas or water pipe or sewer is punishable:

a. by a term of imprisonment of not more than six years or a fine in the fifth category where flooding or general danger to property might have been expected to ensue from the act;

b. by a term of imprisonment of not more than nine years or a fine in the fifth category where danger to the life of another person might have been expected to ensue from the act;

c. by a term of imprisonment of not more than fifteen years or a fine in the fifth category, where danger to another person's life might have been expected to ensue from the act and the act results in the death of a person.

Article 2:103
A person who intentionally destroys, damages or renders unusable any electricity installation, or who causes any disruption to the functioning or operation of such an installation, or who frustrates any safety measure taken with respect to such an installation, is punishable:

a. by a term of imprisonment of not more than four years or a fine in the fourth category, where the act results in an interruption to or complication affecting the power supply for general consumption;
b. by a term of imprisonment of not more than six years or a fine in the fifth category where general danger to property might have been expected to ensue from the act;
c. by a term of imprisonment of not more than nine years or a fine in the fifth category where danger to the life of another person might have been expected to ensue from the act;
d. by a term of imprisonment of not more than fifteen years or a fine in the fifth category, where danger to another person's life might have been expected to ensue from the act and the act results in the death of a person.

Article 2:104
1. A person who by negligence or carelessness is responsible for destroying, damaging or rendering unusable any electricity installation, the result of which is disruption to the functioning or operation of such an installation, or who frustrates any safety measure taken with respect to such an installation, is punishable:
   a. by a term of imprisonment of not more than six months or a fine in the third category, where the act results in an interruption to or complication affecting the power supply for general consumption or in general danger to property;
   b. by a term of imprisonment of not more than one year or a fine in the third category where danger to the life of another person ensues from the act;
   c. by a term of imprisonment of not more than two years or a fine in the fourth category where the act occasions the death of a person.

2. Where the negligence or carelessness specified in paragraph 1 consists of recklessness, the terms of imprisonment imposed in relation to the offences shall be increased by one half and the fines imposed in relation to the offences shall be increased to the next higher category.

Article 2:105
A person who intentionally exposes human beings, animals, plants or property to ionizing radiation or who contaminates human beings, animals, plants, property, soil, water or air with radioactive materials, is punishable:

a. by a term of imprisonment of not more than fifteen years or a fine in the fifth category, where danger to public health or to another person's life might have been expected to ensue from act;

b. by a term of life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category, where danger to another person's life might have been expected to ensue from the act and the act results in the death of a person.

Article 2:106
1. A person who by negligence or carelessness is responsible for exposing human beings, animals, plants or property to ionizing radiation or for contaminating human beings, animals, plants, property, soil, water or air with radioactive materials, is punishable:
   a. by a term of imprisonment of not more than one year or a fine in the third category, where danger to public health or to another person's life might have been expected to ensue from act;
   b. by a term of life imprisonment or a term of imprisonment of not more than two years or a fine in the fourth category, where danger to another person's life might have been expected to ensue from the act and the act results in the death of a person.

2. Where the negligence or carelessness specified in paragraph 1 consists of recklessness the terms of imprisonment imposed in relation to the offences shall be increased by one half and the fines imposed in relation to the offences shall be increased to the next higher category.

Article 2:107
1. A person who intentionally destroys, damages or renders unusable any computerized device, or who causes any disruption to the functioning or operation of such a device, or who frustrates any safety measure taken with respect to such an installation, is punishable:
   a. by a term of imprisonment of not more than four years or a fine in the fourth category, where the act results in the unlawful prevention of or difficulties in saving, processing or transferring data for the use of the general public or in a disruption to a public telecommunications network or to the provision of a telecommunication service for the general public;
   b. a term of imprisonment of not more than six years or a fine in the fifth category where general danger to property or the provision of services might have been expected to ensue from the act;
   c. by a term of imprisonment of not more than nine years or a fine in the fifth category where danger to the life of another person might have been expected to ensue from the act;
   d. by a term of imprisonment of not more than fifteen years or a fine in the fifth category, where danger to another person's life might have been expected to ensue from the act and the act results in the death of a person.

2. A person who, with the intention that any of the serious offences specified in paragraph 1 should be committed as a consequence of his act:
   a. manufactures, sells, acquires, imports, disseminates or otherwise has at his disposal or in his possession a technical device whose primary purpose or design is to commit such an offence; or
   b. sells acquires, disseminates or otherwise has at his disposal or in his possession a computer password, access code or comparable piece of
information used to gain access to a computerized device or any part thereof,
is punishable by a term of imprisonment of not more than one year or a fine in the third category.

Article 2:108
1. A person who by negligence or carelessness is responsible for destroying, damaging or rendering unusable any computerized device, the result of which is disruption to the functioning or operation of such a device, or who frustrates any safety measure taken with respect to such an installation, is punishable:
   a. by a term of imprisonment of not more than six months or a fine in the third category, where the act results in the unlawful prevention of or difficulties in saving, processing or transferring data for the use of the general public or in a disruption to a public telecommunications network or to the provision of a telecommunications service for the general public, or in general danger to property or to the provision of services;
   b. by a term of imprisonment of not more than one year or a fine in the third category where danger to the life of another person ensues from the act;
   c. by a term of imprisonment of not more than two years or a fine in the fourth category where the act occasions the death of a person.
2. Where the negligence or carelessness specified in paragraph 1 consists of recklessness, the terms of imprisonment imposed in relation to the offences shall be increased by one half and the fines imposed in relation to the offences shall be increased to the next higher category.

Article 2:109
A person who intentionally destroys, renders unusable or damages any device designed for public traffic or air traffic, who blocks off any public road or waterway or who frustrates any safety measure taken with respect to such devices, roads or waterways, is punishable:
   a. by a term of imprisonment of not more than nine years or a fine in the fifth category where danger to the safety of the traffic might have been expected to ensue from the act;
   b. by a term of imprisonment of not more than fifteen years or a fine in the fifth category, where danger to the safety of the traffic might have been expected to ensue from the act and the act results in the death of a person.

Article 2:110
A person who intentionally destroys, renders unusable or damages any aircraft at an airport, or who intentionally disrupts the services at an airport, is punishable:
   a. by a term of imprisonment of not more than nine years or a fine in the fifth category where danger to the safety of the air traffic might have been expected to ensue from the act;
b. by a term of imprisonment of not more than fifteen years or a fine in the fifth category, where danger to the safety of the air traffic might have been expected to ensue from the act and the act results in the death of a person.

**Article 2:111**
1. A person who by negligence or carelessness is responsible for destroying, rendering unusable or damaging any device design for public traffic or air traffic, for blocking off any public road or waterway or for frustrating any safety measure taken with respect to such devices, roads or waterways, is punishable:
   a. by a term of imprisonment of not more than six months or a fine in the third category where the act renders the traffic unsafe;
   b. by a term of imprisonment of not more than two years or a fine in the fourth category where the act occasions the death of a person.
2. Where the negligence or carelessness specified in paragraph 1 consists of recklessness, the terms of imprisonment imposed in relation to the offences shall be increased by one half and the fines imposed in relation to the offences shall be increased to the next higher category.

**Article 2:112**
A person who intentionally destroys, damages, removes or displaces a sign, signal or aid placed for the safety of shipping or of aviation, or who frustrates its operation or places a false sign or signal, is punishable:
   a. by a term of imprisonment of not more than twelve years or a fine in the fifth category where danger to the safety of shipping or aviation might have been expected to ensue from the act;
   b. by a term of imprisonment of not more than fifteen years or a fine in the fifth category, where danger to the safety of shipping or aviation might have been expected to ensue from the act and the act results in the sinking, running around of wrecking of a vessel or an aircraft;
   c. by a term of life imprisonment of not more than thirty years or a fine in the fifth category, where danger to shipping or aviation might have been expected to ensue from the act and the act results in the death of a person.

**Article 2:113**
1. A person who by negligence or carelessness is responsible for destroying, damaging, removing or displacing a sign, signal or aid placed for the safety of shipping or of aviation, or for frustrating its operation, or for placing a false sign or signal, is punishable:
   a. by a term of imprisonment of not more than six months or a fine in the third category where the act renders the shipping or aviation unsafe;
   b. by a term of imprisonment of not more than one year or a fine in the third category where the act leads to the sinking, running aground or wrecking of a vessel or aircraft;
c. by a term of imprisonment of not more than two years or a fine in the fourth category where the act occasions the death of a person.

2. Where the negligence or carelessness specified in paragraph 1 consists of recklessness, the terms of imprisonment imposed in relation to the offences shall be increased by one half and the fines imposed in relation to the offences shall be increased to the next higher category.

Article 2:114
A person who intentionally and unlawfully causes any vessel, vehicle or aircraft to sink, run aground or be wrecked, or who intentionally and unlawfully renders the same unusable damages or destroys it, is punishable:

a. by a term of imprisonment of not more than fifteen years or a fine in the fifth category where danger to the life of another person might have been expected to ensue from the act;

b. by a term of life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category, where danger to another person's life might have been expected to ensue from the act and the act results in the death of a person.

Article 2:115
1. A person who by negligence or carelessness is responsible for the sinking, running aground or wrecking of any vessel, vehicle or aircraft or for destroying it, rendering it unusable or damaging it, is punishable:

a. by a term of imprisonment of not more than one year or a fine in the third category where danger to the life of another person ensues from the act;

b. by a term of imprisonment of not more than two years or a fine in the fourth category where the act occasions the death of a person.

2. Where the negligence or carelessness specified in paragraph 1 consist of recklessness, the terms of imprisonment imposed in relation to the offences shall be increased by one half and the fines imposed in relation to the offences shall be increased to the next higher category.

Article 2:116
1. A person who brings within his control or holds under his control any means of public transport or a freight vehicle with a hazardous load by means of violence, threats of violence or incitement of fear, or who causes such means of public transport or freight vehicle to deviate from its route, is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

2. Where two or more persons commit the offence jointly, or where the offence results in severe bodily harm, or where the offence is committed with the intent of unlawfully depriving another person of his liberty or keeping that person deprived of his liberty, the convicted persons shall be punishable by a term of imprisonment of not more than fifteen years or a fine in the fifth category.
3. Where the act results in the death of a person, the convicted persons shall be punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.

Article 2:117
A person who intentionally damages or destroys any building, structure, marine installation or place accessible to the public is punishable:

a. by a term of imprisonment of not more than twelve years or a fine in the fifth category where general danger to property might have been expected to ensue from the act;

b. by a term of imprisonment of not more than fifteen years or a fine in the fifth category where danger to the life of another person might have been expected to ensue from the act;

c. by a term of life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category, where danger to another person's life might have been expected to ensue from the act and the act results in the death of a person.

Article 2:118
1. A person who by negligence or carelessness is responsible for destroying or damaging any building, structure, marine installation or place accessible to the public, is punishable:

a. by a term of imprisonment of not more than six months or a fine in the third category where the act occasions general danger to property;

b. by a term of imprisonment of not more than one year or a fine in the third category where danger to the life of another person ensues from the act;

c. by a term of imprisonment of not more than two years or a fine in the fourth category where the act occasions the death of a person.

2. Where the negligence or carelessness specified in paragraph 1 consists of recklessness, the terms of imprisonment imposed in relation to the offences shall be increased by one half and the fines imposed in relation to the offences shall be increased to the next higher category.

Article 2:119
1. A person who intentionally and unlawfully introduces any substance into an installation for drinking water supply or into a water supply pipe intended for collective use by or with others, or who intentionally and unlawfully restricts the flow of drinking water in or from the public drinking water supply, is punishable:

a. by a term of imprisonment of not more than twelve years or a fine in the fifth category where danger to another person might have been expected to ensue from the act;
b. by a term of imprisonment of not more than fifteen years or a fine in the fifth category, where danger to another person might have been expected to ensue from the act and the act results in the death of a person.

2. A person who intentionally destroys, damages or renders unusable any public work intended for the provision of drinking water, or who causes the defective functioning or operation of such works, or who frustrates a safety measure taken with respect to such works, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category where any restriction in or hindrance of the public water supply might have been expected to ensue from the act.

Article 2:120
1. A person who, by negligence or carelessness, is responsible for the unlawful introduction of a substance into any installation intended for the drinking water supply or a water supply pipe intended for communal use by with others is punishable:
   a. by a term of imprisonment of not more than one year or a fine in the third category, where danger to public health or to another person's life might have been expected to ensue from act;
   b. by a term of life imprisonment or a term of imprisonment of not more than two years or a fine in the fourth category, where danger to another person's life might have been expected to ensue from the act and the act results in the death of a person.

2. A person who, by negligence or carelessness, is responsible for destroying, damaging or rendering unusable any public work intended for the provision of drinking water, or for causing the defective functioning or operation of such works, or for frustrates a safety measure taken with respect to such works, is punishable by a term of imprisonment of not more than six months or a fine in the third category where any restriction in or hindrance of the public water supply might have been ensue from the act.

3. Where the negligence or carelessness specified in paragraph 1 or 2 consists of recklessness, the terms of imprisonment imposed in relation to the offences shall be increased by one half and the fines imposed in relation to the offences shall be increased to the next higher category.

Article 2:121
A person who intentionally and unlawfully introduces any substance on or into the soil, the air or the surface water is punishable:
   a. by a term of imprisonment of not more than twelve years or a fine in the fifth category, where danger to public health or to another person's life might have been expected to ensue from act;
b. by a term of imprisonment of not more than fifteen years or a fine in the fifth category, where danger to another person might have been expected to ensue from the act and the act results in the death of a person.

Article 2:122
1. A person who by negligence or carelessness is responsible for unlawfully introducing any substance into the soil, the air on the surface water is punishable:
   a. by a term of imprisonment of not more than one year or a fine in the third category, where danger to public health or to another person's life might have been expected to ensue from act;
   b. by a term of life imprisonment or a term of imprisonment of not more than two years or a fine in the fourth category, where danger to another person's life might have been expected to ensue from the act and the act results in the death of a person.
2. Where the negligence or carelessness specified in paragraph 1 consists of recklessness, the terms of imprisonment imposed in relation to the offences shall be increased by one half and the fines imposed in relation to the offences shall be increased to the next higher category.

Article 2:123
1. A person who sells offers for sale, delivers or freely hands out goods in the knowledge that these are injurious to life or health and who conceals their injurious nature is punishable by a term of imprisonment of not more than fifteen years or a category.
2. Where the act results in the death of a person, the convicted person shall be punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.

Article 2:124
1. A person who, by negligence or carelessness, is responsible for selling, delivering or freely handing out goods that are injurious to life or health, without the buyer or recipient lent of such goods being aware of their injurious nature, is punishable by a term of imprisonment of not more than one year or a fine in the third category.
2. Where the act results in the death of a person, the convicted person is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.
3. Where the negligence or carelessness specified in paragraphs 1 and 2 consists of recklessness, the terms of imprisonment imposed in relation to the offences shall be increased by one half and the fines imposed in relation to the offences shall be increased to the next higher category.
Article 2:125
On conviction for one of the serious offences described in this Title, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

Article 2:126
1. Where punishment of a term of imprisonment of not more than fifteen years is imposed in relation to one of the serious offences specified in Articles 2:98, 2:100, 2:101, 2:102, 2:103, 2:105, 2:107, 2:109, 2:110, 2:112, 2:114, 2:116, 2:117, 2:119, 2:121 and 2:123, and where the serious offence is committed with terrorist intent, the term of imprisonment shall be increased by one half.
2. Where a term of imprisonment of fifteen years is imposed in relation to one of the serious offences specified in paragraph 1, and where the offence is committed with terrorist intent, life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category shall be imposed.

Article 2:127
Conspiracy to commit any of the offences specified in Articles 2:98, 2:102 at b and c, 2:103 at c and d, 2:105, 2:107.1 at c and d, 2:109, 2:112, 2:114, 2:116, 2:117, 2:119.1, 2:121 and 2:123 with terrorist intent shall be punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

TITLE VII
Serious offences against public authority

Article 2:128
1. A person who:
   a. makes a gift or a promise or provides or offers a service to a civil servant or another person with the object of inducing the civil servant to act or refrain from acting in the execution of his duties in a manner contrary to the requirements of his office;
   b. makes a gift or a promise or provides or offers a service to a civil servant as a result of something that the civil servant has done or failed to do in the execution of his duties or former duties and in a manner contrary to the requirements of his office,
   is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.
2. The same punishment shall apply to a person who commits an offence as described in paragraph 1 at a in respect of a person with a view to an
appointment as civil servant, where appointment as a civil servant ensues from the offence.

3. On conviction for one of the serious offences described in this Article, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a, b and d.

**Article 2:129**

1. A person who:
   a. makes a gift or a promise or provides or offers a service to a civil servant or another person with the object of inducing the civil servant to act or refrain from acting in the execution of his duties, in a manner not contrary to the requirements of his office;
   b. makes a gift or a promise or provides or offers a service to a civil servant as a result of something that the civil servant has done or failed to do in the execution of his duties or former duties, in a manner not contrary to the requirements of his office,

   is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

2. The same punishment shall apply to a person who commits an offence as described in paragraph 1 at a perpetrated against a person with prospects of an appointment as a civil servant, where appointment as a civil servant ensues from the offence.

3. On conviction for one of the serious offences described in this Article, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a, b and d.

**Article 2:130**

1. A person who makes a gift or a promise or provides or offers a service to the judge with the object of exercising influence over the decision in a case that is before the judge for judgment is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

2. Where the gift or promise is made or where the service is provided or offered with the object of obtaining a conviction in a criminal case, the convicted person is punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.

3. On conviction for one of the serious offences described in this Article, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a, b and d.

**Article 2:131**

1. For the purposes of Articles 2:128 and 2:129, those holding appointments of a public nature for a foreign nation or with an international law organization are deemed to be equivalent to civil servants.
2. For the purposes of Articles 2:128.1 at b and 21129.1 at b, former civil servants are deemed to be equivalent to civil servants.

3. For the purposes of Article 2:130, a judge of a foreign nation or of an international law organization is deemed to be equivalent to a judge.

**Article 2:132**
A person who coerces a civil servant to perform an official act or to refrain from performing a lawful official act by means of violence or otherwise, or by threat of violence or any other or a fine in the means, is punishable by a term of imprisonment of not more than four years fourth category.

**Article 2:133**
A person who, by an act of violence or by threat of violence, resists a civil servant in the lawful execution of the latter's duties or any persons who assist the civil servant in so doing pursuant to a legal obligation, or who are providing assistance at the request of the civil servant, is guilty of resisting a civil servant and is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

**Article 2:134**
The serious offences of coercion and resistance specified in Articles 2:132 and 2:133 are punishable:

a. by a term of imprisonment of not more than five years or a fine in the fourth category where any bodily harm ensues as a result of the serious offence or any associated circumstances;

b. by a term of imprisonment of not more than eight years or a fine in the fifth category where serious bodily harm ensues from such an offence;

b. by a term of imprisonment of not more than twelve years or a fine in the fifth category where a death ensues from such an offence.

**Article 2:135**
1. Where two or more persons jointly commit the offences of coercion and resistance specified in Articles 2:132 and 2:133, they are each punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

2. The convicted person shall be punished:

a. by a term of imprisonment of not more than eight years or a fine in the fifth category where any bodily harm ensues as a result of the serious offence or any associated circumstances;

b. by a term of imprisonment of not more than twelve years or a fine in the fifth category where serious bodily harm ensues from such an offence;

b. by a term of imprisonment of not more than fifteen years or a fine in the fifth category where a death ensues from such an offence.

**Article 2:136**
For the purposes of Articles 2:132 to 2:135, the master of a vessel of the captain of an aircraft who is exercising the authority granted to him or performing an obligation imposed upon him by virtue of a provision in the Code of Criminal Procedure is deemed to be equivalent to a civil servant.

Article 2:137
1. A person who intentionally fails to comply with an order or demand issued by virtue of a statutory provision by a civil servant acting in a supervisory capacity, or by a civil servant charged with or holding authority to detect or investigate criminal offences, and also a person who intentionally prevents, obstructs or thwarts any action undertaken by such civil servants to implement any statutory provision is punishable by a term of imprisonment of not more than three months are fine in the second category.

2. For the purposes of paragraph 1, an order or demand made by the master of a vessel or the captain of an aircraft who is exercising the authority granted to him or performing an obligation imposed upon him by virtue of a provision in the Code of Criminal Procedure is deemed to be equivalent to an order or demand.

Article 2:138
A person who causes a commotion at a court session or a place where a civil servant is lawfully executing his duties in public and who fails to remove himself following an order issued by or in the name of the competent authority is punishable by a term of imprisonment of not more than three months or a fine in the second category.

Article 2:139
For the purposes of Articles 2:132 to 2:135, 2:137 and 2:138, persons in the public service of a foreign nation or of an international law organization who are performing their duties in Sint Maarten in a manner permitted under international law are deemed to be equivalent to civil servants.

Article 2:140
A person who intentionally fails to remove himself, on the occasion of a tumultuous gathering, after the third order issued by or in name of the competent authority, is guilty of participation in an unlawful assembly and is punishable by a term of imprisonment of not more than three months or a fine in the second category.

Article 2:141
A person who unlawfully tears down, renders illegible or damages a notice publicly posted in the name of the competent authority, with the object of rendering communication thereof difficult or impossible, is punishable by a term of imprisonment of not more than three months or a fine in the second category.

Article 2:142
A person who makes accusation or lodges a complaint alleging that a criminal offence has been committed, knowing this not to be the case, is punishable by a term of imprisonment of not more than one year or a fine in the third category.

Article 2:143
1. A person who:
   a. intentionally conceals any person who has been designated a suspect in relation to a serious offence or who assists that person in evading detection or arrest by judicial officers or police officers; or
   b. following the commission of any serious offence, destroys, removes, conceals or withholds from the investigation of judicial officers of police officers any objects with regard to which or by means of which the serious offence has been committed or any other evidence of the commission of the serious offence; or
   c. intentionally causes the disappearance of, conceals, destroys or removes or withholds from the investigation by judicial officers or police officers any objects which may serve to bring to light the truth or to prove unlawfully obtained gains as specified in Article 1:77, or who obstructs or frustrates such seizure by intentionally providing data or information to third parties,

is punishable by a term of imprisonment of not more than six months or a fine in the third category.

2. Where the serious offence specified in paragraph 1 is a terrorist offence, a term of imprisonment of not more than four years or a fine in the fourth category may be imposed.

3. Paragraphs 1 and 2 do not apply to a person who acts as specified in those provisions in order to evade or avert the risk of prosecution of himself or any of his relatives by consanguinity or affinity in the direct line or within the second or third degree of the collateral line or of his spouse, former spouse, life partner or former life partner.

4. Persons in the public service of an international court deriving its jurisdiction from treaty to which the Kingdom is a party and who are charged with the detection or prosecution of any serious offence are deemed to be equivalent to judicial officers or police officers.

Article 2:144
A person who intentionally obstructs, hinders or frustrates a judicial post-mortem examination is punishable by a term of imprisonment of not more than six months or a fine in the third category.

Article 2:145
A person who escapes from custody, with or without the help of third parties, having been deprived of his liberty by order of the authorities or by virtue of a judicial verdict
or decision taken in chambers, is punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.

**Article 2:146**

A person who intentionally liberates or assists in the liberation of another person who has been deprived of his liberty by order of the authorities or by virtue of a judicial verdict or decision taken in chambers, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

**Article 2:147**

1. A person who has been duly summoned to appear as a witness, an expert or an interpreter and who intentionally fails to perform any legal obligation which he discharge in that capacity is punishable by a term of imprisonment of not more than six months or fine in the third category.
2. A maximum of the same punishment shall be imposed on a person who intentionally and unlawfully refuses to grant the cooperation required in terms of Article 142.1 of the Code of Civil Procedure.
3. Paragraph 1 is not applicable to a party to civil proceedings who, when examined as a witness, refuses to answer the questions put to him.

**Article 2:148**

A person who intentionally fails to respond to a request by a parliamentary investigative committee for access to or to take copies of any documents is punishable by a term of imprisonment of not more than six months or fine in the third category.

**Article 2:149**

A person who intentionally fails to comply with a duly issued order to submit a document which is alleged to be false or to have been falsified, or which is to serve as a comparison with another document that has been alleged to be false or to have been a falsified, or whose authenticity is being denied or not acknowledged, is punishable by a term of imprisonment of not more than six months or a fine in the third category.

**Article 2:150**

1. A person who has been adjudged bankrupt or the spouse of a bankrupt married under a community of property regime or a director or a member of the supervisory board of a bankrupt juristic person who, after having been duly summoned to provide information, either intentionally absents himself without valid reason or refuses to provide the information required or intentionally provides inaccurate information is punishable by a term of imprisonment of not more than one year or fine in the third category.
2. On conviction for one of the serious offences described in this Article, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.
Article 2:151
A person who intentionally exercises a right, knowing that he has been deprived of that right in terms of a judicial verdict, is punishable by a term of imprisonment of not more than one year or fine in the third category.

Article 2:152
A person who intentionally wears insignia or performs an act pertaining to an office that he does not hold or from which he has been suspended is punishable by a term of imprisonment of not more than three months or a fine in the second category.

Article 2:153
A person who returns to Sint Maarten in breach of a lawfully issued order is punishable by a term of imprisonment of not more than six months or a fine in the third category.

Article 2:154
1. A person who
   a. assists another person in gaining access to, passing through or departing from Sint Maarten or a nation that has acceded to the Protocol concluded in New York on 15 November 2000 against frontier-running of migrants by land, sea or air, supplementing the Treaty against transnational organized crime signed in New York on 15 November 2000, or who provides that other person with the opportunity, means or information for that purpose, where he knows or has serious reason to suspect that that person's presence there is unlawful, or
   b. for motives of pecuniary gain assists another person in the remaining in Sint Maarten or a nation that has acceded to the Protocol mentioned in paragraph a or supplies that person with the opportunity, means or information to do so, where he has serious reason to suspect that that persons presence there is unlawful, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.
2. Where the offence of frontier-running is committed in any official or professional capacity, the convicted person shall be punishable by a term of imprisonment of not more than six years or a fine in the fifth category.
3. Where the safety of another person is endangered by the offence of frontier-running, or where the offence is committed by a person who makes a business or custom of so doing or is committed by two or more persons in association, a term of imprisonment of not more than eight years or a fine in the fifth category shall be imposed.
4. Where the offence of frontier-running is accompanied by inhumane or humiliating treatment or results in serious bodily harm, or where danger to the
life of another person ensues from the offence, a term of imprisonment of not more than twelve years or fine in the fifth category shall be imposed.

5. Where the offence of frontier-running results in death, a term of imprisonment of not more than fifteen years or a fine in the fifth category shall be imposed.

6. On conviction for frontier-running, the judge may deprive the convicted person of the rights specified in Article 1:64.1 at a, b, d and e.

**Article 2:155**

1. A person who allows another person who has unlawfully gained entry to or is residing in Sint Maarten to do work either under contract or by public appointment, where he knows or has serious reason to suspect that that person's gaining entry or remaining is unlawful, is punishable by a term of imprisonment of not more than one year or a fine in the third category.

2. A person who commits the offence described in paragraph 1 by profession or custom is punishable by a term of imprisonment of not more than three years or a fine in fourth category.

**Article 2:156**

1. A person who intentionally withholds any property from a seizure imposed by virtue of law or from court-ordered custody or who intentionally conceals any such property is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

2. The punishment specified in paragraph 1 shall also be imposed on a person who intentionally destroys, damages or renders useless any property seized by virtue of law.

3. A person who is negligently or carelessly responsible for any property being removed from a seizure imposed by virtue of law or from court-ordered custody or for the concealment of any such property is punishable by a term of imprisonment of not more than six months or a fine in the third category.

**Article 2:157**

1. A person who intentionally breaks, removes or damages a seal by which objects are sealed by or in the name of the competent authorities or who in any other way invalidates the closure effected by such seal is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

2. A person who negligently or carelessly breaks, removes or damages a seal by which objects are sealed by or in the name of the competent authorities or who in any other way invalidates the closure effected by such seal is punishable by a term of imprisonment of not more than six months or a fine in the third category.

**Article 2:158**

1. A person who intentionally destroys, damages, renders unusable or removes any
property that is intended to convince the competent authorities or to serve the
cOMPETENT AUTHORITIES AS EVIDENCE, OR DEEDS, DOCUMENTS OR REGISTERS FILED
PERMANENTLY OR TEMPORARILY BY ORDER OF THE COMPETENT AUTHORITIES, OR WHICH HAVE
BEEN SUBMITTED TO A CIVIL SERVANT OR ANY OTHER PERSON IN THE INTERESTS OF PUBLIC
SERVICE, IS PUNISHABLE BY A TERM OF IMPRISONMENT OF NOT MORE THAN THREE YEARS OR
A FINE IN THE FOURTH CATEGORY.

2. The competent authorities specified in paragraph 1 include an international court
deriving its jurisdiction from a Treaty to which the Kingdom is a party.

**Article 2:159**
A person who intentionally prevents letters or other documents delivered to a post
office or placed in a mailbox from reaching their destination or who opens or destroys
them is punishable by a term of imprisonment of not more than one year or a fine in the
third category.

**Article 2:160**
Where the person committing any of the serious offences specified in Articles 2:156 to
2:159 gains access to the place where the serious offence is committed or obtains the
property by means of forcible entry, breaking locks or climbing in, by the use of false
keys, a false order or disguise, the term of imprisonment imposed in relation to the
offence may be increased by one year and the fines imposed in relation to the offence
may be increased to the next higher category.

**Article 2:161**
A person who intentionally encourages the desertion of a soldier or officer in the
military service of the Kingdom, in peacetime, by one of the means specified in Article
1.123.1 at b or who encourages such desertion in any of the ways specifying Article
1:124 is punishable by a term of imprisonment of not more than six months or a fine in
the third category.

**Article 2:162**
A person who intentionally incites a riot or mutiny by soldiers in the military service of
the Kingdom, in peacetime, by one of the means specified in Article 1.123.1 at b or who
encourages such a riot or mutiny in any of the ways specifying Article 1:124 is
punishable by a term of imprisonment of not more than six years or a fine in the fifth
category.

**Article 2:163**
1. A person who recruits another person for foreign military service or armed
conflict, without permission from the King or the Governor, is punishable by a
term of imprisonment of not more than four years or a fine in the fourth
category.
2. On conviction for the serious offence described in paragraph 1, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

3. Where the armed conflict for which the person has been recruited includes the commission of a terrorist offence, the term of imprisonment to be imposed in relation to the offence shall be increased by one third and the fine imposed in relation to the offence shall be increased to the next higher category.

Article 2:164
1. A person who
   a. intentionally renders himself unfit or has himself rendered unfit for military service or for any civil defense activity;
   b. intentionally renders another person unfit for such service or activity at that other person's request, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.
2. Where the offence specified in paragraph 1.b results in death, a term of imprisonment of not more than six years or a fine in the fifth category shall be imposed.

TITLE VIII

Perjury

Article 2:165
1. A person who makes a false statement under oath, verbally or in writing, whether personally or through the agency of a person specially authorized for that purpose, in circumstances where the law requires a statement under oath or where the law attaches legal consequences to such a statement, is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.
2. Where the false statement is made in a criminal case to the disadvantage of the defendant, the convicted person shall be punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.
3. A promise or affirmation authorized by law to take the place of the oath is equivalent to an oath.

Article 2:166
1. Where an international treaty to which the Kingdom is a party requires a statement under oath or an affirmation or promise in place of such an oath, a person who intentionally makes a false statement in that form before an international court, verbally or in writing, either personally or through the
agency of a person specially authorized for that purpose, is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

2. Article 2:165.2 shall apply, mutatis mutandis.

**Article 2:167**

1. A person who intentionally gives a false statement, verbally or in writing, either personally or through the agency of a person specially authorized for that purpose, where he is required in terms of a treaty or international law by the judicial authorities of another nation or by a court of another part of the Kingdom to give evidence by means of telecommunications under oath, or under an affirmation or promise in place of such an oath, is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

2. Article 2:165.2 shall apply mutatis mutandis.

**Article 2:168**

On conviction for one of the serious offences described in this Title, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

**TITLE IX**

Counterfeiting and falsifying of coinage, government notes and banknotes

**Article 2:169**

A person who counterfeits or falsifies any coinage, government notes or banknotes with the object of issuing these or having them issued as genuine and unfalsified is punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.

**Article 2:170**

A person who intentionally issues as genuine and unfalsified any coinage, government notes or banknotes that have been counterfeited or falsified by him or who was aware of the counterfeit or falsified nature thereof when he received them, or who receives, acquires, stocks, transports, imports, transits or exports them with the object of issuing them or having them issued as genuine and unfalsified is punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.

**Article 2:171**

A person who intentionally and unlawfully introduces into circulation any coinage or currency or bank notes intended as lawful means of payment or who receives, acquires, stocks, transports, imports, transits or exports them in order to introduce them into
circulation is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

Article 2:172
Subject to the provisions in Article 2:170 a person who intentionally issues counterfeit or falsified coinage or counterfeit or falsified currency or banknotes is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

Article 2:173
Without prejudice to Articles 1:68, 1:75 en 1:76, counterfeit or falsified coinage and currency or banknotes shall be declared forfeit and withdrawn from circulation, irrespective of the identity of the owner of those objects.

Article 2:174
On conviction for one of the serious offences described in Articles 2:169 to 2:171, the judge may also pronounce deprivation of the rights specified in Article 1.64.1 at a and b.

TITLE X
Counterfeiting and falsification of seals and marks

Article 2:175
A person who:
  a. counterfeits or falsifies any lawfully issued seals with a view to using or having another person use those seals as genuine and unfalsified, or
  b. with similar intent manufactures such seals through the unlawful use of genuine seals or stamps,
is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

Article 2:176
A person who:
  a. places false marks required by law or hallmarks on works of platinum, gold or silver, or who falsifies such genuine marks or hallmarks with the intent of using these or having these used by others as if the marks placed on them were genuine and unfalsified; or
  b. with similar intent, places marks on such works by unlawfully using genuine dies or stamps; or
  c. inserts, affixes or transfers genuine marks required by law or hallmarks on or to
different works of platinum, gold or silver, not being those on which the marks were originally placed, with the intent of using these marks or having them used by others as if the said marks had been placed upon them originally, is punishable by a term of imprisonment of not more than five years or a fine in the fourth category.

Article 2:177
A person who:

a. places false calibration marks on objects that are subject to the requirements for calibration instruments or who falsifies genuine calibration marks with the intent of using these objects are having them used by others as if the marks placed on them were genuine and unfalsified; or

b. with similar intent, places marks on such objects by unlawfully using genuine dies or stamps,

is punishable by a term of imprisonment of not more than three years or a fine in the fourth category.

Article 2:178
A person who:

a. falsely places marks, other than the marks specified in Articles 2:176 and 2:177, which must or may be placed by virtue of a statutory provision on goods or their packaging, or who falsifies genuine marks with the intent of using these goods or having them used by others as if the marks placed on them were genuine and unfalsified, or who unlawfully erases or removes such marks; or

b. with similar intent, places marks on such goods or their packaging by unlawfully using genuine dies or stamps; or

c. uses genuine marks for goods or their packaging for which they were not intended, with the intent of using these or having them used by others as if the said marks were intended for them,

is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:179
A person who intentionally uses, sells, offers for sale, supplies, holds in stock for sale or imports into Sint Maarten any false, falsified or unlawfully produced stamps, seals or marks, or the objects to which they have been unlawfully attached, as if these stamps, seals or marks were genuine and unfalsified and not unlawfully produced or not unlawfully attached to the objects, is punishable by the punishments specified in Articles 2:175 to 2:178, according to the distinctions made therein.

Article 2:180
1. A person who removes a rejection mark placed upon objects that are subject to the requirements for calibration instruments, with the intent of using these or
having them used by others as if they had not been rejected, is punishable by a term of imprisonment of not more than one year or fine in the third category.

2. The punishments specified in paragraph 1 are also applicable to a person who intentionally uses, sells, offers for sale, supplies or holds in stock for sale such objects from which the rejection mark has been removed, as if they had not been rejected.

Article 2:181
1. A person who removes from stamps or seals specified in Article 2:175, which have already been used, the marks intended to render them unsuitable for further use, with the intent of using such stamps or seals or having them used by others as if they had not already been used, is punishable by a term of imprisonment of not more than three years or a fine in the fourth category.

2. The punishments specified in paragraph 1 are also applicable to a person who intentionally uses, sells, offers for sale, supplies or holds in stock for sale such stamps or seals from which such marks signifying use have been removed, as if they had not been used.

Article 2:182
Articles 2:175 to 2:179 and 2:181 are also applicable, according to the distinctions made therein, where the offences specified in those Articles are committed in relation to stamps, seals or marks of another part of the Kingdom, a foreign power or an organization under international law.

Article 2:183
On conviction for one of the serious offences described in this Title, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

TITLE XI

Forgery of documents, reporting incorrect information and breach of the obligation to provide information

Article 2:184
1. A person who falsely prepares or falsifies a document designed to serve as evidence of any fact, with the intent of using it or having it used by others as genuine an unfalsified, is guilty of forgery of documents and punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

2. A person who intentionally makes use of a false or falsified document as if it were genuine and unfalsified, or who intentionally delivers such document or
has it at his disposal where he knows should reasonably suspect that it is intended for such use, is punishable by not more than the punishments specified in paragraph 1.

3. Where an offence described in paragraphs 1 or 2 is committed with the intent of preparing for or facilitating a terrorist offence, the term of imprisonment to be imposed in relation to the offence shall be increased by one third.

**Article 2:185**

1. A person who is guilty of forgery of documents is punishable by a term of imprisonment of not more than eight years or a fine in the fifth category, where the offence has been committed:
   a. with regard to authenticated deeds;
   b. with regard to bonds or certificates of indebtedness of any nation or other public institution;
   c. with regard to shares or bonds or depository receipts or certificates of indebtedness of any association, foundation or company;
   d. with regard to talons, dividend or interest coupons pertaining to any of the documents specified in b and c above, or with regard to certificates issued in lieu of such documents;
   e. with regards letters of credit or letters of trade;
   f. with regard to travel and identity documents;
   g. with regard to debit cards, credit cards or any other cards available to the public and any other publicly available means of identification intended for undertaking or obtaining payments or other considerations through the use of computerized equipment.

2. A person who intentionally makes use of the any of the false or falsified documents specified in paragraph 1, as if it were genuine and unfalsified, or who intentionally delivers such document or has it at his disposal or receives, procures, transports, sells or transfers such document, where he knows or should reasonably suspect that it is intended for such use, is punishable by not more than the punishments specified in paragraph 1.

**Article 2:186**

1. A person who makes a false entry in an authenticated deed in relation to a fact which the deed is intended to verify, with the intent of using that deed or having it used by others as if the entry were a representation of the truth, is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

2. The punishment specified in paragraph 1 shall also be imposed on a person who intentionally uses such a deed as if the contents thereof were a representation of the truth, or who intentionally delivers such a deed or has it at his disposal, where he knows or should reasonably suspect that the deed in question is intended for such use.
Article 2:187
A person who intentionally issues untrue information, otherwise than by means of forgery of documents, to others by whom or through whose intervention any supply or accommodation is granted is punishable by a term of imprisonment of not more than four years or a fine in the fourth category where the offence may lead to him or another gaining any advantage, where he knows or should reasonably suspect that the information provided is of significance for establishing the right of himself or of another person to that supply or accommodation or for establishing the amount or duration of such supply or accommodation.

Article 2:188
A person who intentionally fails to provide any required information, in breach of an obligation imposed upon him by law, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category where the offence may lead to him or another person gaining any advantage, where he knows or should reasonably suspect that the information is of importance for establishing the right of himself or another person to a supply or accommodation or for establishing the amount or duration of such a supply or accommodation.

Article 2:189
On conviction for one of the serious offences described in this Title, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

TITLE XII
Serious offences against civil status

Article 2:190
1. A person who, by any activity, intentionally renders the facts of another person’s ancestry uncertain is guilty of obscuring civil status and is punishable by a term of imprisonment of not more than five years or a fine in the fourth category.
2. On conviction for the serious offence described in paragraph 1, the judge may pronounce deprivation of the rights specified in Article 1:64.1 at a, b and d.
3. Prosecution will take place only after a civil claim to contest status has been awarded in terms of a final civil judgment. Where, however, there is insufficient progress in the civil action by reason of the non-activity of the parties, the prosecution may also take place once the civil court judge has determined that there is prima facie evidence.

Article 2:191
1. A person who:
   a. intentionally enters into a bigamous marriage; or
   b. intentionally enters into marriage, knowing that the other party is thereby entering into a bigamous marriage,
   is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.
2. Where the person who intentionally enters into a bigamous marriage has concealed his marital status from the other party, he shall be punishable by a term of imprisonment of not more than six years or a fine in the fifth category.
3. On conviction for one of the serious offences described in this Article, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a, b and d.

Article 2:192
An unmarried person who enters into a marriage, intentionally concealing from the other party the existence of any legal impediment to his so doing, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category where the marriage is irrevocably annulled on the basis of that impediment.

TITLE XIII

Serious offences against public morals

Article 2:193
A person found guilty of indecency:
   a. in or at a place intended for public movement; or
   b. in a public place other than a public place specified at a, above, accessible to persons below the age of sixteen; or
   c. in a non-public place, where another person present there is exposed to it against his will,
   is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:194
A person who knows or has serious reason to suspect that an image or object is offensive to decency, and who:
   a. publicly displays or offers that image or object in or at a place intended for public movement; or
   b. sends that image or object to a person, otherwise than at the request of that other
Article 2:195
A person who supplies, offers or shows to a minor he knows or should reasonably suspect to be younger than sixteen an image or object or data-carrying device containing an image whose display is deemed to be injurious to persons below the age of sixteen is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:196
1. A person who intentionally disseminates, offers, publicly displays, manufactures, imports, transits, exports, acquires or possesses an image or a data carrier containing an image of a sexual activity involving or ostensibly involving a person who has clearly not reached the age of eighteen, or who provides access to such an image or data carrier by means of a computerized device or using a communication service, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.
2. A person who commits any of the serious offences described in paragraph 1 by profession or custom is punishable by a term of imprisonment of not more than eight years or a fine in the fifth category.

Article 2:197
A person who, by violence or another act or by threat of violence or threat of another act, coerces another to submit to acts comprising or including sexual penetration of the body is guilty of rape and punishable by a term of imprisonment of not more than fifteen years or a fine in the fifth category.

Article 2:198
A person who intentionally commits acts consisting or partly consisting of the sexual penetration of the body with another person who is in a state of unconsciousness or reduced awareness or physical incapacity, or who is suffering from such a degree of mental defect or mental disease that he is incapable or not sufficiently capable of determining or expressing his will in the matter or of offering resistance, is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

Article 2:199
A person who performs any acts consisting of or including the sexual penetration of the body with another person below the age of twelve is punishable by a term of imprisonment of not more than fifteen years or a fine in the fifth category.

Article 2:200
1. A person who performs any acts consisting of or including the sexual penetration of the body with another person above the age of twelve but below the age of sixteen, outwith marriage, is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

2. Before proceeding with the prosecution, the Public Prosecutor’s Office shall, where possible, afford the minor an opportunity to express himself regarding the desirability of public disclosure of a prosecution for the offence that has been committed.

Article 2:201
A person who, by violence or another act or by threat of violence or threat of another act, coerces another person to perform or submit to indecent activities is guilty of indecent assault and is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

Article 2:202
1. A person who intentionally performs indecent acts with another person who is in a state of unconsciousness or reduced awareness or physical incapacity, or who is suffering from such a degree of mental defect or mental disease that he is incapable or not sufficiently capable of determining or expressing his will in the matter or of offering resistance, or who performs indecent acts with a person below the age of sixteen outwith marriage, or who entices such a person to perform or submit to such acts outwith marriage with a third party, is punishable by a term of imprisonment of not more than eight years or a fine in the fifth category.

2. Where the offence specified in paragraph 1 has been committed in relation to a minor who has reached the age of twelve, the Public Prosecutor’s Office shall, where possible, afford the minor an opportunity to express his views on the desirability of public disclosure of a prosecution for the offence that has been committed, before proceeding with a prosecution.

Article 2:203
A person who intentionally, by means of gifts or promises of money or property, by abuse of the authority arising from an existing relationship or by misrepresentation, induces another person whom he knows or should reasonably suspect to be below the age of eighteen to engage in or submit to indecent acts is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

Article 2:204
A person who performs indecent acts with another person who makes himself available for the performance of sexual activities with a third party in return for payment and who has reached the age of sixteen but has not yet reached the age of eighteen is
punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

Article 2:205
A person who is intentionally present during the performance of indecent activities by another person whom that first person knows or should reasonably suspect has not yet attained age of eighteen, or who is intentionally present during the display of images of such activities in circumstances intended for that purpose, is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

Article 2:206
A person who, with indecent intent, encourages another person, whom that first person knows or should reasonably suspect not yet to have reached the age of sixteen, to witness sexual activities is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:207
A person who uses a computerized device or a communication service to propose a meeting with another person whom that first person knows or should reasonably suspect has not yet reached the age of sixteen, with the intent of performing indecent acts with that other person or producing an image of sexual activities involving that other person, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category, where he undertakes any action designed to bring about such a meeting.

Article 2:208
1. A person who commits indecent acts with his minor child, stepchild or foster child, or his ward or with a minor who has been entrusted to his care, instruction or supervision, or with a minor employee or servant, is punishable by a term of imprisonment of not more than eight years or a fine in the fifth category.
2. A similar punishment to that specified in paragraph 1 shall be imposed upon:
   a. a civil servant who commits indecent acts with another person who is subject to his authority or who has been entrusted or commended to his supervision;
   b. a person employed in or for any institution in which he is not an inmate or patient who commits indecent acts with a person who is an inmate or patient there; in this context "institution" is deemed to include a prison, a children’s home, an orphanage, a hospital, a psychiatric institution or a charitable institution;
   c. a person employed in the health care or social care sectors who commits indecent acts with a person who, as a patient or a client, has entrusted himself to his care or assistance.
Article 2:209

1. A person who intentionally brings about or promotes indecent acts by his minor child, stepchild or foster child, or his ward or by a minor who has been entrusted to his care, instruction or supervision, or by his minor employee or servant, is punishable by a term of imprisonment of not more than six years or a fine in the fourth category.

2. Except for those cases specified in paragraph 1, a person who intentionally brings about or promotes the commission of indecent acts by another person whom he knows or should recently suspect has not yet reached the age of eighteen with a third party is punishable by a term of imprisonment of not more than three years or a fine in the fourth category.

3. Where the offences specified in paragraphs 1 and 2 are committed as a matter of custom, the terms of imprisonment imposed for the offences shall be increased by one third and the fines imposed in relation to the offences shall be increased to the next higher category.

Article 2:210

1. Where the serious offences specified in Articles 2:196 to 2:209 are committed by two or more persons in association, the terms of imprisonment shall be increased by a maximum of one third and the fines imposed shall be increased to the next higher category.

2. The terms of imprisonment specified in Articles 2:196 to 2:207 shall be increased by a maximum of one third and the fines shall be increased to the next higher category where the convicted person commits the serious offence against his own child, a child over whom he exercises authority, a child for whom he cares or whom he raises as part of his own family, his ward, a minor who has been entrusted to his care, instruction or supervision or his minor employee or servant.

3. Where any of the serious offences specified in Articles 2:197 to 2:204 and 2:208 result in serious bodily harm or raise the threat of danger to the life of another person, the term of imprisonment imposed in relation to the offence shall be increased by one half and the fine imposed in relation to the offence shall be increased to the next higher category.

4. Where any other serious offences specified in paragraph 1 raises the threat of danger to the life of another person and where the death of another person ensues from the offence, the convicted person shall be punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.

Article 2:211

On conviction for one of the serious offences described in Articles 2:196 to 2:209, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a, b and d.
**Article 2:212**
A person who intentionally brings about or promotes sexual congress by other persons with third parties in return for payment, by profession or custom, without a license from the Minister of Justice, is punishable by a term of imprisonment of not more than four years or a fine in the fifth category.

**Article 2:213**
1. A person who:
   a. sells or serves intoxicating liquor to another person who is clearly in a state of intoxication or clearly under the influence of hallucinogenic substances; or
   b. renders a child below the age of sixteen intoxicated; or
   c. coerces another person to use intoxicating liquor through violence or threats of violence,
   is punishable by a term of imprisonment of not more than nine months or a fine in the third category.
2. Where the offence results in serious bodily harm, the convicted person shall be punishable by a term of imprisonment of not more than six years or a fine in the fifth category.
3. Where the offence results in the death of a person, the convicted person shall be punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.
4. On conviction for one of the serious offences described in this Article, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

**Article 2:214**
A person who intentionally renounces or gives up a child below the age of twelve who is subject to his lawful authority to another person, knowing that the child will be used for purposes of begging, hazardous artistic performance or work that is hazardous or deleterious to health, is punishable by a term of imprisonment of not more than three years or a fine in the fourth category.

**Article 2:215**
1. A person who, otherwise than by virtue of a lawfully granted license:
   a. operates a business involving the intentional offering or provision of opportunities to participate in games of chance, or participates in an enterprise to that end; or
   b. intentionally offers or provides the opportunity of games of chance to the public, or intentionally participates in an enterprise to that end, whether or not any conditions or the observance of any format is imposed for taking advantage of that opportunity; or
c. operates a game of chance as a business, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

2. A person who:
   a. provides an opportunity to participate in a pyramid game; or
   b. encourages third parties to participate in a pyramid game, is punishable by a term of imprisonment of not more than four years or a fine in the fifth category.

3. "Games of chance" are understood to include every game where the chance of profit generally depends on coincidence, even where the chance increases with improved practice or improved dexterity on the part of the player. They include all chance agreements on the results of contests or other games not concluded between the participants in such contests or games, as well as all bets and wagers. They do not include lotteries as described in Article 1.1 of the National Ordinance on Lotteries 1909.

4. A "pyramid game" exists where participants surrender property or enter into an obligation in order to secure an advantage that is fully or partially dependent on the surrender of property or the entering into of obligations by subsequent participants.

5. On conviction for one of the serious offences described in this Article, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

---

**TITLE XIV**

**Abandonment of persons in distress**

**Article 2:216**

A person who intentionally places or keeps in a helpless condition another person whom he is obliged by law or contract to support, nurse or care for is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

**Article 2:217**

A person who leaves a child below the age of seven as a foundling, or who abandons such a child with the intent of deserting it, is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

**Article 2:218**
1. Where serious physical harm ensues as a result of one of the serious offences defined in Articles 2216 and 2:217, the convicted person is punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.

2. Where the offence results in the death of a person, the convicted person shall be punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

**Article 2:219**

Where the person convicted of the serious offence defined in Article 2:217 is the father or the mother of the child, the terms of imprisonment specified in Articles 2:217 and 2:218 shall be increased by one third in respect of him or her.

**Article 2:220**

Where the mother leaves the child as a foundling or abandons it with the object of deserting it, under the influence of fear of the distribution of her confinement, the maximum terms of imprisonment specified in Articles 2:217 and 2:218 shall be reduced by one half and a fine shall be reduced to the fourth category, to the extent that the maximum applicable term of imprisonment is less than six years.

**Article 2:221**

A person who has been ordered in terms of a final civil judgment to make maintenance payments to another person or to pay a specific amount for the care and upbringing of a minor child and who is intentionally in default of such obligations, in full or in part, for a period of two months is punishable by a term of imprisonment of not more than one year or a fine in the third category.

**Article 2:222**

A person who has been ordered in terms of a final civil judgment to make maintenance payments to another person or to pay a specific amount for the care and upbringing of a minor child and who is negligently or carelessly in default of such obligations, in full or in part, for a period of two months is punishable by a term of imprisonment of not more than six months or a fine in the third category.

**TITLE XV**

**Defamation**

**Article 2:223**

1. A person who intentionally impugns the honour or reputation of another person by alleging that the other person committed a particular act, with the clear intent
of giving publicity to the allegation, is guilty of slander and punishable by a term of imprisonment of not more than six months or a fine in the third category.

2. Where this is done by means of written material or images or data from a computerized device, which are disseminated, publicly displayed or posted, or by means of written material whose contents are uttered in public, the perpetrator is guilty of libelous defamation and this punishable by a term of imprisonment of not more than one year or a fine in the third category.

3. There is neither slander nor libelous defamation where the perpetrator has clearly acted in the public interest or in his own necessary defense.

Article 2:224
1. A person who commits a serious offence of slander or of libelous defamation, knowing that the allegation is contrary to the truth, is guilty of aggravated defamation and punishable by a term of imprisonment of not more than three years or a fine in the fourth category.

2. On conviction for the serious offence described in paragraph 1, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

Article 2:225
1. Conviction for aggravated defamation is precluded where the person who has been defamed is found guilty in a final judgment of the allegation imputed to him.

2. Where a criminal prosecution has been instituted against a person who has been defamed, in relation to the allegation imputed to him, prosecution for aggravated defamation shall be suspended until there is a final judgment in relation to the allegation.

Article 2:226
Each intentional act of defamation that cannot be characterized as slander or as libellous defamation, committed in public either orally or in writing or by means of an image or data from a computerized device, or verbally against a person in his presence or through other acts, or by means of written material or an image sent or offered, or by means of the transmission of information from computerized devices, shall constitute simple defamation and is punishable by a term of imprisonment of not more than three months or a fine in the second category.

Article 2:227
Where the defamation is perpetrated against:

a. the public authorities, a public body or a public institution;

b. a civil servant during or in connection with the lawful execution of his duties; or

c. the head or a member of the government of a friendly nation or an internationally protected person, the terms of imprisonment specified in Articles
2:223, 2:224 and 2:226 shall be increased by one third and the fines imposed in relation to such offences shall be increased to the next higher category.

**Article 2:228**

1. A person who intentionally lodges a false complaint or makes a false accusation to the authorities against a particular person in writing, with the assistance of computerized devices or otherwise, thereby harming the honour or reputation of that person, is guilty of making a defamatory accusation and is punishable by a term of imprisonment of not more than three years or a fine in the fourth category.

2. A maximum of the same punishment shall apply to a person, as being guilty of defamatory accusation, who by any action intentionally puts another person under false suspicion of having committed any criminal offence.

3. On conviction for one of the serious offences described in this Article, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

**Article 2:229**

A person who commits an act in relation to a deceased person, which would constitute libellous defamation or slander if that person had still been alive, is punishable by a term of imprisonment of not more than three months or a fine in the second category.

**Article 2:230**

1. A person who disseminates, publicly displays or posts written matter or an image or information from computerized devices, the contents of which constitute slanderous or libelous defamation with regard to a deceased person, or who has such in stock to be disseminated, publicly displayed or posted, is punishable by a term of imprisonment of not more than three months or a fine in the second category where he knows or has serious reason to suspect that the written matter or the image or information is of such a nature.

2. A person who, with like knowledge or like reason to suspect, publicly utters the contents of such written matter or information is punishable by a similar punishment.

3. On conviction for one of the serious offences described in this Article, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

**Article 2:231**

All forms of defamation punishable under this Title shall be prosecuted only upon complaint, except for the cases specified in Article 2:227.
TITLE XVI

Violation of secrecy

Article 2:232
1. A person who intentionally violates any secret which he knows or should reasonably suspect that he is bound to keep by reason of his office, profession or a legal requirement or by reason of his former office or profession is punishable by a term of imprisonment of not more than one year or a fine in third category.
2. Where the serious offence is committed against a particular person, it will only be prosecuted on complaint.

Article 2:233
1. A person who intentionally:
   a. discloses specific information, which he was bound to keep secret, relating to a commercial, industrial or service organization for which he is or has been employed; or
   b. discloses or uses for motives of pecuniary gain any information obtained by means of a criminal offence from a computerized device of a commercial, industrial or service organization and relating to that organization, which information was not generally known at the time of disclosure and where any disadvantage may ensue from such disclosure, is punishable by a term of imprisonment of not more than six months or a fine in the third category.
2. A person who may have assumed in good faith that disclosure was in the public interest is not criminally liable.
3. Prosecution will only take place upon complaint by the organization's management.

Article 2:234
A person employed by any transport institution who intentionally and unlawfully opens, examines or discloses the contents of any letter, sealed document or package entrusted to such an institution is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:235
1. A person employed by any transport institution who intentionally delivers a letter, postcard, document or package entrusted to that institution to any person other than the addressee, or who destroys, removes or appropriates such an item or who amends the contents thereof is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.
2. Where such a document or item has a monetary value, appropriation thereof shall be punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

Article 2:236
A person who is responsible for a telegraphy system serving the general public is punishable:

a. by a term of imprisonment of not more than two years or a fine in the fourth category, where he intentionally and unlawfully discloses the contents of a message or telegram entrusted to such a system to another person or intentionally and unlawfully opens a telegram, examines its contents or communicates the contents thereof to another person;

b. by a term of imprisonment of not more than four years or a fine in the fourth category, where he intentionally transmits a message or a telegram entrusted to such a system to a person other than the addressee or destroys, removes or appropriates the same or amends the contents thereof.

Article 2:237
A person employed by a provider of a telecommunications network or a telecommunications service who:

a. intentionally and unlawfully gains knowledge of information that is stored, processed or transferred by means of such a network or service and which is not intended for him, or who appropriates, intercepts or records such information for himself or for another person; or

b. has in his possession an object from which he knows or should reasonably suspect a piece of information could be derived that was obtained through unlawful appropriation, interception or recording of such information; or

c. intentionally and unlawfully discloses the contents of such information to another person; or

d. intentionally and unlawfully provides an object to another person from which can be derived a piece of information concerning the contents of such information, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:238
On conviction for one of the serious offences described in this Title, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

TITLE XVII

Serious offences against personal liberty
Article 2:239
1. A person is guilty of traffic in persons and is punishable by a term of
imprisonment of not more than nine years or a fine in the fifth category where:
   a. he recruits, transports, transfers, accommodates or admits another person
      by means of coercion, violence or another act or by threat of violence or
      threat of another act, or by means of blackmail, fraud, misrepresentation
      or abuse of authority arising from an existing relationship, or by abuse of
      a vulnerable position or by giving or receiving payment or benefits in
      order to gain the agreement of a person who has control over that other
      person, with the intent of exploiting that other person or removing his
      organs; or
   b. he recruits, transports, transfers, accommodates or admits another person
      with the intent of exploiting that other person or removing his organs,
      where that other person has not yet reached the age of eighteen; or
   c. he recruits, takes or kidnaps another person with the intent of having that
      other person make himself available for the performance of sexual
      activities with or for a third party, in a different country, in return for
      payment,
   d. he coerces or encourages another person, by one of the means specified in
      part a, to make himself available for the performance of work or service or
      to make his organs available or, in the circumstances mentioned in part a,
      undertakes any act that he knows or reasonably should suspect will result
      in that other person making himself available for the performance of work
      or service or making his organs available; or
   e. he causes another person to make himself available for the performance of
      sexual activities with or for a third party, in return for payment, or to
      make his organs available in return for payment, or undertakes any action
      in relation to another person that he knows or should reasonably suspect
      will result in that other person making himself available for those
      activities or making his organs available, where that other person has not
      yet reached the age of eighteen, or
   f. he intentionally derives any benefit from the exploitation of another
      person; or
   g. he intentionally derives any benefit from the removal of another person’s
      organs, where he knows or should reasonably suspect that that person’s
      organs had been removed in the circumstances specified in part a; or
   h. he intentionally derives any benefit from another person's sexual activities
      with or for a third party in return for payment or from the removal of that
      other person’s organs in return for payment, whether that other person
      has not yet reached the age of eighteen; or
   i. he coerces or encourages another person, by one of the means specified in
      part a, to benefit himself from the proceeds of that other person's sexual
activities with or for a third party or from the removal of that other person’s organs.

2. Exploitation includes, in any event, the exploitation of another person in prostitution, other forms of sexual exploitation, coerced or obligatory work or services, slavery and practices similar to slavery or servitude.

3. The convicted person is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category, where:
   a. the offences described in paragraph 1 are committed by two or more persons in association; .
   b. the person against whom any of the offences described in paragraph 1 is committed has not yet reached the age of sixteen.

4. The serious offences described in paragraph 1, committed by two or more persons in in association in the circumstances specified in paragraph 3 at b, are punishable by a term of imprisonment of not more than fifteen years or a fine in the fifth category.

5. Where serious bodily injury ensues from any of the offences described in paragraph 1, or where the offence gives rise to fear for the life of another person, a term of imprisonment of not more than eighteen years or a fine in the fifth category may be imposed.

6. Where the death of a person ensues from any of the offences described in paragraph 1, a term of imprisonment of not more than twenty-four years or a fine in the fifth category may be imposed.

Article 2:240
A person found guilty of using the services of a victim of one of the serious offences described in Article 2:239.1, in the knowledge that that person was coerced or encouraged to make himself available for the provision of those services by one of the means specified in Article 2:239.1 at a, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

Article 2:241
A person who operates or participates directly or indirectly in the trade of slaves, on his own account or for the account of another, is punishable by a term of imprisonment of not more than fifteen years or a fine in the fifth category.

Article 2:242
1. A person who intentionally accepts or performs service as a ship's captain on a vessel intended for the operation of the trade in slaves, or which is used for that purpose, is punishable by a term of imprisonment of not more than fifteen years or a fine in the fifth category.

2. Where the death of one or more slaves ensues from the transportation, the ship’s captain shall be punishable by a term of imprisonment of not more than twenty-four years or a fine in the fifth category.
Article 2:243
A person who intentionally accepts or performs service as a crew member on a vessel intended or used for the operation of the trade in slaves, or who voluntarily remains in such service, is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

Article 2:244
A person who intentionally participates, directly or indirectly, in the leasing, chartering or insuring of a vessel intended for the operation of the trade in slaves, on his own account or for the account of another person, is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

Article 2:245
A person who leads another person across the boundaries of Sint Maarten with the intent of unlawfully placing that other person under the control of a third party or reducing him to a helpless condition is guilty of abduction and punishable by a term of imprisonment of not more than fifteen years or a fine in the fifth category.

Article 2:246
1. A person who intentionally removes a minor from custody lawfully imposed upon the minor or from the supervision of those authorized to exercise such supervision over the minor is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.
2. Where deception, violence or threats of violence are used, or where the minor is below the age of twelve, a term of imprisonment of not more than nine years or a fine in the fifth category may be imposed.

Article 2:247
A person who intentionally and unlawfully conceals a minor who has been removed from or who has removed himself from custody lawfully imposed upon him or from the supervision of those authorized to exercise such supervision, or who conceals the minor from detection by judicial officers or police officers, is punishable by a term of imprisonment of not more than three years or a fine in the fourth category or, where the minor has not yet reached the age of twelve, by a term of imprisonment of not more than six years or a fine in the fifth category.

Article 2:248
1. A person who:
   a. carries away a minor, with the minor’s permission but without the permission of those who exercise lawful custody over the minor, with the intent of securing possession of that minor, is guilty of abduction and is
punishable by a term of imprisonment of nor more than six years or a fine in the fifth category;
b. carries away another person by the use of deception, violence or threat of violence, with the intent of securing possession of that other person, is guilty of abduction and is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

2. Prosecution shall only take place upon complaint.

Article 2:249
1. A person who intentionally unlawfully deprives or continues to deprive another person of his liberty is punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.
2. Where the offence results in serious bodily harm, the convicted person shall be punishable by a term of imprisonment of not more than fifteen years or a fine in the fifth category.
3. Where the offence results in the death of a person, the convicted person shall be punishable by a term of imprisonment of not more than twenty years or a fine in the fifth category.
4. The punishments specified in this Article also apply to a person who intentionally provides a place for such unlawful deprivation of liberty.

Article 2:250
1. A Person who intentionally unlawfully deprives or continues to deprive another person of his liberty with the intent of compelling another person to act or refrain from acting is guilty of the taking of hostages and punishable by a term of imprisonment of not more than twenty years or a fine in the fifth category.
2. Where the act results in the death of a person, the convicted person shall be punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.
3. Article 2:249.4 shall apply, mutatis mutandis.

Article 2:251
1. A person who intentionally unlawfully deprives or continues to deprive another person of his liberty with terrorist intent is punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.
2. Article 2:249.4 shall apply, mutatis mutandis.

Article 2:252
Conspiracy to commit the serious offence specified in Article 2:251 is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

Article 2:253
1. A Person who is negligently or carelessly responsible for or for continuing the
deprivation of liberty of another person is punishable by a term of imprisonment of not more than six months or a fine in the third category.

2. Where the offence results in serious bodily harm, the convicted person shall be punishable by a term of imprisonment of not more than one year or a fine in the third category.

3. Where the act results in the death of a person, the convicted person shall be punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

4. Where the negligence or carelessness specified in paragraphs 1, 2 and 3 consists of recklessness, the terms of imprisonment imposed in relation to the offences shall be increased by one half and the fines imposed in relation to the offences shall be increased to the next higher category.

Article 2:254

1. A person who:
   a. unlawfully compels another person to act, to refrain from acting or to submit to anything by means of an act of violence or any other act or by threat of violence or threat of any other act directed against that person or another; or
   b. compels another person to act, to refrain from acting or to submit to anything by means of the threat of slander or libelous defamation or false accusation,

is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

2. Prosecution of the serious offence specified in paragraph 1 at b shall only take place on complaint.

Article 2:255

1. Threats of public violence to be committed jointly against persons or property, of violence against an internationally protected person or his protected property, of any serious offence endangering the general safety of persons or property or generally endangering the provision of services, of rape, of indecent assault, of any serious offence against the life of a person, of taking hostages, of aggravated physical abuse, physical abuse involving the use of arms as defined in Article 1.2 of the National Ordinance on Firearms 1931, or of arson, are punishable by a term of imprisonment of not more than three years or a fine in the fourth category.

2. Where such threats are made in writing, stating a specific condition, the offences shall be punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

3. Issuing threats with terrorist intent is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.
4. Where an offence described in paragraphs 1, 2 or 3 is committed with the intent of preparing for or facilitating a terrorist offence, the term of imprisonment to be imposed in relation to the offence shall be increased by one third.

**Article 2:256**

1. A person who addresses another person either verbally, by gesture, in writing or image or by information from a computerized device, with the clear intent of influencing that person's freedom to make a truthful or conscientious statement in the presence of a judge or civil servant, where he knows or has serious reason to suspect that such a statement shall be made, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

2. Judges and persons in the public service of an international court deriving its jurisdiction from a Treaty to which the Kingdom is a party are deemed to be equivalent to judges and civil servants.

3. Paragraph 1 also applies to a statement given by the person in the manner prescribed in Article 2:167, including where such statement is not given under oath.

**Article 2:257**

1. A person who unlawfully and intentionally systematically intrudes upon the life of another is guilty of menace and punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

2. Prosecution shall only take place upon complaint.

**Article 2:258**

1. On conviction for one of the serious offences described in this Title, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a, b and d.

2. On conviction for one of the serious offences described in Articles 2:247 to 2:252, 2:254, 2:255 and 2:257, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at e.

**TITLE XVIII**

**Serious offences against human life**

**Article 2:259**

A person who intentionally takes the life of another is guilty of manslaughter and punishable by a term of imprisonment of not more than twenty-four years or a fine in the fifth category.
Article 2:260
Manslaughter followed, accompanied or preceded by a criminal offence and committed with the intent of preparing for or facilitating the execution of that offence or, when the offender is caught in flagrante delicto, of either seeking impunity or of securing possession of unlawfully obtained property for himself or for others participating in that offence is punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.

Article 2:261
Manslaughter committed with terrorist intent is punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.

Article 2:262
A person who intentionally and with premeditation takes the life of another is guilty of murder and punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.

Article 2:263
Conspiracy to commit the serious offence specified in Article 2:262 with terrorist intent and conspiracy to commit the offence specified in Article 2:261 are punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

Article 2:264
A mother who intentionally takes the life of her child at or shortly after its birth, under the influence of fear of discovery of her impending confinement, is guilty of the manslaughter of an infant and punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.

Article 2:265
A mother who intentionally takes the life of her child at or shortly after its birth, carrying out a decision taken under the influence of fear of discovery of her impending confinement, is guilty of the murder of an infant and punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

Article 2:266
The serious offences described in Articles 2:264 and 2:265 constitute manslaughter or murder with respect to others participating in those offences.

Article 2:267
A person who ends the life of another person at that other person’s express and earnest request is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.
Article 2:268
A person who intentionally incites another to commit suicide, assists another person to commit suicide or procures the means for that other person to commit suicide is punishable by a term of imprisonment of not more than three years or a fine in the third category where the suicide ensues.

Article 2:269
On conviction for one of the serious offences described in Articles 22. 59 to 2:263 and 2:266 to 2:268, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

TITLE XIX
Termination of pregnancy

Article 2:270
1. A person who provides a woman with treatment where he knows or should reasonably suspect that such treatment may result in the termination of a pregnancy is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.
2. Where the offence results in the death of the woman, the convicted person shall be punishable by a term of imprisonment of not more than six years or a fine in the fifth category.
3. Where the offence is committed without the consent of the woman, the convicted person shall be punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.
4. Where the offence is committed without the consent of the woman and results in her death, the convicted person shall be punishable by a term of imprisonment of not more than fifteen years or a fine in the fifth category.
5. Where the person found guilty of any of the offences specified in paragraphs 1 to 4 commits the offence from motives of pecuniary gain or where the offence is committed as a matter of business or custom, the term of imprisonment imposed in relation to the offence shall be increased by one third.

Article 2:271
A woman who undergoes treatment where she knows or should reasonably suspect that such treatment may result in the termination of a pregnancy is punishable by a term of imprisonment of not more than three years or a fine in the fourth category.

Article 2:272
On conviction for one of the serious offences described in Article 2:270, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

**TITLE XX**

**Physical abuse**

**Article 2:273**
1. Physical abuse is punishable by a term of imprisonment of not more than four years or fine in the fourth category.
2. Physical abuse committed with the use of weapons as defined in Article 1.2 of the National Ordinance on Firearms 1931 is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.
3. Where the offence results in serious bodily harm, the convicted person shall be punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.
4. Where the offence results in the death of a person, the convicted person shall be punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.
5. Intentionally injuring a person's health is equivalent to physical abuse.
6. An attempt to commit the serious offence described in paragraph 1 is not punishable.

**Article 2:274**
1. Premeditated physical abuse is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.
2. Premeditated physical abuse committed with the use of weapons as defined in Article 1.2 of the National Ordinance on Firearms 1931 is punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.
3. Where the offence results in serious bodily harm, the convicted person shall be punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.
4. Where the offence results in the death of a person, the convicted person shall be punishable by a term of imprisonment of not more than fifteen years or a fine in the fifth category.

**Article 2:275**
1. A person who intentionally inflicts serious bodily harm on another person is guilty of aggravated physical abuse and punishable by a term of imprisonment of not more than fifteen years or a fine in the fifth category.
2. Where the offence results in the death of a person, the convicted person shall be punishable by a term of imprisonment of not more than twenty years or a fine in the fifth category.

**Article 2:276**

1. Premeditated aggravated physical abuse is punishable by a term of imprisonment of not more than eighteen years or a fine in the fifth category.
2. Where the offence results in the death of a person, the convicted person shall be punishable by a term of imprisonment of not more than twenty years or a fine in the fifth category.

**Article 2:277**

1. The terms of imprisonment specified in Articles 2:273 to 2:276 shall be increased by one third:
   a. in respect of an offender who commits the offence against his mother, father, spouse, life partner or child, or a child in his custody or a child for whom he cares or whom he raises as belonging to his own family;
   b. in respect of an offender who commits the offence against a person entrusted to his care, instruction or supervision;
   c. where the offence is committed against a civil servant in the course of or in connection with the latter’s lawful execution of his duties;
   d. where the offence is committed by administering substances injurious to life or health.
2. Where the sentence applicable to the serious offence is a term of imprisonment of not more than twenty years or more, life imprisonment or a term of imprisonment of not more than thirty years shall be imposed.

**Article 2:278**

Where one of the serious offences specified in Articles 2:275 and 2:276 is committed with terrorist intent, life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category may be imposed.

**Article 2:279**

Conspiracy to commit the serious offence specified in Article 2:276 with terrorist intent is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

**Article 2:280**

Persons who intentionally participate in an attack or an affray in which several persons are involved are punishable:

a. by a term of imprisonment of not more than two years or a fine in the fourth category where only serious bodily harm ensues from the attack or affray;
b. by a term of imprisonment of not more than three years or a fine in the fourth category where the attack or affray occasions the death of a person, without prejudice to the individual responsibility of any one of them for their own respective actions.

Article 2:281
On conviction for one of the serious offences described in this Title, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a, b and e.

TITLE XXI

Death or bodily harm resulting from negligence or carelessness

Article 2:282
1. A person who is responsible for the death of another person by negligence or carelessness is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.
2. Where the culpability consists of recklessness, the convicted person shall be punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

Article 2:283
1. A person who is responsible, by his negligence or carelessness, for serious bodily harm to another or such bodily harm as to cause temporary illness or an inability to perform the duties of the victim’s office or practice his profession is punishable by a term of imprisonment of not more than one year or fine in the third category.
2. Where the culpability consists of recklessness, the convicted person shall be punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:284
1. A person participating in traffic and whose conduct in that traffic is such that he is culpably responsible for the occurrence of a traffic accident, resulting in the death of another person, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.
2. Where the culpability consists of recklessness, the convicted person shall be punishable by a term of imprisonment of not more than six years or a fine in the fifth category.
Article 2:285
1. A person participating in traffic and whose conduct in that traffic is such that he is culpably responsible for the occurrence of a traffic accident, resulting in serious bodily harm to another person or such bodily harm as to cause the victim’s temporary illness or an inability to go about his normal business, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.
2. Where the culpability consists of recklessness, the convicted person shall be punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

Article 2:286
For the purposes of the offences specified in Articles 2:284 and 2:285, where the convicted person was clearly under the influence of the use of intoxicating liquor or hallucinogenic substances at the time of the accident, the term of imprisonment imposed in relation to serious offence shall be increased by one half and the fine imposed in relation to the offence shall be increased to the next higher category.

Article 2:287
On conviction for one of the serious offences described in this Title, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

TITLE XXII
Theft

Article 2:288
A person who removes any property belonging in whole or in part to another, with the intent of unlawfully appropriating it, is guilty of theft and punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

Article 2:289
The following serious offences are punishable by a term of imprisonment of not more than six years or a fine in the fifth category:
   a. theft committed jointly by two or more persons;
   b. theft where the offender has gained access to the place where the serious offence is committed or where he has brought the property to be removed within his reach by means of forcible entry, breaking locks, climbing in or the use of false keys, a false order or a false uniform;
c. theft on the occasion of fire, explosion, evacuation by order of the competent authorities, flood shipwreck, stranding, riot, mutiny or emergency in time of war;
d. theft with the intent of preparing for or facilitating a serious terrorist offence;
e. theft committed against a tourist who is present in the Country for recreational purposes.

Article 2:290
1. Theft committed by a person who has breached the provisions in Article 2:65, and committed in a residence or in property pertaining to a residence, is punishable by a term of imprisonment of not more than eight years or a fine in the fifth category.
2. Where a theft described in paragraph 1 is committed in any of the circumstances specified in Article 2:289, the offender is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

Article 2:291
1. Theft preceded, accompanied or followed by an act or threat of violence against the persons, committed with the intent of preparing for or facilitating that theft or, were offender is caught in flagrante delicto, of either facilitating escape for himself or for other participants in the serious offence or of securing possession of stolen property, is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.
2. A term of imprisonment of not more than fifteen years or a fine in the fifth category may be imposed where the offence is committed in one or more of the circumstances specified in Article 2:289 or Article 2:290.1 and also where serious bodily harm ensues from the serious offence.
3. Where death ensues from the commission of the serious offence, a term of imprisonment of not more than eighteen years or a fine in the fifth category may be imposed.

Article 2:292
On conviction for theft, the judge may deprive the convicted person of the rights specified in Article 1:64.1 at a, b and e.

Article 2:293
1. Prosecution is precluded where the principal or accessory offender in any of the serious I offences described in this Title is the spouse or life partner of the person against whom the serious offence has been committed and where that spouse or life partner is not judicially separated from bed and board or from property.
2. Where the perpetrator is a spouse, judicially separated from bed and board or from property, or other relative by consanguinity or affinity in the direct line or
within the second decree of the collateral line, prosecution may only take place on a complaint being made against him or her.

3. Where the provisions of paragraph 2 are applicable, the time limit specified in Article 1:141 shall commence on the date when the identity of the suspect has been disclosed to the person entitled to make the complaint.

TITLE XXIII

Extortion and blackmail

Article 2:294
1. A person who coerces another person by violence or threats of violence into surrendering any property belonging in full or in part to that other party or to a third party, or into incurring a debt or renouncing a claim, or into providing information, with the intent of obtaining an unlawful gain for himself or another, is guilty of extortion and punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.
2. The punishment specified in paragraph 1 shall also be imposed upon a person who exercises the coercion specified in paragraph 1 by threatening that information stored by means of a computerized device shall be rendered unusable or inaccessible or shall be erased.
3. Paragraphs 2 and 3 of Article 2:291 shall apply, mutatis mutandis, to the serious offence.

Article 2:295
1. A person who coerces another person by slander, libelous defamation or exposure of a secret, with or without the making of a complaint of a criminal offence to the authorities, into surrendering any property belonging in full or in part to that other party or to a third party, or into incurring a debt or renouncing a claim, or into providing information, with the intent of obtaining an unlawful gain for himself or another, is guilty of blackmail and punishable by a term of imprisonment of not more than four years or a fine in the fourth category.
2. Where an offence described in paragraph 1 is committed with the intent of preparing for or facilitating a terrorist offence, the term of imprisonment to be imposed in relation to the offence shall be increased by one third and the fine imposed in relation to the offence shall be increased to the next higher category.
3. This serious offence shall only be prosecuted upon complaint.

Article 2:296
Article 2:293 is applicable to the serious offences described in this Title.
Article 2:297
On conviction for one of the serious offences described in this Title, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a, b and e.

TITLE XXIV
Embezzlement

Article 2:298
A person who intentionally and unlawfully appropriates any property belonging in whole or in part to another, and which he has under his control other than as a result of a serious offence, is guilty of embezzlement and punishable by a term of imprisonment of not more than three years or a fine in the fourth category.

Article 2:299
Embezzlement committed by a person who has the property under his control by reason of his personal employment or profession, or who has the property under his control in return for payment, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

Article 2:300
Where one of the offences described in Articles 2:298 and 2:299 is committed with the intent of preparing for or facilitating a terrorist offence, the term of imprisonment to be imposed in relation to the offence shall be increased by one third and the fine imposed in relation to the offence shall be increased to the next higher category.

Article 2:301
Embezzlement committed by a person to whom the property is entrusted out of necessity, or by guardians, curators, official administrators, executors of last wills, liquidators of a company or managers of charitable institutions or foundations, in relation to any property under their control in that capacity, is punishable by a term of imprisonment of not more than five years or a fine in the fourth category.

Article 2:302
A person who applies any subsidy or award, made for a specific purpose by or by authority of the government or by or by authority of any foreign government or international organization, for purposes other than those for which it was made, is punishable by a term of imprisonment of not more than three years or a fine in the fourth category.
Article 2:303
Article 2:293 is applicable to the serious offences described in this Title.

Article 2:304
On conviction for one of the serious offences described in this Title, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

TITLE XXV
Deception

Article 2:305
1. A Person who induces another person into surrendering any property, providing any service, making available any information, entering into a debt or renouncing a claim, with the intent of obtaining an unlawful gain for himself or another, by means of assuming a false name or a false capacity, by artful tricks or by a tissue of lies, is guilty of false representation and punishable by a term of imprisonment of not more than four years or a fine in the fourth category.
2. Where an offence described in paragraph 1 is committed with the intent of preparing for or facilitating a terrorist offence, the term of imprisonment to be imposed in relation to the offence shall be increased by one third and the fine imposed in relation to the offence shall be increased to the next higher category.

Article 2:306
A person who by profession or custom purchases goods with the intent of ensuring that those goods are available to himself or to another, without making full payment for them, is punishable by a term of imprisonment of not more than four years of fine in the fourth category.

Article 2:307
A person who:
a. falsely places any name or mark on or in a work of literature, science, art or craft, or who falsifies the authentic name or the authentic mark with the intent of making it appear that the work in question was created by the person whose name or mark has been placed thereon or therein; or
b. intentionally sells, offers for sale, supplies, stocks for sale or imports into Sint Maarten a work of literature, science, art or craft on or in which a false name or sign has been placed or the authentic name or the authentic sign has been falsified, as if the work had been created by the person whose name or mark has been falsely placed therein or thereon,
is punishable by term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:308
1. A person who makes use of a service offered to the public via telecommunication, without paying for it in full, by means of technology or using false signals, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.
2. A term of imprisonment of not more than two years or a fine in the fourth category shall be imposed upon a person who intentionally
   a. openly offers for dissemination; or
   b. has at his disposal for dissemination, or with a view to importing such into Sint Maarten; or
   c. manufactures or keeps for motives of pecuniary gain, an object or information clearly intended to be used in the commission of the serious offence specified in paragraph 1.
3. A person who commits the serious offences described in paragraph 2 as a business or profession is punishable either by a term of imprisonment of not more than four years and a fine in the fourth category or else by one of these punishments.

Article 2:309
A person who misleads an insurer in relation to the circumstances relevant to the insurance by means of artful tricks, such that the insurer enters into an agreement that he would not have entered into, or that he would have entered into under different conditions, had he known of the true state of affairs, is punishable by a term of imprisonment of not more than one year or a fine in the third category.

Article 2:310
A person who sets fire to or brings about an explosion inside any property insured against fire, with the intent of obtaining an unlawful gain for himself or another to the disadvantage of an insurer, or who with like intent sinks, strands or wrecks, destroys, renders unusable or damages any vessel or aircraft that has been insured or on which the property or freight has been insured, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

Article 2:311
A person who perpetrates any form of deception in order to establish, preserve or increase his or another person's market or trading position, and who thus misleads the general public or a specific person, is guilty of unfair competition and punishable by a term of imprisonment of not more than one year or a fine in the third category, where any disadvantage may ensue to his competitors or to the competitors of that other person.
Article 2:312

1. A person who accepts a gift, promise or service in a capacity other than that of a civil servant, in the service of an employer or acting as an agent, in the knowledge or reasonable suspicion that such gift, promise or service was made or offered to him in order to encourage him to act or refrain from acting in breach of the terms of his employment or service, is punishable by a term of imprisonment of not more than three years or a fine in the fourth category.

2. A person who accepts a gift, promise or service in a capacity other than that of a civil servant, in the service of an employer or acting as an agent, in the knowledge or reasonable suspicion that such gift, promise or service was made or offered to him in respect of an act or omission by him in breach of his duties in his current or previous employment or service, is punishable by a term of imprisonment of not more than three years or a fine in the fourth category.

3. The same punishment shall be imposed upon a person who, in the service of an employer or acting as an agent, otherwise than as a civil servant, solicits a gift, promise or service for himself or for another in order to encourage him to act or refrain from acting in the course of his service or employment, in breach of his duty.

4. The same punishment shall be imposed upon a person who, in the service of an employer or acting as an agent, otherwise than as a civil servant, solicits a gift, promise or service for himself or for another in respect of an act or omission by him in the course of his present or former service or employment, in breach of his duty.

5. The same punishment shall be imposed upon a person who makes a gift or promise or who offers or provides a service to another person in the service of an employer or acting as an agent, otherwise than as a civil servant, with the intent of encouraging that other person to act or refrain from acting in the course of his service or employment, in breach of his duty.

6. The same punishment shall be imposed upon a person who, in the service of an employer or acting as an agent, otherwise than as a civil servant, makes a promise or gift or offers or provides a service to another person in respect of an act or omission by that other person in the course of his present or former service or employment, in breach of his duty.

Article 2:313

1. A person who accepts a gift, promise or service in a capacity other than that of a civil servant, in the service of an employer or acting as an agent, in the knowledge or reasonable suspicion that such gift, promise or service was made or offered to him in order to encourage him to act or refrain from acting, without being in breach of the duties of his employment or service, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category,
where such acceptance is in violation of the requirements of good faith and is concealed from that person's employer or principal.

2. A person who accepts a gift, promise or service in a capacity other than that of a civil servant, in the service of an employer or acting as an agent, in the knowledge or reasonable suspicion that such gift, promise or service was made or offered to him in respect of an act or omission by him in the course of his present or former employment or service, without being in breach of the duties of his employment or service, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category, where such acceptance is in violation of the requirements of good faith and is concealed from that person's employer or principal.

3. The same punishment applies to a person who, in the service of an employer or acting as an agent, otherwise than as a civil servant, offers another person a gift or promise or provides or offers a service to him with the intent of encouraging that other person to act or refrain from acting in the course of his employment or service, without being in violation of his duties, in such circumstances that the perpetrator should reasonably assume that the other person shall conceal the gift, promise or service from his employer or principal in violation of the requirements of good faith.

4. The same punishment applies to a person who, in the service of an employer or acting as an agent, otherwise than as a civil servant, offers another person a gift or promise or provides or offers a service to him consequent upon or with regard to an act or omission by that other person in the course of his former employment or service, without being in violation of his duties, in such circumstances that the perpetrator should reasonably assume that the other person shall conceal the gift, promise or service from his employer or principal in violation of the requirements of good faith.

Article 2:314

1. A person, not being a civil servant, who accepts a gift, promise or service in the knowledge or reasonable suspicion that such a gift, promise or service was made or provided to him or another person in relation to something he has done or has refrained from doing or will do or will refrain from doing with respect to a legal duty imposed upon him or upon his employer or principal, to:
   a. provide information regarding telecommunication to judicial officers or police officers, or
   b. cooperate in intercepting or recording telecommunication, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

2. The punishment specified in paragraph 1 is also applicable to a person, not being a civil servant, who makes a gift or promise or offers or provides a service to another person in relation to something that that person has done or has refrained from doing or will do or will refrain from doing with respect to a legal
obligation imposed upon him or upon his employer or principal, as specified in paragraph 1.

Article 2:315
A seller who deceives a buyer is punishable by a term of imprisonment of not more than one year or a fine in the third category:
a. where the deception consists of intentionally delivering to the buyer an object other than the object specifically ordered;
b. where the deception consists in the employment of artful tricks with respect to the nature, condition, quality or quantity of the goods supplied.

Article 2:316
The holder of a bill of lading who intentionally has at his disposal different copies of such a bill, for value, for the benefit of different recipients, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:317
1. A person who sells, offers for sale or supplies food or drink or medicine, knowing that these have been adulterated and remaining silent about this, is punishable by a term of imprisonment of not more than three years or a fine in the fourth category.
2. Food, drink or medicines have been adulterated where their value or utility has been reduced through the admixture of foreign ingredients.

Article 2:318
1. The contractor or architect of any work or the seller of building materials who commits any form of deception in the construction of the work or the supply of the materials, as a result of which the safety of persons or property or the security of the State in time of war might be jeopardised, is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.
2. The punishment in paragraph 1 is also applicable to a person charged with supervising the work or the supply of the materials and who intentionally allows such deception to take place.

Article 2:319
1. A person who undertakes any form of deception in supplying goods for use by the armed forces, which might jeopardise the security of the Kingdom in time of war, is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.
2. The punishment in paragraph 1 is also applicable to a person charged with supervising the delivery of the goods and who intentionally allows such deception to take place.
Article 2:320
A person who destroys, moves, removes or renders unusable anything serving to mark the boundaries of private premises, with the intent of obtaining an unlawful gain for himself or for another, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:321
Any person who realises an increase or decrease in the price of merchandise, stocks or valuable paper by means of disseminating untruthful information, with the intent of obtaining an unlawful gain for himself or another person, shall be punishable by a term of imprisonment of not more than two years or a fine of the fifth category.

Article 2:322
A person who issues stocks or who is charged with or cooperates in the issuance of stocks, and who attempts to encourage the general public to subscribe for or participate in such stocks through the intentional concealment or mutilation of true facts and circumstances, or by creating a delusion of false facts and circumstances, is punishable by a term of imprisonment of not more than four years or fine in the fourth category.

Article 2:323
A trader, director, managing partner or member of the supervisory board of a juristic person or company who intentionally discloses to the public an incorrect statement, balance sheet, profit and loss account or statement of income and expenditure or an explanatory memorandum pertaining to any of such documents, or who intentionally allows such disclosure, is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

Article 2:324
1. A person who intentionally imports, transits or exports, sells, offers for sale, supplies, distributes or holds in stock:
   a. false, falsified or unlawfully manufactured brands;
   b. merchandise or packaging of merchandise falsely bearing the trade name of another person or a trademark to which another person is entitled;
   c. merchandise falsely bearing the name of a specific place as an indication of its origin, or to which a fictitious trade name has been added;
   d. merchandise or packaging of merchandise falsely bearing an imitation, however slight, of the trade name of another person or trademark to which another person is entitled; or
   e. merchandise or elements thereof falsely bearing the same appearance as a model or drawing to which another person is entitled, or only deviating to a minor extent from such appearance, is punishable by a term of imprisonment of not more than one year or a fine in the third category.
2. A person who merely holds merchandise or elements thereof or brands as described in paragraph 1 in stock for his own use is not liable to criminal punishment.

3. Where the person convicted of committing one of the serious offences specified in paragraph 1 does so as a profession or business, he shall be punishable by a term of imprisonment of not more than four years or fine in the fourth category.

4. Where general danger to persons or property might be expected to ensue from commission of the serious offences specified in paragraph 1, the convicted person shall be punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

**Article 2:325**
Article 2:293 is applicable to the serious offences described in this Title.

**Article 2:326**
Upon conviction for any of the serious offences specified in Article 2:312 or any of the offences specified in this Title, the judge may pronounce deprivation of the rights specified in Article 1:64.1 at a and b. In addition, upon conviction for any of the serious offences specified in Article 2:319, the judge may pronounce deprivation of the rights specified in Article 1:64.1 at c.

---

**TITLE XXVI**

**Prejudicing creditors or persons with entitlements**

**Article 2:327**
A person who has been adjudged bankrupt is guilty of simple bankruptcy and punishable by a term of imprisonment of not more than one year or a fine in the third-category:

a. where his consumption has been excessive;

b. where he has borrowed money on onerous terms, with the intent of delaying his bankruptcy, well knowing that the bankruptcy could not thereby be avoided;

c. where he fails to produce the books, documents and other data carriers in which he has kept records pursuant to Article 15a of Book 3 of the Civil Code and the books, documents and other data carriers which he has preserved pursuant to the same Article, in their original condition.

**Article 2:328**
A person who has been adjudged bankrupt is guilty of deception in bankruptcy and
punishable by a term of imprisonment of not more than six years or a fine in the fifth category where, in order to deceitfully curtail the rights of his creditors, he:

a. has invented or invents liabilities, has failed to account or fails to account for any assets, or has withdrawn or withdraws any property from the estate,

b. has alienated any property either for no value or for a price clearly below its value;

c. has favoured or favours any of his creditors in any way on the occasion of his bankruptcy or at a time when he was aware that the bankruptcy could not be avoided;

d. has failed or fails to comply with the requirements imposed upon him regarding the keeping of records in terms of Article 15a of Book 3 of the Civil Code and regarding the preservation and production of the books, documents and data carriers specified in that Article.

Article 2:329
A person who, with the intent of deceitfully curtailing the rights of his creditors:

a. in the case of a bankruptcy or in anticipation thereof where a bankruptcy follows, withdraws any property from the estate or accepts payment for a debt that is not yet due or for a debt that is due, in the latter case knowing that a petition for bankruptcy of the debtor has been filed or as a result of consultation with the debtor;

b. invents a non-existent claim or files an existing claim at an increased amount during the validation of creditors’ claims in the event of a bankruptcy,

is punishable by a term of imprisonment of not more than five years or a fine in the fourth category.

Article 2:330
1. A creditor who takes part in a court-approved settlement as a result of an agreement with either the debtor or a third party, in terms of which the creditor has demanded a special advantage, is punishable by a term of imprisonment of not more than one year or a fine in the third category where the settlement is accepted.

2. A debtor who concludes such an agreement is punishable by the same punishments as specified in paragraph 1 in similar circumstances.

Article 2:331
A director or supervisory director of a juristic person who has cooperated in or has granted permission for any activity contrary to any lawful provision of the Articles of Association or bylaws, as a result of which that juristic person suffers serious disadvantage, is punishable by a term of imprisonment of not more than one year or a fine in the third category.

Article 2:332
1. A person who intentionally withdraws any property belonging to him or, for the benefit of the owner, any property not belonging to him, from another person's pledge right, possessory lien or right of usufruct or user is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

2. The punishment specified in paragraph 1 is also applicable to a person who intentionally destroys, damages or renders unusable any property that is subject to another person’s right of pledge, possessory lien, right of usufruct or right of user.

3. Article 2:290 applies to these serious offences.

Article 2:333
On conviction for one of the serious offences described in Articles 2:328 and 2:329, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

TITLE XXVII

Destruction or damage

Article 2:334
1. A person who intentionally and unlawfully destroys, damages, renders unusable or causes to disappear any property, belonging fully or partially to another, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

2. The punishment specified in paragraph 1 shall also apply to a person who intentionally and unlawfully kills, maims, renders unusable or causes to disappear any animal belonging fully or partially to another.

Article 2:335
1. A person who:
   a. intentionally inflicts pain on animal, causes injury to an animal or injuriously affects the health of an animal, without having any reasonable purpose or where he exceeds the permissible means for achieving such a purpose; or
   b. intentionally withhold the necessary treatment from an animal which is fully or partly owned by him or which has been entrusted to his supervision, where he is obliged to provide such treatment, without having any reasonable purpose or where he exceeds the permissible means for achieving such a purpose, is punishable by a term of imprisonment of not more than six months or a fine in the third category.
2. Where the animal belongs to the convicted person, it may be declared forfeit.
3. Subject to the provisions contained in paragraph 1, cultural expressions or structural activities during which animals may be used or employed in an organised context are not punishable as serious offences.

Article 2:336
1. A person who internationally and unlawfully alters, deletes or renders unusable or inaccessible any information stored, processed or transferred by means of a computerized device, or who adds information thereto, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.
2. A person who commits the serious offence specified in paragraph 1 after having unlawfully intruded into a computerized device through the telecommunications network, and who causes serious damage there in respect of that information, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.
3. A person who intentionally and unlawfully makes available or disseminates information intended to cause damage within a computerized device is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.
4. A person who carries out the activities specified in paragraph 3 with the intention of limiting the damage resulting from that information is not criminally liable.

Article 2:337
1. A person who negligently or carelessly responsible for altering, deleting or rendering unusable or inaccessible any information stored, processed or transferred by means of a computerized device or by means of telecommunications, or for adding information thereto, is punishable by a term of imprisonment of not more than three months or a fine in the second category where serious damage is thereby caused with respect to that information.
2. A person who is negligently or carelessly responsible for making available or disseminating information intended to cause damage within a computerized device is punishable by a term of imprisonment of not more than three months or a fine in the second category.

Article 2:338
A person who intentionally and unlawfully destroys, damages, renders unusable or defective or removes any electricity devices or facilities, computerized devices or devices for telecommunications, works serving as water barriers, drains, ducts for conveying gas or water or sewers, insofar as such works and facilities are intended for use by the general public or for national defence, is punishable by a term of imprisonment of not more than three years or a fine in the fourth category.
Article 2:339
A person who is negligently or carelessly responsible for damaging, rendering unusable or defective or removing any of the devices or facilities specified in Article 2:338 is punishable by a term of imprisonment of not more than three months or a fine in the second category.

Article 2:340
A person who intentionally and unlawfully destroys, damages or renders unusable any building, vessel or its cargo, marine installation or aircraft, belonging fully or partially to another, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

Article 2:341
Article 2:293 is applicable to the serious offences described in this Title.

Article 2:342
Where danger to another person's life might have been expected to ensue from any one of the serious offences described in Articles 2:334, 2:336 2:338 and 2:240, the term of imprisonment to be imposed in relation to the offence shall be increased by one third and the fine imposed in relation to the offence shall be increased to the next higher category.

Article 2:343
Where one of the serious offences described in Articles 2:334, 2:336, 2:338, 2:340 and 2:342 is committed with the intent of preparing for or facilitating a terrorist offence, the term of imprisonment to be imposed in relation to the offence shall be increased by one third and the fine imposed in relation to the offence shall be increased to the next higher category.

TITLE XXVIII
Serious offences involving civil servants

Article 2:344
A Minister who:

a. who countersigns a national decree or ministerial order in the knowledge that any provision of the Charter of the Kingdom of the Netherlands, a Kingdom law, the Collaborative Accord between Aruba, Curacao and Sint Maarten or any other legal provision with effect in Sint Maarten is thereby being violated; or
b. who implements a national decree or ministerial order in the knowledge that the decree or order in question does not bear the requisite countersignature of one or more Ministers; or

c. performs an action, takes a decision or issues an order in the knowledge that one of the provisions in the statutory regulations specified in part a is thereby being violated; or

d. intentionally and unlawfully fails to implement one or more of the provisions specified in part a, insofar as such implementation falls within the ambit of his responsibility, given the nature of the situation, or insofar as such implementation has been expressly assigned to him,
is punishable by a term of imprisonment of not more than three years or a fine in the fourth category.

Article 2:345
A Minister who is responsible through his gross negligence for a failure to perform any of the matters specified in Article 2:344 at d is punishable by a term of imprisonment of not more than one year or a fine in the third category.

Article 2:346
A commander in the armed forces who refuses or intentionally omits to use the force under his command, upon the lawful request of the competent civil authorities, is punishable by a term of imprisonment of not more than three years or a fine in the fourth category.

Article 2:347
1. A civil servant who intentionally invokes the assistance of the armed forces in order to prevent the implementation of statutory provisions, lawful orders issued by the public authorities or judicial verdicts or warrants, is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

2. Where such implementation is thus prevented, the convicted person shall be punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.

Article 2:348
A civil servant or any other person charged permanently or temporarily with any public office and who intentionally embezzles money or paper of monetary value which is under his control, or who allows another person to remove or embezzle such, is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

Article 2:349
1. A civil servant or any other person charged permanently or temporarily with any public office and who intentionally embezzles, destroys, damages or renders
usable any items intended to serve as evidence for the competent authorities, or any deeds, documents or registers which are under his control for the purpose of performing his duties, or who allows any other person to remove, damage or destroy such items or render them unusable, is punishable by a term of imprisonment of not more than five years or a fine in the fourth category.

2. The competent authorities specified in paragraph 1 include an international court deriving its jurisdiction from a Treaty to which the Kingdom is a party.

**Article 2:350**

1. A civil servant who:
   a. accepts any gift, promise or service in the knowledge or reasonable suspicion that it is made, provided or offered to him in order to induce him to act or refrain from acting in a manner not contrary to the requirements of his office; or
   b. accepts any gift, promise or service in the knowledge or reasonable suspicion that it is made, provided or offered to him as a consequence of something he has done or refrained from doing, in his current or former employment, in a manner not contrary to the requirements of his office; or
   c. solicits a gift, promise or service for himself or another person with a view to being induced to act or refrain from acting in a manner not contrary to the requirements of his office; or
   d. solicits a gift, promise or service for himself or another person as a consequence of or pertaining to something he has done or refrain from doing, in his current or former employment, in a manner not contrary to the requirements of his office,

   is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

2. The punishments specified in paragraph 1 shall also apply to a person who, in anticipation of being appointed as a civil servant, commits one of the serious offences specified in paragraph 1 at parts a and c, where such appointment actually ensues.

3. A person who commits one of the serious offences specified in paragraph 1 in connection with his capacity as a Minister or a Member of Parliament is punishable by attempt of imprisonment of not more than six years or a fine in the fifth category.

**Article 2:351**

1. A civil servant who:
   a. accepts any gift, promise or service in the knowledge or reasonable suspicion that it is made, provided or offered to him in order to induce him to act or refrain from acting in a manner contrary to the requirements of his office; or
b. accepts any gift, promise or service in the knowledge or reasonable suspicion that it is made, provided or offered to him as a consequence of something he has done or refrained from doing in a manner contrary to the requirements of his office; or

c. solicits a gift, promise or service for himself or another person with a view to being induced to act or refrain from acting in a manner contrary to the requirements of his office; or

d. solicits a gift, promise or service for himself or another person as a consequence of or pertaining to something he has done or refrained from doing, in his current or former employment, in a manner contrary to the requirements of his office,
is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

2. The punishments specified in paragraph 1 shall also apply to a person who, in anticipation of being appointed as a civil servant, commits one of the serious offences specified in paragraph 1 at parts a and c, where such appointment actually ensues.

3. A person who commits one of the serious offences specified in paragraph 1 in connection with his capacity as a Minister or a Member of Parliament is punishable by a term of imprisonment of not more than eight years or a fine in the fifth category.

Article 2:352

1. A judge who accepts a gift, promise or service in the knowledge or reasonable suspicion that it is made or offered to him in order to exercise influence on the decision in a case that is before him for judgement is punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.

2. A judge who solicits a gift, promise or service for himself or another person in order to influence the decision in a case that is before him for judgement is punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.

3. Where the gift, promise or service is accepted in the knowledge or reasonable suspicion that it was made, provided or offered with the object of obtaining a conviction in a criminal case, the judge is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

4. Where the gift, promise or service is solicited with the object of inducing the judge to grant a conviction in a criminal case, the judge is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

Article 2:353

A civil servant who coerces another person to act, refrain from acting or submit to anything, through the abuse of his authority, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.
Article 2:354
A civil servant who intentionally acts or refrains from acting, in the abuse of his position, in order to secure any advantage for himself or another person is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:355
A civil servant who, in the performance of his duties, intentionally claims or receives or withholds from a payment made by him an amount that is not due, from another civil servant or from any public funds, as if it were due to himself, is guilty of corruption and punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

Article 2:356
A civil servant who intentionally amasses a significant increase in his own wealth during the performance of his duties, without there being an acceptable legal basis for such acquisition, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:357
1. A civil servant who is charged with guarding a person who has been deprived of his liberty by means of a judicial verdict or ruling and who intentionally allows that person to escape, liberates him or assists in his liberation or self-liberation is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.
2. Where the civil servant is negligently or carelessly responsible for such escape, liberation or self-liberation, he shall be punishable by a term of imprisonment of not more than four months or a fine in the second category.

Article 2:358
1. A civil servant who:
   a. is charged with investigating criminal offences and who intentionally fails to comply with a request to report an unlawful deprivation of liberty, or who intentionally omits to communicate this without delay to the superior authorities;
   b. having learned in the course of performing his duties that the person has been unlawfully deprived of his liberty, intentionally omits to report this without delay to a civil servant charged with investigating criminal offences,

   is punishable by a term of imprisonment of not more than three years or a fine in the fourth category.
2. A civil servant who is negligently or carelessly responsible for any of the omissions specified in paragraph 1 is punishable by a term of imprisonment of not more than three months or a fine in the second category.

**Article 2:359**
A person in charge of an institution intended for the confinement of convicted persons, persons in preliminary detention or persons detained for failing to cooperate with a court order, or a person in charge of an institution for the care and protection of children, an institution for juveniles, a psychiatric institution or an institution for those entrusted to care in the name of the State, who refuses to comply with a lawful request to produce a person committed to such an institution, or to present the register of admissions or a deed whose registration is required by any statutory regulation for examination, is punishable by a term of imprisonment of not more than one year or a fine in the third category.

**Article 2:360**
A civil servant who intentionally makes use of any investigative or supervisory power, as defined in the Code of Criminal Procedure or any other National Ordinance, in a manner that violates his authority, is punishable by a term of imprisonment of not more than six years or a fine in the fourth category.

**Article 2:361**
A civil servant who intentionally participates, whether directly or indirectly, in any contracts or supplies to whose management or supervision he has been assigned at the time of such action is punishable by a term of imprisonment of not more than six months or a fine in the third category.

**Article 2:362**
1. A civil servant of the civil registry who intentionally cooperates in accomplishing the marriage of another person, knowing that the other person is thereby entering into a bigamous marriage, is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.
2. A civil servant of the civil registry who intentionally cooperates in accomplishing the marriage of another person, knowing that there is another legal impediment to the marriage, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

**Article 2:363**
1. For the purposes of Articles 2:348 to 2:351, 2:353, 2:355, 2:357, 2:358 and 2:361, persons in the public service of a foreign nation or an international law organisation are deemed to be equivalent to civil servants.
2. For the purposes of Articles 2:350.1 at b and d and 2:351.1 at b and d, former civil servants are deemed to be equivalent to civil servants.
3. For the purposes of Article 2:352, a judge of a foreign nation or of an international law organization is deemed to be equivalent to a judge.

**Article 2:364**

Upon conviction for any of the serious offences specified in Articles 2:344 to 2:351 and 2:353 to 2:362, the judge may pronounce deprivation of the right specified in Article 1:64.1 at a, and upon conviction for any of the serious offences specified in Articles 2:350 to 2:352, the judge may pronounce deprivation of the right specified in Article 1.64.1 at c.

**TITLE XXIX**

**Serious offences relating to shipping and aviation**

**Article 2:365**

1. A person who:
   a. intentionally enters into service or is serving as the master of a vessel intended or used for the commission of acts of violence against other vessels on the high seas or against persons or property on board those vessels, without being so authorised by a power engaged in war or without belonging to the war navy of a recognised power, is guilty of piracy and punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category;
   b. intentionally enters into service or voluntarily remains in service as a crew member on a vessel intended or used for the purposes specified in paragraph 1 is guilty of piracy and punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.
2. Exceeding the limits of authorisation and possessing authorisation from each of the powers at war with each other are deemed to be equivalent to the absence of authorisation.
3. Article 1:199 does not apply.
4. The provisions contained in this Article in relation to the master of a ship and a crew member of a ship shall apply, mutatis mutandis, in relation to the commander or crew member of an aircraft. The term "vessel" in this Article includes aircraft and the term "high seas" includes the airspace above.

**Article 2:366**

Where the death of any persons on board the attacked vessel or aircraft ensues from the acts of violence specified in Article 2:365, the master of the vessel or the commander of the
aircraft or those participating in the acts of violence are punishable by a term of imprisonment of not more than fifteen years or a fine in the fifth category.

**Article 2:367**
A person who equips a vessel or aircraft for the purpose specified in Article 2:365, on his own account or for the account of another, is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

**Article 2:368**
A person who intentionally cooperates, directly or indirectly, in the leasing, chartering or insuring of a vessel or aircraft intended for the purpose specified in Article 2:365, on his own account or for the account of another person, is punishable by a term of imprisonment of not more than eight years or a fine in the fifth category.

**Article 2:369**
A person who intentionally surrenders a Netherlands or Sint Maarten vessel into the power of pirates is punishable:

a. by a term of imprisonment of not more than twelve years or a fine in the fifth category, where that person is the master of the vessel; or
b. by a term of imprisonment of not more than nine years or a fine in the fifth category in all other cases.

**Article 2:370**
1. A person who gains or retains control over any aircraft, vessel or marine installation by means of violence, threats of violence or incitement of fear, is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.
2. Where two or more persons commit the offence jointly, or where the offence results in severe bodily harm, or where the offence is committed with the intent of unlawfully depriving another person of his liberty or keeping that person deprived of his liberty, the convicted persons shall be punishable by a term of imprisonment of not more than fifteen years or a fine in the fifth category.
3. Where the act results in the death of a person, the convicted person shall be punishable by life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category.

**Article 2:371**
A person who intentionally commits an act of violence against another person who is on board an aircraft in flight or on board a vessel or marine installation at sea is punishable:

a. by a term of imprisonment of not more than nine years or a fine in the fifth category, where the act is likely to jeopardise the safety of the aircraft, the safe passage of the vessel or the safety of the marine installation;
b. by a term of imprisonment of not more than twelve years or a fine in the fifth category, where the act is likely to jeopardise the safety of the aircraft, the safe passage of the vessel or the safety of the marine installation and results in serious bodily harm to another person;

b. by a term of imprisonment of not more than fifteen years or a fine in the fifth category, where the act is likely to jeopardise the safety of the aircraft, the safe passage of the vessel or the safety of the marine installation and results in the death of another person.

**Article 2:372**
A person who intentionally communicates information which he knows or has serious reason to suspect as being incorrect, where this is likely to jeopardise the safety of an aircraft in flight or the safe passage of a vessel, is punishable by a term of imprisonment of not more than ten years or a fine in the fourth category.

**Article 2:373**
A person who intentionally commits an act of violence against another person in or in the immediate vicinity of the departure or arrival halls of an airport, with the use of a firearm, explosive or otherwise hazardous substance or any other hazardous object is punishable:

- a. by a term of imprisonment of not more than nine years or a fine in the fifth category, where danger to the lives of other users of the airport might have been expected to ensue from the act;
- b. by a term of imprisonment of not more than twelve years or a fine in the fifth category, where danger to the lives of other users of the airport might have been expected to ensue from the act and the act results in the serious bodily harm of a person;
- c. by a term of imprisonment of not more than fifteen years or a fine in the fifth category, where danger to the lives of other users of the airport might have been expected to ensue from the act and the act results in the death of a person.

**Article 2:374**
A person on board a Netherlands or Sint Maarten vessel who unlawfully takes control of the vessel is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

**Article 2:375**
The master of a Netherlands or Sint Maarten vessel who withholds the vessel from the owner or shipping company and uses it for his own benefit is punishable by a term of imprisonment of not more than eight years or a fine in the fifth category.
The master of a Netherlands or Sint Maarten vessel who intentionally removes himself from command of that vessel, during the voyage, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category where his conduct endangers the safety of the persons on board, of the vessel or of the property on board.

Article 2:377
1. A person on board a Netherlands or Sint Maarten vessel or seagoing fishing boat who physically attacks the master, or a crew member in service on board who physically attacks a superior officer, or who resists him or deprives him of his freedom of action by violence or threats of violence, is guilty of insubordination and punishable by a term of imprisonment of not more than two years or a fine in the fourth category.
2. The convicted person shall be punishable:
   a. by a term of imprisonment of not more than three years or a fine in the fourth category where any bodily harm ensues from the serious offence or any associated circumstances;
   b. by a term of imprisonment of not more than eight years or a fine in the fifth category where any serious bodily harm ensues from the serious offence or any associated circumstances;
   c. by a term of imprisonment of not more than twelve years or a fine in the fifth category where the death of another person ensues from the serious offence or any associated circumstances.

Article 2:378
1. Insubordination perpetrated by two or more persons in association is punishable as mutiny by a term of imprisonment of not more than six years or a fine in the fifth category.
2. The convicted person shall be punishable:
   a. by a term of imprisonment of not more than nine years or a fine in the fifth category where any bodily harm ensues from the serious offence or any associated circumstances;
   b. by a term of imprisonment of not more than twelve years or a fine in the fifth category where any serious bodily harm ensues from the serious offence or any associated circumstances;
   c. by a term of imprisonment of not more than fifteen years or a fine in the fifth category where the death of another person ensues from the serious offence or any associated circumstances.

Article 2:379
A person who incites a mutiny on board a Netherlands or Sint Maarten vessel or seagoing fishing boat is punishable by a term of imprisonment of not more than five years or a fine in the fourth category.
Article 2:380

1. A term of imprisonment of not more than six months or a fine in the third category shall be imposed upon:
   a. a person on board a Netherlands or Sint Maarten vessel who intentionally disobeys any order issued by the master in the interests of safety on board;
   b. a person on board a Netherlands or Sint Maarten vessel who fails to come to the aid of the master, to the best of his ability, where he knows that the master has been deprived of his freedom of action;
   c. a person on board a Netherlands or Sint Maarten vessel who intentionally fails to notify the master in due time of a proposal to commit insubordination of which he is aware;
   d. a person on board a Netherlands or Sint Maarten vessel who intentionally disobeys any order issued by the master in the interests of maintaining order and discipline on board.

2. Paragraph 1 at c is not applicable where the insubordination did not ensue.

Article 2:381

Where the person found guilty of any of the offences specified in Articles 2:374 and 2:377 to 2:380 is a ship's officer, the term of imprisonment to be imposed shall be increased by one third and the fines to be imposed shall be increased to the next higher category.

Article 2:382

The master of a Netherlands or Sint Maarten vessel who, with the intent of obtaining an unlawful gain for himself or another, or of concealing such an unlawful gain, either sells the vessel, borrows money upon security of the vessel, its ancillary equipment or stores, or sells or grants a pledge over property on board the vessel or property from the vessel's stores, or charges for fictitious damage or expenditure, or fails to maintain the requisite journals on board in accordance with legal provisions, or fails to ensure that the vessel's logs are salvaged when abandoning the ship, is punishable by a term of imprisonment of not more than six years or a fine in the fifth category.

Article 2:383

The master of a Netherlands or Sint Maarten vessel who deviates from his course with the intent of obtaining an unlawful gain for himself or another person, or of concealing such an unlawful gain, is punishable by a term of imprisonment of not more than three years or a fine in the fourth category.

Article 2:384

1. The master of a Netherlands or Sint Maarten vessel who intentionally undertakes or allows any activity that might render the vessel or the property on board susceptible to seizure, detention or delay, without necessity and without the
prior knowledge of the owner or the shipping company, is punishable by a term of imprisonment of not more than one year or a fine in the third category.

2. A person on board who intentionally undertakes similar activities, without necessity and without the prior knowledge of the master, is punishable by a term of imprisonment of not more than nine months or a fine in the third category.

Article 2:385
The master of a Netherlands or Sint Maarten vessel who fails to provide any person on board with the required provisions, without necessity, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:386
The master of a Netherlands or Sint Maarten vessel who jettisons property, without necessity or contrary to any legal requirement, is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:387
A person on board a vessel who intentionally and unlawfully destroys, damages or renders unusable any property is punishable by a term of imprisonment of not more than two years or a fine in the fourth category.

Article 2:388
The master of a vessel who intentionally flies the Netherlands flag without being authorised to do so is punishable by a term of imprisonment of not more than one year or a fine in the third category.

Article 2:389
The master of a vessel who intentionally gives the impression, by displaying any distinguishing mark on his vessel, that the vessel is a Netherlands warship or a pilot boat serving in the waters or seaways of Sint Maarten is punishable by a term of imprisonment of not more than three months or a fine in the second category.

Article 2:390
A person who, without necessity, intentionally acts as a master, navigator or engineer on a Netherlands or Sint Maarten vessel, in the knowledge that he is not authorised to do so in terms of legal requirements, is punishable by a term of imprisonment of not more than six months or a fine in the third category.

Article 2:391
The master of a Netherlands or Sint Maarten vessel or the commander of a Netherlands or Sint Maarten aircraft who refuses without valid reason to comply with a lawful request to take or keep on board a suspect or convicted person, along with the
documents pertaining to his case, is punishable by a term of imprisonment of not more than three months or a fine in the second category.

**Article 2:392**

1. The master of the Netherlands or Sint Maarten vessel or the commander of a Netherlands or Sint Maarten aircraft who has or has taken on board a suspect or convicted person and the documents pertaining to his case and who intentionally allows that suspect or convicted person to escape or assists him in escaping, or who intentionally arranges for the disappearance of such documents, is punishable by a term of imprisonment of not more than four years or a fine in the fourth category.

2. Where the master or commander is negligently or carelessly responsible for such escape or self-liberation, he shall be punishable by term of imprisonment of not more than four months or a fine in the second category.

**Article 2:393**

The master of a Netherlands or Sint Maarten vessel who intentionally fails to comply with the obligation incumbent upon him to render aid is punishable by a term of imprisonment of not more than three years or a fine in the fourth category.

**Article 2:394**

Where any one of the serious offences specified in Articles 2:370 to 2:373 is committed with terrorist intent, the term of imprisonment imposed in relation to that offence shall be increased by one half and life imprisonment or a term of imprisonment of not more than thirty years or a fine in the fifth category shall be imposed, where the term of imprisonment specified in the said Articles is not more than fifteen years.

**Article 2:395**

Conspiracy to commit any of the serious offences specified in Articles 2:370, 2:371 and 2:373 with terrorist intent is punishable by a term of imprisonment of not more than twelve years or a fine in the fifth category.

**Article 2:396**

Upon conviction for the serious offence specified in Article 2:392.1, and for any of the serious offences specified in this Title in relation to which a term of imprisonment of six years or more is imposed, the judge may pronounce deprivation of the rights specified in Article 1:64.1 at a and b.

**TITLE XXX**

**Unlawful gains**
Article 2:397
1. A person is guilty of intentionally handling stolen property and is punishable by a term of imprisonment of not more than six years or a fine in the fifth category, where:
   a. he obtains, has at his disposal or transfers property or creates or transfers a right in personam or a right in rem in relation to property, where he knows or understands at the time of obtaining such property or having it at his disposal or at the time of creating the right that the property was obtained by means of a serious offence;
   b. he intentionally has at his disposal or transfers property, or transfers a right in personam or a right in rem created in relation to property obtained by means of a serious offence.
2. The punishments specified in paragraph 1 shall also be imposed upon a person who intentionally derives any benefit from the proceeds of property obtained by means of a serious offence.

Article 2:398
A person who commits the serious offence of handling stolen property as a custom is punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.

Article 2:399
1. A person is guilty of negligently or carelessly handling stolen property and is punishable by a term of imprisonment of not more than four years or a fine in the fourth category, where:
   a. he obtains, has at his disposal or transfers property or creates or transfers a right in personam or a right in rem in relation to property, where he should reasonably have suspected at the time of obtaining such property or having it at his disposal or at the time of creating the right that the property was obtained by means of a serious offence;
   b. he has at his disposal or transfers property or are right in personam or a right in rem in relation to such property, from motives of pecuniary gain, where he should reasonably suspect that the property was obtained by means of a serious offence.
2. The punishments specified in paragraph 1 shall also apply to a person who derives any benefit from the proceeds of property where he should reasonably suspect that the property was obtained by means of a serious offence.

Article 2:400
On conviction for one of the serious offences described in Articles 2:397 to 2:399, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.
Article 2:401
A person who publishes any written matter or image of a criminal nature is punishable by a term of imprisonment of not more than one year or a fine in that category, where:
   a. the perpetrator is either unknown or was not disclosed in response to the first written notice following the initiation of a preliminary judicial investigation;
   b. the publisher knew or should have suspected that the perpetrator was not punishable by criminal prosecution or was based outside Sint Maarten on the date of publication.

Article 2:402
A person who prints any written matter or image of a criminal nature is punishable by a term of imprisonment of not more than one year or a fine in that category, where:
   a. the person who ordered the printing is either unknown or was not disclosed in response to the first written notice following the initiation of a preliminary judicial investigation;
   b. the printer knew or should have suspected that the perpetrator was not punishable by criminal prosecution or was based outside Sint Maarten on the date when the printed matter was published.

Article 2:403
Where the nature of the written matter or the image is such that it amounts to a serious offence subject to prosecution on complaint only, the printer or publisher may only be prosecuted in the cases specified in Articles 2:41 and 2:402 on the complaint by the person against whom the serious offence has been committed.

TITEL XXXI
Money laundering

Article 2:404
1. A person is guilty of money laundering and is punishable by a term of imprisonment of not more than six years or a fine in the fifth category where:
   a. he hides or conceals the actual nature, origin, location, disposal or relocation of an object or hides or conceals the identity of the person entitled to or in possession of an object, where he knows or understands that the object originates directly or indirectly from any serious offence;
   b. he obtains, has in his possession, transfers, sells or makes use of an object, where he knows or understands that the object originates directly or indirectly from any serious offence.
2. The term "objects" is understood to include all corporeal property and all property rights.

Article 2:405
A Person who commits the serious offence of money laundering as a custom is punishable by a term of imprisonment of not more than nine years or a fine in the fifth category.

Article 2:406
1. A person is guilty of negligent or careless money laundering and is punishable by a term of imprisonment of not more than four years or a fine in the fourth category, where:
   a. he hides or conceals the actual nature, origin, location, disposal or relocation of an object or hides or conceals the identity of the person entitled to or in possession of an object, where he should reasonably suspect that the object originates directly or indirectly from any serious offence;
   b. he obtains, has in his possession, transfers, sells or makes use of an object, where he should reasonably suspect that the object originates directly or indirectly from any serious offence.
2. The term "objects" is understood to include all corporeal property and all property rights.

Article 2:407
On conviction for one of the serious offences described in this Title, the judge may also pronounce deprivation of the rights specified in Article 1:64.1 at a and b.