

**NATIONAL ASSEMBLY      SOCIALIST REPUBLIC OF VIETNAM**  
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**Independence - Freedom - Happiness**

No. 12/2017/QH14

Hanoi, June 20, 2017

**LAW**

**ON AMENDMENTS TO THE CRIMINAL CODE NO. 100/2015/QH13**

*Pursuant to Constitution of Socialist Republic of Vietnam;*

*The National Assembly promulgates the Law on amendments to the Criminal Code No. 100/2015/QH13.*

**Article 1. Amendments to Criminal Code No. 100/2015/QH13**

1. Article 3 is amended as follows:

a) Point d Clause 1 Article 3 is amended as follows:

“d) Criminal offences committed by employment of deceitful methods; in an organized manner, in a professional manner, or with intent to inflict extremely serious consequences shall be strictly punished.

Leniency shall be showed towards criminals who turn themselves in; show cooperative attitudes; inform on accomplices; made reparation in an effort to atone for their crimes; cooperate with responsible for authorities in discovery of crimes or during the case; express contrition; voluntarily compensate for damage they inflict;”;

b) Point d Clause 2 Article 3 is amended as follows:

“d) Leniency shall be showed towards corporate legal entities that cooperate with responsible for authorities in discovery of crimes or during the proceeding, voluntarily compensate for damage they inflict, proactively prevent or alleviate consequences.”.

2. Article 9 is amended as follows:

**“Article 9. Classification of crimes**

1. Crimes defined in this Code are classified into 04 categories according to their nature and danger to society:

a) Less serious crime means a crime whose danger to society is not significant and for which the maximum sentence defined by this Code is a fine, community sentence (non-custodial), or 03 years' imprisonment;

b) Serious crime means a crime whose danger to society is significant and for which the maximum sentence of the bracket defined by this Code is from over 03 years' to 07 years' imprisonment;

c) Very serious crime means a crime whose danger to society is great and for which the maximum sentence of the bracket defined by this Code is from over 07 years' to 15 years' imprisonment;

d) Extremely serious crime means a crime whose danger to society is enormous and for which the maximum sentence of the bracket defined by this Code is from over 15 years' to 20 years' imprisonment, life imprisonment, or death.

2. Crimes committed by corporate legal entities are classified by their nature and danger to society as prescribed in Clause 1 of this Article. The same are applied to the crimes specified in Article 76 hereof.”.

3. Clause 2 Article 12 is amended as follows:

“2. A person from 14 years of age to be low 16 years of age shall bear criminal responsibility for very serious crimes and extremely serious crimes specified in Articles 123, 134, 141, 142, 143, 144, 150, 151, 168, 169, 170, 171, 173, 178, 248, 249, 250, 251, 252, 265, 266, 286, 287, 289, 290, 299, 303, 304 hereof.”.

4. Article 14 is amended as follows:

**“Article 14. Preparation for crimes**

1. Preparation for a crime means finding, preparing tools, equipment, or other conditions for the crime, or establishing, joining a group of criminals, except in the circumstances specified in Article 109, Point a Clause 2 Article 113, or Point a Clause 2 Article 299 hereof.

2. A person who prepares for any of the crimes specified in Articles 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 123, 134, 168, 169, 207, 299, 300, 301, 302, 303, 324 hereof shall bear criminal responsibility.

3. A person from 14 to under 16 years of age who prepares for any of the crimes specified in Article 123 and Article 168 hereof has to bear criminal responsibility.”.

5. Article 19 is amended as follows:

**“Article 19. Misprision**

1. Any person who knows that a crime is being prepared, being carried out, or has been carried out but fails to report it shall bear criminal responsibility for misprision as prescribed in Article 390 hereof.

2. A person who fails to report the crime shall not bear criminal responsibility as prescribed in Clause 1 of this Article if he/she is a grandparent, parent, child, niece/nephew, sibling, spouse of the offender, except for failure to report the crimes specified in Chapter XIII hereof or other extremely serious crimes.

3. If defender of an offender has knowledge of the crime that was committed or participated in by the person he/she defends while performing the defender's duties, the defender shall not bear criminal responsibility as prescribed in Clause 1 of this Article, except for failure to report the crimes specified in Chapter XIII hereof or other extremely serious crimes.”.

6. Article 51 is amended as follows:

a) Point s and Point t Clause 1 Article 51 are amended as follows:

“s) The offender expresses cooperative attitude and/or contrition;

t) the offender fully cooperates with responsible for authorities in discovery of crimes or during the investigation;”;

b) Point x Clause 1 Article 51 is amended as follows:

“x) The offender is revolutionist, parent, spouse or child of a war martyr or war veteran.”.

7. Clause 3 Article 54 is amended as follows:

“3. If all of the conditions specified in Clause 1 or Clause 2 of this Article are satisfied but there is only one sentence bracket, or the current sentence bracket is already most lenient, the Court may pass a sentence that is lighter than the sentence bracket or switch over to a lighter sentence. The reasons for imposition of a lighter sentence must be specified in the judgment.”.

8. Article 61 is amended as follows:

**“Article 61. Non-application of time limit for sentence execution**

There are no time limits for execution of sentences for the crimes specified in Chapter XIII, Chapter XXVI, Clause 3 and Clause 4 Article 353, Clause 3 and Clause 4 Article 354 hereof.”.

9. Clause 1 and Clause 2 Article 66 are amended as follows:

“1. A person serving an imprisonment sentence (prisoner) for a serious crime, very serious crime or extremely serious crime which has been commuted; a person serving an imprisonment sentence for a less serious crime may be granted parole when all of the following conditions are satisfied:

- a) The prisoner does not have prior criminal record;
- b) The prisoner shows remarkable improvements;
- c) The prisoner has a fixed residence;
- d) The prisoner has paid fines, legal costs, and civil compensation in full;
- dd) The prisoner has served at least half of determinate imprisonment or at least 15 years of life imprisonment which is commuted to determinate imprisonment.

A prisoner who is a revolutionist, a revolutionist’s relative, wounded soldier, sick soldier, a person aged 70 or older, a person suffering from a serious physical disability or extremely serious physical disability, a woman raising a child under 36 months of age must serve at least one third of determinate imprisonment or at least 12 years of life imprisonment which is commuted to determinate imprisonment;

- e) The offence is not committed in any of the circumstances specified in Clause 2 of this Article.

2. Parole shall not be granted to:

- a) a person that is convicted of any of the crimes specified in Chapter XIII, Chapter XXVI, Article 299 hereof; any person sentenced to 10 years' imprisonment or longer for deliberately committing any of the crimes specified in Chapter XIV hereof; any person sentenced to 07 years' imprisonment or longer for any of the crimes specified in Articles 168, 169, 248, 251 and 252 hereof;

- b) any person sentenced to death and granted commutation or any person in the circumstance specified in Clause 3 Article 40 hereof.”.

10. Article 71 is amended as follows:

**“Article 71. Conviction expungement under a court's decision**

1. Conviction expungement under a court's is granted to people convicted of crimes specified in Chapter XIII and Chapter XXVI hereof. The court shall decide whether to grant conviction expungement in consideration of the nature

of the crimes committed, the convicts' obedience to the law and working attitude, and fulfillment of the conditions specified in Clause 2 of this Article.

2. The court shall grant conviction expungement if the convict, after serving the primary sentence or probation period as well as additional sentences and other decisions of the judgment, does not commit any new crime over the following periods:

- a) 01 year in case of warning, community sentence, or suspended imprisonment;
- b) 03 years in case of imprisonment of up to 05 years;
- c) 05 years in case of 05 - 15 years' imprisonment;
- d) 07 years in case of > 15 years' imprisonment, life imprisonment or death sentence that is commuted.

If the convict is serving an additional sentence which is mandatory supervision, prohibition from residence, or deprivation of certain citizenship rights for a longer period than that specified in Point a and Point b of this Clause, conviction expungement shall be considered when he/she finishes serving the additional sentence.

3. If an application for conviction expungement is rejected for the first time, it may only be resubmitted after 01 year from the day on which it is rejected; if the application for conviction expungement is rejected for the second time, it may only be resubmitted after 02 years from the day on which it is rejected.

11. Article 76 is amended as follows:

**“Article 76. Scope of criminal responsibility of corporate legal entities**

A corporate legal entity shall only bear criminal responsibility for the crimes specified in Articles 188, 189, 190, 191, 192, 193, 194, 195, 196, 200, 203, 209, 210, 211, 213, 216, 217, 225, 226, 227, 232, 234, 235, 237, 238, 239, 242, 243, 244, 245, 246, 300 and 324 hereof.”.

12. Point d Clause 1 Article 84 is amended as follows:

“d) the offender fully cooperates with responsible for authorities in discovery of crimes or during the investigation;”.

13. Clause 1 Article 86 is amended as follows:

“1.Primary punishment:

- a) If all punishments are fines, they shall be aggregated. Fines shall not be combined with other punishments;
- b) If the punishments imposed include business suspension and permanent shutdown in the same business line, or permanent shutdown in the same business line, the combined punishment will be permanent shutdown in such business line;
- c) If the punishments imposed are temporary suspension from the same business line, the combined punishment will be a suspension whose duration must not exceed 04 years;
- d) If the punishments imposed include a permanent shutdown specified in Clause 2 Article 79 hereof, the combined punishment will be permanent shutdown;
- dd) If the punishments imposed are suspension from various business lines, permanent shutdown from various business lines or suspension and permanent shutdown in various business lines, they will not be combined.”.

14. Clause 2 Article 91 is amended as follows:

“2. A juvenile offender who commits a criminal offence in any of the following circumstances and has more than one mitigating factors, voluntarily repairs the most part of the damage caused may be exempt from criminal responsibility and the measures specified in Section 2 of this Chapter, provided it is not the case specified in Article 29 hereof:

- a) A person aged from 16 to under 18 commits a less serious crime or serious crime, except for the crimes specified in Articles 134, 141, 171, 248, 249, 250, 251 and 252 hereof;
- b) A person aged from 14 to under 16 commits a very serious crime specified in Clause 2 Article 12 hereof, except for the crimes specified in Articles 123, 134, 141, 142, 144, 150, 151, 168, 171, 248, 249, 250, 251 and 252 hereof;
- c) The juvenile offender is an accomplice who has a minor role in the commission of the criminal offence.”.

15. Clause 1 Article 93 is amended as follows:

“1. A reprimand shall be issued against a juvenile offender in any the following circumstances in order to help him/her be aware of his/her criminal act, it consequences for the community, society, and his/her obligations:

- a) An person aged from 16 to under 18 commits a less serious crime for the first time in the circumstance specified in Point a Clause 2 Article 91 hereof;
- b) A person aged under 18 is an accomplice who has an insignificant role in the commission of the crime.”.

16. Article 94 is amended as follows:

- a) Clause 1 Article 94 is amended as follows:

“1. Reconciliation shall be applied to a juvenile offender in any of the following circumstances:

- a) A person aged from 16 to under 18 commits a less serious crime or a serious crime in the circumstance specified in Point a Clause 2 Article 91 hereof;
- b) A person aged from 14 to under 16 years of age commits a very serious crime in the circumstance specified in Point b Clause 2 Article 91 hereof.”;

- b) Clause 4 below is added to Article 94:

“4. On a case-by-case basis, the competent authority shall decide the time to offer apologies. The time limit for paying damages as prescribed in Point a Clause 3 of this Article and fulfilling the obligations specified in Point b and Point c Clause 3 Article 93 hereof is 03 – 12 months.”.

17. Article 95 is amended as follows:

- a) Clause 1 Article 95 is amended as follows:

“1. The investigating authority, the procuracy, or the court may apply education in the commune for 01 to 02 years to a juvenile offender in any of the following circumstances:

- a) A person aged from 16 to under 18 commits a less serious crime or a serious crime in the circumstance specified in Point a Clause 2 Article 91 hereof;
- b) A person aged from 14 to under 16 commits a very serious crime specified in Point b Clause 2 Article 91 hereof.”;

- b) Clause 3 Article 95 is amended as follows:

“3. If the person subject to educational measures has served one half of the duration and shows remarkable improvements, the agency that imposes the measures may terminate the measures at the request of the People’s Committee of the commune.”.

18. Clause 1 Article 100 is amended as follows:

“1. Community sentence shall be imposed upon an offender aged from 16 to under 18 who involuntarily commits a very serious crime or commits a less serious crime or a serious crime, or an offender aged from 14 to under 16 who deliberately commits a very serious crime.”.

19. Clause 2 Article 107 is amended as follows:

“2. A person aged from 16 to under 18 who is convicted of a deliberate very serious crime or an extremely serious crime shall automatically have his/her conviction expunged if from the day on which the primary sentence is served or from expiration of the probation or from the expiration of the time limit for sentence execution, he/she does not commit any new crime for:

- a) 06 years in case of a warning, fine, community sentence, or suspended imprisonment;
- b) 01 year in case of imprisonment of up to 05 years;
- c) 02 years in case of imprisonment exceeding 05 years but not exceeding 15 years;
- d) 03 year in case of imprisonment exceeding 15 years.”.

20. Article 112 is amended as follows:

**“Article 112. Rebellion**

Any person who engages in armed activities, uses organized force or commits plundering for the purpose of opposing the people's government shall face the following penalties:

- 1. The organizer or person whose activities cause serious consequences shall face a penalty of 12 - 20 years' imprisonment, life imprisonment, or death;
- 2. Any accomplice shall face a penalty of 05 - 15 years' imprisonment;
- 3. A person that prepares for the commission of this offence shall face a penalty of 01 - 05 years' imprisonment.”.

21. Clause 1, Clause 2 and Clause 3 of Article 113 are amended as follows:

“1. Any person who, for the purpose of opposing the people's government, infringes upon life of officials or other people or destroy property of another organization or individual shall face a penalty of 12 - 20 years' imprisonment, life imprisonment, or death.

2. This offence committed in any of the following manners carries a penalty of 10 - 15 years' imprisonment:

- a) Establishing, joining a terrorist organization or an organization sponsoring terrorism;
- b) Forcing, persuading other people to participate in terrorism; recruiting, training terrorists; manufacturing, providing weapons for terrorists;
- c) Infringing upon bodily integrity, health of officials or other people; appropriating or damaging property of another organization or individual;
- d) Attacking, violating, obstructing, disrupting the computer network, telecommunications network or electronic devices of another organization or individual.

3. The act of threatening to commit any of the acts specified in Clause 1 of this Article or intimidating another person carries a penalty of 05 - 10 years' imprisonment.”.

22. Article 134 is amended as follows:

**“Article 134. Deliberate infliction of bodily harm upon another person**

1. A person who deliberately inflicts bodily harm upon another person and causes 11% - 30% whole person impairment (WPI) or under 11% WPI in any of the following circumstances shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

- a) Explosive, a dangerous weapon, a dangerous method is used to harm numerous people;
- b) Acid or a hazardous chemical is used;
- c) The victim is a person aged under 16, a women whose pregnancy is known by the offender, an old and weak, sick, or defenseless person;
- d) The victim is the offender's grandparent, parent, caregiver, teacher or physician;
- dd) The offence is committed by an organized group;
- e) The offender misuses his/her position or power to commit the offence;
- g) The offender commits the crime while being kept in temporary detention, serving an imprisonment sentence, receiving compulsory education in a reform school, correctional institution or rehabilitation center;

h) The offence hires another person or is hired by another person to inflict bodily harm to another person;

i) The offence is of a gangster-like nature;

k) The offence is committed against a law enforcement officer in performance of his/her official duties or because of his/her official duties.

2. This offence committed in any of the following circumstances carries a penalty of 02 - 06 years' imprisonment:

a) The offence causes 31% - 60% WPI for another person;

b) The offence results in bodily harm to more than one person, each of whom suffers from 11% - 30% WPI;

c) The offence has been committed more than once;

d) Dangerous recidivism;

dd) The offence results in bodily harm to another person who suffers from 11% - 30% WPI in any of the circumstances specified in Point a through k Clause 1 of this Article.

3. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

a) The offence results in  $\geq 61\%$  WPI of the victim, except in the circumstances specified in Point b Clause 4 of this Article;

b) The offence results in bodily harm to more than one person, each of whom suffers from 31% - 60% WPI;

c) The offence results in bodily harm to another person who suffers from 31% - 60% WPI in any of the circumstances specified in Point a through k Clause 1 of this Article;

d) The offence results in bodily harm to more than one person, each of whom suffers from 11% - 30% WPI in any of the circumstances specified in Point a through k Clause 1 of this Article.

4. This offence committed in any of the following circumstances carries a penalty of 07 - 14 years' imprisonment:

a) The offence results in the death of a person;

b) The offence results in deformation of the victim's face and the physical disability inflicted is  $\geq 61\%$ ;

c) The offence results in bodily harm to more than one person, each of whom suffers from  $\geq 61\%$  WPI;

d) The offence results in bodily harm to another person who suffers from  $\geq 61\%$  WPI in any of the circumstances specified in Point a through k Clause 1 of this Article;

dd) The offence results in bodily harm to more than one person, each of whom suffers from 31% - 60% WPI in any of the circumstances specified in Point a through k Clause 1 of this Article.

5. This offence committed in any of the following circumstances carries a penalty of 12 - 20 years' imprisonment or life imprisonment:

a) The offence results in the death of more than one person;

b) The offence results in bodily harm to more than one person, each of whom suffers from  $\geq 61\%$  WPI in any of the circumstances specified in Point a through k Clause 1 of this Article.

6. Any person who prepares a weapon, explosive, acid, dangerous chemical; establishes or joins a group of criminals to inflict bodily harm upon another person and shall face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.”.

23. Clause 1, Clause 2 and Clause 3 of Article 141 are amended as follows:

“1. Any person who uses violence or threatens to use violence or takes advantage of the victim's defenselessness or other tricks to engage in non-consensual sexual intercourse or other sexual activities shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed against a person for whom the offender is responsible for providing care, education or medical treatment;

c) The offence is committed by more than one person against one person;

d) The offence has been committed more than once;

dd) The offence is committed against more than one person;

e) The offence is of an incestuous nature;

- g) The offence results in the victim's pregnancy;
- h) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed as 31% - 60%;
- i) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 12 - 20 years' imprisonment or life imprisonment:

- a) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed as  $\geq 61\%$ ;
- b) The offender commits the offence in the knowledge of his HIV infection;
- c) The offence results in the death or suicide of the victim.”.

24. Clause 2 and Clause 3 Article 142 are amended as follows:

“2. This offence committed in any of the following circumstances carries a penalty of 12 – 20 years' imprisonment:

- a) The offence is of an incestuous nature;
- b) The offence results in the victim's pregnancy;
- c) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed as 31% - 60%;
- d) The offence is committed against a person for whom the offender is responsible for providing care, education or medical treatment;
- dd) The offence has been committed more than once;
- e) The offence is committed against more than one person;
- g) Dangerous recidivism.

3. This offence committed in any of the following circumstances shall carry a penalty of 20 years' imprisonment, life imprisonment or death:

- a) The offence is committed by an organized group;
- b) The offence is committed by more than one person against one person;
- c) The offence is committed against a person under 10;
- d) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed as  $\geq 61\%$ ;
- dd) The offender commits the offence in the knowledge of his HIV infection;

e) The offence results in the death or suicide of the victim.”.

25. Clause 2 and Clause 3 Article 143 are amended as follows:

“2. This offence committed in any of the following circumstances carries a penalty of 03 – 10 years' imprisonment:

- a) The offence is committed by more than one person against one person;
- b) The offence has been committed more than once;
- c) The offence is committed against more than one person;
- d) The offence is of an incestuous nature;
- dd) The offence results in the victim's pregnancy;
- e) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed as 31% - 60%;
- g) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 10 - 18 years' imprisonment:

- a) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed as  $\geq 61\%$ ;
- b) The offender commits the offence in the knowledge of his HIV infection;
- c) The offence results in the death or suicide of the victim.”.

26. Clause 2 and Clause 3 Article 144 are amended as follows:

“2. This offence committed in any of the following circumstances carries a penalty of 07 – 15 years' imprisonment:

- a) The offence is of an incestuous nature;
- b) The offence results in the victim's pregnancy;
- c) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed at 31% - 60%;
- d) The offence has been committed more than once;
- dd) The offence is committed against more than one person;
- e) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 12 - 20 years' imprisonment or life imprisonment:

- a) The offence is committed by more than one person against one person;
- b) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed at  $\geq 61\%$ ;
- c) The offender commits the offence in the knowledge of his HIV infection;
- d) The offence results in the death or suicide of the victim.”.

27. Clause 1, Clause 2 and Clause 3 of Article 150 are amended as follows:

“1. Any person who uses violence, threatens to use violence, deceives or employs other tricks to commit any of the following acts shall face a penalty of 05 - 10 years' imprisonment:

- a) Transferring or receiving human people for transfer for money, property, or other financial interests;
- b) Transferring or receiving human people for sexual slavery, coercive labor, taking body parts, or for other inhuman purposes;
- c) Recruiting, transporting, harboring other people for the commission of any of the acts specified in Point a or Point b of this Clause.

2. This offence committed in any of the following circumstances carries a penalty of 08 - 15 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The offence is committed by despicable motives;
- c) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed at 31% - 60%, except in the circumstances specified in Point b Clause 3 of this Article;
- d) The victim is taken out of Vietnam's territory;
- dd) The offence is committed against 02 - 05 people;
- e) The offence has been committed more than once;

3. This offence committed in any of the following circumstances carries a penalty of 12 - 20 years' imprisonment:

- a) The offence is committed in a professional manner;
- b) The victim's body part has been taken;
- c) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed at  $\geq 61\%$ ;

- d) The offence results in the death or suicide of the victim;
- dd) The offence is committed against  $\geq 06$  people;
- e) Dangerous recidivism.”.

28. Article 151 is amended as follows:

**“Article 151. Trafficking of a person under 16**

1. A person who commits any of the following acts shall face a penalty of 07 - 12 years' imprisonment:

- a) Transferring or receiving a person under 16 for transfer for money, property, or other financial interests, except for humanitarian purposes;
- b) Transferring or receiving a person under 16 for sexual slavery, coercive labor, taking body parts, or for other inhuman purposes;
- c) Recruiting, transporting, harboring a person under 16 for the commission of any of the acts specified in Point a or Point b of this Clause.

2. This offence committed in any of the following circumstances carries a penalty of 12 - 20 years' imprisonment:

- b) The offence involves abuse of the offender's position or power;
- b) The offender commits the offence by taking advantage of child adoption;
- c) The offence is committed against 02 - 05 people;
- d) The offence is committed against a person for whom the offender is responsible for providing care;
- dd) The victim is taken across the border out of Vietnam;
- e) The offence has been committed more than once;
- g) The offence is committed by despicable motives;
- h) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed at 31% - 60%, except in the circumstances specified in Point d Clause 3 of this Article.

3. This offence committed in any of the following circumstances carries a penalty of 18 - 20 years' imprisonment or life imprisonment:

- a) The offence is committed by an organized group;
- b) The offence is committed in a professional manner;

- c) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed at  $\geq 61\%$ ;
- d) The victim's body part has been taken;
- dd) The offence results in the death or suicide of the victim;
- e) The offence is committed against  $\geq 06$  people;
- g) Dangerous recidivism.

4. The offender might also be liable to a fine of from VND 50,000,000 to VND 200,000,000, put under mandatory supervision, prohibited from residence, prohibited from holding certain positions or doing certain jobs for 01 - 05 years or have part or all of his/her property confiscated.”.

29. Clause 2, Clause 3 and Clause 4 of Article 153 are amended as follows:

“2. This offence committed in any of the following circumstances carries a penalty of 05 – 10 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The offence involves abuse of the offender's position or power;
- c) The offence is committed against a person for whom the offender is responsible for providing care;
- d) The offence is committed against 02 - 05 people.
- dd) The offence has been committed more than once;
- e) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed at 31% - 60%.

3. This offence committed in any of the following circumstances carries a penalty of 10 - 15 years' imprisonment:

- a) The offence is committed in a professional manner;
- b) The offence involves  $\geq 06$  workers under 16;
- c) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed at  $\geq 61\%$ ;
- d) The offence results in the death of the victim;
- dd) Dangerous recidivism.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

30. Clause 1, Clause 2 and Clause 3 of Article 157 are amended as follows:

“1. Any person who arrests, detains, or imprisons another person against the law, except in the circumstances specified in Article 153 and Article 377 hereof, shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following circumstances carries a penalty of 02 - 07 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The offender misuses his/her position or power to commit the offence;
- c) The offence is committed against a law enforcement officer in performance of his/her official duties;
- d) The offence has been committed more than once;
- dd) The offence is committed against more than one person;
- e) The offence is committed against a person under 18, a women whose pregnancy is known by the offender, an elderly, sick, or defenseless person.
- g) The offence results in extreme financial hardship of the victim or his/her family;
- h) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed at 31% - 60%.

3. This offence committed in any of the following circumstances shall carry a penalty of 05 - 12 years' imprisonment:

- a) The offence results in the victim's death or suicide;
- b) The victim is tortured or treated in a brutal and inhuman way, or the victim's dignity is destroyed;
- c) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed at  $\geq 61\%$ .”.

31. Clause 1 Article 158 is amended as follows:

“1. A person who commits any of the following acts shall face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment:

- a) Illegally searching another person's home;
- b) Illegally evict a person from his/her home;
- c) Illegally occupying a home or obstructing its lawful residents or managers from entering their home;
- d) Invading a person's home.”.

32. Clause 1 and Clause 2 Article 162 are amended as follows:

“1. A person who commits any of the following acts and cause serious consequences shall be liable to a fine of from VND 10,000,000 to VND 100,000,000 or face a penalty of up to 01 year's community sentence or 03 – 12 months' imprisonment:

- a) Issuing illegal decisions on dismissal of an official;
- b) Laying off a worker against the law;
- c) Forcing or threatening an official or worker to resign.

2. This offence committed in any of the following circumstances carries a fine of from VND 100,000,000 to VND 200,000,000 or a penalty of 01 - 03 years' imprisonment:

- a) The offence is committed against more than one person;
- b) The offence is committed against a women whose pregnancy is known by the offender;
- c) The offence is committed against a woman raising a child under 12 months of age;
- d) The offence results in the suicide of the person who is illegally laid off or forced to resign.
- dd) The offence results in other very serious consequences or extremely serious consequences.”.

33. Clause 2, Clause 3 and Clause 4 of Article 169 are amended as follows:

“2. This offence committed in any of the following circumstances carries a penalty of 05 – 12 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The offence is committed in a professional manner;

- c) The offender uses a dangerous weapon, device, or other dangerous methods to commit the offence;
- d) The offence is made against a person under 16;
- dd) The offence is committed against more than one person;
- e) The ransom demanded is from VND 50,000,000 to under VND 200,000,000;
- g) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed at 11% - 30%;
- h) The offence has a negative impacts on social safety, order, and security;
- i) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 10 - 18 years' imprisonment:

- a) The ransom demanded is assessed at from VND 200,000,000 to under VND 500,000,000;
- b) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed at 31% - 60%.

4. This offence committed in any of the following circumstances carries a penalty of 15 - 20 years' imprisonment or life imprisonment:

- a) The ransom demanded is  $\geq$  VND 500,000,000;
- b) The offence results in the death of a person;
- c) The offence results in damage to physical or mental health of the victim and the victim's WPI is assessed at  $\geq$  61%.”.

34. Clause 1, Clause 2, Clause 3 and Clause 4 of Article 173 are amended as follows:

“1. A person who steals another person's property which is assessed at from VND 2,000,000 to under VND 50,000,000 or property assessed at under VND 2,000,000 in any of the following circumstances shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

- a) The offender has incurred an administrative penalty for appropriation of property;
- b) The offender has an unspent conviction for theft or any of the criminal offences specified in Article 168, 169, 170, 171, 172, 174, 175 and 290 hereof;

- c) The offence has negative impacts on social safety, order, and security;
- d) The property stolen is the primary means of livelihood of the victim and the victim's family;

dd) The property stolen is a relic.

2. This offence committed in any of the following circumstances carries a penalty of 02 - 07 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The offence is committed in a professional manner;
- c) The property stolen is assessed at from VND 50,000,000 to under VND 200,000,000;
- d) The offender employs a deceitful method or a dangerous method to commit the offence;
- dd) The offender attacks other people to escape;
- e) The property stolen is national treasure;
- g) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

- a) The property stolen is assessed at from VND 200,000,000 to under VND 500,000,000;
- b) The offender takes advantage of a natural disaster or epidemic to commit the offence.

4. This offence committed in any of the following circumstances carries a penalty of 12 - 20 years' imprisonment:

- a) The property stolen is  $\geq$  VND 500,000,000;
- b) The offender takes advantage of a war or state of emergency to commit the offence.”.

35. Article 175 is amended as follows:

**“Article 175. Abuse of trust to appropriate property**

1. A person who commits any of the following acts to obtain another person property which is assessed at from VND 4,000,000 to under VND 50,000,000, or under VND 4,000,000 while having incurred an administrative penalty for

property appropriation or while having an unspent conviction for this offence or any of the crimes specified in Article 168, 169, 170, 171, 172, 173, 174 and 290 hereof, or the property obtained is the primary means of livelihood of the victim or the victim's family shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Taking a loan, borrowing, leasing property of another person or receiving property of another person under a contract, then uses deception to appropriate it or refuses to repay the loan or return the property when the repayment or return of property is due despite he/she is capable of doing so;

b) Taking a loan, borrowing, leasing property of another person or receiving property of another person under a contract and then uses it for illegal purposes which result in the offender's inability to repay the loan or return the property.

2. This offence committed in any of the following circumstances carries a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The property illegally obtained is assessed at from VND 50,000,000 to under VND 200,000,000;

d) The offence involves abuse of the offender's position or power or committed in the name of an agency or organization;

dd) The offender employs deceitful methods to commit the offence;

e) The offence has a negative impact on social security, order or safety;

g) Dangerous recidivism.

3. If the property illegally obtained is assessed at from VND 200,000,000 to under VND 500,000,000, the offender shall face a penalty of 05 - 12 years' imprisonment.

4. If the property illegally obtained is assessed at from  $\geq$  VND 500,000,000, the offender shall face a penalty of 12 - 20 years' imprisonment.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years or have part or all of his/her property confiscated.”.

36. Clause 1, Clause 2, Clause 3 and Clause 4 of Article 178 are amended as follows:

“1. Any person who deliberately destroys another person's property which is assessed at from VND 2,000,000 to under VND 50,000,000 or under VND 2,000,000 in any of the following circumstances shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

- a) The offender incurred an administrative penalty for any of the offences specified in this Article;
- b) The offender has an unspent conviction for the same offence;
- c) The offence has a negative impacts on social safety, order, and security;
- d) The property destroyed is the primary means of livelihood of the victim and the victim's family;
- dd) The property destroyed is a souvenir or relic.

2. This offence committed in any of the following circumstances carries a penalty of 02 - 07 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The property damaged is assessed at from VND 50,000,000 to under VND 200,000,000;
- c) The property destroyed is national treasure;
- d) The offence is committed using a flammable substance or other dangerous methods;
- dd) The offence is committed to conceal another crime;
- e) The offence is committed because of the victim's official duties;
- g) Dangerous recidivism.

3. If the property destroyed is assessed at from VND 200,000,000 to under VND 500,000,000, the offender shall face a penalty of 05 - 10 years' imprisonment.

4. If the property destroyed is assessed at  $\geq$  VND 500,000,000, the offender shall face a penalty of 10 - 20 years' imprisonment.”.

37. Article 186 is amended as follows:

**“Article 186. Denial or avoidance of obligation to provide support**

If a person who has an obligation to provide support and is capable of providing support for another person for whom the former is responsible for providing

support as prescribed by law denies or avoids such obligation and such denial or avoidance results in serious bodily harm of the recipient or does it while having incurred an administrative penalty for any of the offences specified in this Article, except in the circumstances specified in Article 380 hereof, the offender shall receive a warning, face a penalty of up to 02 year's community sentence or 03 - 24 months' imprisonment.”

38. Article 188 is amended as follows:

a) Clause 1 Article 188 is amended as follows:

“1. Any person who illegally conducts deals in goods, Vietnamese currency, foreign currencies, rare metals, gemstones assessed at from VND 100,000,000 to under VND 300,000,000 or under VND 100,000,000 in any of the following circumstances across the border or between a free trade zone and the domestic market shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of 06 - 36 months' imprisonment:

a) The offender incurred an administrative penalty for the same offence or any of the offences specified in Article 189, 190, 191, 192, 193, 194, 195, 196 and 200 hereof, or the offender has an unspent conviction for one of the aforementioned offences;

b) The exhibit is a relic.”;

b) Clause 6 Article 188 is amended as follows:

“6. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits any of the offences specified in Clause 1 of this Article shall be liable to a fine of from VND 300,000,000 to VND 1,000,000,000 if the illegally transported items are goods, Vietnamese currency, foreign currencies, rare metals, gemstones assessed at from VND 200,000,000 to under VND 300,000,000, relics assessed at under VND 200,000,000; or the illegally transported items are goods, Vietnamese currency, foreign currencies, rare metals, gemstones assessed at from VND 100,000,000 to under VND 200,000,000 but the offender has incurred an administrative penalty for the same offence or any of the offences specified in Article 189, 190, 191, 192, 193, 194, 195, 196 and 200 hereof or has an unspent conviction for one of the aforementioned offences;

b) A corporate legal entity that commits this offence in any of the circumstances specified in Points a, b, c, d, dd, h, i Clause 2 of this Article shall be liable to fine of from VND 1,000,000,000 to VND 3,000,000,000;

c) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 3 of this Article shall be liable to fine of from VND 3,000,000,000 to VND 7,000,000,000;

d) A corporate legal entity that commits this offence in the circumstance specified in Clause 4 of this Article shall be liable to a fine of from VND 7,000,000,000 to VND 15,000,000,000 or has its operation suspended for 06 - 36 months;

dd) A corporate legal entity that commits this offence in the circumstance specified in Article 79 hereof shall be permanently shut down;

e) The violating corporate legal entity might also be liable to a fine of from VND 50,000,000 to VND 300,000,000, be banned from operating in certain fields or raising capital for 01 - 03 years.”.

39. Article 189 is amended as follows:

a) Clause 1 Article 189 is amended as follows:

“1. Any person who illegally conducts deals in goods, Vietnamese currency, foreign currencies, rare metals, gemstones assessed at from VND 100,000,000 to under VND 300,000,000 or under VND 100,000,000 across the border or between a free trade zone and the domestic market in any of the following circumstances shall be liable to a fine of from VND 20,000,000 to VND 200,000,000 or face a penalty of up to 02 years’ community sentence or a 03 - 24 months’ imprisonment:

a) The offender incurred an administrative penalty for the same offence or any of the offences specified in Article 188, 190, 191, 192, 193, 194, 195, 196 and 200 hereof, or the offender has an unspent conviction for one of the aforementioned offences;

b) The exhibit is a relic.”;

b) Clause 3 Article 189 is amended as follows:

“3. If the illegal goods are assessed at  $\geq$  VND 500,000,000, the offender shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000 or face a penalty of 05 - 10 years’ imprisonment.”;

c) Clause 5 Article 189 is amended as follows:

“5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits any of the offences specified in Clause 1 of this Article shall be liable to a fine of from VND 300,000,000 to VND 500,000,000 if the illegally transported items are goods, Vietnamese currency, foreign currencies, rare metals, gemstones assessed at from VND 200,000,000 to under VND 200,000,000, relics assessed at under VND 200,000,000; or the illegally transported items are goods, Vietnamese currency, foreign currencies, rare metals, gemstones assessed at from VND 100,000,000 to under VND 200,000,000 but the offender has incurred an administrative penalty for the same offence or any of the offences specified in Article 188, 190, 191, 192, 193, 194, 195, 196 and 200 hereof or has an unspent conviction for one of the aforementioned offences;

b) A corporate legal entity that commits this offence in any of the circumstances specified in Points a, b, c, e, g Clause 2 of this Article shall be liable to fine of from VND 500,000,000 to VND 2,000,000,000;

c) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 3 of this Article shall be liable to a fine of from VND 2,000,000,000 to VND 5,000,000,000 or has its operation suspended for 06 - 36 months;

d) A corporate legal entity that commits this offence in the circumstance specified in Article 79 hereof shall be permanently shut down;

dd) The violating corporate legal entity might also be liable to a fine of from VND 50,000,000 to VND 200,000,000, be banned from operating in certain fields or raising capital for 01 - 03 years.”.

40. Article 190 is amended as follows:

a) Clause 1, Clause 2 and Clause 3 of Article 190 are amended as follows:

“1. A person who commits any of the following acts, except in the circumstances specified in Articles 232, 234, 244, 246, 248, 251, 253, 254, 304, 305, 306, 309, 311 hereof, shall be liable to a fine of from VND 100,000,000 to VND 1,000,000,000 or face a penalty of 01 - 05 years’ imprisonment:

- a) Manufacturing or dealing in goods banned from trading and/or using by the State where the quantity of goods is from 50 kg to under 100 kg or from 50 liters to under 100 liters;
- b) Illegally importing from 1,500 to under 3,000 cigarette packs;
- c) Manufacturing or dealing in from 06 kg to under 40 kg of firecrackers;
- d) Manufacturing or dealing in other goods banned from trading and/or using by the State where the value of goods is from VND 100,000,000 to under VND 300,000,000 or the illegal profit earned is from VND 50,000,000 to under VND 200,000,000;
- dd) Manufacturing or dealing in other goods that have not been permitted in Vietnam where the value of goods is from VND 200,000,000 to under VND 500,000,000 or the illegal profit earned is from VND 100,000,000 to under VND 300,000,000;
- e) Manufacturing or dealing in a quantity of illegal goods below the lower limits mentioned in Points a, b, c, d, dd of this Clause while having incurred an administrative penalty for the same offence or any of the offences specified in Articles 188, 189, 191, 192, 193, 194, 195, 196 and 200 hereof or committing this offence while having an unspent conviction for any of the aforementioned offences.

2. This offence committed in any of the following circumstances shall carry a fine of from VND 1,000,000,000 to VND 3,000,000,000 or a penalty of 05 - 10 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The offender misuses his/her position or power to commit the offence;
- c) The offence is committed in the name of an agency or organization;
- d) The offence is committed in a professional manner;
- dd) The quantity of agrochemical banned by the State is from 100 kg to under 300 kg or from 100 liters to under 300 liters;
- e) The quantity of illegally imported cigarettes is from 3,000 to under 4,500 packs;
- g) The quantity of firecrackers is from 40 kg to under 120 kg;

- h) The value of other goods banned from trading and/or using by the State value of goods is from VND 300,000,000 to under VND 500,000,000 or the illegal profit earned is from VND 200,000,000 to under VND 500,000,000;
- i) The value of other goods that have not been permitted in Vietnam is from VND 500,000,000 to under VND 1,000,000,000 or the illegal profit earned is from VND 300,000,000 to under VND 700,000,000;
- k) Trading goods across the border, except for cigarettes;
- l) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 08 - 15 years' imprisonment:

- a) The quantity of agrochemical banned by the State is  $\geq 300$  kg or  $\geq 300$  liters;
- b) The quantity of illegally imported cigarettes is  $\geq 4,500$  packs;
- c) The quantity of firecrackers is  $\geq 120$  kg;
- d) The value of other goods banned from trading and/or using by the State value of goods is  $\geq$  VND 500,000,000 or the illegal profit earned is  $\geq$  VND 500,000,000;
- dd) The value of other goods that have not been permitted in Vietnam is  $\geq$  VND 1,000,000,000 or the illegal profit earned is  $\geq$  VND 700,000,000.”;

b) Point a, Point b and Point c of Clause 5 Article 190 are amended as follows:

“a) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000;

b) A corporate legal entity that commits this offence in any of the circumstances specified in Points a, d, dd, e, g, h, i, k, l Clause 2 of this Article shall be liable to fine of from VND 3,000,000,000 to VND 6,000,000,000;

c) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 3 of this Article shall be liable to a fine of from VND 6,000,000,000 to VND 9,000,000,000 or has its operation suspended for 06 - 36 months;”.

41. Article 191 is amended as follows:

a) Clause 1, Clause 2 and Clause 3 of Article 191 are amended as follows:

“1. A person who possesses or transports banned goods in any of the following circumstances, except in the circumstances specified in Articles 232, 234, 239, 244, 246, 249, 250, 253, 254, 304, 305, 306, 309, 311 hereof, shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of 06 - 36 months' imprisonment:

- a) The quantity of agrochemicals banned by the State is from 50 kg to under 100 kg or from 50 liters to under 100 liters;
- b) The quantity of illegally imported cigarettes is from 1,500 to under 3,000 packs;
- c) The quantity of firecrackers is from 06 kg to under 40 kg;
- d) The value of other goods banned from trading and/or using by the State is from VND 100,000,000 to under VND 300,000,000 or the illegal profit earned is from VND 50,000,000 to under VND 200,000,000;
- dd) The value of goods that have not been permitted in Vietnam is from VND 200,000,000 to under VND 500,000,000 or the illegal profit earned is from VND 100,000,000 to under VND 300,000,000;
- e) The quantity of illegal goods is below the lower limits mentioned in Points a, b, c, d, dd of this Clause but the offender has incurred an administrative penalty for any of the offences specified in this Article and Articles 188, 189, 190, 192, 193, 194, 195, 196 and 200 hereof or has an unspent conviction for any of the aforementioned offences.

2. This offence committed in any of the following circumstances carries a fine of from VND 300,000,000 to VND 1,000,000,000 or a penalty of 02 - 05 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The offender misuses his/her position or power to commit the offence;
- c) The offence is committed in the name of an agency or organization;
- d) The offence is committed in a professional manner;
- dd) The quantity of agrochemical banned by the State is from 100 kg to under 300 kg or from 100 liters to under 300 liters;
- e) The quantity of illegally imported cigarettes is from 3,000 to under 4,500 packs;
- g) The quantity of firecrackers is from 40 kg to under 120 kg;

h) The value of other goods banned from trading and/or using by the State value of goods is from VND 300,000,000 to under VND 500,000,000 or the illegal profit earned is from VND 200,000,000 to under VND 500,000,000;

i) The value of other goods that have not been permitted in Vietnam is from VND 500,000,000 to under VND 1,000,000,000 or the illegal profit earned is from VND 300,000,000 to under VND 700,000,000;

k) Goods are transported across the border, except for illegally imported cigarettes;

l) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

a) The quantity of agrochemical banned by the State is  $\geq 300$  kg or  $\geq 300$  liters;

b) The quantity of illegally imported cigarettes is  $\geq 4,500$  packs;

c) The quantity of firecrackers is  $\geq 120$  kg;

d) The value of other goods banned from trading and/or using by the State value of goods is  $\geq$  VND 500,000,000 or the illegal profit earned is  $\geq$  VND 500,000,000;

dd) The value of other goods that have not been permitted in Vietnam is  $\geq$  VND 1,000,000,000 or the illegal profit earned is  $\geq$  VND 700,000,000.”;

b) Point a, Point b and Point c of Clause 5 Article 191 are amended as follows:

“a) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 1 of this Article shall be liable to a fine of from VND 300,000,000 to VND 1,000,000,000;

b) A corporate legal entity that commits this offence in any of the circumstances specified in Points a, d, dd, e, g, h, i, k, l Clause 2 of this Article shall be liable to fine of from VND 1,000,000,000 to VND 3,000,000,000;

c) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 3 of this Article shall be liable to a fine of from VND 3,000,000,000 to VND 5,000,000,000 or has its operation suspended for 06 - 36 months;”.

42. Article 192 is amended as follows:

a) Clause 1, Clause 2 and Clause 3 of Article 192 are amended as follows:

“1. Any person who manufactures or deals in counterfeit goods in the following circumstances, except in the circumstances specified in Article 193, 194 and 195 hereof, shall be liable to a fine of from VND 100,000,000 to VND 1,000,000,000 or face a penalty of 01 - 05 years' imprisonment:

a) The value of counterfeit goods, according to the value of genuine goods with the same quantity, specifications or features, is assessed at from VND 30,000,000 to under VND 150,000,000 or under VND 30,000,000 but the offender has incurred an administrative penalty for any of the offences specified in this Article and Article 188, 189, 190, 191, 193, 194, 195, 196 and 200 hereof or has an unspent conviction for any of the aforementioned offences;

b) The offence causes 31% - 60% WPI for another person;

c) The illegal profit reaped is from VND 50,000,000 to under VND 100,000,000;

d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) The offence involves the abuse of the offender's position or power;

d) The offence is committed in the name of an agency or organization;

dd) The value of counterfeit goods, according to the value of genuine goods with the same quantity, specifications or features, is assessed at from VND 150,000,000 to under VND 500,000,000;

e) The illegal profit earned is from VND 100,000,000 to under VND 500,000,000;

g) The offence results in the death of a person;

h) The offence causes  $\geq 61\%$  WPI for another person;

i) The offence causes a total WPI of 61% - 121% for more than one person;

k) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000;

l) Goods are traded across the border;

m) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

a) The value of counterfeit goods, according to the value of genuine goods with the same quantity, specifications or features, is assessed at  $\geq$  VND 500,000,000;

b) The illegal profit earned is  $\geq$  VND 500,000,000;

c) The offence results in the death of  $\geq$  02 people;

d) The offence causes a total WPI of  $\geq$  122% for more than one person;

dd) The offence results in property damage assessed at  $\geq$  VND 1,500,000,000.”;

b) Point a and Point b Clause 5 of Article 192 are amended as follows:

“a) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000;

b) A corporate legal entity that commits this offence in any of the circumstances specified in Points a, b, dd, e, g, h, i, k, l, m Clause 2 of this Article shall be liable to fine of from VND 3,000,000,000 to VND 6,000,000,000;”.

43. Article 193 is amended as follows:

a) Clause 2, Clause 3 and Clause 4 of Article 193 are amended as follows:

“2. This offence committed in any of the following circumstances carries a penalty of 05 – 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) Dangerous recidivism.

d) The offence involves the abuse of the offender's position or power;

dd) The offence is committed in the name of an agency or organization;

e) Goods are traded across the border;

h) The value of counterfeit goods, according to the value of genuine goods with the same quantity, specifications or features, is assessed at from VND 150,000,000 to under VND 500,000,000;

h) The illegal profit earned is from VND 100,000,000 to under VND 500,000,000;

- i) The offence causes 31% - 60% WPI for another person;
- k) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 10 - 15 years' imprisonment:

- a) The value of counterfeit goods, according to the value of genuine goods with the same quantity, specifications or features, is assessed at  $\geq$  VND 500,000,000;
- b) The illegal profit earned is from VND 500,000,000 to under VND 1,500,000,000;
- c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000;
- d) The offence results in the death of a person;
- dd) The offence causes  $\geq$  61% WPI for another person;
- e) The offence causes a total WPI of 61% - 121% for more than one person.

4. This offence committed in any of the following circumstances carries a penalty of 15 - 20 years' imprisonment or life imprisonment:

- a) The illegal profit earned is  $\geq$  VND 1,500,000,000;
- b) The offence results in property damage assessed at  $\geq$  VND 1,500,000,000;
- c) The offence results in the death of  $\geq$  02 people;
- d) The offence causes a total WPI of  $\geq$  122% for more than one person.”;
- b) Clause 6 Article 193 is amended as follows:

“6. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

- a) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000;
- b) A corporate legal entity that commits this offence in any of the circumstances specified in Points a, b, c, e, g, h, I, k Clause 2 of this Article shall be liable to fine of from VND 3,000,000,000 to VND 6,000,000,000;

c) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 3 of this Article shall be liable to fine of from VND 6,000,000,000 to VND 9,000,000,000;

d) A corporate legal entity that commits this offence in the circumstance specified in Clause 4 of this Article shall be liable to a fine of from VND 9,000,000,000 to VND 18,000,000,000 or has its operation suspended for 06 - 36 months;

dd) A corporate legal entity that commits this offence in the circumstance specified in Article 79 hereof shall be permanently shut down;

e) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 300,000,000, be banned from operating in certain fields or raising capital for 01 - 03 years.”.

44. Article 194 is amended as follows:

a) Clause 2, Clause 3 and Clause 4 of Article 194 are amended as follows:

“2. This offence committed in any of the following circumstances carries a penalty of 05 – 12 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) Dangerous recidivism.

d) The offence involves the abuse of the offender's position or power;

dd) The offence is committed in the name of an agency or organization;

e) Goods are traded across the border;

h) The value of counterfeit goods, according to the value of genuine goods with the same quantity, specifications or features, is assessed at from VND 150,000,000 to under VND 500,000,000;

h) The illegal profit earned is from VND 100,000,000 to under VND 500,000,000;

i) The offence causes 31% - 60% WPI for another person;

k) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 12 - 20 years' imprisonment:

- a) The value of counterfeit goods, according to the value of genuine goods with the same quantity, specifications or features, is assessed at  $\geq$  VND 500,000,000;
- b) The illegal profit earned is from VND 500,000,000 to under VND 2,000,000,000;
- c) The offence results in the death of a person;
- d) The offence causes  $\geq$  61% WPI for another person;
- dd) The offence causes a total WPI of 61% - 121% for more than one person;
- e) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following circumstances shall carry a penalty of 20 years' imprisonment, life imprisonment or death:

- a) The illegal profit earned is  $\geq$  VND 2,000,000,000;
- b) The offence results in the death of  $\geq$  02 people;
- c) The offence results in bodily harm to  $\geq$  02 people who suffer from a total physical disability of  $\geq$  122%;
- d) The offence results in property damage assessed at  $\geq$  VND 1,500,000,000.";

b) Clause 6 Article 194 is amended as follows:

“6. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

- a) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 4,000,000,000;
- b) A corporate legal entity that commits this offence in any of the circumstances specified in Points a, b, c, e, g, h, I, k Clause 2 of this Article shall be liable to fine of from VND 4,000,000,000 to VND 9,000,000,000;
- c) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 3 of this Article shall be liable to fine of from VND 9,000,000,000 to VND 15,000,000,000;
- d) A corporate legal entity that commits this offence in the circumstance specified in Clause 4 of this Article shall be liable to a fine of from VND 15,000,000,000 to VND 20,000,000,000 or has its operation suspended for 01 - 03 years;

dd) A corporate legal entity that commits this offence in the circumstance specified in Article 79 hereof shall be permanently shut down;

e) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 300,000,000, be banned from operating in certain fields or raising capital for 01 - 03 years.”.

45. Article 195 is amended as follows:

a) The title, Clause 1, Clause 2 and Clause 3 of Article 195 are amended as follows:

**“Article 195. Manufacturing and trading of counterfeit animal feeds, fertilizers, veterinary medicines, pesticides, plant varieties, animal breeds**

1. Any person who manufactures or deals in counterfeit animal feeds, fertilizers, veterinary medicines, pesticides, plant varieties, animal breeds in the following circumstances shall be liable to a fine of from VND 100,000,000 to VND 1,000,000,000 or face a penalty of 01 - 05 years' imprisonment:

a) The value of counterfeit goods, according to the value of genuine goods with the same quantity, specifications or features, is assessed at from VND 30,000,000 to under VND 150,000,000 or under VND 30,000,000 but the offender has incurred an administrative penalty for any of the offences specified in this Article and Article 188, 189, 190, 191, 192, 193, 194, 196 and 200 hereof or has an unspent conviction for any of the aforementioned offences;

b) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000;

c) The illegal profit earned is from VND 50,000,000 to under VND 100,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence is committed in a professional manner;

c) Dangerous recidivism.

d) The offence involves the abuse of the offender's position or power;

dd) The offence is committed in the name of an agency or organization;

e) Goods are traded across the border;

h) The value of counterfeit goods, according to the value of genuine goods with the same quantity, specifications or features, is assessed at from VND 150,000,000 to under VND 500,000,000;

h) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000;

i) The illegal profit earned is from VND 100,000,000 to under VND 500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 10 - 15 years' imprisonment:

a) The value of counterfeit goods, according to the value of genuine goods with the same quantity, specifications or features, is assessed at  $\geq$  VND 500,000,000;

b) The property damage caused by the offence is assessed at from VND 1,500,000,000 to under VND 3,000,000,000;

c) The illegal profit earned is from VND 500,000,000 to under VND 2,000,000,000.”;

b) Clause 6 Article 195 is amended as follows:

“6. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000;

b) A corporate legal entity that commits this offence in any of the circumstances specified in Points a, b, c, e, g, h, i Clause 2 of this Article shall be liable to fine of from VND 3,000,000,000 to VND 6,000,000,000;

c) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 3 of this Article shall be liable to fine of from VND 6,000,000,000 to VND 9,000,000,000;

d) A corporate legal entity that commits this offence in the circumstance specified in Clause 4 of this Article shall be liable to a fine of from VND 9,000,000,000 to VND 15,000,000,000 or has its operation suspended for 06 - 36 months;

dd) A corporate legal entity that commits this offence in the circumstance specified in Article 79 hereof shall be permanently shut down;

e) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 300,000,000, be banned from operating in certain fields or raising capital for 01 - 03 years.”.

46. Article 199 is amended as follows:

**“Article 199. Offences related to electricity supply**

1. Any person who is responsible and illegally providing, cutting electricity supply, refusing to supply electricity or delaying solving an electricity breakdown without legitimate reasons shall be liable to a fine of from VND 30,000,000 to VND 150,000,000 or face a penalty of up to 02 years community sentence or 03 - 24 months' imprisonment:

- a) The offence causes  $\geq 61\%$  WPI for another person;
- b) The offence causes a total WPI of 61% - 121% for more than one person;
- c) The property damage caused by the offence is assessed at from VND 200,000,000 to under VND 500,000,000;
- d) The offender has incurred an disciplinary penalty administrative penalty for any of the offences specified in this Article or has an unspent conviction for the same offence.

2. This offence committed in any of the following circumstances carries a fine of from VND 150,000,000 to VND 500,000,000 or a penalty of 01 - 05 years' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes a total WPI of 122% - 200% for more than one person;
- c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 03 - 07 years' imprisonment:

- a) The offence results in the death of more than one person;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The offence results in property damage assessed at  $\geq$  VND 1,500,000,000.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

47. Article 200 is amended as follows:

a) Clause 1 Article 200 is amended as follows:

“1. Any person who commits any of the following acts of tax evasion with an amount of evaded tax from VND 100,000,000 to under VND 300,000,000 or under VND 100,000,000 while having incurred an administrative penalty for tax evasion or having an unspent conviction for any of the offences specified in Article 188, 189, 190, 191, 192, 193, 194, 195, 196, 202, 250, 251, 253, 254, 304, 305, 306, 309 and 311 hereof shall be liable to a fine of from VND 100,000,000 to VND 500,000,000 or face a penalty of 03 - 12 months' imprisonment:

a) Failure to submit the application for tax registration; failure to submit the tax declaration; submitting a tax declaration after 90 days from the deadline for submitting the tax declaration or after the extended deadline for submitting the tax declaration as prescribed by law;

b) Failure to record revenues related to the determination of tax payables in accounting books;

c) Failure to issue invoices after selling goods/services or write lower values on invoices than actual values of goods/services sold;

d) Use illegal invoices or vouchers to record purchased goods and raw materials that results in reduction of tax payable or increase exempt, reduced, deductible or refundable tax;

dd) Use of other illegal documents to falsify the amount of tax payable or increase exempt, reduced, deductible or refundable tax;

e) Making incorrect declaration of exported or imported goods without making an additional declaration after customs clearance are granted, except in the circumstances specified in Article 188 and Article 189 hereof;

g) Failure to declare or to correctly declare taxes on exported or imported goods, except in the circumstances specified in Article 188 and Article 189 hereof;

h) Collaborating with the consignor to illegally import goods, except in the circumstances specified in Article 188 and Article 189 hereof;

i) Using tax-free goods, goods eligible for tax exemption or conditional tax exemption for improper purposes without notifying the change of purposes to the tax authority.”;

b) Clause 5 Article 200 is amended as follows:

“5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) Any corporate legal entity that commits any of the acts of tax evasion specified in Clause 1 of this Article with an amount of from VND 200,000,000 to under VND 300,000,000 or from VND 100,000,000 to under VND 200,000,000 while having incurred an administrative penalty for tax evasion or having an unspent conviction for any of the offences specified in Article 188, 189, 190, 191, 192, 193, 194, 195 and 196 hereof shall be liable to a fine of from VND 300,000,000 to VND 1,000,000,000;

b) A corporate legal entity that commits this offence in any of the circumstances specified in Points a, b, d and dd Clause 2 of this Article shall be liable to fine of from VND 1,000,000,000 to VND 3,000,000,000;

c) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 3 of this Article shall be liable to a fine of from VND 3,000,000,000 to VND 10,000,000,000 or has its operation suspended for 06 - 36 months;

d) A corporate legal entity that commits this offence in the circumstance specified in Article 79 hereof shall be permanently shut down;

dd) The violating corporate legal entity might also be liable to a fine of from VND 50,000,000 to VND 200,000,000, be banned from operating in certain fields or raising capital for 01 - 03 years.”.

48. The title and Clause 1 Article 206 is amended as follows:

**“Article 206. Offences against regulations of law on banking operations and banking-related activities**

1. A person who deliberately commits any of the following acts that causes a loss of from VND 100,000,000 to under VND 300,000,000 for another person shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of 06 - 36 months' imprisonment:

a) Extending credit to entities ineligible for credit extension, except for credit cards;

b) Extending credits without guarantee or extending credits with preferential conditions for entities ineligible restricted from credit extension as prescribed by law;

- c) Violations against regulations on prudential ratios applied to credit institutions and branches of foreign banks specified in the Law on credit institutions;
- d) Falsely increasing the value of collateral during valuation to extend credit in case of secured transactions;
- dd) Violations against regulations on total credit balance applied to entities restricted from credit extension;
- e) Extending credits beyond the equity to a client and relevant persons, unless approval is granted by a competent person as prescribed by law;
- g) Violations against regulations on capital contribution, capital contribution limit, shares purchase, conditions for credit extension;
- h) Issuing, providing, using of illegal payment facilities; forging payment documents or payment facilities; using fake payment documents or payment facilities;
- i) Illegally trading in gold or foreign currencies;
- k) Engaging in banking operation without permission by a competent authority as prescribed by the Law on the State bank of Vietnam and the Law on credit institutions.”.

49. Article 213 is amended as follows:

a) Clause 1 Article 213 is amended as follows:

“1. A person who commits any of the following acts and to illegally obtain an amount of insurance payout of from VND 20,000,000 to under VND 100,000,000 or causes a loss of from VND 50,000,000 to under VND 200,000,000, except in the circumstances specified in Articles 174, 353 and 355 hereof, shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence:

- a) Colluding with the insured to receive indemnity or insurance payout against the law;
- b) Forging documents, falsifying information to reject insurance claims in an occurrence;
- c) Forging documents, falsifying information in the request for indemnity or insurance payout;

d) Causing damage to the offender's property or health to receive insurance benefits unless otherwise prescribed by law.”;

b) Clause 5 Article 213 is amended as follows:

“5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits any of the violations specified Clause 1 of this Article and the amount of insurance payout illegally obtained is from VND 200,000,000 to under VND 1,000,000,000 or the loss caused by the offence is from VND 400,000,000 to under VND 2,000,000,000 shall be liable to a fine of from VND 200,000,000 to VND 1,000,000,000;

b) If this offence is committed in any of the circumstances specified in Points a, b, dd Clause 2 of this Article or the amount of insurance payout illegally obtained is from VND 1,000,000,000 to under VND 3,000,000,000 or the damage inflicted is from VND 2,000,000,000 to under VND 5,000,000,000, the offender shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000;

c) If this offence is committed in the circumstance specified in Clause 3 of this Article and the insurance payout illegally obtained is  $\geq$  VND 3,000,000,000 or the damage inflicted is  $\geq$  VND 5,000,000,000, the offender shall be liable to a fine of from VND 3,000,000,000 to VND 7,000,000,000;

d) The corporate legal entity that commits this offence might also be prohibited from operating in certain fields or raising capital for 01 - 03 years.”.

50. Article 217 is amended as follows:

a) Clause 1 and Clause 2 of Article 217 are amended as follows:

“1. A person who commits any of the following acts and causes damage assessed at from VND 1,000,000,000 to under VND 5,000,000,000 for another person or obtains an illegal profit of from VND 500,000,000 to under VND 3,000,000,000 shall be liable to a fine of from VND 200,000,000 to VND 1,000,000,000 or face a penalty of up to 02 years' community sentence or 03 – 24 months imprisonment:

a) Reaching an agreement on preventing another enterprise from participating the market or developing its business;

b) Reaching an agreement on eliminating another enterprise which is not a party to such agreement from the market;

c) Reaching an agreement on limited competition while the parties to such contract has a total market share of  $\geq 30\%$ , including: agreement on directly or indirectly pricing goods/services; agreement on division of market, goods/services supply; agreement on restriction or control of quantity of goods/services; agreement on restriction on technological development or investment; agreement on imposition of conditions upon other enterprises for conclusion of sale contracts or forcing other enterprises to assume obligations that are not related to the contracts.

2. This offence committed in any of the following circumstances carries a fine of from VND 1,000,000,000 to VND 3,000,000,000 or a penalty of 01 - 05 years' imprisonment:

- a) The offence has been committed more than once;
- b) The offence involves the use of deceitful methods;
- c) The offender takes advantage of its dominant position or monopoly on the market;
- d) The illegal profit earned is  $\geq$  VND 3,000,000,000;
- dd) The damage incurred by other enterprises is  $\geq$  VND 5,000,000,000.”;

b) Point c Clause 4 of Article 217 is amended as follows:

“c) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 500,000,000, be banned from operating in certain fields or raising capital for 01 - 03 years.”.

51. Article 217a below is added after Article 217:

**“Article 217a. Offences against regulations of law on multi-level marketing**

1. Any person who runs a multi-level marketing company without or against the certificate of registration of multi-level marketing business in any of the following circumstances, except in the circumstances specified in Article 174 and Article 290 hereof, shall be liable to a fine of from VND 500,000,000 to VND 1,000,000,000 or face a penalty of up to 03 years' community sentence or 06 – 02 years' imprisonment:

- a) The offender has incurred an administrative penalty or has an unspent conviction for the same offence;
- b) The illegal profit earned is from VND 200,000,000 to under VND 1,000,000,000;

c) The offence causes a loss of from VND 500,000,000 to under VND 1,500,000,000 for another person.

2. This offence committed in any of the following circumstances carries a fine of from VND 1,000,000,000 to VND 5,000,000,000 or a penalty of 01 - 05 years' imprisonment:

a) The illegal profit earned is  $\geq$  VND 1,000,000,000;

b) The offence causes a loss of  $\geq$  VND 1,500,000,000 for another person;

c) The network is participated in by  $\geq$  100 people.

3. The offender might also be liable to a fine of from VND 100,000,000 to VND 500,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

52. Article 225 is amended as follows:

a) Clause 1 Article 225 is amended as follows:

“1. A person who, without the consent of the holders of copyrights and relevant rights, deliberately commits any of the following acts which infringe upon copyrights and relevant rights protected in Vietnam for commercial purpose or to earn an illegal profit of from VND 50,000,000 to under VND 300,000,000 or causes a loss of from VND 100,000,000 to under VND 500,000,000 for the holders of such copyrights and relevant rights, or with the violating goods assessed at from VND 100,000,000 to under VND 500,000,000 shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of up to 03 years' community sentence:

a) Making copies of works, video recordings or audio recordings;

b) Making the copies of works, video recordings, audio recordings publicly available.”;

b) Point a Clause 4 of Article 225 is amended as follows:

“a) Any corporate legal entity that commits an offence specified in Clause 1 of this Article for commercial purpose or to earn an illegal profit of from VND 200,000,000 to under VND 300,000,000 or causes a loss of from VND 300,000,000 to under VND 500,000,000 for the holders of such copyrights and relevant rights, or with the violating goods assessed at from VND 300,000,000 to under VND 500,000,000; earns an illegal profit of from VND 100,000,000 to under VND 200,000,000 or causes a loss of from VND 100,000,000 to under

VND 300,000,000 for the holders of such copyrights and relevant rights, or with the violating goods assessed at from VND 100,000,000 to under VND 300,000,000 while having incurred an administrative penalty for any of the offences specified in this Article or having an unspent conviction for the same offence shall be liable to a fine of from VND 300,000,000 to VND 1,000,000,000;”.

53. Article 226 is amended as follows:

a) Clause 1 Article 226 is amended as follows:

“1. A person who infringes upon industrial property rights to a protected trademark or geographical indication in Vietnam, of which the subject is counterfeit trademark or geographical indication goods with commercial scale or to earn an illegal profit of from VND 100,000,000 to under VND 300,000,000 or causes a loss of from VND 200,000,000 to under VND 500,000,000 to the owner of such trademark or geographical indication, or with the infringing goods assessed at from VND 200,000,000 to under VND 500,000,000 shall be liable to a fine of from VND 50,000,000 to VND 500,000,000 or face a penalty of up to 03 years' community sentence.”;

b) Point a Clause 4 of Article 226 is amended as follows:

“a) Any corporate legal entity that commits an offence specified in Clause 1 of this Article with commercial scale or to earn an illegal profit of from VND 200,000,000 to under VND 300,000,000 or causes a loss of from VND 300,000,000 to under VND 500,000,000 for the owner of the trademark or geographical indication, or with the infringing goods assessed at from VND 300,000,000 to under VND 500,000,000; earns an illegal profit of from VND 100,000,000 to under VND 200,000,000 or causes a loss of from VND 100,000,000 to under VND 300,000,000 for the owner of the trademark or geographical indication, or with the infringing goods assessed at from VND 100,000,000 to under VND 300,000,000 while having incurred an administrative penalty or having an unspent conviction for the same offence shall be liable to a fine of from VND 500,000,000 to VND 2,000,000,000;”.

54. Article 227 is amended as follows:

a) The title, Clause 1 and Clause 2 of Article 227 are amended as follows:

**“Article 227. Offences against regulations on survey, exploration and extraction of resources**

1. Any person who violates regulations of the State on survey, exploration, and extraction of resources on land, islands, inland waterway, territorial waters, exclusive economic zones, continental shelves, and airspace of Vietnam without a license or against the license in any of the following circumstances shall be liable to a fine of from VND 300,000,000 to VND 1,500,000,000 or face a penalty of 06 - 36 months' imprisonment:

- a) The illegal profit from the survey, exploration and/or extraction of water resources, petroleum, or other resources is from VND 100,000,000 to under VND 500,000,000;
- b) The resources extracted are assessed at from VND 500,000,000 to under VND 1,000,000,000;
- c) The offence causes  $\geq 61\%$  WPI for another person;
- d) The offence causes a total WPI of 61% - 121% for more than one person;
- dd) The offender incurred an administrative penalty for any of the offences specified in this Article or has an unspent conviction for the same offence .

2. This offence committed in any of the following circumstances carries a fine of from VND 1,500,000,000 to VND 5,000,000,000 or a penalty of 02 - 07 years' imprisonment:

- a) The illegal profit earned from survey, exploration, and extraction of water, petroleum or other natural resources is  $\geq$  VND 500,000,000;
- b) The resources extracted are assessed at  $\geq$  VND 1,000,000,000;
- c) The offence is committed by an organized group;
- d) The offence results in an environmental emergency;
- dd) The offence results in the death of a person;
- e) The offence causes a total WPI of  $\geq 122\%$  for more than one person.”;

b) Point a Clause 4 of Article 227 is amended as follows:

“a) Any corporate legal entity that commits an offence specified in Clause 1 of this Article and earns an illegal profit of from VND 300,000,000 to under VND 500,000,000 or extracts an amount of resources assessed from VND 700,000,000 to under VND 1,000,000,000 or causes  $\geq 61\%$  WPI for another person or causes a total WPI of 61% - 121% for  $\geq 02$  people; earns an illegal profit of from VND 100,000,000 to under VND 300,000,000 or extracts an amount of resources assessed from VND 500,000,000 to under VND

700,000,000 while having incurred an administrative penalty for any of the offences specified in this Article or having an unspent conviction for the same offence shall be liable to a fine of from VND 1,500,000,000 to VND 3,000,000,000;”.

55. Article 232 is amended as follows:

a) The title, Clause 1, Clause 2 and Clause 3 of Article 232 are amended as follows:

**“Article 232. Offences against regulations on extraction and protection of forests and forest products**

1. A person who commits any of the following acts, except in the circumstances specified in Article 243 hereof, shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Illegal logging in a production forest that is a cultivated forest with a volume of from 20 m<sup>3</sup> to under 40 m<sup>3</sup> of timber of common species; from 15 m<sup>3</sup> to under 30 m<sup>3</sup> of timber of endangered, rare species in Group IIA;

b) Illegal logging in a production forest that is a natural forest with a volume of from 10 m<sup>3</sup> to under 20 m<sup>3</sup> of timber of common species; from 07 m<sup>3</sup> to under 15 m<sup>3</sup> of timber of endangered, rare species in Group IIA;

c) Illegal logging in a protection forest that is a cultivated forest with a volume of from 15 m<sup>3</sup> to under 30 m<sup>3</sup> of timber of common species; from 10 m<sup>3</sup> to under 20 m<sup>3</sup> of timber of endangered, rare species in Group IIA;

dd) Illegal logging in a protection forest that is a natural forest with a volume of from 07 m<sup>3</sup> to under 15 m<sup>3</sup> of timber of common species; from 05 m<sup>3</sup> to under 10 m<sup>3</sup> of timber of endangered, rare species in Group IIA;

dd) Illegal logging in a specialized forest that is a cultivated forest with a volume of from 10 m<sup>3</sup> to under 20 m<sup>3</sup> of timber of common species; from 05 m<sup>3</sup> to under 10 m<sup>3</sup> of timber of endangered, rare species in Group IIA;

e) Illegal logging in a specialized forest that is a natural forest with a volume of from 03 m<sup>3</sup> to under 08 m<sup>3</sup> of timber of common species; from 01 m<sup>3</sup> to under 03 m<sup>3</sup> of timber of endangered, rare species in Group IIA;

g) Illegal extraction of non-timber plants in Group IIA assessed at from VND 50,000,000 to under VND 100,000,000; common non-timber plants assessed at from VND 100,000,000 to under VND 200,000,000;

- h) Illegal extraction of timber of species on the list of endangered species or in Group IA with a volume of from 01 m<sup>3</sup> to under 02 m<sup>3</sup> in a production forest; from 0,5 m<sup>3</sup> to under 1.5 m<sup>3</sup> in a protection forest; from 0.5 m<sup>3</sup> to under 01 m<sup>3</sup> in a specialized forest;
- i) Illegal extraction of non-timber plants on the list of endangered species or in Group IA assessed at from VND 30,000,000 to under VND 60,000,000;
- k) Illegal possession, transport, treatment, trading of from 1.5 m<sup>3</sup> to under 03 m<sup>3</sup> of timber of species on the list of endangered species or in Group IA or alien species in Appendix I of CITES or List of endangered and rare species; from 10 m<sup>3</sup> to under 20 m<sup>3</sup> of timber of species in Group IIA or alien species in Appendix II of CITES; from 20 m<sup>3</sup> to under 40 m<sup>3</sup> of timber of common species;
- l) Illegal possession, transport, treatment, trading of non-timber plants assessed at from VND 300,000,000 to under VND 600,000,000;
- m) Illegal extraction, possession, transport, treatment or trading of timber or non-timber plants whose value is smaller than the lower limits specified in Point a through l of this Clause while having incurred an administrative penalty for any of the violations specified in this Article or having an unspent conviction for the same offence .

2. This offence committed in any of the following circumstances carries a fine of from VND 300,000,000 to VND 1,500,000,000 or a penalty of 02 - 07 years' imprisonment:

- a) Illegal logging in a production forest that is a cultivated forest with a volume of from 40 m<sup>3</sup> to under 80 m<sup>3</sup> of timber of common species; from 30 m<sup>3</sup> to under 50 m<sup>3</sup> of timber of endangered, rare species in Group IIA;
- b) Illegal logging in a production forest that is a natural forest with a volume of from 20 m<sup>3</sup> to under 40 m<sup>3</sup> of timber of common species; from 15 m<sup>3</sup> to under 30 m<sup>3</sup> of timber of endangered, rare species in Group IIA;
- c) Illegal logging in a protection forest that is a cultivated forest with a volume of from 30 m<sup>3</sup> to under 60 m<sup>3</sup> of timber of common species; from 20 m<sup>3</sup> to under 40 m<sup>3</sup> of timber of endangered, rare species in Group IIA;
- dd) Illegal logging in a protection forest that is a natural forest with a volume of from 15 m<sup>3</sup> to under 30 m<sup>3</sup> of timber of common species; from 10 m<sup>3</sup> to under 20 m<sup>3</sup> of timber of endangered, rare species in Group IIA;

- dd) Illegal logging in a specialized forest that is a cultivated forest with a volume of from 20 m<sup>3</sup> to under 40 m<sup>3</sup> of timber of common species; from 10 m<sup>3</sup> to under 20 m<sup>3</sup> of timber of endangered, rare species in Group IIA;
- e) Illegal logging in a specialized forest that is a natural forest with a volume of from 08 m<sup>3</sup> to under 15 m<sup>3</sup> of timber of common species; from 03 m<sup>3</sup> to under 10 m<sup>3</sup> of timber of endangered, rare species in Group IIA;
- g) Illegal extraction of non-timber plants in Group IIA assessed at from VND 100,000,000 to under VND 200,000,000; common non-timber plants assessed at from VND 200,000,000 to under VND 400,000,000;
- h) Illegal extraction of timber on the list of endangered species or in Group IA with a volume of from 02 m<sup>3</sup> to under 04 m<sup>3</sup> in a production forest; from 1.5 m<sup>3</sup> to under 03 m<sup>3</sup> in a protection forest; from 01 m<sup>3</sup> to under 02 m<sup>3</sup> in a specialized forest;
- i) Illegal extraction of non-timber plants on the list of endangered species or in Group IA assessed at from VND 60,000,000 to under VND 120,000,000;
- k) Illegal possession, transport, processing, trading of from 03 m<sup>3</sup> to under 06 m<sup>3</sup> of timber of species on the list of endangered species or in Group IA or alien species in Appendix I of CITES or List of endangered and rare species; from 20 m<sup>3</sup> to under 40 m<sup>3</sup> of timber of species in Group IIA or alien species in Appendix II of CITES; from 40 m<sup>3</sup> to under 80 m<sup>3</sup> of timber of common species;
- l) Illegal possession, transport, treatment, trading of non-timber plants assessed at from VND 600,000,000 to under VND 1,200,000,000;
- m) The offence is committed by an organized group;
- n) Illegal goods are transported or traded across the border;
- o) Dangerous recidivism;

3. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

- a) Illegal logging in a production forest that is a cultivated forest with a volume of  $\geq 80$  m<sup>3</sup> of timber of common species;  $\geq 50$  m<sup>3</sup> of timber of endangered, rare species in Group IIA;
- b) Illegal logging in a production forest that is a natural forest with a volume of  $\geq 40$  m<sup>3</sup> of timber of common species;  $\geq 30$  m<sup>3</sup> of timber of endangered, rare species in Group IIA;

- c) Illegal logging in a protection forest that is a cultivated forest with a volume of  $\geq 60 \text{ m}^3$  of timber of common species;  $\geq 40 \text{ m}^3$  of timber of endangered, rare species in Group IIA;
- dd) Illegal logging in a protection forest that is a natural forest with a volume of  $\geq 30 \text{ m}^3$  of timber of common species;  $\geq 20 \text{ m}^3$  of timber of endangered, rare species in Group IIA;
- dd) Illegal logging in a specialized forest that is a cultivated forest with a volume of  $\geq 40 \text{ m}^3$  of timber of common species;  $\geq 20 \text{ m}^3$  of timber of endangered, rare species in Group IIA;
- e) Illegal logging in a specialized forest that is a natural forest with a volume of  $\geq 15 \text{ m}^3$  of timber of common species;  $\geq 10 \text{ m}^3$  of timber of endangered, rare species in Group IIA;
- g) Illegal extraction of non-timber plants in Group IIA assessed at  $\geq \text{VND } 200,000,000$ ; common non-timber plants assessed at  $\geq \text{VND } 400,000,000$ ;
- h) Illegal extraction of timber on the list of endangered species or in Group IA with a volume of  $\geq 04 \text{ m}^3$  in a production forest;  $\geq 03 \text{ m}^3$  in a protection forest;  $\geq 02 \text{ m}^3$  in a specialized forest;
- i) Illegal extraction of non-timber plants on the list of endangered species or in Group IA assessed at  $\geq \text{VND } 120,000,000$ ;
- dd) Illegal possession, transport, treatment, trading of  $\geq 06 \text{ m}^3$  of timber of species on the list of endangered species or in Group IA or alien species in Appendix I of CITES;  $\geq 40 \text{ m}^3$  of timber of species in Group IIA or alien species in Appendix II of CITES;  $\geq 80 \text{ m}^3$  of timber of common species;
- l) Illegal possession, transport, treatment, trading of non-timber plants assessed at  $\geq \text{VND } 1,200,000,000$ .";
- b) Point a, Point b and Point c of Clause 5 Article 232 are amended as follows:
- “a) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 1 of this Article shall be liable to a fine of from VND 300,000,000 to VND 1,000,000,000;
- b) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 2 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000 or has its operation suspended for 06 - 24 months;

c) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 3 of this Article shall be liable to a fine of from VND 3,000,000,000 to VND 6,000,000,000 or has its operation suspended for 01 - 03 years;”.

56. Article 233 is amended as follows:

**“Article 233. Offences against regulations on forest management**

1. A person who abuses his/her position or power to commits any of the following acts shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Illegal allocation or withdrawal of forest or illegal forest leasing which involves an area of from 20,000 m<sup>2</sup> to under 25,000 m<sup>2</sup> of production forest, from 15,000 m<sup>2</sup> to under 20,000 m<sup>2</sup> of protection forest, or from 10,000 m<sup>2</sup> to under 15,000 m<sup>2</sup> of specialized forest;

b) Permitting illegal repurposing of forest which involves an area of from 10,000 m<sup>2</sup> to under 12,500 m<sup>2</sup> of production forest, from 7,500 m<sup>2</sup> to under 10,000 m<sup>2</sup> of protection forest, or from 5,000 m<sup>2</sup> to under 7,500 m<sup>2</sup> of specialized forest;

c) Permitting illegal extraction or transport of forest products in any of the circumstances specified in Clause 1 Article 232 hereof;

d) Illegal allocation or withdrawal of forest; illegal forest leasing; permitting illegal repurposing of forest; permitting illegal extraction or transport of forest products below the lower limits specified in Point a and Point b of this Clause and Point a through 1 Clause 1 Article 232 hereof while having incurred a disciplinary penalty for any of the offences specified in this Article.

2. This offence committed in any of the following circumstances carries a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) Illegal allocation or withdrawal of forest or illegal forest leasing which involves an area of from 25,000 m<sup>2</sup> to under 40,000 m<sup>2</sup> of production forest, from 20,000 m<sup>2</sup> to under 30,000 m<sup>2</sup> of protection forest, or from 15,000 m<sup>2</sup> to under 25,000 m<sup>2</sup> of specialized forest;

d) Permitting illegal repurposing of forest which involves an area of from 12,500 m<sup>2</sup> to under 17,000 m<sup>2</sup> of production forest, from 10,000 m<sup>2</sup> to under 15,000 m<sup>2</sup> of protection forest, or from 7,500 m<sup>2</sup> to under 12,000 m<sup>2</sup> of specialized forest;

dd) Permitting illegal extraction or transport of forest products in any of the circumstances specified in Point a through l Clause 2 Article 232 hereof.

3. This offence committed in any of the following circumstances carries a penalty of 05 - 12 years' imprisonment:

a) Illegal allocation or withdrawal forest or afforestation land which involves an area of  $\geq 40,000$  m<sup>2</sup> of production forest,  $\geq 30,000$  m<sup>2</sup> of protection forest, or  $\geq 25,000$  m<sup>2</sup> of specialized forest;

b) Permitting illegal repurposing of forest or afforestation land which involves an area of  $\geq 17,000$  m<sup>2</sup> of production forest,  $\geq 15,000$  m<sup>2</sup> of protection forest, or 12,000 m<sup>2</sup> of specialized forest;

c) Permitting illegal extraction or transport of forest products in any of the circumstances specified in Clause 3 Article 232 hereof.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000 or prohibited from holding certain positions or doing certain works for 01 - 05 years.”.

57. Article 234 is amended as follows:

a) The title, Clause 1, Clause 2 and Clause 3 of Article 234 are amended as follows:

**“Article 234. Offences against regulations on protection of wild animals**

1. A person who commits any of the following acts, except in the circumstances specified in Article 242 and Article 244 hereof, shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Illegal hunting, killing, raising, imparking, possession, transport, trading of Group IIB animals or animals in Appendix II of CITES the value of which is assessed at from VND 150,000,000 to under VND 500,000,000; other common wild animals assessed at from VND 300,000,000 to under VND 700,000,000 or earning an illegal profit of from VND 50,000,000 to under VND 200,000,000;

b) Illegal possession, transport, trading of body parts of products of Group IIB animals or animals in Appendix II of CITES the value of which is assessed at from VND 150,000,000 to under VND 500,000,000; of other common wild animals the value of which is assessed at from VND 300,000,000 to under VND 700,000,000 or earning an illegal profit of from VND 50,000,000 to under VND 200,000,000;

c) Illegal hunting, killing, raising, imparking, possession, transport, trading of animals, body parts or products thereof the value of which or the profit from which is lower than the lower limits specified in Point a and Point b of this Clause while having incurred an administrative penalty for any of the offences specified in this Article or having an unspent conviction for the same offence .

2. This offence committed in any of the following circumstances carries a fine of from VND 300,000,000 to VND 1,500,000,000 or a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offender misuses his/her position or power to commit the offence;

c) The offence is committed in the name of an agency or organization;

d) The offence is committed using banned hunting equipment;

dd) Hunting in a no-hunting area or during a no-hunting period;

e) The illegal goods are traded or transported across the border;

g) The value of body parts of products of Group IIB animals or animals in Appendix II of CITES is assessed at from VND 500,000,000 to under VND 1,000,000,000; the value of body parts or products of other common wild animals is assessed at from VND 700,000,000 to under VND 1,500,000,000;

h) The illegal profit earned is from VND 200,000,000 to under VND 500,000,000;

i) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 12 years' imprisonment:

a) The value of body parts of products of Group IIB animals or animals in Appendix II of CITES is assessed at  $\geq$  VND 1,000,000,000; the value of body parts or products of other common wild animals is assessed at  $\geq$  VND 1,500,000,000;

b) The illegal profit earned is  $\geq$  VND 500,000,000.”;

b) Point n Clause 5 of Article 234 is amended as follows:

“b) A corporate legal entity that commits this offence in any of the circumstances specified in Points a, d, dd, e, g, h, i Clause 2 of this Article shall be liable to fine of from VND 1,000,000,000 to VND 3,000,000,000;”.

58. Article 235 is amended as follows:

**“Article 235. Causing environmental pollution**

1. A person who commits any of the following acts shall be liable to a fine of from VND 50,000,000 to VND 500,000,000 or face a penalty of 03 - 24 months’ imprisonment:

a) Illegally burying, dumping, discharging into the environment from 1,000 kg to under 3,000 kg of hazardous wastes that contain extremely hazardous constituents beyond the limits prescribed by law or hazardous wastes in Appendix A of Stockholm Convention on persistent organic pollutants or from 3,000 kg to under 10,000 kg of other hazardous wastes;

b) Illegally burying, dumping, discharging into the environment from 500 kg to under 1,000 kg of hazardous wastes that contain extremely hazardous constituents beyond the limits prescribed by law or hazardous wastes in Appendix A of Stockholm Convention on persistent organic pollutants or from 1,500 kg to under 3,000 kg of other hazardous wastes while having incurred an administrative penalty for any of the offences specified in this Article or having an unspent conviction for the same offence ;

c) Discharging into the environment from 500 m<sup>3</sup>/day to under 5,000 m<sup>3</sup>/day of wastewater whose pollution indicators exceed the limits in technical regulations from 05 to under 10 times or from 300 m<sup>3</sup>/day to under 500 m<sup>3</sup>/day of wastewater whose pollution indicators exceed the limits in technical regulations by  $\geq$  10 times;

d) Discharging into the environment  $\geq$  500 m<sup>3</sup>/day of wastewater whose pollution indicators exceed the limits in technical regulations from 03 to under 05 times or from 300 m<sup>3</sup>/day to under 500 m<sup>3</sup>/day of wastewater whose pollution indicators exceed the limits in technical regulations from 05 to under 10 times or from 100 m<sup>3</sup>/day to under 300 m<sup>3</sup>/day of wastewater whose pollution indicators exceed the limits in technical regulations by  $\geq$  10 times while having incurred an

administrative penalty for any of the offences specified in this Article or having an unspent conviction for the same offence ;

dd) Discharging into the environment from 150,000 m<sup>3</sup>/hour to under 300,000 m<sup>3</sup>/hour of exhaust gas whose pollution indicators exceed the limits in technical regulations from 05 to under 10 times or from 100,000 m<sup>3</sup>/hour to under 150,000 m<sup>3</sup>/hour of exhaust gas whose pollution indicators exceed the limits in technical regulations by  $\geq 10$  times;

e) Discharging into the environment  $\geq 150,000$  m<sup>3</sup>/hour of exhaust gas whose pollution indicators exceed the limits in technical regulations from 03 to under 05 times or from 100,000 m<sup>3</sup>/hour to under 150,000 m<sup>3</sup>/hour of exhaust gas whose pollution indicators exceed the limits in technical regulations from 05 to under 10 times or from 50,000 m<sup>3</sup>/hour to under 100,000 m<sup>3</sup>/hour of exhaust gas whose pollution indicators exceed the limits in technical regulations by  $\geq 10$  times while having incurred an administrative penalty for any of the offences specified in this Article or having an unspent conviction for the same offence ;

g) Illegally burying, dumping, discharging into the environment from 100,000 kg to under 200,000 kg of conventional solid wastes or from 70,000 kg to under 100,000 kg of conventional solid wastes while having incurred an administrative penalty for any of the offences specified in this Article or having an unspent conviction for the same offence ;

h) Discharging wastewater; burying, discharging solid waste or releasing exhaust gas that contain radioactive substances with a radiation dose of from 50 mSv/year to under 200 mSv/year or with a dose rate from 0.0025 mSv/hour to under 0.01 mSv/hour

2. This offence committed in any of the following circumstances carries a fine of from VND 500,000,000 to VND 1,000,000,000 or a penalty of 01 - 05 years' imprisonment:

a) Illegally burying, dumping, discharging into the environment from 3,000 kg to under 5,000 kg of hazardous wastes that contain extremely hazardous constituents beyond the limits prescribed by law or hazardous wastes in Appendix A of Stockholm Convention on persistent organic pollutants or from 10,000 kg to under 50,000 kg of other hazardous wastes;

b) Discharging into the environment from 5,000 m<sup>3</sup>/day to under 10,000 m<sup>3</sup>/day of wastewater whose pollution indicators exceed the limits in technical regulations from 05 to under 10 times or from 500 m<sup>3</sup>/day to under 5,000 m<sup>3</sup>/day

of wastewater whose pollution indicators exceed the limits in technical regulations by  $\geq 10$  times;

c) Discharging into the environment from 300,000 m<sup>3</sup>/hour to under 500,000 m<sup>3</sup>/hour of exhaust gas whose pollution indicators exceed the limits in technical regulations from 05 to under 10 times or from 150,000 m<sup>3</sup>/hour to under 300,000 m<sup>3</sup>/hour of exhaust gas whose pollution indicators exceed the limits in technical regulations by  $\geq 10$  times;

d) Illegally burying, dumping, discharging into the environment from 200,000 kg to under 500,000 of conventional solid wastes;

dd) Discharging wastewater; burying, discharging solid waste or releasing exhaust gas that contain radioactive substances with a radiation dose of from 200 mSv/year to under 400 mSv/year or with a dose rate from 0.01 mSv/hour to under 0.02 mSv/hour;

e) The offence results in serious consequences.

3. This offence committed in any of the following circumstances carries a fine of from VND 1,000,000,000 to VND 3,000,000,000 or a penalty of 03 - 07 years' imprisonment:

a) Illegally burying, dumping, discharging into the environment  $\geq 5,000$  kg of hazardous wastes that contain extremely hazardous constituents beyond the limits prescribed by law or hazardous wastes in Appendix A of Stockholm Convention on persistent organic pollutants or  $\geq 50,000$  kg of other hazardous wastes;

b) Discharging into the environment  $\geq 10,000$  m<sup>3</sup>/day of wastewater whose pollution indicators exceed the limits in technical regulations from 05 to under 10 times or  $\geq 5,000$  m<sup>3</sup>/day of wastewater whose pollution indicators exceed the limits in technical regulations by  $\geq 10$  times;

c) Discharging into the environment  $\geq 500,000$  m<sup>3</sup>/hour of exhaust gas whose pollution indicators exceed the limits in technical regulations from 05 to under 10 times or  $\geq 300,000$  m<sup>3</sup>/hour of exhaust gas whose pollution indicators exceed the limits in technical regulations by  $\geq 10$  times;

d) Illegally burying, dumping, discharging into the environment  $\geq 500,000$  kg of conventional solid wastes;

dd) Discharging wastewater; burying, discharging solid waste or releasing exhaust gas that contain radioactive substances with a radiation dose of  $\geq 400$  mSv/year or with a dose rate of  $\geq 0.02$  mSv/hour;

e) The offence results in very serious consequences or extremely serious consequences.

4. The offender might also be liable to a fine of from VND 30,000,000 to VND 200,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.

5. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 1 of this Article shall be liable to a fine of from VND 3,000,000,000 to VND 7,000,000,000;

b) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 2 of this Article shall be liable to a fine of from VND 7,000,000,000 to VND 12,000,000,000 or has its operation suspended for 06 - 24 months;

c) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 3 of this Article shall be liable to a fine of from VND 12,000,000,000 to VND 20,000,000,000 or has its operation suspended for 01 - 03 years;

d) A corporate legal entity that commits this offence in the circumstance specified in Article 79 hereof shall be permanently shut down;

dd) The violating corporate legal entity might also be liable to a fine of from VND 1,000,000,000 to VND 5,000,000,000, prohibited from operating in certain fields for 01 - 03 years.”.

59. Article 237 is amended as follows:

a) Clause 1, Clause 2 and Clause 3 of Article 237 are amended as follows:

“1. A person who commits any of the following acts shall be liable to a fine of from VND 50,000,000 to VND 500,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Violations against regulations on prevention of environmental emergencies that lead to an environmental emergency;

b) Violations against regulations on response to environmental emergencies and environmental remediation that lead to serious environmental pollution or causes  $\geq 61\%$  WPI for another person or causes a total WPI of  $61\% - 121\%$  for  $\geq 02$  people or causes damage assessed at from VND 1,000,000,000 to under VND 3,000,000,000.

2. This offence committed in any of the following circumstances carries a fine of from VND 500,000,000 to VND 2,000,000,000 or a penalty of 02 - 07 years' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes a total WPI of  $122\% - 200\%$  for more than one person;
- c) The damage caused by the offence is assessed at from VND 3,000,000,000 to under VND 7,000,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

- a) The offence results in the death of more than one person;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The damage caused by the offence is assessed at  $\geq$  VND 7,000,000,000.”;

b) Point c Clause 5 of Article 237 is amended as follows:

“c) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 3 of this Article shall be liable to a fine of from VND 5,000,000,000 to VND 10,000,000,000 or has its operation suspended for 01 - 03 years;”.

60. Article 238 is amended as follows:

a) Clause 1, Clause 2 and Clause 3 of Article 238 are amended as follows:

“1. A person who commits any of the following acts which causes  $\geq 61\%$  WPI for another person or causes a total WPI of  $61\% - 121\%$  for  $\geq 02$  people or causes damage assessed at from VND 100,000,000 to under VND 300,000,000, except in the circumstances specified in Article 303 hereof, shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of up to 03 years' community sentence or 03 - 24 months' imprisonment:

- a) Illegally building houses or works within the perimeter of irrigation works, dykes or and disaster protection works;

b) Damaging irrigation works, dykes, and disaster protection works; works for protection, extraction, monitoring of water resources, works for protection and relief from harmful effects of water;

c) Illegally drilling, surveying, extracting soil, stones, sand, gravel, minerals, groundwater;

d) Using explosives, causing explosion or fire within the perimeter of irrigation works, dykes, and disaster protection works, works for protection, extraction, monitoring of water resources, works for protection and relief from harmful effects of water, unless there is a license or in an emergency prescribed by law;

dd) Operating a reservoirs, flood diversion works or flood control work against the procedures or technical regulations, unless it is decided by a competent person.

2. This offence committed in any of the following circumstances carries a fine of from VND 300,000,000 to VND 2,000,000,000 or a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence results in the death of a person;

d) The offence causes a total WPI of 122% - 200% for more than one person;

dd) The damage caused by the offence is assessed at from VND 300,000,000 to under VND 1,000,000,000;

e) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

a) The offence results in the death of more than one person;

b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;

c) The offence causes damage assessed at  $\geq$  VND 1,000,000,000.”;

b) Point c Clause 5 of Article 238 is amended as follows:

“c) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 3 of this Article shall be liable to a fine of from VND 3,000,000,000 to VND 5,000,000,000 or has its operation suspended for 01 - 03 years;”.

61. Article 239 is amended as follows:

a) Clause 1, Clause 2 and Clause 3 of Article 239 are amended as follows:

“1. A person who illegally brings wastes into Vietnam’s territory in any of the following circumstances shall be liable to a fine of from VND 200,000,000 to VND 1,000,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Bringing from 1,000 kg to under 3,000 kg of hazardous wastes that contain extremely hazardous constituents beyond the limits prescribed by law or hazardous wastes in Appendix A of Stockholm Convention on persistent organic pollutants or from 3,000 kg to under 10,000 kg of other hazardous wastes into Vietnam’s territory;

b) Bringing from 70,000 kg to under 170,000 kg of other wastes into Vietnam’s territory.

2. This offence committed in any of the following circumstances carries a fine of from VND 1,000,000,000 to VND 2,000,000,000 or a penalty of 02 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) Bringing from 3,000 kg to under 5,000 kg of hazardous wastes that contain extremely hazardous constituents beyond the limits prescribed by law or hazardous wastes in Appendix A of Stockholm Convention on persistent organic pollutants or from 10,000 kg to under 50,000 kg of other hazardous wastes into Vietnam’s territory;

c) Bringing from 170,000 kg to under 300,000 kg of other wastes into Vietnam’s territory.

3. This offence committed in any of the following circumstances carries a fine of from VND 2,000,000,000 to VND 5,000,000,000 or a penalty of 05 - 10 years' imprisonment:

a) Bringing  $\geq 5,000$  kg of hazardous wastes that contain extremely hazardous constituents beyond the limits prescribed by law or hazardous wastes in Appendix A of Stockholm Convention on persistent organic pollutants or  $\geq 50,000$  kg of other hazardous wastes into Vietnam’s territory;

b) Bringing  $\geq 300,000$  kg of other wastes into Vietnam’s territory.”;

b) Point b and Point c Clause 5 of Article 239 are amended as follows:

“b) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 2 of this Article shall be liable to a fine of from VND 3,000,000,000 to VND 5,000,000,000 or has its operation suspended for 06 - 12 months;

c) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 3 of this Article shall be liable to a fine of from VND 5,000,000,000 to VND 7,000,000,000 or has its operation suspended for 01 - 03 years;”.

62. Clause 1, Clause 2 and Clause 3 of Article 242 are amended as follows:

“1. A person who violates regulations on protection of aquatic resources in any of the following circumstances and causes a loss of aquatic resources assessed at from VND 100,000,000 to under VND 500,000,000 or extracts a quantity of aquatic products assessed at from VND 50,000,000 to under VND 200,000,000 or does it while having incurred an administrative penalty for any of the offences specified in this Article or having an unspent conviction for the same offence shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) Using poisons, explosives, chemicals, electricity or banned fishing for fishing or destructing aquatic resources;

b) Fishing in a banned area or a temporarily banned area as prescribed by law;

c) Extracting species banned from fishing, except in the circumstances specified in Article 244 hereof;

d) Destroying the habitat of aquatic species on the list of endangered species;

dd) The offence causes  $\geq 61\%$  WPI for another person;

e) The offence causes a total WPI of 61% - 121% for more than one person;

g) Violations against other regulations of law on protection of aquatic resources.

2. This offence committed in any of the following circumstances carries a fine of from VND 300,000,000 to VND 1,000,000,000 or a penalty of 03 - 05 years' imprisonment:

a) The offence causes a loss of aquatic resources assessed at from VND 500,000,000 to under VND 1,500,000,000 the a quantity of aquatic products extracted is assessed at from VND 200,000,000 to under VND 500,000,000;

- b) The offence results in the death of a person;
- c) The offence causes a total WPI of 122% - 200% for more than one person.

3. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

- a) The offence causes a loss of aquatic resources assessed at  $\geq$  VND 1,500,000,00, or the extracted quantity of aquatic products is assessed at  $\geq$  VND 500,000,000;
- b) The offence results in the death of  $\geq$  02 people;
- c) The offence causes a total WPI of 201% for  $\geq$  03 people.”.

63. Article 243 is amended as follows:

- a) Clauses 1, 2, 3 of Article 243 are amended as follows:

“1. Any person who sets fire to or destroys forests or otherwise inflicts damage to forests in any of the following circumstances shall be liable to a fine of from VND 50,000,000 to VND 500,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

- a) The offence involves an area of from 30,000 m<sup>2</sup> to under 50,000 m<sup>2</sup> of immature forests or contained cultivation site;
- b) The offence involves an area of from 5,000 m<sup>2</sup> to under 10,000 m<sup>2</sup> of production forest;
- c) The offence involves an area of from over 3,000 m<sup>2</sup> to under 7,000 m<sup>2</sup> of protection forest;
- d) The offence involves an area of from 1,000 m<sup>2</sup> to under 3,000 m<sup>2</sup> of specialized forest;
- dd) The offence causes a loss of forest products assessed at from VND 50,000,000 to under VND 100,000,000 in case it is not possible to determine the area of destroyed forest;
- e) The offence involves plants on the list of endangered species or plants in Group IA assessed at from VND 20,000,000 to under VND 60,000,000; plants in Group IIA assessed at from VND 40,000,000 to under VND 100,000,000;
- g) The destroyed forest area or volume of forest products is below the levels specified in Point a through e Clause 1 of this Article but the offender has

incurred an administrative penalty for any of the offence specified in this Article or has an unspent conviction for the same offence .

2. This offence committed in any of the following circumstances carries a penalty of 03 - 07 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The offence is committed in the name of an agency or organization;
- c) Dangerous recidivism.
- d) The offence involves an area of from 50,000 m<sup>2</sup> to under 100,000 m<sup>2</sup> of immature forests or contained cultivation site;
- dd) The offence involves an area of from over 10,000 m<sup>2</sup> to under 50,000 m<sup>2</sup> of production forest;
- e) The offence involves an area of from over 7,000 m<sup>2</sup> to under 10,000 m<sup>2</sup> of protection forest;
- g) The offence involves an area of from over 3,000 m<sup>2</sup> to under 5,000 m<sup>2</sup> of specialized forest;
- h) The offence causes a loss of forest products assessed at from VND 100,000,000 to under VND 200,000,000 in case it is not possible to determine the area of destroyed forest;
- i) The offence involves plants on the list of endangered species or plants in Group IA assessed at from VND 60,000,000 to under VND 100,000,000; plants in Group IIA assessed at from VND 100,000,000 to under VND 200,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

The offence involves an area of  $\geq 100,000$  m<sup>2</sup> of immature forests or contained cultivation site;

- b) The offence involves an area of  $\geq 50,000$  m<sup>2</sup> of production forest;
- c) The offence involves an area of  $\geq 10,000$  m<sup>2</sup> of protection forest;
- d) The offence involves an area of  $\geq 5,000$  m<sup>2</sup> of specialized forest;
- dd) The offence causes a loss of forest products assessed at  $\geq$  VND 200,000,000 in case it is not possible to determine the area of destroyed forest;

e) The offence involves plants on the list of endangered species or plants in Group IA assessed at from  $\geq$  VND 100,000,000; plants in Group IIA assessed at  $\geq$  VND 200,000,000.”;

b) Point n Clause 5 of Article 243 is amended as follows:

“b) A corporate legal entity that commits this offence in any of the circumstances specified in Points a, c, d, dd, e, g, h, i Clause 2 of this Article shall be liable to fine of from VND 2,000,000,000 to VND 5,000,000,000;”.

64. Article 244 is amended as follows:

a) The title, Clause 1, Clause 2 and Clause 3 of Article 244 are amended as follows:

**“Article 244. Offences against regulations on protection of endangered and rare animals**

1. Any person who violates regulations on protection of animals on the List of endangered and rare species; animals in Group IB or in Appendix I of CITES in any of the following circumstances shall be liable to a fine of from VND 500,000,000 to VND 2,000,000,000 or face a penalty of 01 - 05 years' imprisonment:

a) Illegal hunting, killing, imparking, transport, trading of animals on the list of endangered and rare species;

b) Illegal possession, transport, trading of vital body parts or products of animals specified in Point a of this Clause;

c) An offence that involves from 02 kg to under 20 kg of elephant tusks; from 0.05 kg to under 01 kg of rhino horns;

d) Illegal hunting, killing, raising, imparking, transport, trading of Group IB animals or animals in Appendix I of CITES other than those specified in Point a of this Clause involving 03 - 07 individuals of class mammalia, 07- 10 individuals of class aves or class reptilia or 10 - 15 individuals of other classes;

dd) Illegal possession, transport, trading of 03 - 07 individuals of class mammalia or vital body parts thereof, 07 - 10 individuals of class aves or class reptilia or vital body parts thereof, or 10 -15 individuals of other classes specified in Point d of this Clause or vital body parts thereof;

e) Illegal hunting, killing, raising, imparking, transport, trading of animals; illegal possession, transport, trading of animals, vital body parts or products

thereof below the lower limit specified in Point c through dd of his Clause while having incurred an administrative penalty for any of the offences specified in this Article or having an unspent conviction for the same offence .

2. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

a) The offence involves 03 - 07 individuals of class mammalia or vital body parts thereof, 07 - 10 individuals of class aves or class reptilia or vital body parts thereof, or 10 -15 individuals of other classes or vital body parts thereof in the circumstance specified in Point a Clause 1 of this Article;

b) The offence involves 08 - 11 individuals of class mammalia or vital body parts thereof, 11 - 15 individuals of class aves or class reptilia or vital body parts thereof, or 16 -20 individuals of other classes or vital body parts thereof in the circumstance specified in Point d Clause 1 of this Article;

c) The offence involves 01 - 02 elephants or vital body parts thereof; 03 - 05 bears, tigers or vital body parts thereof;

d) An offence that involves from 20 kg to under 90 kg of elephant tusks; from 01 kg to under 09 kg of rhino horns;

dd) The offence is committed by an organized group;

e) The offence is committed in the name of an agency or organization;

g) The offence is committed using banned hunting equipment;

h) Hunting in a no-hunting area or during a no-hunting period;

i) The illegal goods are traded or transported across the border;

k) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 10 - 15 years' imprisonment:

a) The offence involves  $\geq 08$  individuals of class mammalia or vital body parts thereof,  $\geq 11$  individuals of class aves or class reptilia or vital body parts thereof, or  $\geq 16$  individuals of other classes or vital body parts thereof in the circumstance specified in Point a Clause 1 of this Article;

b) The offence involves  $\geq 12$  individuals of class mammalia or vital body parts thereof,  $\geq 16$  individuals of class aves or class reptilia or vital body parts thereof, or  $\geq 21$  individuals of other classes or vital body parts thereof in the circumstance specified in Point d Clause 1 of this Article;

c) The offence involves  $\geq 03$  elephants or vital body parts thereof;  $\geq 06$  bears, tigers or vital body parts thereof;

d) The offence involves  $\geq 90$  kg of elephant tusks;  $\geq 09$  kg of rhino horns.”;

b) Point n Clause 5 of Article 244 is amended as follows:

“b) A corporate legal entity that commits this offence in any of the circumstances specified in Points a, b, c, d, dd, g, h, i, k Clause 2 of this Article shall be liable to fine of from VND 5,000,000,000 to VND 10,000,000,000;”.

65. Clause 2, Clause 3 and Clause 4 of Article 248 are amended as follows:

“2. This offence committed in any of the following circumstances carries a penalty of 07 – 15 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence involves the abuse of the offender's position or power;

d) The offence is committed in the name of an agency or organization;

dd) The offence involves a quantity of from 500 g to under 01 kg of opium poppy resin, cannabis resin, or coca glue;

e) The offence involves a quantity of from 05 g to under 30 g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;

g) The offence involves a quantity of from 20 g to under 100 g of other solid narcotic substances;

h) The offence involves a quantity of from 100 ml under 200 ml of other liquid narcotic substances;

i) Dangerous recidivism;

k) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point dd through h of this Clause.

3. This offence committed in any of the following circumstances carries a penalty of 15 - 20 years' imprisonment:

a) The offence is committed in a professional manner;

b) The offence involves a quantity of from 01 kg to under 05 kg of opium poppy resin, cannabis resin, or coca glue;

c) The offence involves a quantity of from 30 g to under 100 g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;

d) The offence involves a quantity of from 100 g to under 300 g of other solid narcotic substances;

dd) The offence involves a quantity of from 200 ml under 750 ml of other liquid narcotic substances;

e) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point b through dd of this Clause.

4. This offence committed in any of the following circumstances shall carry a penalty of 20 years' imprisonment, life imprisonment or death:

a) The offence involves a quantity of  $\geq 05$  kg of poppy resin, cannabis resin, or coca glue;

b) The offence involves a quantity of  $\geq 100$  g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;

c) The offence involves a quantity of  $\geq 300$  g of other solid narcotic substances;

d) The offence involves a quantity of  $\geq 750$  ml of other liquid narcotic substances;

dd) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point a through d of this Clause.”.

66. Clause 1, Clause 2, Clause 3 and Clause 4 of Article 249 are amended as follows:

“1. Any person who possesses narcotic substances for purposes other than trading, transporting, or manufacturing narcotic substances in any of the following circumstances shall face a penalty of 01 - 05 years' imprisonment:

a) The offender incurred an administrative penalty for any of the offences specified in this Article or has an unspent conviction for any of the offences specified in Article 248, 250, 251 and 252 hereof ;

b) The offence involves a quantity of from 01 g to under 500 g of poppy resin, cannabis resin, or coca glue;

c) The offence involves a quantity of from 0.1 g to under 05 g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;

d) The offence involves from 01 kg to under 10 kg of coca leaves, khat leaves (Catha edulis leaves); leaves, roots, stalks, branches, flowers, fruits of the cannabis plant or parts of other plants that contain narcotic substances prescribed by the Government;

dd) The offence involves a quantity of from 05 kg to under 50 kg of dried opium poppy fruits;

e) The offence involves a quantity of from 01 kg to under 10 kg of fresh opium poppy fruits;

g) The offence involves a quantity of from 01 g to under 20 g of other solid narcotic substances;

h) The offence involves a quantity of from 10 ml under 100 ml of other liquid narcotic substances;

i) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point b through h of this Clause.

2. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence involves the abuse of the offender's position or power;

d) The offence is committed in the name of an agency or organization;

dd) The offence involves employment of a person under 16 for commission of the offence;

e) The offence involves a quantity of from 500 g to under 01 kg of poppy resin, cannabis resin, or coca glue;

g) The offence involves a quantity of from 05 g to under 30 g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;

h) The offence involves from 10 kg to under 25 kg of coca leaves, khat leaves (Catha edulis leaves); leaves, roots, stalks, branches, flowers, fruits of the cannabis plant or parts of other plants that contain narcotic substances prescribed by the Government;

- i) The offence involves a quantity of from 50 kg to under 200 kg of dried opium poppy fruits;
- k) The offence involves a quantity of from 10 kg to under 50 kg of fresh opium poppy fruits;
- l) The offence involves a quantity of from 20 g to under 100 g of other solid narcotic substances;
- m) The offence involves a quantity of from 100 ml under 250 ml of other liquid narcotic substances;
- n) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point e through m of this Clause.

o) Dangerous recidivism;

3. This offence committed in any of the following circumstances carries a penalty of 10 - 15 years' imprisonment:

- a) The offence involves a quantity of from 01 kg to under 05 kg of poppy resin, cannabis resin, or coca glue;
- b) The offence involves a quantity of from 30 g to under 100 g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;
- c) The offence involves from 25 kg to under 75 kg of coca leaves, khat leaves (*Catha edulis* leaves); leaves, roots, stalks, branches, flowers, fruits of the cannabis plant or parts of other plants that contain narcotic substances prescribed by the Government;
- d) The offence involves a quantity of from 200 kg to under 600 kg of dried opium poppy fruits;
- dd) The offence involves a quantity of from 50 kg to under 150 kg of fresh opium poppy fruits;
- e) The offence involves a quantity of from 100 g to under 300 g of other solid narcotic substances;
- g) The offence involves a quantity of from 250 ml under 750 ml of other liquid narcotic substances;
- h) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point a through g of this Clause.

4. This offence committed in any of the following circumstances carries a penalty of 15 - 20 years' imprisonment or life imprisonment:

- a) The offence involves a quantity of  $\geq 05$  kg of poppy resin, cannabis resin, or coca glue;
- b) The offence involves a quantity of  $\geq 100$  g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;
- c) The offence involves  $\geq 75$  kg of coca leaves, khat leaves (*Catha edulis* leaves); leaves, roots, stalks, branches, flowers, fruits of the cannabis plant or parts of other plants that contain narcotic substances prescribed by the Government;
- d) The offence involves a quantity of  $\geq 600$  kg of dried opium poppy fruits;
- dd) The offence involves a quantity of  $\geq 150$  kg of fresh opium poppy fruits;
- e) The offence involves a quantity of  $\geq 300$  g of other solid narcotic substances;
- g) The offence involves a quantity of  $\geq 750$  ml of other liquid narcotic substances;
- h) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point a through g of this Clause.”.

67. Clause 1, Clause 2, Clause 3 and Clause 4 of Article 250 are amended as follows:

“1. Any person who illegally transport narcotic substances for purposes other than production, trading, possession of narcotic substances in any of the following circumstances shall face a penalty of 02 - 07 years' imprisonment:

- a) The offender incurred an administrative penalty for any of the offences specified in this Article or has an unspent conviction for any of the offences specified in Article 248, 249, 251 and 252 hereof ;
- b) The offence involves a quantity of from 01 g to under 500 g of poppy resin, cannabis resin, or coca glue;
- c) The offence involves a quantity of from 0,1 g to under 05 g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;
- d) The offence involves from 01 kg to under 10 kg of coca leaves, khat leaves (*Catha edulis* leaves); leaves, roots, stalks, branches, flowers, fruits of the

cannabis plant or parts of other plants that contain narcotic substances prescribed by the Government;

dd) The offence involves a quantity of from 05 kg to under 50 kg of dried opium poppy fruits;

e) The offence involves a quantity of from 01 kg to under 10 kg of fresh opium poppy fruits;

g) The offence involves a quantity of from 01 g to under 20 g of other solid narcotic substances;

h) The offence involves a quantity of from 10 ml under 100 ml of other liquid narcotic substances;

i) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point b through h of this Clause.

2. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offence involves the abuse of the offender's position or power;

d) The offence is committed in the name of an agency or organization;

dd) The offence involves employment of a person under 16 for commission of the offence;

e) The offence is committed across the border;

g) The offence involves a quantity of from 500 g to under 01 kg of poppy resin, cannabis resin, or coca glue;

h) The offence involves a quantity of from 05 g to under 30 g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;

i) The offence involves from 10 kg to under 25 kg of coca leaves, khat leaves (*Catha edulis* leaves); leaves, roots, stalks, branches, flowers, fruits of the cannabis plant or parts of other plants that contain narcotic substances prescribed by the Government;

k) The offence involves a quantity of from 50 kg to under 200 kg of dried opium poppy fruits;

l) The offence involves a quantity of from 10 kg to under 50 kg of fresh opium poppy fruits;

m) The offence involves a quantity of from 20 g to under 100 g of other solid narcotic substances;

n) The offence involves a quantity of from 100 ml under 250 ml of other liquid narcotic substances;

o) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point g through n of this Clause.

p) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 15 - 20 years' imprisonment:

a) The offence involves a quantity of from 01 kg to under 05 kg of poppy resin, cannabis resin, or coca glue;

b) The offence involves a quantity of from 30 g to under 100 g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;

c) The offence involves from 25 kg to under 75 kg of coca leaves, khat leaves (*Catha edulis* leaves); leaves, roots, stalks, branches, flowers, fruits of the cannabis plant or parts of other plants that contain narcotic substances prescribed by the Government;

d) The offence involves a quantity of from 200 kg to under 600 kg of dried opium poppy fruits;

dd) The offence involves a quantity of from 50 kg to under 150 kg of fresh opium poppy fruits;

e) The offence involves a quantity of from 100 g to under 300 g of other solid narcotic substances;

g) The offence involves a quantity of from 250 ml under 750 ml of other liquid narcotic substances;

h) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point a through g of this Clause.

4. This offence committed in any of the following circumstances shall carry a penalty of 20 years' imprisonment, life imprisonment or death:

- a) The offence involves a quantity of  $\geq 05$  kg of poppy resin, cannabis resin, or coca glue;
- b) The offence involves a quantity of  $\geq 100$  g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;
- c) The offence involves  $\geq 75$  kg of coca leaves, khat leaves (*Catha edulis* leaves); leaves, roots, stalks, branches, flowers, fruits of the cannabis plant or parts of other plants that contain narcotic substances prescribed by the Government;
- d) The offence involves a quantity of  $\geq 600$  kg of dried opium poppy fruits;
- dd) The offence involves a quantity of  $\geq 150$  kg of fresh opium poppy fruits;
- e) The offence involves a quantity of  $\geq 300$  g of other solid narcotic substances;
- g) The offence involves a quantity of  $\geq 750$  ml of other liquid narcotic substances;
- h) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point a through g of this Clause.”.

68. Clause 2, Clause 3 and Clause 4 of Article 251 are amended as follows:

“2. This offence committed in any of the following circumstances carries a penalty of 07 – 15 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The offence has been committed more than once;
- c) The offence is committed against more than one person;
- d) The offence involves the abuse of the offender's position or power;
- dd) The offence is committed in the name of an agency or organization;
- e) The offence involves employment of a person under 16 for commission of the offence;
- g) The offence is committed across the border;
- h) The offence involves a quantity of from 500 g to under 01 kg of poppy resin, cannabis resin, or coca glue;
- i) The offence involves a quantity of from 05 g to under 30 g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;

k) The offence involves from 10 kg to under 25 kg of coca leaves, khat leaves (Catha edulis leaves); leaves, roots, stalks, branches, flowers, fruits of the cannabis plant or parts of other plants that contain narcotic substances prescribed by the Government;

k) The offence involves a quantity of from 50 kg to under 200 kg of dried opium poppy fruits;

m) The offence involves a quantity of from 10 kg to under 50 kg of fresh opium poppy fruits;

n) The offence involves a quantity of from 20 g to under 100 g of other solid narcotic substances;

o) The offence involves a quantity of from 100 ml under 250 ml of other liquid narcotic substances;

p) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point h through o of this Clause;

q) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 15 - 20 years' imprisonment:

a) The offence involves a quantity of from 01 kg to under 05 kg of poppy resin, cannabis resin, or coca glue;

b) The offence involves a quantity of from 30 g to under 100 g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;

c) The offence involves from 25 kg to under 75 kg of coca leaves, khat leaves (Catha edulis leaves); leaves, roots, stalks, branches, flowers, fruits of the cannabis plant or parts of other plants that contain narcotic substances prescribed by the Government;

d) The offence involves a quantity of from 200 kg to under 600 kg of dried opium poppy fruits;

dd) The offence involves a quantity of from 50 kg to under 150 kg of fresh opium poppy fruits;

e) The offence involves a quantity of from 100 g to under 300 g of other solid narcotic substances;

g) The offence involves a quantity of from 250 ml under 750 ml of other liquid narcotic substances;

h) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point a through g of this Clause.

4. This offence committed in any of the following circumstances shall carry a penalty of 20 years' imprisonment, life imprisonment or death:

a) The offence involves a quantity of  $\geq 05$  kg of poppy resin, cannabis resin, or coca glue;

b) The offence involves a quantity of  $\geq 100$  g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;

c) The offence involves  $\geq 75$  kg of coca leaves (*Catha edulis* leaves); leaves, roots, stalks, branches, flowers, fruits of the cannabis plant or parts of other plants that contain narcotic substances prescribed by the Government;

d) The offence involves a quantity of  $\geq 600$  kg of dried opium poppy fruits;

dd) The offence involves a quantity of  $\geq 150$  kg of fresh opium poppy fruits;

e) The offence involves a quantity of  $\geq 300$  g of other solid narcotic substances;

g) The offence involves a quantity of  $\geq 750$  ml of other liquid narcotic substances;

h) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point a through g of this Clause.”.

69. Clause 1, Clause 2, Clause 3 and Clause 4 of Article 252 are amended as follows:

"1. Any person who appropriates narcotic substances in any shape or form in any of the following circumstances shall face a penalty of 01 - 05 years' imprisonment:

a) The offender incurred an administrative penalty for any of the offences specified in this Article or has an unspent conviction for any of the offences specified in Article 248, 249, 250 and 251 hereof ;

b) The offence involves a quantity of from 01 g to under 500 g of poppy resin, cannabis resin, or coca glue;

- c) The offence involves a quantity of from 0,1 g to under 05 g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;
- d) The offence involves from 01 kg to under 10 kg of coca leaves, khat leaves (*Catha edulis* leaves); leaves, roots, stalks, branches, flowers, fruits of the cannabis plant or parts of other plants that contain narcotic substances prescribed by the Government;
- dd) The offence involves a quantity of from 05 kg to under 50 kg of dried opium poppy fruits;
- e) The offence involves a quantity of from 01 kg to under 10 kg of fresh opium poppy fruits;
- g) The offence involves a quantity of from 01 g to under 20 g of other solid narcotic substances;
- h) The offence involves a quantity of from 10 ml under 100 ml of other liquid narcotic substances;
- i) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point b through h of this Clause.

2. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The offence has been committed more than once;
- c) The offence involves the abuse of the offender's position or power;
- d) The offence is committed in the name of an agency or organization;
- dd) The offence involves employment of a person under 16 for commission of the offence;
- e) The offence involves a quantity of from 500 g to under 01 kg of poppy resin, cannabis resin, or coca glue;
- g) The offence involves a quantity of from 05 g to under 30 g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;
- h) The offence involves from 10 kg to under 25 kg of coca leaves, khat leaves (*Catha edulis* leaves); leaves, roots, stalks, branches, flowers, fruits of the

cannabis plant or parts of other plants that contain narcotic substances prescribed by the Government;

i) The offence involves a quantity of from 50 kg to under 200 kg of dried opium poppy fruits;

k) The offence involves a quantity of from 10 kg to under 50 kg of fresh opium poppy fruits;

l) The offence involves a quantity of from 20 g to under 100 g of other solid narcotic substances;

m) The offence involves a quantity of from 100 ml under 250 ml of other liquid narcotic substances;

n) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point e through m of this Clause.

o) Dangerous recidivism;

3. This offence committed in any of the following circumstances carries a penalty of 10 - 15 years' imprisonment:

a) The offence involves a quantity of from 01 kg to under 05 kg of poppy resin, cannabis resin, or coca glue;

b) The offence involves a quantity of from 30 g to under 100 g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;

c) The offence involves from 25 kg to under 75 kg of coca leaves, khat leaves (*Catha edulis* leaves); leaves, roots, stalks, branches, flowers, fruits of the cannabis plant or parts of other plants that contain narcotic substances prescribed by the Government;

d) The offence involves a quantity of from 200 kg to under 600 kg of dried opium poppy fruits;

dd) The offence involves a quantity of from 50 kg to under 150 kg of fresh opium poppy fruits;

e) The offence involves a quantity of from 100 g to under 300 g of other solid narcotic substances;

g) The offence involves a quantity of from 250 ml under 750 ml of other liquid narcotic substances;

h) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point a through g of this Clause.

4. This offence committed in any of the following circumstances carries a penalty of 15 - 20 years' imprisonment or life imprisonment:

a) The offence involves a quantity of  $\geq 05$  kg of poppy resin, cannabis resin, or coca glue;

b) The offence involves a quantity of  $\geq 100$  g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11;

c) The offence involves  $\geq 75$  kg of coca leaves, khat leaves (*Catha edulis* leaves); leaves, roots, stalks, branches, flowers, fruits of the cannabis plant or parts of other plants that contain narcotic substances prescribed by the Government;

d) The offence involves a quantity of  $\geq 600$  kg of dried opium poppy fruits;

dd) The offence involves a quantity of  $\geq 150$  kg of fresh opium poppy fruits;

e) The offence involves a quantity of  $\geq 300$  g of other solid narcotic substances;

g) The offence involves a quantity of  $\geq 750$  ml of other liquid narcotic substances;

h) The offence involves  $\geq 02$  narcotic substances the total quantity of which is equivalent to the quantity of narcotic substances specified in Point a through g of this Clause.”.

70. Clause 1, Clause 2, Clause 3, Clause 4 and Clause 5 of Article 253 are amended as follows:

“1. Any person who possesses, transports, deals in or appropriates precursors for illegal manufacturing of narcotic substances in any of the following circumstances shall face a penalty of 01 - 06 years' imprisonment:

a) The offender incurred an administrative penalty for any of the offences specified in this Article or has an unspent conviction for the same offence ;

b) The offence involves a quantity of from 50 g to under 200 g of solid precursors;

c) The offence involves a quantity of from 75 ml under 300 ml of liquid precursors.

2. This offence committed in any of the following circumstances carries a penalty of 06 - 13 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The offence has been committed more than once;
- c) The offence involves the abuse of the offender's position or power;
- d) The offence is committed in the name of an agency or organization;
- dd) The offence involves a quantity of from 200 g to under 500 g of solid precursors;
- e) The offence involves a quantity of from 300 ml under 750 ml of liquid precursors;
- g) The offence involves employment of a person under 16 for commission of the offence;
- h) Precursors are transported or traded across the border;
- i) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 13 - 20 years' imprisonment:

- a) The offence involves a quantity of from 500 g to under 1,200 g of solid precursors;
- b) The offence involves a quantity of from 750 ml under 1,800 ml of liquid precursors.

4. This offence committed in any of the following circumstances shall carry a penalty of 20 years' imprisonment or life imprisonment:

- a) The offence involves a quantity of  $\geq 1,200$  g of solid precursors;
- b) The offence involves a quantity of  $\geq 1,800$  ml of liquid precursors.

5. If the offence involves both solid precursors and liquid precursors, their quantities shall be converted as follows: 01 g of a solid precursor is equivalent to 1.5 ml of a liquid precursor. The offender will be prosecuted accordingly.

71. The title and Clause 1 Article 259 is amended as follows:

**“Article 259. Offences against regulations on management of narcotic substances, precursors, narcotic drugs and psychotropic drugs**

1. A person who is responsible for management of narcotic substances, precursors, narcotic drugs or psychotropic drugs and commits any of the following acts despite the fact that he/she has incurred a disciplinary penalty or administrative penalty for any of the offences specified in this Article or has an unspent conviction for any of the offences specified in Chapter XX hereof shall be liable to a fine of from VND 10,000,000 to VND 100,000,000 or face a penalty of 01 - 05 years' imprisonment:

- a) Violations against regulations on export, import, temporary import, transit of narcotic substances, precursors, narcotic drug or psychotropic drug;
- b) Violations against regulations on research, analysis, manufacturing, storage of narcotic substances, precursors, narcotic drugs or psychotropic drugs;
- c) Violations against regulations on delivery, transport of narcotic substances, precursors, narcotic drugs or psychotropic drugs;
- d) Violations against regulations on distribution, trading, use, exchange of narcotic substances, precursors, narcotic drugs or psychotropic drugs;
- dd) Violations against regulations on management, control, storage of narcotic substances, precursors, narcotic drugs or psychotropic drugs in the border checkpoint area or at sea;
- e) Violations against regulations on dispensing and granting permission to use narcotic substances, precursors, narcotic drugs or psychotropic drugs.”.

72. Article 260 is amended as follows:

**“Article 260. Road traffic offences**

1. Any person who violates road traffic rules and causes damage for another person in any of the following circumstances shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

- a) The offender does not have a driving license as prescribed;
- b) The offender is under the influence of alcohol and with blood or breath alcohol content above the limit, or under the influence of drugs or other strong stimulants;
- c) The offender leaves the site after causing the accident to evade responsibility or refuses to help the victim;
- d) The offender fails to comply with the traffic controller's commands;
- dd) The offence results in the death of 02 people;
- e) The offence causes a total WPI of 122% - 200% for more than one person;
- g) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The offence results in property damage assessed at  $\geq$  VND 1,500,000,000.

4. If a road traffic offence that is likely to have any of the consequences mentioned in Point a, b, c Clause 3 of this Article is not promptly prevented, the offender shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 01 year's community sentence or 03 - 12 months' imprisonment.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

73. Article 261 is amended as follows:

**“Article 261. Obstruction of road traffic**

1. Any person who illegally digs, drills, cuts, buries road traffic works; illegally places or spills materials, wastes, garbage, slippery substances, sharp items, or other obstacles that obstruct road traffic; illegally removes, moves, blocks, or destroys road signs, traffic lights, milestones, road mirrors, median strip, or other road safety equipment; opens illegal crossing; illegally uses sidewalks, carriageway; illegally uses road safety corridors or commits violations against regulations on road traffic safety during construction on public roads and causes

damage for another person in any of the following circumstances shall be liable to a fine of from VND 30,000,000 to VND 100,000,000, up to 03 years' community sentence or 06 - 36 months' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a fine of from VND 100,000,000 to VND 300,000,000 or a penalty of 02 - 07 years' imprisonment:

- a) The offence is committed on a mountain pass, freeway or dangerous road;
- b) The offence results in the death of 02 people;
- c) The offence causes a total WPI of 122% - 200% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The offence results in property damage assessed at  $\geq$  VND 1,500,000,000.

4. If the act of obstruction of road traffic that is likely to have any of the consequences mentioned in Point a, b, c Clause 3 of this Article is not promptly prevented, the offender shall be liable to a fine of from VND 5,000,000 to VND 20,000,000 or face a penalty of up to 01 year's community sentence.”.

74. Article 262 is amended as follows:

**"Article 262. Allowing the use of unroadworthy road vehicles or heavy-duty vehicles**

1. Any person who is responsible for operation or operating conditions of vehicles but allows the use of unroadworthy road vehicles or heavy-duty vehicles and causes damage for another person in any of the following circumstances shall be liable to a fine of from VND 20,000,000 to VND

100,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 02 - 07 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of 122% - 200% for more than one person;
- c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The offence results in property damage assessed at  $\geq$  VND 1,500,000,000.

4. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

75. Article 263 is amended as follows:

**“Article 263. Requesting an unqualified person to operate a vehicle on public roads**

1. Any person who makes use of his/her power to request another person to operate a vehicle on public roads in the knowledge that he/she does not have a driver license, does not have capable health, has not reached the driving age, is under the influence of alcohol with blood or breath alcohol content above the limit, under the influence of drugs or other strong stimulants and as a results causes damage for another person in any of the following circumstances shall be liable to a fine of from VND 20,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 03 years' imprisonment:

- a) The offence results in the death of a person;

- b) The offence causes  $\geq 61\%$  WPI for another person;
  - c) The offence causes a total WPI of 61% - 121% for more than one person.
  - d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.
2. This offence committed in any of the following circumstances carries a penalty of 02 - 07 years' imprisonment:
- a) The offence results in the death of 02 people;
  - b) The offence causes a total WPI of 122% - 200% for more than one person;
  - c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.
3. This offence committed in any of the following circumstances carries a penalty of 05 - 12 years' imprisonment:
- a) The offence results in the death of  $\geq 03$  people;
  - b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
  - c) The offence results in property damage assessed at  $\geq$  VND 1,500,000,000.
4. The offender might also be liable to a fine of from VND 10,000,000 to VND 30,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

76. Article 264 is amended as follows:

**“Article 264. Allowing an unqualified person to operate a vehicle on public roads**

1. Any person who allows another person to operate a vehicle on public roads in the knowledge that he/she does not have a driver license or is under the influence of alcohol with blood or breath alcohol content above the limit, under the influence of drugs or other strong stimulants or otherwise unqualified and as a results causes damage for another person in any of the following circumstances shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 03 years' community sentence:
- a) The offence results in the death of a person;
  - b) The offence causes  $\geq 61\%$  WPI for another person;
  - c) The offence causes a total WPI of 61% - 121% for more than one person.

d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances shall carry a fine of from VND 50,000,000 to VND 200,000,000 or a penalty of 06 - 36 months' imprisonment:

a) The offence results in the death of 02 people;

b) The offence causes a total WPI of 122% - 200% for more than one person;

c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 02 - 07 years' imprisonment:

a) The offence results in the death of  $\geq$  03 people;

b) The offence causes a total WPI of  $\geq$  201% for  $\geq$  03 people;

c) The offence results in property damage assessed at  $\geq$  VND 1,500,000,000.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 30,000,000.”.

77. Article 265 is amended as follows:

**“Article 265. Organizing illegal street races**

1. Any person who illegally organizes a street race which involves automobiles, motorbikes or other motor vehicles shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment.

2. This offence committed in any of the following circumstances carries a fine of from VND 100,000,000 to VND 500,000,000 or a penalty of 04 - 10 years' imprisonment:

a) The street race is participated by  $\geq$  10 vehicles at the same time or the offender organizes  $\geq$  02 street races at the same time;

b) The street race involves betting;

c) The offender resists people in charge of road traffic safety and order or people in charge of dismissing the street race;

d) The street race is held in a crowded area;

- dd) Safety equipment is removed from the racing vehicles;
- e) The offence results in the death of a person;
- g) The offence causes  $\geq 61\%$  WPI for another person;
- h) The offence causes a total WPI of  $61\% - 121\%$  for more than one person;
- i) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000;
- k) This offence or street racing is recommitted.

3. This offence committed in any of the following circumstances carries a penalty of 08 - 15 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of  $122\% - 200\%$  for more than one person;
- c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000;
- d) Dangerous recidivism.

4. This offence committed in any of the following circumstances carries a penalty of 12 - 20 years' imprisonment or life imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The offence results in property damage assessed at  $\geq$  VND 1,500,000,000.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000.”.

78. Article 266 is amended as follows:

**“Article 266. Illegal street racing**

1. A person who participates in an illegal street race which involves automobiles, motorbikes or other motor vehicles and causes damage for another person in any of the following circumstances or does it while having incurred an administrative penalty for any of the offences specified in this Article or Article 265 hereof or having an unspent conviction for any of these offences shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 02 year’s community sentence or 06 - 36 months' imprisonment:

- a) The offence causes  $31\% - 60\%$  WPI for another person;

b) The property damage caused by the offence is assessed at from VND 50,000,000 to under VND 100,000,000.

2. This offence committed in any of the following circumstances carries a fine of from VND 50,000,000 to VND 150,000,000 or a penalty of 03 - 10 years' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000;
- dd) The offender leaves the site after causing the accident to evade responsibility or refuses to help the victim;
- e) The offender participates in betting;
- g) The offender resists people in charge of road traffic safety and order or people in charge of dismissing the street race;
- h) The street race is held in a crowded area;
- i) Safety equipment is removed from the racing vehicles;
- k) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of 122% - 200% for more than one person;
- c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following circumstances carries a penalty of 12 - 20 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The offence results in property damage assessed at  $\geq$  VND 1,500,000,000.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000.”.

79. Article 267 is amended as follows:

**“Article 267. Offences against regulations on control of railway vehicles**

1. The commander or operator of a railway vehicle who violates regulations on railway safety and causes damage for another person in any of the following circumstances shall be liable to a fine of from VND 50,000,000 to VND 200,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

- a) The offender does not have a license, qualification or certificate suitable for his/her duties;
- b) The offender is under the influence of alcohol with blood or breath alcohol content above the limit, or under the influence of drugs or other strong stimulants;
- c) The offender leaves the site after causing the accident to evade responsibility or refuses to help the victim;
- d) The offender fails to comply with the commands of the commander or person in charge of railway safety;
- dd) The offence results in the death of 02 people;
- e) The offence causes a total WPI of 122% - 200% for more than one person;
- g) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;

c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. If an offence against rail transport regulations is likely to have any of the consequences mentioned in Point a, b, c Clause 3 of this Article is not promptly prevented, the offender shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 02 year's community sentence or 03 - 12 months' imprisonment.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

80. Article 268 is amended as follows:

**“Article 268. Obstruction of rail traffic**

1. Any person who places obstacles on the railway; moves the rail or sleepers; illegally drills, digs, cuts the railway ground, opens crossing, builds drains or other illegal works across the railway; breaks, changes, moves, blocks railway signals, signs, milestones; lets animals cross the railway against the rules or allows animals pulling a vehicle across the railway without a rider; illegally uses a self-made vehicle or vehicle banned from railway; damages railway vehicles or illegally occupies railway safety corridors or perimeters and causes damage for another person in any of the following circumstances or does it while having incurred a disciplinary penalty or administrative penalty for any of the offences specified in this Article shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 03 years' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq$  61% WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of 122% - 200% for more than one person;

c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The offence results in property damage assessed at  $\geq$  VND 1,500,000,000.

4. If the act of obstruction of rail traffic is likely to have any of the consequences mentioned in Point a, b, c Clause 3 of this Article is not promptly prevented, the offender shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 02 year's community sentence or 03 - 12 months' imprisonment.

81. Article 269 is amended as follows:

**“Article 269. Putting unsafe railway vehicles or equipment into operation**

1. Any person who is responsible for dispatching or operating conditions of railway vehicles and allows the use of a vehicle or piece of equipment that does not meet technical safety standards, does not have the certificate of registration and inspection and as a result causes damage for another person in any of the following circumstances, or does it while having incurred a disciplinary penalty or administrative penalty for the same offence shall be liable to a fine of from VND 20,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of 122% - 200% for more than one person;

c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of  $\geq 03$  people;

b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;

c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

82. Article 270 is amended as follows:

**“Article 270. Requesting an unqualified person to operate railway vehicles**

1. Any person who requests a person who does not have a license for train operation or a person under the influence of alcohol and with blood or breath alcohol content above the limit or under the influence of drugs or other strong stimulants or otherwise unqualified to operate a railway vehicle and as a results causes damage for another person in any of the following consequences or does it while having incurred a disciplinary penalty or administrative penalty for the same offence shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

a) The offence results in the death of a person;

b) The offence causes  $\geq 61\%$  WPI for another person;

c) The offence causes a total WPI of 61% - 121% for more than one person.

d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence causes a total WPI of 122% - 200% for more than one person;

c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

83. Article 271 is amended as follows:

**“Article 271. Allowing an unqualified person to operate railway vehicles**

1. Any person who allows another person who does not have a license for train operation or is under the influence of alcohol with blood or breath alcohol content above the limit or under the influence of drugs or other strong stimulants or otherwise unqualified to operate a railway vehicle and as a results causes damage for another person in any of the following consequences or does it while having incurred a disciplinary penalty or administrative penalty for the same offence shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 02 - 07 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of 122% - 200% for more than one person;
- c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 12 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

84. Article 272 is amended as follows:

**“Article 272. Offences against regulations on control of water-borne vehicles**

1. The operator of a water-borne vehicle who violates regulations on waterway traffic safety and causes damage for another person in any of the following circumstances shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

- a) The offender does not have a license or qualification suitable for his/her position or the vehicle as prescribed;
- b) The offender is under the influence of alcohol with blood or breath alcohol content above the limit, or under the influence of drugs or other strong stimulants;
- c) The offender leaves the site after causing the accident to evade responsibility or refuses to help the victim;
- d) The offender fails to comply with the commands of the commander or person in charge of waterway traffic safety;
- dd) The offence results in the death of 02 people;
- e) The offence causes a total WPI of 122% - 200% for more than one person;

g) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. If an offence against waterway traffic regulations is likely to have any of the consequences mentioned in Point a, b, c Clause 3 of this Article is not promptly prevented, the offender shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 02 year's community sentence or 03 - 12 months' imprisonment.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

85. Article 273 is amended as follows:

**“Article 273. Obstruction of waterway traffic**

1. Any person who illegally drills or digs and as a result damages the structure of waterway traffic works; placing obstacles that obstruct waterway traffic without putting up and signs; moves the signs; remove the signs or destroy waterway traffic works; occupies channels or safety corridor of waterway traffic or otherwise obstructs waterway traffic and causes damage for another person in any of the following circumstances shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of 122% - 200% for more than one person;
- c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. If the act of obstruction of waterway traffic is likely to have any of the consequences mentioned in Point a, b, c Clause 3 of this Article is not promptly prevented, the offender shall be liable to a fine of from VND 10,000,000 to VND 30,000,000 or face a penalty of up to 02 year's community sentence or 03 - 12 months' imprisonment.”.

86. Article 274 is amended as follows:

**“Article 274. Allowing the use of unsafe water-borne vehicles**

1. Any person who is responsible for dispatching or operating conditions of water-borne vehicles and allows the use of a vehicle or piece of equipment that does not meet technical safety standards and as a result causes damage for another person in any of the following circumstances or does it while having incurred a disciplinary penalty or an administrative penalty for the same offence or having an unspent conviction for the same offence shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of 122% - 200% for more than one person;
- c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

87. Article 275 is amended as follows:

**“Article 275. Requesting an unqualified person to operate water-borne vehicles**

1. Any person who requests a person who does not have a suitable license or qualification or a person under the influence of alcohol with blood or breath alcohol content above the limit or under the influence of drugs or other strong stimulants or otherwise unqualified to operate a water-borne vehicle and as a results causes damage for another person in any of the following circumstances or does it while having incurred a disciplinary penalty or administrative penalty for the same offence or having an unspent conviction for the same offence shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

- a) The offence results in the death of 02 people;

- b) The offence causes a total WPI of 122% - 200% for more than one person;
- c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

88. Article 276 is amended as follows:

**“Article 276. Allowing an unqualified person to operate water-borne vehicles**

1. Any person who allows a person who does not have a suitable license or qualification or a person under the influence of alcohol with blood or breath alcohol content above the limit or under the influence of drugs or other strong stimulants or otherwise unqualified to operate a water-borne vehicle and as a results causes damage for another person in any of the following circumstances or does it while having incurred a disciplinary penalty or administrative penalty for the same offence or having an unspent conviction for the same offence shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of 122% - 200% for more than one person;

c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of  $\geq 03$  people;

b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;

c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

89. Article 277 is amended as follows:

**“Article 277. Offences against regulations on airplane operation**

1. An airplane commander or operator who commits a violation against regulations on air traffic safety which poses a threat to life, health or property of other people and is not promptly prevented shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of a person;

b) The offence causes  $\geq 61\%$  WPI for another person;

c) The offence causes a total WPI of 61% - 121% for more than one person.

d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence causes a total WPI of 122% - 200% for more than one person;

c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following circumstances carries a penalty of 12 - 20 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

90. Article 278 is amended as follows:

**“Article 278. Obstruction of air traffic**

1. A person who places obstacles that obstruct air traffic; illegally moves, blocks or destroys air traffic signs or signals; incorrectly uses or jams communication frequencies; provides false information to an extent that threatens the safety of the airplane, passengers, flight crew, ground crew, people at the airport/airfield or civil aviation equipment; operates or puts an unqualified ground device in operation in the air operations area or otherwise obstructs air traffic and as a result causes damage for another person in any of the following circumstances or does it while having incurred a disciplinary penalty or administrative penalty for any of the offences specified in this Article or having an unspent conviction for the same offence shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 – 05 years' imprisonment.

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of 122% - 200% for more than one person;

c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000;

d) The offender is in charge of air traffic safety assurance or air traffic safety equipment.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of  $\geq 03$  people;

b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;

c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. If the obstruction of air traffic that is likely to have any of the consequences mentioned in Point a, b, c Clause 3 of this Article is not promptly prevented, the offender shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 02 years' community sentence or 03 – 24 months' imprisonment.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

91. Article 279 is amended as follows:

**“Article 279. Allowing the use of unsafe airplanes and air navigation equipment**

1. Any person who is responsible for dispatching or operating conditions of airplanes or air navigation equipment and allows the use of an airplane or air navigation equipment that is obviously unsafe shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of a person;

b) The offence causes  $\geq 61\%$  WPI for another person;

c) The offence causes a total WPI of 61% - 121% for more than one person.

d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 08 - 15 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of 122% - 200% for more than one person;
- c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following circumstances carries a penalty of 12 - 20 years' imprisonment:

- a) The offence results in the death of  $\geq$  03 people;
- b) The offence causes a total WPI of  $\geq$  201% for  $\geq$  03 people;
- c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

92. Article 280 is amended as follows:

**“Article 280. Requesting or allowing an unqualified person to operate an airplane**

1. Any person who requests or allows a person who does not have a license for airplane operation is otherwise unqualified as prescribed by law to operates an airplane shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq$  61% WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of 122% - 200% for more than one person;

c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following circumstances carries a penalty of 12 - 20 years' imprisonment:

a) The offence results in the death of  $\geq 03$  people;

b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;

c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

93. Article 281 is amended as follows:

**"Article 281. Offences against regulations of maintenance, repair and management of traffic works**

1. A person who is in charge of maintenance, repair or management of road traffic, rail traffic, waterway traffic or air traffic works and commits any of the following acts which causes  $\geq 61\%$  WPI for another person or causes a total WPI of 61% - 121% for more than one person or causes property damage assessed at from VND 100,000,000 to under VND 500,000,000 shall face a penalty of 06 – 36 months' imprisonment:

a) Failure to follow or fully follow regulations on maintenance, repair and management of traffic works which make them fail to assure technical safety and fail to satisfy technical standards;

b) Failure to repair damaged traffic works that threaten traffic safety;

c) Failure to follow or correctly follow instructions on traffic control, placement of signs, milestones, fences for prevention of accidents when a traffic work is damaged or under repair or maintenance;

d) Failure to follow or correctly follow instructions on inspection and implementation of measures for assurance of traffic safety on a dangerous mountain pass, road segments where landslide, stone fall, or flood is likely, or unsafe road segments;

dd) Failure to promptly take measures for prevention of accidents when receiving information about a damaged traffic work under the offender's management;

e) Failure to follow or correctly follow instructions on placement of warning signals during construction or repair of a traffic work;

g) Failure to clean up warning signs, fences, equipment and materials after the construction is complete;

h) Other violations against regulations on maintenance, repair and management of traffic works.

2. This offence committed in any of the following circumstances carries a penalty of 02 - 07 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence causes a total WPI of 122% - 200% for more than one person;

c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 06 - 15 years' imprisonment:

a) The offence results in the death of  $\geq 03$  people;

b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;

c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

94. Clause 2, Clause 3 and Clause 4 of Article 282 are amended as follows:

“2. This offence committed in any of the following circumstances carries a penalty of 12 – 20 years' imprisonment:

a) The offence is committed by an organized group;

b) The offender uses a dangerous weapon, device or other dangerous methods to commit the offence;

c) The offence causes 31% - 60% WPI for another person;

d) The property appropriated is assessed at from VND 200,000,000 to under VND 500,000,000;

dd) Dangerous recidivism.

3. This offence committed in any of the following circumstances shall carry a penalty of 20 years' imprisonment or life imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence results in bodily harm to more than one person, each of whom suffers from  $\geq 31\%$  WPI;
- d) The property appropriated is assessed at  $\geq$  VND 500,000,000.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000, put under mandatory supervision or prohibited from residence for 01 - 05 years, or have part or all of his/her property confiscated.”.

95. Article 283 is amended as follows:

**“Article 283. Operating airplanes against aviation laws of Socialist Republic of Vietnam**

1. Any person who operates an airplane to or from Vietnam against regulations of law on aviation of Socialist Republic of Vietnam, except in the circumstances in Article 110 and Article 111 hereof, shall be liable to a fine of from VND 100,000,000 to VND 300,000,000 or face a penalty of 03 - 36 months' imprisonment.

2. If this offence causes serious consequences, the offender shall be liable to a fine of from VND 300,000,000 to VND 1,000,000,000 or face a penalty of 02 - 07 years' imprisonment.

3. If this offence causes very serious consequences or extremely serious consequences, the offender shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000 or face a penalty of 05 - 12 years' imprisonment.”.

96. Article 284 is amended as follows:

**“Article 284. Operating maritime vehicles against maritime laws of Socialist Republic of Vietnam**

1. A person who operates a ship or another maritime vehicle to or from Vietnam or across Vietnam's territorial sea and commits any of the following acts, except in the circumstances specified in Article 110 and Article 111 hereof, shall be liable to a fine of from VND 50,000,000 to VND 200,000,000 or face a penalty of up to 03 years' community sentence:

- a) Exceeding speed limit in port waters;

- b) Failure to operate within permissible areas;
- c) Failure to follow or fully follow procedures for entering, leaving the port, pilotage regulation, procedures for anchoring, docking, side-by-side docking, regulations on order and hygiene, fire safety, prevention of environmental pollution caused by maritime vehicles;
- d) Failure to comply with or correctly comply with regulations on operating, evading, overtaking, yielding in maritime traffic, or the maritime vehicle does not have honks, bells, gongs or the volume of which is not conformable;
- dd) Failure to adhere to the route or comply with signals as prescribed; failure to comply with or correctly comply with regulations on making sound or light signals.

2. If this offence causes serious consequences, the offender shall be liable to a fine of from VND 200,000,000 to VND 500,000,000 or face a penalty of 01 - 03 years' imprisonment.

3. If this offence causes very serious consequences or extremely serious consequences, the offender shall be liable to a fine of from VND 500,000,000 to VND 1,500,000,000 or face a penalty of 03 - 07 years' imprisonment.”.

97. Article 295 is amended as follows:

**“Article 295. Violations against regulations of law on occupational safety, occupational hygiene and safety in crowded areas**

1. Any person who violates regulations of law on occupational safety, occupational hygiene or safety in crowded areas and causes damage for another person in any of the following circumstances shall be liable to a fine of from VND 20,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 07 years' imprisonment:

- a) The offence results in the death of 02 people;

- b) The offence causes a total WPI of 122% - 200% for more than one person;
- c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000;
- d) The offender is the person in charge of occupational safety, occupational hygiene or safety in crowded areas.

3. This offence committed in any of the following circumstances carries a penalty of 06 - 12 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. If this offence is likely to have any of the consequences mentioned in Point a, b, c Clause 3 of this Article is not promptly prevented, the offender shall face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

98. Article 296 is amended as follows:

**“Article 296. Violations against regulations of law on employment of workers under 16**

1. Any person who employs a person under 16 to do hard or dangerous works or works that involve contact with harmful substances on the list compiled by the State in any of the following circumstances shall be liable to a fine of from VND 30,000,000 to VND 200,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

- a) The offender incurred an administrative penalty or has an unspent conviction for the same offence ;
- b) The offence causes 31% - 60% WPI for another person;
- c) The offence causes a total WPI of 31% - 60% for more than one person.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 07 years' imprisonment:

- a) The offence has been committed more than once;

- b) The offence results in the death of a person;
  - c) The offence causes  $\geq 61\%$  WPI for another person;
  - d) The offence causes a total WPI of 61% - 121% for more than one person.
3. This offence committed in any of the following circumstances carries a penalty of 05 - 12 years' imprisonment:
- a) The offence results in the death of more than one person;
  - b) The offence causes a total WPI of  $\geq 122\%$  for more than one person.
4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

99. Article 297 is amended as follows:

**“Article 297. Coercive labor**

1. Any person who uses violence or threat of violence or other methods to force a person to work against his/her will in any of the following circumstances shall be liable to a fine of from VND 50,000,000 to VND 200,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:
- a) The offender incurred an administrative penalty or has an unspent conviction for the same offence ;
  - b) The offence causes 31% - 60% WPI for another person;
  - c) The offence causes a total WPI of 31% - 60% for more than one person.
2. This offence committed in any of the following circumstances carries a penalty of 02 - 07 years' imprisonment:
- a) The offence is committed by an organized group;
  - b) The offence is committed against a person under 16, a women whose pregnancy is known by the offender, an old and weak person, a person suffering for severe or extremely severe physical disability;
  - c) The offence results in the death of a person;
  - d) The offence causes  $\geq 61\%$  WPI for another person;
  - dd) The offence causes a total WPI of 61% - 121% for more than one person;
  - e) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 05 - 12 years' imprisonment:

- a) The offence results in the death of more than one person;
- b) The offence causes a total WPI of  $\geq 122\%$  for more than one person.

4. The offender might also be liable to a fine of from VND 30,000,000 to VND 100,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

100. Article 298 is amended as follows:

**“Article 298. Offences against regulations of law on construction that lead to serious consequences**

1. Any person who violates regulations of law on construction in terms of survey, design, construction, use of materials, machinery, construction supervision, acceptance, or other issues in any of the following circumstances, except in the circumstances specified in Article 224 or 281 hereof, shall be liable to a fine of from VND 50,000,000 to VND 500,000,000 or face a penalty of up to 03 years' community sentence or 01 - 05 years' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of 122% - 200% for more than one person;
- c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;

c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. The offender might also be liable to a fine of from VND 30,000,000 to VND 100,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

101. Point d below is added to Clause 2 of Article 299:

“d) Attacking, violating, obstructing, disrupting the computer network, telecommunications network or electronic devices of another organization or individual.”.

102. Clause 4 below is added to Article 300:

“4. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 1 of this Article shall be liable to a fine of from VND 7,000,000,000 to VND 15,000,000,000 or has its operation suspended for 06 - 36 months;

b) A corporate legal entity that commits this offence in the circumstance specified in Article 79 hereof shall be permanently shut down;

c) The violating corporate legal entity might also be liable to a fine of from VND 1,000,000,000 to VND 5,000,000,000, be banned from operating in certain fields or raising capital for 01 - 03 years.”.

103. Clause 1, Clause 2, Clause 3 and Clause 4 of Article 301 are amended as follows:

“Any person who takes another person hostage to force a nation, territory, international organization, organization or individual to act or not to act as a condition for releasing the hostage, except in the circumstances specified in Article 113 and Article 299 hereof, shall face a penalty of 01 - 04 years' imprisonment.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offender misuses his/her position or power to commit the offence;

c) The offence is committed against a person under 18, a women whose pregnancy is known by the offender, or a person aged  $\geq 70$ ;

d) The offence is committed against a law enforcement officer in performance of his/her official duties;

dd) The offence results in serious consequences.

3. If this offence results in very serious consequences, the offender shall face a penalty of 05 - 10 years' imprisonment.

4. If this offence results in extremely serious consequences, the offender shall face a penalty of 08 - 15 years' imprisonment.”.

104. Clause 2, Clause 3 and Clause 4 of Article 302 are amended as follows:

“2. This offence committed in any of the following circumstances carries a penalty of 07 – 15 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence causes 11% - 30% WPI for another person;

c) The property illegally obtained is assessed at from VND 50,000,000 to under VND 200,000,000;

d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 12 - 20 years' imprisonment:

a) The offence causes 31% - 60% WPI for another person;

b) The property illegally obtained is from VND 200,000,000 to under VND 500,000,000;

c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,000,000,000.

4. This offence committed in any of the following circumstances carries a penalty of 18 - 20 years' imprisonment or life imprisonment:

a) The offence results in the death of a person;

b) The offence causes  $\geq 61\%$  WPI for another person;

c) The offence results in bodily harm to more than one person, each of whom suffers from  $\geq 31\%$  WPI;

- d) The property illegally obtained is assessed at  $\geq$  VND 500,000,000;
- dd) The property damage caused by the offence is assessed at  $\geq$  VND 1,000,000,000.”.

105. Clause 1 and Clause 2 of Article 303 are amended as follows:

“Any person who destroys a work, facility, means of transport, means of communications, electricity work, fuel transport work, irrigation work or another work that is important for national security, of economic, technological or cultural and social importance, except in the circumstances specified in Article 114 hereof, shall face a penalty of 03 - 12 years' imprisonment.

2. This offence committed in any of the following circumstances carries a penalty of 10 - 20 years' imprisonment or life imprisonment:

- a) The offence is committed by an organized group;
- b) The offence results in damage or breakdown of the work, facility, or equipment important for national security;
- c) The offence results in the death of  $\geq$  03 people;
- d) The offence causes a total WPI of  $\geq$  201% for  $\geq$  03 people;
- dd) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000;
- e) The offence has a negative impact of socio-economic situation;
- g) Dangerous recidivism.”.

106. Clause 2, Clause 3 and Clause 4 of Article 304 are amended as follows:

“2. This offence committed in any of the following circumstances carries a penalty of 05 – 12 years' imprisonment:

- a) The offence is committed by an organized group;
- b) Illegal goods are transported or traded across the border;
- c) The offence results in the death of a person;
- d) The offence causes  $\geq$  61% WPI for another person;
- dd) The offence causes a total WPI of 61% - 121% for more than one person;
- e) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000;
- g) The value or quantity of the illegal items is high;

h) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 10 - 15 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of 122% - 200% for more than one person;
- c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000;
- d) The value or quantity of the illegal items is very high.

4. This offence committed in any of the following circumstances carries a penalty of 15 - 20 years' imprisonment or life imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The offence results in property damage assessed at  $\geq$  VND 1,500,000,000;
- d) The value or quantity of the illegal items is extremely high.”.

107. Clause 2, Clause 3 and Clause 4 of Article 305 are amended as follows:

“2. This offence committed in any of the following circumstances carries a penalty of 03 – 10 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The quantity of explosive is from 10 kg to under 30 kg;
- c) The quantity of explosive accessories is high;
- d) Illegal goods are transported or traded across the border;
- dd) The offence results in the death of a person;
- e) The offence causes  $\geq 61\%$  WPI for another person;
- g) The offence causes a total WPI of 61% - 121% for more than one person;
- h) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000;
- i) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

- a) The quantity of explosive is from 30 kg to under 100 kg;

- b) The quantity of explosive accessories is very high;
- c) The offence results in the death of 02 people;
- d) The offence causes a total WPI of 122% - 200% for more than one person;
- dd) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following circumstances carries a penalty of 15 - 20 years' imprisonment or life imprisonment:

- a) The quantity of explosive is  $\geq 100$  kg;
- b) The quantity of explosive accessories is extremely high;
- c) The offence results in the death of  $\geq 03$  people;
- d) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- dd) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.”.

108. Article 306 is amended as follows:

**“Article 306. Illegal manufacture, possession, transport, use, trading or appropriation of hunting rifles, cold weapons, sporting weapons or combat gears**

1. Any person who illegally manufactures, possesses, transports, uses, deals in or appropriates a hunting rifle, cold weapon, sporting weapon or a weapon with similar functions or a combat gear despite the fact that he/she has incurred an administrative penalty for any of the offences specified in this Article or has an unspent conviction for the same offence shall face a penalty of 03 - 24 months' imprisonment.

2. This offence committed in any of the following circumstances carries a penalty of 01 - 05 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The quantity of the illegal items is large;
- c) Illegal goods are transported or traded across the border;
- d) The offence results in the death of a person;
- dd) The offence causes  $\geq 61\%$  WPI for another person;
- e) The offence causes a total WPI of 61% - 121% for more than one person;

g) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000;

h) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 03 - 07 years' imprisonment:

a) The quantity of the illegal items is very or extremely large;

b) The offence results in the death of  $\geq 02$  people;

c) The offence results in bodily harm to  $\geq 02$  people who suffer from a total physical disability of  $\geq 122\%$ ;

d) The offence results in property damage assessed at  $\geq$  VND 500,000,000.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000, put under mandatory supervision or prohibited from residence for 01 - 05 years.”.

109. Article 307 is amended as follows:

**“Article 307. Offences against regulations of law on management of weapons, explosive materials and combat gears**

1. Any person who violates regulations of law on management of the manufacture, repair, provision, use, preservation, storage, transport, trading or destruction of military weapons, hunting rifles, sporting weapons, explosive materials or combat gears and causes damage for another person in any of the following circumstances shall face a penalty of 01 - 05 years' imprisonment:

a) The offence results in the death of a person;

b) The offence causes  $\geq 61\%$  WPI for another person;

c) The offence causes a total WPI of 61% - 121% for more than one person.

d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence causes a total WPI of 122% - 200% for more than one person;

c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of  $\geq 03$  people;

b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;

c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. If this offence is likely to have any of the consequences mentioned in Point a, b, c Clause 3 of this Article and is not promptly prevented, the offender shall be liable to a fine of from VND 10,000,000 to VND 50,000,000 or face a penalty of up to 03 years' community sentence or 03 - 24 months' imprisonment.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

110. Article 308 is amended as follows:

**“Article 308. Negligence in management of weapons, explosive materials, and combat gears that results in serious consequences**

1. Any person who is responsible for management of military weapons, hunting rifles, sporting weapons, explosive materials or combat gears but negligently allows another person to use them in any of the following circumstances shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offence results in the death of a person;

b) The offence causes  $\geq 61\%$  WPI for another person;

c) The offence causes a total WPI of 61% - 121% for more than one person.

d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 02 - 07 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence causes a total WPI of 122% - 200% for more than one person;

c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

a) The offence results in the death of  $\geq 03$  people;

b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;

c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

111. Article 309 is amended as follows:

**“Article 309. Illegal manufacture, possession, transport, use, spreading, trading or appropriation of radioactive substances or nuclear materials**

1. Any person who illegally manufactures, stores, transports, uses, spreads, deals in, or appropriates radioactive substances or nuclear materials shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following circumstances carries a penalty of 05 - 12 years' imprisonment:

a) The offence is committed by an organized group;

b) Illegal goods are transported or traded across the border;

c) The offence results in the death of a person;

d) The offence causes  $\geq 61\%$  WPI for another person;

dd) The offence causes a total WPI of 61% - 121% for more than one person;

e) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000;

g) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 10 - 15 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence causes a total WPI of 122% - 200% for more than one person;

c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following circumstances carries a penalty of 15 - 20 years' imprisonment or life imprisonment:

a) The offence results in the death of  $\geq 03$  people;

b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;

c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000, put under mandatory supervision or prohibited from residence for 01 - 05 years.”.

112. Article 310 is amended as follows:

**“Article 310. Offences against regulations of law on management of radioactive substances and nuclear materials**

1. Any person who violates regulations of law on manufacture, provision, use, preservation, storage, transport, trading or treatment of radioactive substances or nuclear materials and as a result causes damage for another person in any of the following circumstances shall face a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of a person;

b) The offence causes  $\geq 61\%$  WPI for another person;

c) The offence causes a total WPI of 61% - 121% for more than one person.

d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence causes a total WPI of 122% - 200% for more than one person;

c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 15 - 20 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. If this offence is likely to have any of the consequences mentioned in Point a, b, c Clause 3 of this Article is not promptly prevented, the offender shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

113. Article 311 is amended as follows:

**“Article 311. Illegal manufacture, possession, transport, use or trading of flammable substances and toxic substances**

1. Any person who illegally manufactures, possesses, transports, uses or deals in flammable or toxic substances shall face a penalty of 01 - 05 years' imprisonment.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The quantity of the illegal items is large;
- c) The offence results in the death of a person;
- d) The offence causes  $\geq 61\%$  WPI for another person;
- dd) The offence causes a total WPI of 61% - 121% for more than one person;
- e) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000;
- g) Illegal goods are transported or traded across the border;
- h) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

- a) The quantity of illegal goods is large;
- b) The offence results in the death of 02 people;
- c) The offence causes a total WPI of 122% - 200% for more than one person.

d) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

4. This offence committed in any of the following circumstances carries a penalty of 15 - 20 years' imprisonment or life imprisonment:

- a) The quantity of illegal goods is extremely large;
- b) The offence results in the death of  $\geq 03$  people;
- c) The offence results in bodily harm to  $\geq 03$  people who suffer from a total physical disability of  $\geq 201\%$ ;
- d) The offence results in property damage assessed at  $\geq$  VND 1,500,000,000.

5. The offender might also be liable to a fine of from VND 5,000,000 to VND 50,000,000, put under mandatory supervision or prohibited from residence for 01 - 05 years.”.

114. Article 312 is amended as follows:

**“Article 312. Offences against regulations of law on management of flammable substances and toxic substances**

1. Any person who violates regulations of law on manufacture, provision, use, preservation, storage, transport, trading or treatment of flammable substances or toxic substances and as a result causes damage for another person in any of the following circumstances shall face a penalty of 01 - 05 years' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of 122% - 200% for more than one person;
- c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

115. Article 313 is amended as follows:

**“Article 313. Offences against regulations of law on fire safety and fire fighting**

1. Any person who violates regulations of law on fire safety or fire fighting and as a result causes damage for another person in any of the following circumstances shall face a penalty of up to 03 years' community sentence or 02 - 05 years' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 05 - 08 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of 122% - 200% for more than one person;
- c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 12 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;

c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. If this offence is likely to have any of the consequences mentioned in Point a, b, c Clause 3 of this Article is not promptly prevented, the offender shall receive a warning or face a penalty of up to 01 year's community sentence or 03 - 12 months' imprisonment.

5. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

116. Article 314 is amended as follows:

**“Article 314. Offences against regulations of law on electricity work safety**

1. Any person who allows the construction of a house or work; builds a house or work within the safety corridor of the electricity work; causes explosion, fire, slash-and-burn or falling trees affecting electricity work safety; carries out digging, pile driving, housing construction on the safety corridor of underground electric cables; anchors a ship in the safety corridor of underground electric cables under the river bed or sea bed despite the warning sign; installs electrical equipment or builds electrical line unsafely or otherwise threatens electricity work safety as prescribed by law in any of the following circumstances or does it while having incurred a disciplinary or administrative penalty for any of the offences specified in this Article or while having an unspent conviction for the same offence shall be liable to a fine of from VND 20,000,000 to VND 100,000,000 or face a penalty of 06 – 60 months' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq$  61% WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a fine of from VND 100,000,000 to VND 300,000,000 or a penalty of 02 - 07 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of 122% - 200% for more than one person;

c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 06 - 10 years' imprisonment:

a) The offence results in the death of  $\geq 03$  people;

b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;

c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. If this offence is likely to have any of the consequences mentioned in Point a, b, c Clause 3 of this Article and is not promptly prevented, the offender shall be liable to a fine of from VND 20,000,000 to VND 1000,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment.

5. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

117. Article 315 is amended as follows:

**“Article 315. Offences against regulations on medical examination, medical treatment, manufacture, concoction, dispensing, sale of medicines or other medical services**

1. Any person who violates regulations of law on medical examination, medical treatment, manufacture, concoction, dispensing, sale of medicines or other medical services in any of the following circumstances, except in the circumstances specified in Article 259 hereof shall face a penalty of 01 - 05 years' imprisonment:

a) The offence results in the death of a person;

b) The offence causes  $\geq 61\%$  WPI for another person;

c) The offence causes a total WPI of 61% - 121% for more than one person;

d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence causes a total WPI of 122% - 200% for more than one person;

c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of  $\geq 03$  people;

b) The offence causes a total WPI  $\geq 201\%$  for  $\geq 03$  people;

c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. The offender might also be liable to a fine of from VND 10,000,000 to VND 50,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

118. Clause 1, Clause 2 and Clause 3 of Article 316 are amended as follows:

“Any person who illegally performs an abortion on another person in any of the following circumstances shall face a penalty of up to 03 years' community sentence or 01 - 03 years' imprisonment:

a) The offence results in the death of a person;

b) The offence causes  $\geq 61\%$  WPI for another person;

c) The offence causes a total WPI of 61% - 121% for more than one person;

d) The offender has incurred a disciplinary or administrative penalty for the same offence or has an unspent conviction for the same offence .

2. This offence committed in any of the following circumstances carries a penalty of 03 - 07 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence causes a total WPI of 122% - 200% for more than one person.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of  $\geq 03$  people;

b) The offence causes a total WPI  $\geq 201\%$  for  $\geq 03$  people.”.

119. Article 317 is amended as follows:

**“Article 317. Offences against regulations of law on food safety**

1. A person who commits any of the following violations against regulations of law on food safety shall be liable to a fine of from VND 50,000,000 to VND 200,000,000 or face a penalty of 01 - 05 years' imprisonment:

a) Using substances, chemicals, antibiotics, veterinary medicines, pesticides, food additives or food processing aids in the knowledge that they are banned or are not on the list of permissible substances for food production to produce an amount of foods assessed at from VND 10,000,000 to under VND 100,000,000 or while having incurred an administrative penalty for any of the offences specified in this Article or having a previous conviction for the same offence ;

b) Using animals that died of diseases or epidemics or animals that have to be burned for production of foods; selling foods in the knowledge that they are derived from animals that died of diseases or epidemics or animals that have to be burned with an amount of illegal products assessed at from VND 10,000,000 to under VND 100,000,000 or while having incurred a administrative penalty for any of the offence specified in this Article or having an unspent conviction for the same offence ;

c) Using substances, chemicals, antibiotics, veterinary medicines, pesticides, food additives or food processing aids in the knowledge that they have not been permitted in Vietnam for food production to produce an amount of foods assessed at from VND 100,000,000 to under VND 300,000,000 or produce an amount of foods assessed at from VND 50,000,000 to under VND 100,000,000 while having incurred an administrative penalty for any of the offences specified in this Article or having a previous conviction for the same offence ;

d) Importing, supplying or selling food in the knowledge that they contain banned substances or substances not on the list of permissible substances with the amount of illegal products assessed at from VND 10,000,000 to under VND 100,000,000 or illegal profit from VND 5,000,000 to under VND 20,000,000 or while having incurred an administrative penalty for any of the offences specified in this Article or having an unspent conviction for the same offence which have not been expunged;

dd) Importing, supplying or selling food in the knowledge that they contain banned substances or substances not on the list of permissible substances with the amount of illegal products assessed at from VND 100,000,000 to under VND 300,000,000 or illegal profit from VND 50,000,000 to under VND 100,000,000; the amount of illegal products assessed at from VND 50,000,000

to under VND 100,000,000 or illegal profit from VND 20,000,000 to under VND 50,000,000 while having incurred an administrative penalty for any of the offences specified in this Article or having an unspent conviction for the same offence which have not been expunged;

e) Committing any of the offences specified in Point a through dd of this Clause; processing, supplying or selling food in the knowledge that it does not comply with technical regulations or regulations on food safety and as a result causing serious food poisoning for 05 – 20 people or causing 31% - 60% WPI for another person.

2. This offence committed in any of the following circumstances carries a fine of from VND 200,000,000 to VND 500,000,000 or a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence results in the death of a person;

c) The offence causes serious food poisoning for 21 – 100 people;

d) The offence causes  $\geq 61\%$  WPI for another person;

dd) The offence causes a total WPI of 61% - 121% for more than one person;

e) The amount of food that contains banned substances or substances not on the list of permissible substances is assessed at from VND 100,000,000 to under VND 300,000,000 or the illegal profit earned is from VND 20,000,000 to under VND 100,000,000;

g) The amount of food derived from animals that died of diseases or epidemics or animals that have to be burned is assessed at from VND 100,000,000 to under VND 300,000,000;

h) The amount of food that contains banned substances that have not been permitted in Vietnam is assessed at from VND 300,000,000 to under VND 500,000,000 or the illegal profit earned is from VND 100,000,000 to under VND 200,000,000;

i) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

a) The offence results in the death of 02 people;

b) The offence causes serious food poisoning for 101 – 200 people;

- c) The offence causes a total WPI of 122% - 200% for more than one person;
- d) The amount of food that contains banned substances or substances not on the list of permissible substances is assessed at from VND 300,000,000 to under VND 500,000,000 or the illegal profit earned is from VND 100,000,000 to under VND 300,000,000;
- dd) The amount of food derived from animals that died of diseases or epidemics or animals that have to be burned is assessed at from VND 300,000,000 to under VND 500,000,000;
- e) The amount of food that contains banned substances that have not been permitted in Vietnam is assessed at from VND 500,000,000 to under VND 1,000,000,000 or the illegal profit earned is from VND 200,000,000 to under VND 500,000,000.

4. This offence committed in any of the following circumstances carries a penalty of 12 - 20 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes serious food poisoning for  $\geq 201$  people;
- c) The offence causes a total WPI of 201% for  $\geq 03$  people;
- d) The amount of food that contains banned substances or substances not on the list of permissible substances is assessed at  $\geq$  VND 500,000,000 or the illegal profit earned is  $\geq$  VND 300,000,000;
- dd) The amount of food derived from animals that died of diseases or epidemics or animals that have to be burned is assessed at  $\geq$  VND 500,000,000;
- e) The amount of food that contains banned substances that have not been permitted in Vietnam is assessed at  $\geq$  VND 1,000,000,000 or the illegal profit earned is  $\geq$  VND 500,000,000.

5. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

120. Clause 1 Article 321 is amended as follows:

“1. A person who illegally gambles in any shape or form with the stakes (in cash or kind) assessed at from VND 5,000,000 to under VND 50,000,000, or under VND 5,000,000 despite the fact that he/she has incurred an administrative penalty for the same offence or any of the offences specified in Article 322

hereof or has an unspent conviction for the same offence or any of the offences specified in Article 322 hereof shall be liable to a fine of from VND 20,000,000 to VND 100,000,000, face a penalty of up to 03 year's community sentence or 06 - 36 months' imprisonment.”.

121. Clause 1 and Clause 2 of Article 322 are amended as follows:

“1. Any person who organizes gambling or runs a gambling den in any of the following circumstances shall be liable to a fine of from VND 50,000,000 to VND 300,000,000 or face a penalty of 01 - 05 years' imprisonment:

- a) The offence involves  $\geq 10$  gamblers at the same time with the stakes of  $\geq 5,000,000$ ; the offence involves  $\geq 02$  gambling mats at the same time with the stakes of  $\geq$  VND 5,000,000;
- b) The offender uses a place under his/her ownership or management for  $\geq 10$  gamblers at the same time with the stakes of  $\geq 5,000,000$  or for  $\geq 02$  gambling mats at the same time with the stakes of  $\geq$  VND 5,000,000;
- c) The total value of stakes at a time is  $\geq$  VND 20,000,000;
- d) The offender provides pawnbroker services for gamblers; installs equipment serving the gambling or appoint people to guard and serve the gamblers; prepares escape in case of raid; uses equipment for assisting the gambling;
- dd) The offender has incurred an administrative penalty for any of the offences specified in this Article or Article 321 hereof or has an unspent conviction for the same offence or any of the offences specified in Article 321 hereof .

2. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

- a) The offence is committed in a professional manner;
- b) The illegal profit earned is  $\geq$  VND 50,000,000;
- c) The offence is committed using the Internet, a computer network, telecommunications network or electronic device;
- d) Dangerous recidivism.”.

122. Article 324 is amended as follows:

**“Article 324. Money laundering**

1. A person who commits any of the following acts shall face a penalty of 01 - 05 years' imprisonment:

- a) Directly or indirectly participating in finance transactions, banking transactions, or other transactions to conceal the illegal origin of the money or property obtained through his/her commission of a crime, or obtained through another person's commission of a crime to his/her knowledge;
- b) Using money or property obtained through his/her commission of a crime or obtained through another person's commission of a crime to his/her knowledge for doing business or other activities;
- c) Concealing information about the true origin, nature, location, movement, or ownership of money or property obtained through his/her or commission of a crime or obtained through another person's commission of a crime to his/her knowledge, or obstructing the verification of such information;
- d) Committing any of the offences specified in Point a through c of this Clause while knowing that the money or property is obtained through transfer, conversion of money or property obtained through another person's commission of a crime.

2. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The offender misuses his/her position or power to commit the offence;
- c) The offence has been committed more than once;
- d) The offence is committed in a professional manner;
- dd) The offence involves deceitful methods;
- e) The illegal money or property is assessed at from VND 200,000,000 to under VND 500,000,000;
- g) The illegal profit earned is from VND 50,000,000 to under VND 100,000,000;
- h) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 10 - 15 years' imprisonment:

- a) The illegal money or property is assessed at  $\geq$  VND 500,000,000;
- b) The illegal profit earned is  $\geq$  VND 100,000,000;

c) The offence has a negative impact on security of the national currency or finance system.

4. A person that prepares for the commission of this offence shall face a penalty of 06 – 36 months' imprisonment.

5. The offender might also be liable to a fine of from VND 20,000,000 to VND 100,000,000 or prohibited from holding certain positions or doing certain jobs for 01 - 05 years or have part or all of his/her property confiscated.

6. Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:

a) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 5,000,000,000;

b) A corporate legal entity that commits this offence in any of the circumstances specified in Point a, c, d, dd, e, g, h Clause 2 of this Article shall be liable to fine of from VND 5,000,000,000 to VND 10,000,000,000;

c) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 3 of this Article shall be liable to a fine of from VND 10,000,000,000 to VND 20,000,000,000 or has its operation suspended for 01 - 03 years;

d) A corporate legal entity that commits this offence in the circumstance specified in Article 79 hereof shall be permanently shut down;

dd) The violating corporate legal entity might also be liable to a fine of from VND 1,000,000,000 to VND 5,000,000,000, be banned from operating in certain fields or raising capital for 01 - 03 years.”.

123. Article 325 is amended as follows:

**“Article 325. Persuading, forcing a person under 18 to commit a criminal offence, or harboring a person under 18 who committed a criminal offence**

1. Any person aged 18 or over who commits any of the following acts shall face a penalty of 01 - 05 years' imprisonment:

a) Persuading or inciting a person under 18 to commit a criminal offence or indulge in debauchery;

b) Threatening, using violence or other otherwise forcing a person under 18 to commit a criminal offence or indulge in debauchery;

c) Harboring a person under 18 who committed a criminal offence.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 07 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves  $\geq 02$  people under 18;

c) The offence involves a person under 13;

d) The offence involves a very serious crime or extremely serious crime committed by the person under 18;

dd) Dangerous recidivism.

3. The offender might also be liable to a fine of from VND 10,000,000 to VND 100,000,000.”.

124. Clause 1, Clause 2 and Clause 3 of Article 326 are amended as follows:

“1. Any person who makes, duplicates, publishes, transports, deals in, or possesses books, magazines, pictures, films, music, or other items that contain pornographic contents for the purpose of distributing them or distributes pornographic materials in any of the following circumstances shall be a fine of from VND 10,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offence involves an amount of digital data from 01 GB to under 05 GB in size;

b) The offence involves 100 - 199 physical pictures;

c) The offence involves 50 - 99 physical books, magazines or other printed materials;

d) Pornographic materials are distributed among 10 - 20 people;

dd) The offender has incurred an administrative penalty for any of the offences specified in this Article or has an unspent conviction for the same offence .

2. This offence committed in any of the following circumstances carries a penalty of 03 - 10 years' imprisonment:

a) The offence is committed by an organized group;

b) The offence involves an amount of digital data from 05 GB to under 10 GB in size;

- c) The offence involves 200 - 499 physical pictures;
- d) The offence involves 100 - 199 physical books, magazines or other printed materials;
- dd) Pornographic materials are distributed among 21 - 100 people;
- e) Pornographic materials are provided for a person under 18;
- g) The offence is committed using the Internet, a computer network, telecommunications network, or electronic device;
- h) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 15 years' imprisonment:

- a) The offence involves an amount of digital data of  $\geq 10$  GB;
- b) The offence involves  $\geq 500$  physical pictures;
- c) The offence involves  $\geq 200$  physical books, magazines or other printed materials;
- d) Pornographic materials are distributed among  $\geq 101$  people.”.

125. The title, Clause 1, Clause 2 and Clause 3 of Article 337 are amended as follows:

**“Article 337. Deliberate disclosure of classified information; appropriation, trading, destruction of classified documents or items**

1. Any person who deliberately discloses, appropriates, deals in or destroys classified information or items, except in the circumstances specified in Article 110 hereof, shall face a penalty of 02 - 07 years' imprisonment.

2. This offence committed in any of the following circumstances carries a penalty of 05 - 10 years' imprisonment:

- a) The information is classified as second-degree top secret;
- b) The offender misuses his/her position or power to commit the offence;
- c) The offence causes losses in terms of national defense and security or results in diplomatic, economic, or cultural damage.

3. This offence committed in any of the following circumstances carries a penalty of 10 - 15 years' imprisonment:

- a) The offence is committed by an organized group;

- b) The information is classified as first-degree top secret;
- c) The offence has been committed more than once;
- d) The offence infringes upon the political regime, independence, sovereignty and territorial integrity of Vietnam.”.

126. Article 341 is amended as follows:

**“Article 341. Fabricating an organization's seal or documents and use thereof**

1. Any person who fabricates an organization's seal or document or use it to commit an illegal act shall be liable to a fine of from VND 30,000,000 to VND 100,000,000 or face a penalty of up to 03 years' community sentence or 06 - 24 months' imprisonment.

2. This offence committed in any of the following circumstances carries a penalty of 02 - 05 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The offence has been committed more than once;
- c) The offence involves 02 - 05 fabricated seals or documents;
- d) The fabricated seal or document is used to commit a less serious crime or a serious crime;
- dd) The illegal profit earned is from VND 10,000,000 to under VND 50,000,000;
- e) Dangerous recidivism.

3. This offence committed in any of the following circumstances carries a penalty of 03 - 07 years' imprisonment:

- a) The offence involves  $\geq$  06 fabricated seals or documents;
- b) The fabricated seal or document is used to commit a very serious crime or extremely serious crime;
- c) The illegal profit earned is  $\geq$  VND 50,000,000

4. The offender might also be liable to a fine of from VND 5,000,000 to VND 50,000,000.”.

127. The title, Clause 1 and Clause 2 of Article 344 are amended as follows:

**“Article 344. Offences against regulations of law on publishing**

1. Any person who violates regulations of law on publishing in any of the following circumstances shall receive a warning, be liable to a fine of from VND 20,000,000 to VND 200,000,000 or face a penalty of up to 02 years' community sentence or 03 - 24 months' imprisonment:

- a) The offender has 2,000 copies of each work printed without a publishing decision or license for publishing of non-commercial documents or an approved draft bearing the editor's signature as prescribed by law;
- b) The offender permits the publishing or printing of a work which has been suspended from publishing, recalled, confiscated, banned, destroyed or illegally imported with  $\geq 500$  copies;
- c) The offender permits the publishing of an electronic a work with banned contents or without a publishing decision or an approved draft bearing the editor's signature as prescribed by law.

2. This offence committed in any of the following circumstances carries a penalty of 02 - 05 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The offender falsifies the approved draft or draft of a non-commercial document bearing the seal of the issuer of the license for publishing in order to publish banned contents according to the law on publishing;
- c) Publishing works having banned contents according to the Law on Publishing."

128. Article 360 is amended as follows:

**“Article 360. Negligence that results in serious consequences**

1. Any person who negligently fails to perform or correctly perform his/her in any of the following circumstances, except in the circumstances specified in Article 179, Article 308 and Article 376 hereof, shall face a penalty of up to 03 years' community sentence or 06 - 60 months' imprisonment:

- a) The offence results in the death of a person;
- b) The offence causes  $\geq 61\%$  WPI for another person;
- c) The offence causes a total WPI of 61% - 121% for more than one person.
- d) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 07 years' imprisonment:

- a) The offence results in the death of 02 people;
- b) The offence causes a total WPI of 122% - 200% for more than one person;
- c) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,500,000,000.

3. This offence committed in any of the following circumstances carries a penalty of 07 - 12 years' imprisonment:

- a) The offence results in the death of  $\geq 03$  people;
- b) The offence causes a total WPI of  $\geq 201\%$  for  $\geq 03$  people;
- c) The property damage caused by the offence is assessed at  $\geq$  VND 1,500,000,000.

4. The offender might also be prohibited from holding certain positions or doing certain jobs for 01 - 05 years.”.

129. Clause 1 and Clause 2 of Article 363 are amended as follows:

“1. Any official or public employee who abandons his/her duties and as a result causes serious consequences shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following circumstances carries a penalty of 02 - 07 years' imprisonment:

- a) The offender persuades another person to abandon his/her duty;
- b) The offence results in very serious consequences or extremely serious consequences;
- c) The offence is committed in wartime, occurrence of a natural disaster, epidemic or hardship of society.”.

130. Clause 1 Article 366 is amended as follows:

"1. Any person who directly or through an intermediary receives any of the following benefits in order to use his/her influence over an office-holder to urge him/her to perform or not to perform certain duties or tasks or to commit a prohibited act shall face a penalty of up to 03 years' community sentence 06 - 36 months' imprisonment:

- a) Money, property or other tangible benefits assessed at from VND 2,000,000 to under VND 100,000,000;
- b) Intangible benefits.”.

131. Clause 2 and Clause 3 of Article 370 are amended as follows:

“2. This offence committed in any of the following circumstances carries a penalty of 05 – 10 years' imprisonment:

- a) The offence has been committed more than once;
- b) The offence is committed against a person under 18, a women whose pregnancy is known by the offender, or an old and weak person;
- c) The offence results in a wrongful conviction of an innocent person for a serious crime or very serious crime;
- d) The offence results in omission of an very serious crime or a perpetrator of an serious crime or very serious crime;
- dd) The victim suffers from 31% - 60% mental and behavioral disability because of the offence;
- e) The property damage caused by the offence is assessed at from VND 500,000,000 to under VND 1,000,000,000;
- g) The offence has a negative impact on social security, order, or safety.

3. This offence committed in any of the following circumstances shall carry a penalty of 10 - 15 years' imprisonment:

- a) The offence results in a wrongful conviction of an innocent person for an extremely serious crime;
- b) The offence results in omission of an extremely serious crime or a perpetrator of an extremely serious crime;
- c) The victim suffers from  $\geq 61\%$  mental and behavioral disability because of the offence;
- d) The offence results in the suicide of the defendant, victim or plaintiff;
- dd) The property damage caused by the offence is assessed at  $\geq$  VND 1,000,000,000.”.

132. Clause 1, Clause 2 and Clause 3 of Article 371 are amended as follows:

“1. Any competent person who, in the course of proceedings or enforcement of judgment, issues a decision in the knowledge that it is illegal and as a result causes property damage assessed at from VND 50,000,000 to under VND 200,000,000 or infringes upon lawful rights and interests of the State or another organization or individual, except in the circumstances specified in Articles 368, 369, 370, 377, and 378 hereof, shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. This offence committed in any of the following circumstances carries a penalty of 02 - 07 years' imprisonment:

- a) The offence is committed by an organized group;
- b) The offence has been committed more than once;
- c) The offence is committed against a person under 18, a women whose pregnancy is known by the offender, or an old and weak person;
- d) The offence result in 31% - 60% mental and behavioral disorder of the person who is arrested, taken into police custody, the suspect, the defendant, the convict, the person required to serve the judgment, the victim or the plaintiff;
- dd) The property damage caused by the offence is assessed at from VND 200,000,000 to under VND 1,000,000,000;
- e) The offence has a negative impact on social security, order, or safety.

3. This offence committed in any of the following circumstances shall carry a penalty of 07 - 12 years' imprisonment:

- a) The offence result in  $\geq 61\%$  mental and behavioral disorder of the person who is arrested, taken into police custody, the suspect, the defendant, the convict, the person required to serve the judgment, the victim or the plaintiff;
- b) The offence result in the suicide of the person who is arrested, taken into police custody, the suspect, the defendant, the convict, the person required to serve the judgment, the victim or the plaintiff;
- c) The property damage caused by the offence is assessed at  $\geq$  VND 1,000,000,000.”.

133. Article 375 is amended as follows:

- a) Clause 1 Article 375 is amended as follows:

“1. Any investigator, prosecutor, judge, jury member, court clerk or any other judicial officer, advocate of a litigant who falsifies, swaps, destroys or damages

documents or evidence of the case, or otherwise falsifies the content of the case shall face a penalty of 01 - 05 years' imprisonment.

b) Clause 3 Article 375 is amended as follows:

“3. This offence committed in any of the following circumstances carries a penalty of 10 - 15 years' imprisonment:

a) The offence results in wrongful conviction of an innocent person or omission of a crime;

b) The offence result in the suicide of the person who is arrested, taken into police custody, the suspect, the defendant, the convict, the person required to serve the judgment, the victim or the plaintiff;

c) The damage caused by the offence is assessed at  $\geq$  VND 1,000,000,000.”.

134. Clause 1 and Clause 2 of Article 376 are amended as follows:

“1. Any person who is responsible for guarding or escorting a detainee or prisoner but fails to adhere to regulations on guarding and escorting and as a result in the escape of the perpetrator of a less serious crime or serious crime in any of the following circumstances shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:

a) The offence results in the suspension of the case;

b) The escapee takes revenge on the proceeding officer or participant;

c) The escapee continues to commit another less serious crime or serious crime.

2. This offence committed in any of the following circumstances shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence results in the termination of the case;

b) The escapee continues to commit another very serious crime;

c) The offence involves 02 - 05 escapees;

d) The escapee committed a very serious crime;

dd) The offence has a negative impact on social security, order or safety.”.

135. The title and Clause 1 Article 377 is amended as follows:

**“Article 377. Abuse of position or power to hold a person in detention or custody against the law**

1. Any person who abuses his/her position or power to commit any of the following acts shall face a penalty of 06 - 36 months' imprisonment:

- a) Failure to issue a decision to release a person who is released as prescribed by law;
- b) Issuing an order or a decision to arrest or hold a person in detention or custody without any legal basis;
- c) Failure to implement the decision to release a person who is released as prescribed by law;
- d) Arresting, holding a person in detention or custody without an order or decision as prescribed by law or an effective one;
- dd) Failure to issue an order or decision to extend the period of detention or custody; changing, cancelling the temporary detention method at the end of the temporary detention period causing the detainee to be held in detention behind schedule.”.

136. Clause 1 Article 388 is amended as follows:

“1. A person who commits any of the following violations against regulations of law on detention despite the fact that he/she has incurred a disciplinary or administrative penalty for the same offence or has an unspent conviction for the same offence shall face a penalty of 06 - 36 months' imprisonment:

- a) Causing disruption or defying orders of the competent person in detention management;
- b) Bringing in, possessing or using personal communications devices, audio or video recording devices in the detention center without authorization.”.

137. Clause 1 Article 389 is amended as follows:

“1. Any person who, without prior promises, conceals any of the following crimes, except in the circumstances specified in Clause 2 Article 18 hereof, shall face a penalty of up to 03 years' community sentence or 06 - 60 months' imprisonment:

- a) Articles 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120 and 121;
- b) Article 123, Clauses 2, 3 and 4 of Article 141, Article 142, Article 144, Clause 2 and Clause 3 of Article 146, Clauses 1, 2 and 3 of Article 150, Articles 151, 152, 153 and 154;

c) Article 168, Article 169, Clauses 2, 3 and 4 of Article 173, Clauses 2, 3 and 4 of Article 174, Clauses 2, 3 and 4 of Article 175, Clauses 2, 3 and 4 of Article 178;

d) Clause 3 and Clause 4 of Article 188, Clause 3 of Article 189, Clause 2 and Clause 3 of Article 190, Clause 2 and Clause 3 of Article 191, Clause 2 and Clause 3 of Article 192, Clauses 1, 2, 3 and 4 of Article 193, Clauses 1, 2, 3 and 4 of Article 194, Clause 2, 3 and 4 of Article 195, Clause 2 and Clause 3 of Article 196, Clause 3 of Article 205, Clauses 2, 3 and 4 of Article 206, Article 207, Article 208, Clause 2 and Clause 3 of Article 219, Clause 2 and Clause 3 of Article 220, Clause 2 and Clause 3 of Article 221, Clause 2 and Clause 3 of Article 222, Clause 2 and Clause 3 of Article 223, Clause 2 and Clause 3 of Article 224;

dd) Clause 2 and Clause 3 of Article 243;

e) Articles 248, 249, 250, 251, 252 and 253, Clause 2 of Article 254, Articles 255, 256, 257 and 258, Clause 2 of Article 259;

g) Clauses 2, 3 and 4 of Article 265, Articles 282, 299, 301, 302, 303 and 304, Clauses 2, 3 and 4 of Article 305, Clauses 2, 3 and 4 of Article 309, Clauses 2, 3 and 4 of Article 311, Clause 2 and Clause 3 of Article 329;

h) Clauses 2, 3 and 4 of Article 353, Clauses 2, 3 and 4 of Article 354, Clauses 2, 3 and 4 of Article 355, Clause 2 and Clause 3 of Article 356, Clauses 2, 3 and 4 of Article 357, Clauses 2, 3 and 4 of Article 358, Clauses 2, 3 and 4 of Article 359, Clauses 2, 3 and 4 of Article 364, Clauses 2, 3 and 4 of Article 365;

i) Clause 3 and Clause 4 of Article 373, Clause 3 and Clause 4 of Article 374, Clause 2 of Article 386;

k) Articles 421, 422, 423, 424 and 425.”.

138. Clause 1 Article 390 is amended as follows:

“1. Any person who knows about the preparation of any of the crimes specified in Clause 2 or Clause 3 of Article 14 hereof or commission of any of the crimes specified in Article 389 hereof but fails to report it, except in the circumstances specified in Clause 2 and Clause 3 Article 19 hereof, shall receive a warning, face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.”.

139. Article 391 is amended as follows:

**“Article 391. Disruption in court or meeting**

1. Any person who insults the judge, jury members, the proceedings officer or other people present at the court or meeting or deliberately damages property, except in the circumstances specified in Article 178 hereof, shall be liable to a fine of from VND 10,000,000 to VND 100,000,000, face a penalty of up to 03 years' community sentence or 06 - 24 months' imprisonment.

2. This offence committed in any of the following circumstances shall carry a penalty of 01 - 03 years' imprisonment:

- a) The court or meeting session or has to be suspended;
- b) The judge, a jury member or proceedings officer is physically assaulted, except in the circumstances specified in Article 134 hereof.”.

140. Clause 1 and Clause 2 of Article 410 are amended as follows:

“1. Any person who fails to comply with regulations on patrol, guard or escort in any of the following circumstances shall face a penalty of up to 03 years' community sentence or 06 - 60 months' imprisonment:

- a) The guarded or escorted person is injured;
- b) The offence results in damage to military equipment;
- c) The property damage caused by the offence is assessed at from VND 100,000,000 to under VND 500,000,000;
- d) The offence results in other very serious consequences.

2. This offence committed in any of the following circumstances carries a penalty of 03 - 07 years' imprisonment:

- a) The offence results in the death of the guarded or escorted person;
- b) The offence results in loss of military equipment;
- c) The offence is committed in battle;
- dd) The offence is committed in a warzone;
- dd) The offender persuades another person to commit the offence;
- e) The offence results in property damage assessed at  $\geq$  VND 500,000,000;
- g) The offence results in other very serious consequences or extremely serious consequences.”.

141. Article 292 is removed.

## **Article 2. Addition, replacement, removal of certain words, phrases and punctuation marks in Criminal Code No. 100/2015/QH13**

1. Addition of certain words, phrases and punctuation marks in Criminal Code No. 100/2015/QH13:

a) The phrase “Trước khi hành vi phạm tội bị phát giác,” (“Before the crime is discovered”) is added to the beginning of Point c Clause 2; the phrase “, đã tự nguyện sửa chữa, bồi thường thiệt hại hoặc khắc phục hậu quả” is added after the phrase “tài sản của người khác”; the phrase “hợp pháp” is added after the phrase “đại diện” in Clause 3 of Article 29 (change in meaning: “The person who commits a less serious crime or a serious crime because of involuntary damage to life, health, honor, or property of others will be exempt from criminal responsibility if the perpetrator has voluntarily provided compensation and the aggrieved person or his/he legal representative voluntarily seeks reconciliation and requests exemption from criminal responsibility.”);

b) The phrase “cấm tàng trữ,” is added before the phrase “cấm lưu hành” in Point c Clause 1 of Article 47 (change in meaning: “c) Items banned from trading and possession by the State.”);

c) The phrase “, nếu không thuộc trường hợp quy định tại Điều 142 và Điều 145 của Bộ luật này” is added after the phrase “người dưới 18 tuổi” in Point b Clause 2 of Article 148 (change in meaning: “b) The offence is committed against a person aged under 18, except in the circumstances specified in Article 142 and Article 145 hereof”); the word “đang” is added before the phrase “thi hành công vụ” in Point dd Clause 2 of Article 148 (no change in meaning);

d) The phrase “hoặc dưới 10,000,000 đồng nhưng tài sản là” is added before the phrase “di vật, cổ vật” in Clause 1 of Article 176 (change in meaning: “... a relic or an antique which is assessed at under VND 10,000,000...”); The phrase “dưới 100,000,000 đồng nhưng” is added before the phrase “tài sản là di vật, cổ vật” in Clause 1 of Article 177 (change in meaning: “... a relic or an antique which is assessed at under VND 100,000,000...”);

dd) The phrase “Điều 219 và” is added before the phrase “Điều 220 của Bộ luật này” (“Article 220 hereof”) in Clause 1 of Article 177;

e) The word “bị” is added before the phrase “cấm đảm nhiệm chức vụ” in Clause 4 of Article 179 (no change in meaning in the English translation);

g) The phrase “phạt cải tạo không giam giữ từ 01 năm đến 02 năm hoặc” (“01 – 02 years’ community sentence or”) is added before the phrase “phạt tù từ 03

tháng đến 02 năm” (“03 – 24 months’ imprisonment”) in Clause 2, the phrase “phạt cải tạo không giam giữ từ 02 năm đến 03 năm hoặc” (“02 – 03 years’ community sentence or”) is added before the phrase “phạt tù từ 01 năm đến 03 năm” (“01 – 03 years’ imprisonment”) in Clause 3 of Article 138, the phrase “phạt cải tạo không giam giữ từ 02 năm đến 03 năm hoặc” (“02 – 03 years’ community sentence or”) is added before the phrase “phạt tù từ 06 tháng đến 03 năm” (“06 – 36 months’ imprisonment”) in Clause 2 of Article 139, the phrase “phạt cải tạo không giam giữ từ 02 năm đến 03 năm hoặc” (“02 – 03 years’ community sentence or”) is added before the phrase “phạt tù từ 03 tháng đến 02 năm” (“03 – 24 months’ imprisonment”) in Clause 2 Article 180 and the word “phạt cải tạo không giam giữ từ 02 năm đến 03 năm hoặc” (“02 – 03 years’ community sentence or”) is added before the phrase “phạt tù từ 03 tháng đến 02 năm” (“03 – 24 months’ imprisonment”) in Clause 2 of Article 362;

h) The phrase “hoặc đã bị kết án về tội này, chưa được xóa án tích” is added after the phrase “che giấu thông tin trong hoạt động chứng khoán” in Point c Clause 1 of Article 209 (change in meaning: “c) The offender already incurred an administrative penalty or for the same offence or has an unspent conviction for the same offence .”);

i) The word “cấm” is added before the phrase “hoạt động trong một số lĩnh vực nhất định” in Point d Clause 5 of Article 196, Point c Clause 4 of Article 209 and Point c Clause 4 of Article 210 (no change in meaning in the English translation);

k) The phrase “hoặc xử phạt vi phạm hành chính” is added after the phrase “đã bị xử lý kỷ luật” in Clause 1 of Article 219, Clause 1 of Article 220, Clause 1 of Article 221 and Clause 1 of Article 222 (change in meaning: “while having incurred a disciplinary penalty or administrative penalty”); the word “theo” is added before the phrase “quy định” in Point d Clause 1 of Article 221 (no change in meaning in the English translation);

l) The word “của” is added before the phrase “Luật quản lý thuế” in Point b Clause 1 of Article 223 (no change in meaning in the English translation);

m) The word “dưới” (“under”) is added before the phrase “500,000,000 đồng” (“VND 500,000,000”) in Clause 1 of Article 241;

n) The phrase “do Chính phủ quy định” (“specified by the Government”) is added after the phrase “cây khác có chứa chất ma túy” (“other plants containing narcotic substances”) in Clause 1 of Article 247;

- o) A comma “,” is added after the word “văn hóa” in Point b Clause 2 of Article 338 (no change in meaning in the English translation);
- p) The word “ĐỂ” is added to the beginning of Point c Clause 2 of Article 342 (no change in meaning in the English translation);
- q) The word “nguy hiểm” is added after the word “Tái phạm” in Clause 2 Article 346 (change in meaning: “dangerous recidivism”);
- r) The word “đồng” is added after the phrase “từ 1,000,000,000” in Point e Clause 2 Article 353, Point d Clause 2 Article 354, Point dd Clause 2 Article 355 and Point d Clause 2 Article 358; the word “năm” is added after the phrase “từ 01” in Clause 1 Article 358 (no change in meaning in the English translation);
- s) The word “khác” is added after the phrase “hoặc gây thiệt hại” in Clause 1 of Article 356 and Clause 1 of Article 357 (change in meaning: “or otherwise infringes upon”);
- t) The phrase “Dẫn đến” is added at the beginning of Point e Clause 2 (no change in meaning in the English translation), the phrase “; người thực hiện tội phạm ít nghiêm trọng hoặc tội phạm nghiêm trọng” is added after the phrase “tội phạm nghiêm trọng” in Point b Clause 3 (change in meaning: “omission of a less serious crime or serious crime or perpetrator thereof”), the phrase “; người thực hiện tội phạm rất nghiêm trọng hoặc tội phạm đặc biệt nghiêm trọng” is added after the phrase “tội phạm đặc biệt nghiêm trọng” in Point c Clause 4 of Article 374 (change in meaning: “omission of a very serious crime or extremely serious crime or perpetrator thereof”);
- u) The phrase “hoặc người phạm tội” (“or criminals”) is added after the phrase “bỏ lọt tội phạm” (“omission of crimes”) in Point a Clause 3 Article 372 and Point b Clause 3 Article 382.

## 2. Replacement of some words, phrases and punctuation marks in Criminal Code No. 100/2015/QH13:

- a) The phrase “Người thực hiện tội phạm ít nghiêm trọng hoặc tội phạm nghiêm trọng do vô ý” (“The person who involuntarily commits a less serious crime or a serious crime”) is replaced with the phrase “Người thực hiện tội phạm nghiêm trọng do vô ý hoặc tội phạm ít nghiêm trọng” (“The person who commits a less serious crime or involuntarily commits a serious crime”) in Clause 3 Article 29;

b) The comma “,” is replaced with the word “hoặc” (“or”) before the phrase “người đủ 70 tuổi trở lên” (“a person aged 70 years or older”) in Point i Clause 1, before the phrase “tàn ác để phạm tội” (“ruthless trick to commit the crime”) in Point m Clause 1 and before the phrase “phương tiện có khả năng gây nguy hại cho nhiều người” (“instrument capable of harming many people”) in Point n Clause 1 Article 52;

c) The phrase “Cấm vay vốn ngân hàng, tổ chức tín dụng hoặc các quỹ đầu tư” (“Prohibition from taking loans from banks, credit institutions or investment funds”) is replaced with the phrase “Cấm vay vốn của tổ chức tín dụng, chi nhánh ngân hàng nước ngoài hoặc quỹ đầu tư” (“Prohibition from taking loans from credit institutions, branches of foreign banks or investment funds”) in Point a Clause 2 Article 81;

d) The phrase “Đối với 02 người trở lên mà tỷ lệ tổn thương cơ thể của mỗi người từ 31% đến 60%” (“The offence is committed against more than one person, each of whom suffers from 31% - 60% WPI”) is replaced with the phrase “Gây thương tích hoặc gây tổn hại cho sức khỏe của 02 người trở lên mà tỷ lệ tổn thương cơ thể của mỗi người 31% trở lên” (“The offence is committed against more than one person, each of whom suffers from  $\geq 31\%$  WPI”) in Point a Clause 2 Article 135;

dd) The phrase “phạt cải tạo không giam giữ đến 03 năm” (“up to 03 years’ community sentence”) is replaced with the phrase “phạt cải tạo không giam giữ đến 01 năm” (“up to 01 year’s community sentence”) in Clause 1 Article 138; the phrase “phạt cải tạo không giam giữ đến 03 năm” (“up to 03 years’ community sentence”) is replaced with the phrase “phạt cải tạo không giam giữ đến 02 năm” (“up to 02 years’ community sentence”) in Clause 1 Article 139 and Clause 1 Article 362; the phrase “phạt tù từ 01 năm đến 05 năm” (01 – 05 years’ imprisonment”) is replaced with the phrase “phạt tù từ 02 năm đến 05 năm” (02 – 05 years’ imprisonment”) in Clause 3 Article 139; the phrase “phạt tù từ 06 tháng đến 03 năm” (06 – 36 months’ imprisonment”) is replaced with the phrase “phạt tù từ 06 tháng đến 02 năm” (06 – 24 months’ imprisonment”) in Clause 1 Article 241; the phrase “phạt tù từ 06 tháng đến 05 năm” (06 – 60 months’ imprisonment”) is replaced with the phrase “phạt tù từ 06 tháng đến 03 năm” (06 – 36 months’ imprisonment”) in Clause 1 Article 419;

e) The phrase “11% trở lên” (“ $\geq 11\%$ ”) is replaced with the phrase “31% trở lên” (“ $\geq 31\%$ ”) in Point b Clause 2 Article 140; the phrase “từ 11% đến 45%” (“11% - 45%”) is replaced with the phrase “từ 31% đến 60%” (“31% - 60%”) in

Point dd Clause 2 Article 146, Point e Clause 2 Article 147, Point e Clause 2 Article 149, Point g Clause 2 Article 155, Point g Clause 2 Article 156 and Point d Clause 2 Article 368; the phrase “46% trở lên” (“ $\geq 46\%$ ”) is replaced with the phrase “61% trở lên” (“ $\geq 61\%$ ”) in Point a Clause 3 Article 146, Point a Clause 3 Article 147, Point c Clause 3 Article 149, Point a Clause 3 Article 155, Point b Clause 3 Article 156, Point c Clause 3 Article 368 and Point g Clause 2 Article 397;

g) The phrase “Người nào đánh tráo người dưới 01 tuổi này với người dưới 01 tuổi khác” (“Any person who swaps a person under 01 year of age with another person under 01 year of age”) is replaced with the phrase “Người nào đánh tráo người dưới 01 tuổi” (“Any person who swaps a person under 01 year of age with another person”) in Article 152;

h) The phrase “Phạm tội thuộc trường hợp quy định in Clause 2 Article này” (“A corporate legal entity that commits this offence in any of the circumstances specified in Clause 2 of this Article”) is replaced with the phrase “Phạm tội thuộc một trong các trường hợp quy định tại các điểm a, d, đ và e Clause 2 Article này” (“A corporate legal entity that commits this offence in any of the circumstances specified in Points a, d, dd, e Clause 2 of this Article”) in Point b Clause 5 Article 196;

i) The phrase “lãi suất gấp 05 lần mức lãi suất cao nhất” (“an interest rate that is five times higher than the maximum interest rate”) is replaced with the phrase “lãi suất gấp 05 lần trở lên của mức lãi suất cao nhất” (“an interest rate that is at least five times higher than the maximum interest rate”) in Clause 1 and the phrase “Phạm tội thu lợi bất chính từ 100,000,000 đồng trở lên” is replaced with the phrase “Phạm tội mà thu lợi bất chính 100,000,000 đồng trở lên” in Clause 2 Article 201 (no change in meaning in the English translation);

k) The phrase “100,000,000 đồng đến 500,000,000 đồng” (“from VND 100,000,000 to VND 500,000,000”) is replaced with the phrase “200,000,000 đồng đến 500,000,000 đồng” (“from VND 200,000,000 to VND 500,000,000”) in Clause 2 and the phrase “Phạm tội thuộc trường hợp quy định in khoản 2 Điều này” (“A corporate legal entity that commits this offence in the circumstance specified in Clause 2 of this Article”) is replaced with the phrase “Phạm tội thuộc một trong các trường hợp quy định tại các điểm a, b, d, đ, e và g Clause 2 Article này” (“A corporate legal entity that commits this offence in any of the circumstances specified in Points a, b, d, dd, e, g Clause 2 of this Article”) in Point b Clause 4 Article 203;

l) The phrase “gây thiệt hại về tài sản” (“property damage”) is replaced with the phrase “gây thất thoát, lãng phí” (“loss”) in Point d Clause 2 and Clause 3 Article 219;

m) The phrase “thuộc danh mục các chất ô nhiễm hữu cơ khó phân hủy cần **phải loại trừ** theo quy định tại” (“on the list of persistent organic pollutants”) is replaced with the phrase “có thành phần nguy hại đặc biệt vượt ngưỡng chất thải nguy hại theo quy định của pháp luật hoặc có chứa chất **phải loại trừ** theo” (“containing hazardous constituents above the limits prescribed by law or containing wastes that have to be eliminated”) in Clause 1, Point a Clause 2 and Clause 3 Article 236; the word “quy chuẩn” is replaced with the word “Quy chuẩn” (capitalized) in Point a Clause 2 and Clause 3 Article 236;

n) The phrase “phân khu bảo tồn nghiêm ngặt” (“strictly restricted area”) is replaced with the phrase “phân khu bảo vệ nghiêm ngặt” (“strictly restricted sector”) in Point b Clause 2 Article 245;

o) The phrase “Vận chuyển với số lượng” is replaced with the phrase “Có số lượng” in Point đ Clause 2 (no change in meaning in the English translation) and the phrase “Vận chuyển qua biên giới” (“transported across the border”) is replaced with the phrase “Vận chuyển, mua bán qua biên giới” (“transported or traded across the border”) in Point e Clause 2 Article 254;

p) The word “viễn thông” is replaced with the phrase “mạng viễn thông” (the English translation is unchanged) and the comma “,” is replaced with the word “hoặc” (“or”) after the word “trao đổi” (“exchanges”) in Clause 1 Article 285;

q) The phrase “hệ thống thông tin, giao dịch tài chính” (“banking or finance information system”) is replaced with the phrase “hệ thống thông tin tài chính” (“finance information system”) in Point b Clause 3 Article 287;

r) The phrase “11% đến 45%” (“11% - 45%”) is replaced with the phrase “31% đến 60%” (“31% - 60%”) in Point e Clause 2; the phrase “46% trở lên” (“≥ 46%”) is replaced with the phrase “61% trở lên” (“≥ 61%”) in Point c Clause 3 Article 327;

s) The phrase “Phạm tội trong những trường hợp sau đây” is replaced with the phrase “Phạm tội thuộc một trong các trường hợp sau đây” in Clause 2 Article 338, Clause 2 and Clause 3 Article 350 (no change in meaning in the English translation);

t) The phrase “05 giấy tờ giả đến 10 giấy tờ giả” (“05 - 10 fabricated documents”) is replaced with the phrase “06 giấy tờ giả đến 10 giấy tờ giả” (“06

- 10 fabricated documents”) in Point a Clause 3 Article 359; the phrase “05 người trở lên” (“≥ 05 people”) is replaced with the phrase “06 người trở lên” (“≥ 06 people”) in Point a and the phrase “tội phạm đặc biệt nghiêm trọng” (“an extremely serious crime”) is replaced with the phrase “tội khác là tội phạm đặc biệt nghiêm trọng” (“another extremely serious crime”) in Point b Clause 3 Article 369;

u) The word “người bị lấy lời khai, hỏi cung” is replaced with the phrase “người bị lấy lời khai, người bị hỏi cung” in Clause 1 and Point d Clause 2 Article 374; the phrase “người đang chấp hành hình phạt tù” is replaced with the phrase “người đang chấp hành án phạt tù” in Clause 1, the phrase “người tiến hành tố tụng” is replaced with the phrase “người có thẩm quyền tiến hành tố tụng” in Point c Clause 2 Article 378 (no change in meaning in the English translation);

v) The phrase “Điều 135” (“Article 135”) is replaced with the phrase “Điều 134” (“Article 134”) in Clause 1 Article 398;

x) The phrase “ngày 01 tháng 7 năm 2016” (“July 01, 2016”) is replaced with the phrase “ngày 01 tháng 01 năm 2018” (“January 01, 2018”) in Article 426.

3. The following words, phrases and clauses are removed from Criminal Code No. 100/2015/QH13:

a) The phrase “; tài sản là kỷ vật, di vật, đồ thờ cúng có giá trị đặc biệt về mặt tinh thần đối với người bị hại” (“the property illegally obtained is a souvenir, memento, or religious item that has a spiritual value to the victim”) in Point d Clause 1 Article 172 and Point d Clause 1 Article 174;

b) The phrase “hoặc vật có giá trị lịch sử, văn hóa” (“or an item of historical or cultural value”) in Clause 1 Article 176 and Clause 1 Article 177;

c) Point dd Clause 2, Point b Clause 3, Point b Clause 4 Article 172; Point g Clause 2, Point b Clause 3, Point b Clause 4 Article 174;

d) The comma “,” after the phrase “200,000,000 đồng” (VND 200,000,000”) in Clause 1 Article 176;

đ) The phrase “của Nhà nước” in the title of Article 220 and Article 221;

e) The word “các” before the phrase “quy định về quản lý khu bảo tồn” in the title of Article and Clause 1, the word “từ” before the phrase “500 mét vuông (m<sup>2</sup>) trở lên” in Point b Clause 2 Article 245 (no change in meaning in the English translation);

- g) The word “một” in Clause 3 Article 346 (no change in meaning in the English translation);
- h) The word “từ” before the phrase “1,000,000,000 đồng” in Clause 3 Article 223 and before the phrase “11 giấy tờ giả trở lên” in Point a Clause 4 Article 359 (no change in meaning in the English translation);
- i) The phrase “, thẩm định giá tài sản” in Clause 1 Article 383;
- k) The phrase “, kinh tế, lao động” after the phrase “các vụ án hình sự, hành chính, dân sự” in Clause 1 Article 384.

**Article 3. Effect**

This Law comes into force as of January 01, 2018.

*This Law was passed by the 14<sup>th</sup> National Assembly of the Socialist Republic of Vietnam, at its 3<sup>rd</sup> session on June 20, 2017.*

**CHAIRMAN OF THE NATIONAL  
ASSEMBLY**

**Nguyen Thi Kim Ngan**